Time of holding courts.

and January. In the county of Anderson on the second Monday in the months of April, July, October and January. In the county of Roane, on the third Monday in the months of April, July, October and January. In the county of Rhea on the fourth Monday in the months of April, July, October and January. In the county of Bledsoe on the first Monday in the months of May, August, November and February. In the county of Franklin, on the fourth Monday in the months of January, April, July and October. In the county of Warren, on the first Monday in the months of February, May, August and November. In the county of White, on the second Monday in the months of February, May, August and November. In the county of Overton on the third Monday in the months of February, May, August and November. In the county of Jackson, on the fourth Monday in the months of February, May, August and November. In the county of Smith, on the first Monday in the months of March, June, September and December. In the county of Sumner, on the second Monday in the months of March, June, September and December. In the county of Maury, on the third Monday in the months of March, June, September and December. In the county of Rutherford, on the first Monday in the months of January, April, July and October. In the county of Williamson, on the second Monday in the months of January, April, July and October. In the county of Davidson, on the third Monday in the months of January, April, July and October. In the county of Giles, on the third Monday in the months of February, May, August and November. In the county of Lincoln, on the fourth Monday in the months of February, May, August and November. In the county of Dickson, on the first Monday in the months of January, April, July and October. In the county of Montgomery, on the third Monday in the months of January, April, July and October. In the county of Hickman, on the third Monday in the months of January, April and October. In the county of Humphreys, on the fourth Monday in the months of January, April, July and October. In the county of Stewart, on the first Monday in the months of February, May, August and November. In the county of Robertson, on the second Monday in the months of February, May, August and November.

Process.

Sec. 2. *Be it enacted*, That all process, that may have issued from any county court in this state, and which was by any former law or laws made returnable to any county court term, different from the time established by this act, it shall be the duty of the officer making return, to make the same to the courts as established by this act, and if he

fail so to do, he shall be liable in the same manner as in in other similar cases of failure.

Jurors.

Sec. 4. *Be it enacted*, That from and after the first day of January next, the several county courts in this state shall appoint at their respective sessions, thirteen persons legally qualified to serve as jurors, as a venire to the next succeeding term, and that so much of the laws heretofore in use as requires said courts to cause thirty-nine jurors to be returned, be, and the same are hereby repealed.

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

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. LXLIV.

AN ACT to repeal certain acts therein mentioned.

BE *it enacted by the General Assembly of the state of Tennessee*, That an act entitled "an act to restrain the keeping too great a number of horses and mares, and for amending the breed," passed the 23d day of November, 1723. Also an "act to amend an act, entitled 'an additional act to an act entitled an act to prevent killing deer at an unseasonable time, and for putting a stop to many abuses committed by white persons under pretence of hunting," passed at Newburn, 3rd day of November, 1766. Also an act, passed the year aforesaid, entitled "an act to prevent the inhabitants of South Carolina, driving their stocks of cattle from thence to range and feed in this province, and other purposes." Also an act entitled "an additional act to an act, entitled 'an act to prevent killing deer at unseasonable times, and for putting a stop to many abuses committed by white persons under pretence of hunting," passed in the year 1745. Also, the 10th section of an act, entitled "an act to appoint constables," passed in the year 1745. Also, an act entitled "an act to prevent killing deer at unseasonable times," passed in the year 1738. Also, an act, passed the 27th November, 1729, entitled "an additional act to an act for appointing toll books, and for preventing people from driving horses, cattle or hogs to other persons lands." Also "an act to appoint toll books to be kept at or near Catherine's creek, in Chowan precinct, at the head of Perquimons precinct, and at the mouth of the North-West river, in Currituck precinct, and to prevent persons from transporting or driving horses, cattle or hogs to other persons land," passed in the

year 1715, shall be, and the said several acts are hereby repealed, any law, usage or custom to the contrary notwithstanding.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

22nd Nov. 1809.

CHAP. LXLV.

AN ACT to authorize the division of warrants and certificates issued for land.

Warrants to be deposited with the Registers.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That where any person or persons either by themselves, their agents or attornies, have in their possession any legal warrant or certificate, which he, they or they are desirous should be divided into two or more separate warrants or certificates, it shall be lawful for any such person as aforesaid to deposit his said warrant or certificate with either of the registers of this state.

Registers duty

Sec. 2. *Be it enacted*, That it shall be the duty of said register immediately on the receipt of any such warrant or certificate as aforesaid, to enter the same chargeable against the state of Tennessee, and at all times thereafter to be liable to be divided into such quantity of acres as the owner or owners may direct; but no order of transfer or division of any warrant shall be made, unless the application is made by the person or persons having title in the same, or by a power of attorney, made and executed in the following form, namely, the party having interest in the warrant, shall execute a power of attorney in the presence of any three acting justices of the peace, which shall be accompanied by a certificate from the clerk of the court certifying that such magistrates were duly qualified, and that all due faith and credit ought to be given to them as such.

Transfers.

Registers duty and fees.

Sec. 3. *Be it enacted*, That it shall be the duty of each register, on the receipt of any warrant or certificate, upon application as aforesaid, to issue certificates for the whole or any part thereof, at the direction of the owner, who shall be bound to pay said register fifty cents, which shall be in full of all his services for receiving and issuing each certificate, and also for making the necessary entries, finding books, &c.

Sec. 4. *Be it enacted*, That where any warrant or certificate may have been returned to either of the registers of the land offices of this state, or may hereafter be returned to the same, part only of warrant or certificate may have been located in any surveyors district, it shall be the duty

of the register to whose office said warrant or certificate may have been, or which hereafter shall be, so returned, on the application of the owner thereof, to issue any number of certificates, for any quantity of acres the owner or owners thereof may desire, not exceeding the quantity of acres of said warrant or certificate that may remain to be satisfied, and shall endorse on said warrant or certificate, that certificates have issued in lieu thereof; which certificates, so to be issued, shall be numbered in numerical order, setting forth the number and date of the warrant or certificate from which the same shall have issued, with the name of the person or persons to whom the same did issue and quantity of acres called for in said warrant or certificate, what quantity of acres thereof may have been located, and what quantity remains to be satisfied, which certificates so to be issued, shall by said register be recorded in the order in which they all issued, in a book by him to be kept for that purpose, which certificates shall entitle the owner thereof to locate, have a survey, and obtain a grant on the same in any surveyors district within this state, in the same manner that has heretofore been prescribed by the laws of this state, for entering, surveying and obtaining grants on unsatisfied claims; and where warrants or certificates which have issued in the name of two or more persons, any one or two of whom may have located their proportion or part of said warrant to any surveyors district, and said warrant or certificate may have been returned to the register's office as aforesaid, it shall be the duty of said register, on the application of those persons whose proportion or part of said warrant has not been so located or satisfied, to issue to said person a certificate for a quantity of acres proportioned to said person's interest in said warrant, so as not to exceed the quantity thereof that remains to be satisfied, in the same manner that the register is hereby authorized to issue certificates from other warrants or certificates, part of which may have been located; which certificates, so to be issued, shall have equal force and effect with other unsatisfied claims.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. LXLVI.

AN ACT to provide for the adjudication of certain claims.

BE *it enacted by the General Assembly of the state of Tennessee*, That in all cases that have heretofore or may hereafter be decided, and the claim adjudged

invalid by either of the boards of commissioners appointed for the adjudication of claims, the party whose claim has been so adjudged invalid shall have the right of an appeal to the supreme court of errors and appeals, and the decision of such court shall be final. *Provided*, they pray such appeal within nine months from the passage of this act, or three months after such decision in all cases hereafter to be determined.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. LXLVII.

AN ACT to annex a part of Dickson county to Humphreys county.

BE *it enacted by the General Assembly of the state of Tennessee*, That so much of Dickson county as lies West of the Tennessee Ridge, be, and the same is a part of Humphreys county, beginning on the said ridge where the dividing line between Stewart and Humphreys counties, strikes the Dickson county line, then south along the top of said Tennessee ridge so far as to include the waters of White oak creek, in Humphreys county, then west to said Dickson county line. *Provided nevertheless*, that nothing in this act shall be so construed as to prevent the sheriff of Dickson county from collecting the taxes due thereon.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

22d Nov. 1809.

CHAP. LXLVIII.

AN ACT to revive an act, entitled "an act concerning divorces," passed October 26th, 1799.

Section 1. BE *it enacted by the General Assembly of the state of Tennessee*, That an act passed at Knoxville, the twenty-sixth day of October, one thousand seven hundred and ninety-nine, entitled "an act concerning divorces," be and the same is hereby revived.

Section 2. *Be it enacted*, That all such cases as may have been brought before the superior court of Law and Equity shall be transferred into the circuit court of the county where the petitioner resided at the time of filing the same.

Section 3. *Be it enacted*, That the circuit court shall have the same powers in all respects whatever that were vested in the superior courts of law by the act this act is intended to revive.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

22d Nov. 1809.

CHAP. LXLIX.

AN ACT to encourage the building of Mills on Big Harpeth river, in the counties of Williamson and Davidson.

WHEREAS it doth appear to this General Assembly, that Big Harpeth river is by no means a navigable stream, and pretending to keep it open as such hath a tendency to discourage the erection of mills and other works of utility, whereby the public are deprived of the benefit resulting from a water of that description—For remedy whereof: *Preamble.*

BE *it enacted by the General Assembly of the State of Tennessee*, That the aforesaid river Big Harpeth, shall in no wise be deemed, considered or kept open, as a public highway, or navigable stream, any law, usage or custom, to the contrary notwithstanding.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

22d Nov. 1809.

CHAP. C.

AN ACT for the relief of such persons as have or may suffer by their Grants, Deeds, Mesne Conveyances, bills of Sale, or other instruments of writing; not being proved or registered within this state.

Sec. 1. BE *it enacted by the General Assembly of the state of Tennessee*, That it shall be lawful for any person who hath failed or neglected to register his or her grant or grants, within the time heretofore limited or prescribed by law, or for any other person or persons claiming under such grantee, to cause or procure the same, together with the certificate of survey, to be registered at any time within two years from and after the passing of this act, and such registration shall be as good and valid in law, as if the same had been done within the time heretofore limited and prescribed for that purpose, any law to the contrary notwithstanding, and if any person hath, or shall have lost or mislaid his or her original grant, so that it can- *Two years further time allowed.*

Grants mislaid provided for.

not be found, and such original grant so lost or mislaid, hath not heretofore been registered in the county where the same hath been required to be registered, it shall and may be lawful for such person, or for any other person or persons, claiming under such grantee, to procure from the secretary's office of the state of North-Carolina, a true and regularly certified copy of such grant, and offer the same for registration in the county where the land is situated, and the register of such county is hereby required to register the copy so offered, together with the certificate of the secretary of state, and the testimonial of the governor thereto annexed, and such registration shall be as good and valid as if the original grant itself were registered: *Provided*, the same shall be done within two years from and after the passing of this act.

Deeds, mortgages and bills of sale provided for.

Sec. 2. *Be it enacted*, That it shall and may be lawful for any person or persons who may have failed to register his, her or their deeds of conveyance for the absolute transfer of real property, deeds of mortgage, or of trust, powers of attorney, authorising the transfer of real property, bills of sale for the transfer of slaves, or other instruments of writing required or authorised by law to be registered within the time heretofore limited and allowed by law for registering the same, and to cause to be proven or acknowledged, such deed, bills of sale or power of attorney, and other instruments of writing in manner as required by law, and to cause the same to be registered any time within two years from and after the passing of this act, in the registers office of the county where by law the same ought to be registered, and the said deeds, powers of attorney, bills of sale, or other instruments of writing so proved and registered, shall be good and valid in law, and shall transfer the estate intended to be conveyed, notwithstanding the same may not have been registered within the time heretofore prescribed by law, except as against creditors and innocent subsequent purchasers, trustees or mortgagees, who may have purchased for a valuable consideration, after said time limited for registering the same shall have expired, without notice of said deed, bill of sale, or other instrument of writing, and shall have had their deeds, bills of sale, or other instrument of writing, evidencing said subsequent purchase proven or acknowledged, and registered within the time limited by law for that purpose.

Sec. 3. *Be it enacted*, That all deeds for the absolute conveyance of any real estate within this state, to which the Indian title was not extinguished, at the time of the execution of such deed, and at the time of the registration of the same, as hereinafter mentioned, which deeds shall have been proven by one or more of the subscribing witnesses thereto, in any court of record, or before any judge

of the superior courts in the state, or shall have been so proven before any court of record, or any judge of a court or mayor of a city out of this state, and shall have been registered in any county in this state, within the time required for the probate and registration of deeds, such probate and registration shall be sufficient to entitle such deed or deeds to be read in evidence in any court within this state, and shall also be sufficient to entitle such deed or deeds to registration in the county or counties where said land may lie, when the Indian title is extinguished thereto.

Deeds proven out of the state provided for.

Sec. 4. *Be it enacted*, That all deeds or mesne conveyances for land within this state, which shall have been made and executed out of the limits of this state by grantors who reside beyond the limits of this state, and shall have been proven by one or more of the subscribing witnesses thereto, or acknowledged by the grantor or grantors before any judge of any court in another state, or before the mayor of any city or corporation in another state, and shall have been registered in this state in the county where the land or any part thereof lies, within the time required by law for registering the same, such probate and registration shall be good and sufficient to entitle the same to be read in evidence in any court within this state, and that any such probate heretofore made, shall be sufficient to entitle any such deed to registration in the county where such land lies, at any time within twelve months from this date.

Attestations.

Sect. 5th. *Be it enacted*, That the signature of any clerk or register to any certificate or instrument of writing issuing from the office to which such clerk or register may belong, shall be good and valid both in law and equity, although the initials only of the county district or circuit within which he may be clerk, may be affixed to the name of such clerk or register: *Provided*, it clearly appears by an explicit expression in any part of the writing to which such name is affixed, to what county court, circuit court, superior court of law or court of equity, such clerk actually belonged, or to what county such register belonged.

Proviso.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CI.

AN ACT to bring into one view, the several acts of Assembly, relative to the correction of error in grants, mesne conveyances, or bills of sale, and to amend the same.

Section 1. BE *it enacted by the General Assembly of the State of Tennessee*, That in all cases where

Circuit courts to decide on errors.

there has been or hereafter may be an error of the surveyor in plating or making out the certificate of survey, or the secretary shall have committed, or the register of either of the land offices may have or shall hereafter commit any error in making out a grant, so that the claimant will be subject to injury thereby, such claimant may prefer a petition to the circuit court of the county within which such land is situated, setting forth the courses and distances expressed in said grant; also the courses and distances that will correct the error, or the name of the grantee, and the name that will correct the error, as the case may be, and the said court is hereby authorised to hear testimony respecting the truth of the facts set forth in said petition, and if it shall appear to them by said testimony, or from the return of the surveyor, or error of the secretary or register, that the claimant of such land is liable to be injured by the error so set forth, such court is hereby required to cause their clerk to enter their order relative thereto, on the records of said court, and to make and certify a copy thereof.

Registers duty

Section 2. *Be it enacted*, That on producing such certified copy of the order of court, to the register of the Land Office of East Tennessee, if the land lies in East Tennessee, or to the register of the Land Office of West Tennessee, if the land lies in West Tennessee, it shall be the duty of said register to file such order in his office, to correct the said grant, or a copy thereof, in conformity with the said order of court, and to record the said grant, or copy thereof, when so corrected, in a book to be kept for that purpose, (provided said grant shall have been issued by the state of North-Carolina) and to give a certified copy thereof, which copy shall be admitted in evidence, in any court of record in this state; but should such grant have been issued by the authority of this state, then it shall be the duty of the register of the land office to correct the error in the original record of his office, and also in said grant.

Errors in registration how to be corrected.

Section 3. *Be it enacted*, That any person who discovers an error in the registration of his, her or their grants, mesne conveyances, bills of sale, or other instrument of writing, shall be at liberty to prefer a petition to the circuit court, in the same manner as in this act directed, and on hearing the same, if it appears to the satisfaction of the court that error has been committed, they shall order the register of the county to correct such error, and make the records by him kept conformable to the grant, mesne conveyance, bill of sale, or other instrument of writing.

Notice how to be given.

Section 4. *Be it enacted*, That should any of the claimants of lands adjoining the lands mentioned in any petition preferred under this act, reside out of the limits of the county in which the lands lie, or be unknown to the petitioner, then and in that case, it shall be deemed sufficient notice to

advertise in some news-paper, published in the district in which the lands lie, or in case no news-paper be published in said district, then in some news-paper published in some adjoining district, setting forth the courses and distances expressed in the grant intended to be corrected, also the courses and distances intended to be inserted in the grant, or other error intended to be corrected, at least four weeks in succession, the last publication of which shall have been made, thirty days previous to the hearing of such petition by the court.

Surveys differing from location.

Section 5. *Be it enacted*, That in all cases where there may have been, or hereafter may be any variation between the survey made on any tract of land, and the calls of the location, with which the said survey was intended to correspond, it shall thereupon be lawful for the grantee or patentee, or for any person or persons, deriving a title from the said grantee or patentee, to exhibit a petition to the circuit court of the county in which the said land may be situated, under the same rules and regulations which have been prescribed for preferring petitions in the first and fourth sections of this act, and if it shall appear to the said court, that the survey has varied from the calls of the location with which it was intended to correspond, and if it shall also appear to the satisfaction of the court that the ground covered by the location was actually vacant and unappropriated at the time of preferring such petition, or at the time when the petitioner or petitioners gave notice to those having adjoining claims, of their intention to prefer such petition, the said court in such cases, shall order the facts, as found, to be entered on their records, a certified copy of which being carried to the register of the land office as provided for in the second section of this act, the said register shall correct the grant or patent, and the several mesne conveyances if any, in conformity therewith, or the said court, on the application of the petitioners, shall direct their clerk to certify the facts, as found, to the surveyor general of the district in which the land lies, whose duty it shall be to have the said location re-surveyed, and to make out plats and certificates thereof as in other cases; whereupon a new grant shall issue in the name of the person or persons having the rightful title thereof: *Provided*, the original grant is first surrendered and made void.

Opposers.

Section 6. *Be it enacted*, That when any person shall be to oppose the granting of any petition preferred under this act, such person, on motion, shall be made a defendant, each party giving bond and security to secure the other party in his costs, and the cause shall stand for hearing as other argument causes.

Section 7. *Be it enacted*, That the courts may order the surveyor, and if they conceive necessary, five freeholders

who are not interested, to examine and survey disputed lands, to ascertain the lines, and to make return thereof to the said court, at the next term on oath.

Registers fees. Section 8. *Be it enacted*, That the register of the Land office, shall be entitled to receive for correcting each grant, twenty-five cents, for recording each corrected grant, fifty cents, and for a copy of such grant, as in other cases: and that the clerks of courts shall be entitled to receive the same fees they are allowed for similar services.

Section 9. *Be it enacted*, That in all cases where any error shall exist, in any grant issued by the state of North-Carolina, or by the state of Tennessee, where by the courses and distances called for in said grant, do not include the land actually surveyed or intended to be granted, and the grantee in said grant shall have sold and conveyed the land so granted to him by said grant, to any person or persons; and shall have described the land in said deed by the courses and distances called for in said grant, and not by such courses and distances as will include the land actually surveyed, such deed of conveyance shall be held and received as evidence of the sale and transfer of the right to the land actually intended to be granted, and in all cases where any assignee of such grantee, or person claiming under said grantee, shall heretofore by a petition have obtained any such erroneous grant to be amended by the secretary of North-Carolina, or by the secretary of the state of Tennessee, or may hereafter procure the same to be amended, agreeable to the laws of this state, such assignee or person petitioning, shall and may read in evidence to support his, her or their title to the land so intended to be granted, such deed or deeds so made agreeable to the courses and distances of said grant as issued originally by the state of North-Carolina; and in all cases where such original grant shall be altered by the order of any court in this state, such alteration shall enure to the benefit of the purchaser or purchasers of the same, or their assignees in manner aforesaid; any law to the contrary notwithstanding; and all corrections of errors, either in plats, certificates, grants, mesne conveyances, registrations, &c. made in pursuance of this act, shall be good and valid both in law and equity.

Section 10. *Be it enacted*, That all laws and parts of laws, coming within the purview and meaning of this act, be, and the same are hereby repealed.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

22d Nov. 1809.

CHAP. CII.

AN ACT to authorize the drawing of a Lottery for the benefit of East Tennessee College.

Sect. 1st. *Be it enacted by the General Assembly of the state of Tennessee*, That Hugh L. White, Thomas M'Corry, Robert Craighead, James Campbell and John N. Gamble, be, and they are hereby appointed trustees of a lottery for the benefit of East Tennessee College. *Trustees appointed.*

Sect. 2nd. *Be it enacted*, That the trustees appointed by this act, are hereby authorised and empowered to draft a scheme on such plan as shall to them seem most eligible, either in one, two, three or four classes, for the purpose of raising a sum by lottery, not to exceed thirty thousand dollars.

Sect. 3rd. *Be it enacted*, That said trustees, previous to their publishing said scheme, shall enter into bond in double the amount of the capital in said scheme, before the chairman of the court of Pleas and Quarter Sessions of Knox county, for the faithful payment of the prizes when drawn, and for faithfully applying the money arising from said lottery for the use of said college, or in case of failure to draw the lottery, to return to such person or persons, such sum or sums of money as they may have advanced for tickets, which bond when executed, shall be filed in the secretary's office of this state, by the clerk of said court. *To give bond.*

Sect. 4th. *Be it enacted*, That the trustees aforesaid, shall have full power and authority to take bonds to themselves from all such person or persons as they may empower to sell tickets, in double the amount of tickets delivered to such person or persons for sale, and in case any such person or persons should fail to pay to said trustees the sums by them collected for the sale of tickets, or return the tickets by them received as aforesaid, they are hereby authorized in their names as trustees of the said lottery, to institute a suit or suits against such person or persons so failing as aforesaid for the sum collected, or the whole of the tickets given to them to sell as aforesaid (as the case may be.) *Sale of Tickets*

Section 5th. *Be it enacted*, That when said trustees have sold such a proportion of the tickets as would in their estimation authorize the commencement of the drawing, they shall in the presence of at least three justices of the peace, put into the whirl the numbers, prizes and blanks, that are contemplated by the scheme to be put therein. *Drawing.*

Section 6th. *Be it enacted*, That when the drawing of said lottery is completed, or either class of the same, it shall be the duty of a board of the trustees of said college, to meet and make to the trustees of said lottery, a reasonable allowance for their expence and trouble, and after deducting such allowance from the amount of the money made *Allowance to Trustees.*

by said lottery, then the overplus to be paid by the trustees of said lottery to the treasurer of the board of trustees for said college.

Sect. 7th. *Be it enacted*, That the trustees of said lottery may also be purchasers of tickets if they may think proper: *Provided*, they satisfy the justices who may attend at the commencement of the lottery, that there is no fraud or advantage intended to be taken by them in consequence thereof.

Clerks to take oath.

Sect. 8th. *Be it enacted*, That at the time of the commencement of the drawing, the said trustees shall appoint two clerks, who shall keep a regular account of the numbers drawn and the blanks or prizes that may be drawn for each number, and shall, previous to their entering on the discharge of their duty, take the following oath, to wit: I, A. B. do swear that I will faithfully and truly keep an account of the drawing of this lottery, without partiality or prejudice—*So help me God.*

Their compensation.

Sect. 9th. *Be it enacted*, That said clerks shall be allowed the sum of two dollars per day each, for all days in which they may be necessarily engaged in the business of said lottery, to be paid by the trustees of the college, upon a draft signed by the trustees of the lottery.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

22d Nov. 1809.

CHAP. CIII.

AN ACT extending further the right of preference to occupants.

Three years further time allowed.

Sec. 1. BE *it enacted by the General Assembly of the state of Tennessee*, That it shall and may be lawful for any person or persons, or the assignee or assignees of every such person or persons, who shall have made an actual settlement on any vacant and ungranted land which by the laws of this state is intended to be entered and granted, and shall have been in possession of the same on the first day of November in the year one thousand eight hundred and nine, to have a preference for the term of three years, from and after the twenty-fifth day of December next, to enter the same on any good and valid warrant.

Proviso.

Sec. 2. *Provided always*, That no person has entered the same on a good and valid warrant before the passage of this act, and that the quantity to which this right of preference is given, shall not be less than one hundred acres, nor more than three hundred acres, including his, her or their

improvement, unless prevented by interfering claims.

Sec. 3rd. *And provided also*, That he, she or they, shall file plats of survey within twelve months from the passing of this act agreeable to the thirty-sixth section of the land law, passed at Knoxville, the third day of December, one thousand eight hundred and seven.

Improvements to be paid for.

Sec. 4. *Be it enacted*, That where any person hath seated him or herself on any tract or parcel of land, which land was generally believed by those living in the vicinity where situated to be vacant, in pursuance of the law granting preference to occupants, and shall be dispossessed by due course of law, the person so dispossessed shall be entitled to recover of the person or persons who shall have so recovered such possession the value of the improvements made by such occupant or occupants that have been by them made on such land previous to said occupants being notified in writing of such adverse claim, or shall be authorised to hold the possession and take the rents and profits for such term as three good and respectable men may adjudge sufficient to satisfy such occupant for such improvement.

Sec. 5. *Be it enacted*, That such occupants as were provided for by the general Assembly in the years 1801 and 1807, who may have entered their claims in any office bottomed on invalid warrants, shall be put on the same footing with other occupants intended to be provided for by this act.

Sec. 6. *Be it enacted*, That this act shall be in force from and after the passing hereof.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CIV.

AN ACT to relieve such person or persons as are likely to be injured in their conveyances, powers of attorney, bills of sale, and bonds for the conveyance of real estate, which may require registration, and where the subscribing witnesses thereto reside out of the limits of this state.—For remedy whereof:

BE *it enacted by the General Assembly of the State of Tennessee*, That where subscribing witnesses, to any deed of conveyance, power of attorney, bill of sale, or bond for the conveyance of real estate, which may require registration, reside without the limits of this state, it may and shall be lawful for the holders of such deeds of conveyance, powers of attorney, bills of sale, and bonds for the conveyance of real estate, to procure the testimony of such subscri-

being witness or witnesses to be entered on record in any court of record having cognizance thereof, and such probate endorsed on such deed of conveyance, power of attorney, bill of sale, or bond for the conveyance of real estate, and authenticated according to the act of Congress, which prescribes the mode of certifying the records of any state in order to give them authenticity within any other state, shall be admitted to registration in any court of record in this state, as if the same had been proven in the said court under the existing laws.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

22d Nov. 1809.

CHAP. CV.

AN ACT for the encouragement of bringing of books into this state.

BE *it enacted by the General Assembly of the state of Tennessee,* That any person or persons, shall and may be permitted to sell books of any kind in this state, without being obliged to take out license, and clear of any tax whatsoever, any law to the contrary notwithstanding.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CVI.

AN ACT to appoint additional Trustees for the Accademies therein named.

Sec. 1. BE *it enacted by the General Assembly of the state of Tennessee,* That the following persons be, and they are hereby appointed additional trustees of the several accademies hereinafter mentioned, to act with those heretofore appointed, towit: Charles Boulton, Jonathan B. Robertson, and Joel Dyer, junr. for the Geneva accademy in the county of Smith; Quin Morton and Joseph Hart for the Union accademy in the county of Anderson; Israel W. Bonham, Jesse Cox and George Rutledge, for the Jefferson accademy in the county of Sullivan; Andrew Henderson and Ebenezer Leath, for the Maury accademy, in the county of Jefferson. *Trustees.*

Sec. 2. *Be it enacted,* That the before named additional trustees, be, and they are hereby vested with the same powers and privileges which were given by law to the trustees heretofore appointed for the respective accademies.

Sec. 3. *Be it enacted,* That the trustees of Smith county shall notify the trustees of the Geneva accademy, (third herein named as well as those heretofore appointed,) to meet at the court-house in Carthage at such time as he may appoint previous to the first day of May next, for the purpose of fixing on a site for the accademy aforesaid, which notice shall be given in writing at least ten days before the time so appointed. *Geneva accademy.*

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

17th Nov. 1809.

CHAP. CVII.

AN ACT for the benefit of delinquent jurors.

UNDER the existing laws of this state, all persons summoned to attend any of the courts of this state as grand or petit jurors, and who by sickness or some unavoidable accident fail to attend such courts, are nevertheless subject to the payment of costs--For remedy whereof: *Preamble.*

BE *it enacted by the General Assembly of the state of Tennessee,* That from and after the passing of this act, any person or persons who may hereafter be summoned as a juror to attend any of the courts in this state, and who by sickness, accident or other casualty, may fail to attend such court or courts, such person or persons so failing, shall make his or their excuse to the next court to which he or they may have been summoned, and if the said court shall think his or their excuse reasonable, they shall remit any fine which such delinquent juror may be liable to and all costs accruing thereon, which said costs shall be paid the officers of court out of any fines and forfeitures arising in such court, any law to the contrary notwithstanding. *Fines how to be remitted.*

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

17th Nov. 1809.

CHAP. CVIII.

AN ACT to authorise commissioners to loan certain monies.

Section 1. BE *it enacted by the General Assembly of the state of Tennessee,* That the commissioners heretofore appointed by the sixteenth section of an act to provide for the payment of the members, clerks and door-keepers, and for other purposes, passed the twenty-

cond of April, one thousand eight hundred and nine, and they are hereby required to loan out to any individual or individuals, the whole or any part of the accademy monies which have been or hereafter may be paid into the treasury of Hamilton or Washington districts, for the use and benefit of said accademies, under the same rules, regulations and restrictions that the said commissioners were required to observe in loaning out the college monies of East and West Tennessee: *Provided*, that no person shall be permitted to borrow either directly or indirectly, more than six hundred dollars: *And provided also*, that said commissioners shall not ask or demand more than six per centum per annum interest, on any monies by them to be loaned by virtue of this act.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

28d Nov. 1809.

CHAP. CIX.

AN ACT to establish Accademies in the counties of White, Warren, Franklin, Rhea, Bledsoe and Hickman, and for the appointment of trustees thereof.

Trustees appointed.

Sect. 1. BE *it enacted by the General Assembly of the state of Tennessee*, That Alexander Lowry, Turner Lane, Isaac Taylor, junr. John Bryant, John M. Carrick, Bird Smith and Thomas K. Harris, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Priestly accademy in the county of White (in honor of the President of Cumberland College.) That John A. Wilson, William C. Smart, Alexander Perryman, Leeroy Hammon, John Armstrong and Joseph Colville, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Quincy accademy, in the county of Warren (in honor of John Quincy Adams) And that William Metcalf, James Hunt, James Cunningham, Richard Galloway, Christopher Buller and George Taylor, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Carrick accademy of the county of Franklin. That Daniel Rawlings, James Campbell, Azariah David, David Murphey, Littlepage Sims, Alexander Ferguson and David Campbell, esquires, be, and they are hereby appointed and constituted a body politic and corporate, to be known by the name of the trustees of the Tennessee accademy, in the county of Rhea. And that John Anderson, William Re-

April, Joseph Hodge, [illegible] Lawrence, William Christian, John Rutherford and [illegible] they are hereby appointed and constituted a body politic and corporate, to be known by the name of the [illegible] in the county of Bledsoe. And that James Tate, Hugh Kirk, William Wilson, John Richard, John McCamp, Alexander Gray and William Ward, be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Common accademy, in the county of Hickman. And the trustees aforesaid, for the accademies aforesaid, shall, in such, have perpetual succession and a common seal.

Their powers.

Sec. 2. *Be it enacted*, That the trustees of each of the accademies aforesaid, and their successors, by the names aforesaid, shall have the same powers, prerogatives and immunities, and be subject to the same rules, regulations and restrictions, that are given to and prescribed for the trustees of the accademies of the other counties in this state, by an act entitled "an act to establish accademies in the several counties in this state, and for the appointment of trustees thereof, passed September 15th, 1806.

Sec. 3. *Be it enacted*, That this act shall be in force from and after the passing hereof.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23 Nov. 1809.

CHAP. CX.

AN ACT for the relief of Robert Weir.

Compensation.

Sec. 1. BE *it enacted by the General Assembly of the state of Tennessee*, That Robert Weir, surveyor general of the district south of French Broad and Holston, be allowed at the rate of two acres of land twenty fants per mile, for running and marking the fractional lines within his district, and ascertaining the boundaries of the same. For locating and ascertaining the two tracts, of one hundred thousand acres each, for the use of colleges and accademies, two acres per mile for each mile he may have run and marked, in laying off the same. For making the plan of his said district, which is filed in the secretary's office, four hundred acres as full compensation for his several services above mentioned, and the Register of the Land Office of East Tennessee is hereby directed to issue to the said Robert Weir, in one or more warrants, as full as he shall be entitled to under this act, having reference to the said plan filed in the secretary's office of ascertaining the same; which said warrants, when so issued, the said

Robert Weir shall have liberty to locate within the district south of French Broad and Holston, or on any other vacant and unappropriated lands within the limits of this state, and obtain grants therefor as in other cases.

Repealing clause.

Sec. 2. *Be it enacted*, That so much of the thirteenth section of an act of assembly, entitled "an act for the appointment of a Register of the land office, and providing for the sale of the lands south of Holston and French Broad; agreeably to the constitution of this state, and the provisions of the act of Congress therein referred to," as requires the surveyor general of said district to file two plans of said district in the secretary's office, for the use of the Legislature; and also so much of the twenty-third section of the above recited act, as requires the said surveyor general to record in two seperate books, the land located for colleges and accademies in said district, be, and the same are hereby repealed.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

17th Nov. 1809.

CHAP. CXI.

AN ACT directing the purposes to which the money arising from the sale of lots in Fayetteville, Lincoln county, shall be appropriated.

BE *it enacted by the General Assembly of the state of Tennessee*, That the money arising from the sale of lots in the said town of Fayetteville, shall be a fund in the hands of the commissioners appointed to fix the scite of the said town of Fayetteville, in the county of Lincoln, to be applied by them towards defraying the expences of purchasing the land on which the said town may be laid off, also to be applied towards defraying the expences of building a court-house, prison and stocks, in the town of Fayetteville, for the use of said county of Lincoln.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXII.

AN ACT to authorize a seperate election to be held in the county of Warren.

BE *it enacted by the General Assembly of the State of Tennessee*, That a seperate election shall be held in the county of Warren, at the house of James Hill, on the head of Stones river, where it shall and may be lawful for the people residing in the lower end of the said county, to meet and vote for governor, members to congress, members to the general assembly of this state, and electors to elect President and Vice-President; which said elections shall be held on the days prescribed by the constitution of this state for similar elections to be held, and shall be conducted, and the returns thereon made, under the same rules, regulations and restrictions, as in other seperate elections.

Where held.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXIII.

AN ACT to repeal the laws establishing a caveat court in the county of Blount, and for other purposes.

Court abolished.

Section 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, so much of the law passed at Knoxville, one thousand eight hundred and nine, as has for its object the establishing a caveat court in the county of Blount, and regulating the trial of caveats therein, shall be, and the same is hereby repealed.

Causes to be transferred.

Section 2. *Be it enacted*, That all the caveat suits now pending in the said caveat court, shall be transfered into the circuit court in said county, under the same rules as suits other causes are to be removed into said court, and shall be subject to the change of venue as in other cases.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

18th Nov. 1809.

CHAP. CXIV.

AN ACT to authorize the court of Roane county to lay a Tax, for the purpose of building a court house and stocks, and for repairing the prison in the town of Kingston, and for the appointment of commissioners to superintend the same.

Preamble.

WHEREAS it would greatly conduce to expedite business in the court of Roane county, to have a good and complete court-house, and promotive to the welfare of the citizens to have stocks erected and prison repaired.

Commissioners appointed.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That John Purris, Matthew Nelson, Thomas Brown, Meriwether Smith and Samuel Eskridge, be and they are hereby appointed commissioners to superintend the building of a court-house, erecting stocks, and repairing the jail in the town of Kingston; and that they, or a majority of them, are hereby empowered and directed to proceed, as soon as may be, to let said buildings and repairing to the lowest bidder, having first advertised the same for fifty days, at the court-house in Kingston, setting forth the size and materials of which they are to be built, and when so let to take bond with sufficient security for the faithful performance thereof.

Court may lay tax.

Sec. 2. *Be it enacted*, That the county court of Roane, next ensuing the passing of this act, proceed to lay a tax, not exceeding twelve and one half cents on each white poll, nor twenty-five cents on each black poll, nor twelve and half cents on each hundred acres of land, nor twenty-five cents on each town lot, nor one dollar and fifty cents on each stallion kept for covering mares, nor ten dollars on each store, which said tax may be continued from time to time until said buildings are completed for the purposes aforesaid; and the sheriff of said county is hereby authorised and directed to collect and account with said commissioners, or a majority of them, for the same, under such restrictions and with such emoluments as he collects other taxes.

Land to be purchased.

Sec. 3. *Be it enacted*, The said commissioners by this act appointed shall have power to purchase at least one acre of ground in the most suitable part of said town of Kingston, on which to erect the court house and stocks, and shall take to themselves and their successors a deed in fee simple.

Commissioners to give bond.

Sec. 4. *Be it enacted*, That the commissioners before entering upon the duties of their appointment, shall give bond and sufficient security, in the sum of four thousand dollars, payable to the chairman of the court, for the faithful appropriation and accounting for all such monies by them received; and that the justices of said county court make a reasonable compensation to said commissioners for their services, provided a majority of said justices be present when such allowance is made.

Their compensation.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXV.

AN ACT for the relief of Joseph Irvine.

WHEREAS, Joseph Irvine, of the county of Davidson

was bound in a recognizance for his appearance at the term of the court of Pleas and Quarter Sessions for the county of Hawkins, to answer for being committed a breach of the peace upon the body of a certain Joseph Rogers—And whereas the said court of Pleas and Quarter Sessions, at their session in August last, enter up judgment against the said Joseph Irvine for four hundred dollars, and costs—And whereas the said Joseph Rogers, together with sundry respectable citizens of Hawkins, hath petitioned for a releasement of said forfeiture, and it appearing to this General Assembly that said forfeiture was not occasioned by neglect or contempt, but owing to unavoidable accidents—Wherefore,

Preamble.

BE *it enacted by the General Assembly of the State of Tennessee*, That the said Joseph Irvine and his securities, are hereby released forever from the penalties of such forfeited recognizance and judgment: *Provided nevertheless*, that nothing herein contained, shall be so construed as to exonerate the said Joseph Irvine from the payment of all costs which have heretofore accrued, or may hereafter accrue, in the before recited case, any law, usage or custom, to the contrary notwithstanding.

Relief.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXVI.

AN ACT to repeal a part of the third section of an act passed the thirtieth of November, one thousand eight hundred and seven, entitled "An act for the relief of Christopher Haynes, and the other persons therein named."

WHEREAS it appears to this General Assembly by the third section of an act passed at Knoxville, the thirtieth day of November one thousand eight hundred and seven, that William T. Lewis is authorized to obtain a duplicate of a warrant No. 1208, issued from John Armstrong's office, on which a grant had issued to James Colby for land south of French Broad, and Holston and West of Big Pigeon rivers, No. 971, dated twenty-fifth day of December, one thousand seven hundred and ninety one, which warrant had been moved from the place originally entered.—And whereas it appears that by said act, that said William T. Lewis is authorized to obtain a grant for the land originally entered. And whereas it appears that the land called for in said original warrant No. 1208, has been long since granted to other persons, and that the title thereof has been transfered to innocent subsequent purchasers who

Preamble.

have made large and valuable improvements thereon, and that the town of Kingston has been laid off on a part thereof, and the lots in said town have been sold at a time when said warrant No. 1208, was not a lien on said land. And whereas it is unjust that the title of such persons as may have purchased said land, or any part thereof, should be injured by the said William T. Lewis, aided by the retrospective law of the Legislature:—For remedy whereof,

Repealing clause.

BE *it enacted by the General Assembly of the state of Tennessee*, That so much of the third section of an act, passed the thirtieth of November, 1807, entitled "an act for the relief of Christopher Haynes, and other persons therein mentioned," as authorizes William T. Lewis, or his representatives, to obtain a grant on a duplicate of said warrant, No. 1208, for the land originally entered, be, and the same is hereby repealed. And that the said William T. Lewis, or those claiming said duplicate warrant, may be at liberty to use the same as other certificates issued from grants lying south of French Broad and Holston, and west of Big Pigeon rivers, and enter and survey the same on any vacant and unappropriated land, by law authorized to be entered and surveyed, and that said duplicate shall not confer any other right, or be ripened into a grant on any other terms than if the same had been a certificate issued on said grant as in other cases.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

17th Nov. 1809.

CHAP. CXVII.

AN ACT further to provide for the adjudication of land claims.

Offices to be kept open.

Section 1. BE *it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of the Commissioners for East and West Tennessee to keep their offices open in all the months of April, May and June next, Sunday's excepted, for the purpose of receiving claims for adjudication, and shall be entitled to demand and receive from each and every person or persons, previous to filing such claim, the sum of one dollar, as fees of office, to be paid by the party or parties filing the same, which money shall be equally divided between the commissioner and clerk as full compensation for filing the same.

Office fees.

Section 2. *Be it enacted*, That the said commissioners shall proceed, when called upon, to examine such claims as now are or hereafter may be filed in their offices according to law, and shall, previous thereto, be entitled to de-

mand and receive, from the person or persons requiring such adjudication, the sum of two dollars for each claim by them adjudged, as fees of office, to be equally divided between the commissioner and clerk, as full compensation for such service.

For searches.

Section 3. *Be it enacted*, That the said commissioners or clerks shall be entitled to demand and receive for each search and giving information without copy twenty five cents, and for each copy and certificate fifty cents, as fees of office; and so much of the law of this state, as requires the clerks aforesaid to pay any part of the above fees to either of the treasurers, shall be, and the same is hereby repealed.

On appeals.

Section 4. *Be it enacted*, That on every appeal from the decision of either of said commissioners, the appellant shall pay to the clerk one dollar for all services by him performed in said appeal, and for all other services the clerk shall be entitled to the same fees as heretofore allowed by law.

Former appointment confirmed.

Section 5. *Be it enacted*, That the appointment of Howel Tatum as commissioner for West Tennessee, in the room of James Winchester who refused to serve, and the appointment of Anthony Foster in the room of said Tatum resigned, as made by the governor, and their proceedings as such, be and the same are hereby comfirmed.

Section 6. *Be it enacted*, That all laws and parts of laws that entitles said commissioners and clerks to receive any pay from the state for services hereafter performed shall be and the same are hereby repealed.

This act shall take effect from the passing thereof.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

22d Nov. 1809.

CHAP. CXVIII.

AN ACT to authorize Conrad Pile to cut and open a road from Clear creek, on the new Turnpike road, to intersect the road leading from South-West Point to Carthage, at Gibson's.

Cutting road.

Sec. 1. BE *it enacted by the General Assembly of the state of Tennessee*, That it shall and may be lawful for Conrad Pile to cut and open a road from Clear creek, on the new Turnpike road leading from the waters of Poplar creek towards Jackson county, so as to intersect the road leading from South-West Point to Carthage, at Gibson's. *Provided*, the said Conrad Pile, after the said road is cut and opened shall keep the same in repair.

Sec. 2. *Be it enacted*, That if any person shall throw any obstructions in said road, after it is so cut and opened, by

cutting trees across it, or the like, whereby the passage of carriages or persons travelling may be impeded, such person or persons for every such offence, shall forfeit and pay the sum of fifty dollars, recoverable before any jurisdiction having cognizance thereof.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

22d Nov. 1809.

CHAP. CXIX.

AN ACT concerning Jurors.

Number of Jurors.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the several county courts in this state shall make out a list of fifteen Jurors, to be returned as a venire for each term, who shall attend said courts six days, if necessary, in each county, except the county of Davidson, who shall hold their court two weeks, if necessary, and make out a venire of thirty and summon fifteen to attend each week.

Their qualifications.

Sec. 2. *Be it enacted*, That every white male citizen, being a house holder, and arrived to the age of twenty one years, shall be deemed and held legally qualified to act as a grand or petit juror, in the different counties within this state, in all cases except such that the venue thereof has been changed, any law usage, or custom to the contrary notwithstanding.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXX.

AN ACT to appoint additional Trustees for the Rittenhouse and Bradley Accademies in the counties of Roane and Rutherford.

Rittenhouse academy.

Sec. 1. BE *it enacted by the General Assembly of the state of Tennessee*, That John Purris, Merewither Smith, Thomas N. Clark, Thomas Brown, John Brown, Matthew Nelson and Samuel Martin, be, and they are hereby appointed Trustees for the Rittenhouse accademy in the county of Roane, in addition to those heretofore appointed by an act passed at Knoxville, the 13th day of September, 1806, entitled "An act to establish accademies in the several counties in this state, and for the appointment of Trustees thereof."

Bradley academy.

Sec. 2. *Be it enacted*, That Charles Cavenaugh, Robert Bedford, Joseph Burris, and Mark Mitchell, be, and they are hereby appointed additional Trustees to the Bradley Accademy in the county of Rutherford.

Sec. 3. *Be it enacted*, That the above named Trustees be, and they are hereby vested with the same powers and privileges, subject to the same rules, regulations and restrictions, as the several appointed by the before recited act.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXXI.

AN ACT for the relief of Executors and Administrators.

administrators may prosecute suits.

Sec. 1. BE *it enacted by the General Assembly of the state of Tennessee*, That where any person or persons heretofore have, or hereafter may obtain administration on the estate of any intestate, in any one of the United States, or territory thereof, such person or persons shall be enabled to prosecute suits in any court in this state, in the same manner as if administration had been granted to such person or persons by any court in the state of Tennessee. *Provided always*, That such person or persons shall produce a copy of the letters of administration authenticated in the manner which has been prescribed by the congress of the United States, for authenticating the records and judicial acts of any one state, in order to give them validity in any other state, and that such letters of administration had been granted in pursuance of, and agreably to the laws of the state, or territory, in which such letters of administration were granted.

Executors.

Sec. 2. *Be it enacted*, That where any executor or executors, have heretofore proved, or hereafter may prove the last will and testament of any deceased person, and taken on him or themselves, the execution of said will, in any state in the United States, or in any territory thereof, such person or persons, shall be enabled to prosecute suits in any court in this state, in the same manner as if letters testamentary had been granted to him or them by any court within the state of Tennessee. *Provided always*, That such executor or executors, shall produce a certified copy of the letters testamentary, under the hand and seal of the clerk of the court where the same were obtained, and a certificate by the chief justice, presiding judge or chairman of such court, that the clerk's certificate is in due form, and that such letters testamentary had been granted in pursuance of, and agreably to the laws of the state, or ter-

ritory, in which such letters testamentary were granted.

Judgments in certain cases.

Sec. 3. *Be it enacted*, That where any person hath, or may hereafter die intestate, and no person will administer on such intestate's estate, it shall and may be lawful for any person who hath commenced any suit against such intestate in his life time, and may wish to recover the same, to issue *scieri facias* against the heirs of such intestate, and in case the heirs are minors, it shall be the duty of the court to appoint a guardian to such heirs as are minors, for the purpose of defending said suit, and on a return of the *scieri facias*, being made known, to the guardian, or heirs, as the case may be, the said plaintiff may prosecute his said suit to judgment and execution as in other cases.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXXII.

AN ACT extending the relief granted by the laws of this state, in cases where the land called for in any grant is covered by better interfering titles.

Preamble.

WHEREAS, in the construction of the 14th section of an act, passed at Knoxville on the 3d day of December, in the year 1807, amendatory of the land law of 1806, it has been found that certificates have been authorised to issue in cases only where the better interfering title has been derived from the state of North-Carolina—And whereas, there is no reason why certificates should not also be issued in cases where the better interfering title has been derived from the state of Tennessee—Wherefore,

BE *it enacted by the General Assembly of the state of Tennessee*, That the aforesaid fourteenth section of the land law of 1807, shall be so construed as to extend to all cases where the land called for in any grant has been covered and lost to the grantee, or the person deriving a title from him in consequence of the interference of a better title derived from the state of Tennessee, and a certificate shall issue in all such cases, in the same manner, and under the same rules and conditions which have been prescribed in cases where the better interfering title has been derived from the state of North-Carolina.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXXIII.

AN ACT for the relief of William Acklin.

WHEREAS it is represented to this General Assembly, that William Acklin is likely to be injured in his conveyance for want of registration, the subscribing witnesses thereto having removed to the Mississippi territory—For remedy whereof:

BE *it enacted by the General Assembly of the state of Tennessee*, That William Acklin is hereby authorised to prove his deed of conveyance in the court of Madison county, in the Mississippi territory, by the depositions of John Hunt and Nathaniel Austin, subscribing witnesses thereto, which testimony shall be entered on record in said court and endorsed on said deed of conveyance, and certified under the hand and seal of office of the clerk of said court, and such deed of conveyance, so endorsed and certified, shall be admitted to registration in any court of record in this state, as if the same had been duly proven therein, any law, custom or usage, to the contrary notwithstanding.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXXIV.

AN ACT to authorise the county court of Williamson to appropriate certain money.

BE *it enacted by the General Assembly of the State of Tennessee*, That a majority of the justices of Williamson county, in their discretion, may make such appropriation of monies out of the county treasury, as to them shall seem proper, to be applied towards defraying the expences incurred by the Franklin Water Company in conveying water through pipes into the town of Franklin, and also to be applied towards defraying the expences which may be incurred in securing against injuries the fount which has been established for the use of the public by the aforesaid Water Company on the public square of the town of Franklin.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

22d Nov. 1809.

CHAP. CXXV.

AN ACT to authorise the Register of West Tennessee, to issue Grants in certain cases.

Preamble. WHEREAS the state of North-Carolina did authorise by law the entry taker and surveyor of military lands to locate and survey by virtue of certificates issued for lands taken by interfering and better claims, which certificates were made out by the surveyor, legally authorised by law to survey—And whereas no provision hath been made by law to authorise the Register to make out grants upon such surveys, made by virtue of such entries—For remedy whereof:

Surveys to be made. Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the surveyor of the first district is hereby authorised and required to survey, or cause to be surveyed, (where it hath not already been done) agreeably to the entries made on each and every certificate which was made out by the surveyor of the military lands, or either of his deputies, and which was entered under the laws of North-Carolina in the military land office in Nashville: *Provided*, the said certificates shall be found on a re-survey, as required by the law passed in the year 1806, to be a good and valid certificate; and the commissioners or commissioner of the land office of West Tennessee shall have adjudged the same, and issued a certificate accordingly, as by law directed; which last certificate shall also be recited in the certificate of survey, and the surveyor shall, in making the plat of survey, recite the dates of the entry as made under the law of North-Carolina.

Entries made void. Sec. 2. *Be it enacted*, That in all cases where an entry hath been made on a certificate issued by a surveyor as aforesaid, and after obtaining a certificate according to law from the commissioners or commissioner of West Tennessee, if it shall appear that the certificate issued by said commissioners or commissioner hath been entered upon any other lands aside, from, or other than the lands called for in the first entry, and by virtue of the last certificate, in such case the first entry shall be void and of no effect.

Grants. Sec. 3. *Be it enacted*, That the register of the land office of West Tennessee, shall, without delay, make out a grant on each and every survey so made in the name of the person or persons, their heirs or assigns, for whom the survey was made, having due regard to the date of the entry as made under the law of North-Carolina, as recited in the certificate of survey, which grant, so made out, shall vest in him, her or them, their heirs or assigns, as good and valid a title as if the same had issued on any other good and valid warrant, and by virtue of an entry made under the laws of this state.

Sec. 4th, *Be it enacted*, That where an entry hath been made by virtue of a certificate as aforesaid, and on the claim from which such certificate originated being adjudicated by the former or present board of commissioners for West Tennessee, and should be adjudged good and valid, for a less quantity than was originally certified to be so, the person making such entry shall not be prejudiced thereby, but may proceed to survey such quantity of his land entry as his claim so passed as aforesaid will cover, and in all cases of entries by virtue of certificates issued by surveyors as aforesaid, and the claim by which said entry shall have been made, is adjudged invalid, the person or persons making such entry, shall have the same preference to re-enter the same land or so much thereof as he may think fit, on any good and valid warrant, as is given to persons by virtue of Martin Armstrong's service rights, and on entries made on original warrants adjudged invalid, provided for by the 10th section of the land law, passed the third day of December, 1807.

Preference. Sec. 5th, *Be it enacted*, That in all cases where the certificates on any warrant or warrants, shall be adjudged invalid, that in such case the owner, his, her or their legal representatives, shall have a preference for two years, from the time of such discovery, to re-enter the same upon a good and valid warrant.

Sec. 6th. *Be it enacted*, That this act shall be in force from and after the passing thereof.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXXVI.

AN ACT supplementary to an act, entitled "an act to establish circuit courts, and a supreme court of errors and appeals."

Return of process. Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That all writs and process of every description, which may have issued from any superior court of law and equity, and may be in the hands of any sheriff or coroner, at the time this act takes effect, shall be executed by such officer and returned by him in the same manner as if the act establishing circuit courts had not been passed.

Criminal causes. Sec. 2. *Be it enacted*, That all criminal causes depending in the several courts of pleas and quarter sessions at the time this act takes effect, shall be tried and determined in such court; and all recognizances entered into before any

justice of the peace, or judge of any circuit court, and all commitments for criminal offences, made by any justice or judge, after the first day of January next, shall be made returnable to the first term of the circuit court held for the county in which the offence charged to be committed may be cognizable.

Change of venue. And to prevent disputes about the *venue* of suits in the circuit courts, Sec. 3. *Be it enacted*, That in all criminal cases the trial shall be had in the county in which the offence may have been committed; in actions touching the freehold, the trial shall be had in the county in which the freehold may be situated; and in all transitory actions the right of action shall follow the person of the defendant, subject in every instance to a change of *venue* according to the provisions of the act to which this is a supplement.

Jails. Sec. 4. *Be it enacted*, That where the jail of any county is deemed insufficient for the safe keeping of any prisoner, committed thereto, the said prisoner may be transferred to any other jail within the circuit to which such county may belong.

Recognizances Sec. 5. *Be it enacted*, That recognizances and bail bonds of every description, which have been returned, or may be returned to the superior courts of law and equity, and which, by the provisions of the act to which this is a supplement, may be removed into any circuit court, shall be as good and valid in all respects as if the said recognizances or bail bonds had been originally returnable into the said circuit courts.

Clerks. Sec. 6. *Be it enacted*, That the clerks of the supreme courts, within three months after their appointments, shall reside within the circuit in which they are appointed;—Clerks of the circuit courts, within three months after their appointments, shall reside within the county within which they are elected; and if any clerk of a circuit court should remove his residence without the county in which his office is held, or any clerk of the supreme court should remove his residence without the circuit to which they are appointed, the said clerks respectively shall forfeit their offices.

Judges. Sec. 7. *Be it enacted*, That the judges of the circuit courts, and the judges of the supreme court of errors and appeals shall hold their commissions from the first day of January, in the year eighteen hundred and ten, and the judges of the circuit courts, by mutual agreement, may interchange ridings and preside in the counties of each others circuits.

Supreme court Sec. 8. *Be it enacted*, That the supreme court shall hold two sessions annually in each of the places in which it is now required to set, and the additional term shall be held for the first circuit, on the first Monday in the month of

November; for the second circuit, on the fourth Monday in the month of November; for the third circuit, on the third Monday in the month of January; for the circuit, on the first Monday in the month of January; for the fifth circuit, on the first Monday in the month of February.

Cases agreed. Sec. 9. *Be it enacted*, That cases agreed may, by consent of the parties be adjourned to the supreme court for decision.

Judgments reversed. Sec. 10. *Be it enacted*, That no judgment, decision or decree of the circuit courts shall be reversed in the supreme court, unless for errors which affect the merits of the judgment, decision or decree complained of.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXXVII.

AN ACT to provide for certain debts due from the counties of Davidson and Williamson.

WHEREAS there are debts remaining due and unpaid from the county of Davidson, at the time of constituting Williamson county, which counties are mutually bound for the amount thereof—Therefore,

Sect. 1st. BE *it enacted by the General Assembly of the state of Tennessee*, That the county courts of Davidson and Williamson counties be authorized to appoint commissioners for the purpose of ascertaining the amount of claims which was due from the said counties to certain individuals at the time that Williamson county was established, and they are hereby authorised to make such arrangements, or lay a tax for the payment of the above named debts, as they may think the nature and justice of the said claims demand.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

CHAP. CXXVIII.

AN ACT to provide for the payment of the members, clerks and door keepers of the present General Assembly, and for other purposes.

Members. Section 1. BE *it enacted by the General Assembly of the State of Tennessee*, That each member shall receive the sum of two dollars and fifty cents for each day

he has attended this General Assembly, and a like sum for every twenty-five miles travelling to and from the same.

Clerks. Section 2. *Be it enacted*, That the clerks of the General Assembly, both principal and assistant, shall each receive the sum of four dollars and fifty cents for each day he may have attended the same.—And that Joseph M. Anderson, principal clerk of the Senate, be allowed the further sum of one hundred and five dollars and fifteen cents for stationary and books furnished this Legislature.—And that Jacob Peck, principal clerk of the House of Representatives, be allowed the sum of one hundred and sixty dollars for stationary, books, &c. furnished for the use of the General Assembly.—And that Pryor Lea be allowed the sum of thirty-five dollars as compensation for services rendered to this General Assembly, in doing sundry engrossing.

Joseph M Anderson. *Jacob Peck.* *Pryor Lea.*

Door Keepers. Section 3. *Be it enacted*, That each door-keeper of this General Assembly, be allowed the sum of two dollars and fifty cents for each day he may have attended the same.—And that John Bright, door-keeper of the Senate, be allowed the further sum of fifty-one dollars, for fuel and sundry other contingencies, for the use of the Legislature.—And that John Rhea, door-keeper of the House of Representatives, be allowed the further sum of twenty-two dollars for sundry articles furnished this General Assembly.—And that Andrew Rhea be allowed the sum of fifty dollars for his services as assistant door-keeper to the House of Representatives, during this session.

John Bright. *John Rhea.* *Andrew Rhea.*

Thos. Crutcher Section 4. *Be it enacted*, That Thomas Crutcher, treasurer of Winchester, Mero and Robertson districts, be allowed the sum of fifty-seven dollars and eleven cents, being one per cent. on the actual cash paid into the treasury of Hamilton and Washington Districts, during the present session.—And that George Wilson be allowed the sum of sixty-nine dollars and fifty cents, for his services for printing two hundred copies of the bill to establish circuit courts, three hundred copies of the acts to establish circuit courts, and four hundred copies of the captions of the acts of the present session, as a full compensation for the same.

George Wilson

John Sevier. Section 5. *Be it enacted*, That John Sevier, late governor of this state, be allowed the sum of seven hundred and fifty dollars, to be paid to the said John Sevier, by either of the treasurers of this state, so soon as the said John Sevier shall produce to the Governor of this state, the receipt of the secretary of state for the delivery of fifteen hundred pounds of gun-powder purchased for the use of this state, in pursuance of a resolution of the last General Assembly; and the Governor for the time being, shall draw a warrant for the said sum of seven hundred and fifty dollars, in favour of the said John Sevier, on sight of the receipt of the secretary of state as aforesaid.

Section 6. *Be it enacted*, That George Wilson be allowed the further sum of twelve dollars, for printing four hundred copies of the act concerning executions, as full compensation for the same. *George Wilson*

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senate.

23d Nov. 1809.

Errors in the copies furnished by the Secretary.

Page 39 25th line from bottom after 'it' insert '*shall.*'
124 2d line from bottom after 'of' insert '*which.*'

The following errors are in the printing.

Page 54 4th line from top for '*principles*' read '*premises.*'
93 4th line from bottom for '*commence*' r. '*commerce.*'
107 12th l. from bottom after 'Justices' insert '*of said county.*'
113 8th l. from bottom for '*nothing*' read '*noting.*'

A Copy, Atteste

R. HOUSTON, *Secretary,*

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ACTS

PASSED AT THE

FIRST SESSION OF THE NINTH

GENERAL ASSEMBLY

Property of the State

OF THE

STATE OF TENNESSEE,

Begun and held at Knoxville, on Monday, the sixteenth day of September, one thousand eight hundred and eleven.

BY AUTHORITY.

KNOXVILLE, PRINTED BY G. WILSON, PRINTER TO THE STATE.

1811.

Rec. June 3, 1905.

ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT

THE FIRST SESSION OF THE

NINTH GENERAL ASSEMBLY,

Begun and held on Monday, the Sixteenth day of September, one thousand eight hundred and eleven.

CHAPTER I.

AN ACT for the more effectually preventing of forgery and counterfeiting, and to make it felony to steal bank notes, bonds, notes, or other securities for the payment of money, or other valuable articles.

BE *it enacted by the General Assembly of the State of Tennessee*, That if any person or persons shall falsely make, alter, counterfeit, utter or pass any bank note or notes of any bank, now established in this state, or in any of the United States, or that may hereafter be established within this state, or within any of the United States, or by the United States, or purporting to be a note or notes of any bank now established in this state, or in any of the United States, or that may hereafter be established in this state, or in any of the United States, or by the United States, or any check or checks, draught or draughts, on any of said banks, with intention to defraud any person or persons, or corporation, or any of said banks, such person or persons shall, upon conviction thereof in any court of this state having jurisdiction thereof, be adjudged guilty of felony and shall, for the first offence, receive thirty nine stripes on his, her or their bare back, be imprisoned not less than six months, nor more than two years, shall sit in the pillory two hours on three different days

Bank notes

and shall be rendered infamous, and pay the costs of the prosecution, and shall also be branded on the brawn of the left thumb with the letter 'T'; and for the second offence shall suffer death without the benefit of clergy.

Deeds, wills, bonds, &c.

Sec. 2. *Be it enacted*, That if any person or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money or delivery of goods or other valuable articles, or bond for the conveyance of land, endorsement or assignment of any bond or writing obligatory, bill of exchange or promissory note for payment of money or delivery of goods or other valuable articles, or bond for the conveyance of land, or any acquittance or receipt either for money or goods, or other valuable articles, with intention to defraud any person or persons, or any corporation, and shall thereof be convicted in any court in this state having jurisdiction thereof, he, she, or they shall be adjudged guilty of felony, and shall be fined in any sum not less than twenty, nor more than five hundred dollars, and imprisoned not less than three, nor more than twelve months, and furthermore receive on his, her or their bare back, not less than five, nor more than twenty-five stripes.

Bills of exchange & draughts

Sec. 3. *Be it enacted*, That if any person or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be made, altered, forged or counterfeited, or willingly act or assist in the falsely making, altering, forging or counterfeiting, or shall utter, publish or pass, knowing it to be falsely made, altered, forged or counterfeited, any acceptance of any bill of exchange, or draught for the payment of money or delivery of goods or other valuable articles, or the number or principal sum of any unexpiated receipt, for any note, bill, or other security for the payment of money, or any warrant or order for the payment of money, or delivery of goods or other valuable articles, or any land warrant, or an assignment thereof, with intention to defraud any person or persons, or corporation, or this state, and being thereof convicted in any court within this state having jurisdiction thereof, such person or persons shall be adjuged guilty of felony, and shall be fined in any sum not less than twenty, nor more than one thousand dollars, and shall be imprisoned, not less than six, nor more than eighteen months, and moreover, shall receive on his, her or their bare back, not less than ten, nor more than twenty-five stripes.

Sec. 4. *Be it enacted*, That if any person or persons

shall steal or take by robbery, any bond or bonds, bill or bills, promissory note or notes, specialties, bills of exchange, bank note or notes, drafts or draughts, checks or checks, drawn for the payment of money, or purporting to be for the payment of money, on any bank that now is established or may hereafter be established in this state, or any of the United States, or that may be established by the United States, or other securities or evidences for the payment of money or delivery of goods or other valuable articles, or purporting to be such, being the property of any other person or persons, or corporation, or shall fraudulently receive any such bonds, bills, promissory notes, specialties, bills of exchange, bank note or notes, draughts or checks, drawn for the payment of money, or purporting to be such, on any bank that now is established, or that may hereafter be established in this state, or in any of the United States, or that may be established by the United States, or other securities or evidences for the payment of money, or delivery of goods or other valuable articles, or purporting to be such, knowing the same to be stolen or taken by robbery, every such offender shall be deemed guilty of felony, and being thereof convicted in any court in this state having jurisdiction thereof, shall be fined in any sum not less than twenty, nor more than five hundred dollars, and be imprisoned not less than three, nor more than twelve months, and shall moreover, receive on his, her or their bare back, not less than ten, nor more than twenty-five stripes.

Robbery.

Right of challenge.

Sec. 5. *Be it enacted*, That in all cases where any person or persons shall be indicted for any of the offences mentioned in this act, such person or persons shall and may have a right to challenge peremptorily, twenty jurors, and no more.

Effect.

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

Repeal of former acts.

Sec. 7. *Be it enacted*, That all and every act or acts, or parts of acts, coming within the purview and meaning of this act, shall be, and the same is hereby repealed.

JOHN COCKE,
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

October 11th, 1811.

[illegible]

AN ACT, [illegible] the courts or courts of circuit [illegible] quarter sessions in the [illegible] or mitigate penalties in certain cases.

authority to remit penalties

BE IT ENACTED by the General Assembly of the State of Tennessee, That all suits which have been, or may be hereafter commenced, for any penal contract, or on any forfeited recognizance, in any court of record in this state, or before any justice of the peace, if any part thereof accrue to the state, or to the county where the offence shall have been committed, the said superior or circuit courts, or court of pleas of said county, a majority of the justices of said county being present, the said courts shall have power, before the recognizor is adjudged, to remit the defendant or defendants from the whole or any part of the penalty or forfeiture accruing to the county or state: *Provided,* the said penalties have not already been collected or paid; and the said courts are hereby authorized to discharge the person from the payment of all costs that may have accrued upon said forfeiture as aforesaid: *Provided,* it appears to said court, that the person was in no kind of fault.

Proviso.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 11th, 1811.

CHAP. III.

AN ACT for the better establishment of roads in this state.

What shall be public roads.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That where any road has been laid off by an order of the county court, an overseer appointed, and hands allotted for the purpose of keeping the same in repair, it shall be held and deemed a public road until discontinued by order of the court, and the overseer and hands appointed to keep said road in repair, shall be liable to all the fines, forfeitures and penalties prescribed by law for neglect, failure or refusal to perform any of the duties by law directed,

and shall not be allowed to avail themselves of any informalities or defects which may appear in the proceedings of the court or jury, respecting the laying out and establishing said roads.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

September 30th, 1811.

CHAP. IV.

AN ACT authorising the purchase and distribution of Haywood's Tennessee Justice, for the use of the justices of the peace within this State.

Secretary to take bond.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the Secretary of this State, be and he is hereby authorized to take bond & security, such as he shall approve of, payable to the Governor, and his successors, of Thomas G. Bradford, in the penal sum of sixteen Hundred Dollars, conditioned for the delivery of eight hundred copies of Haywood's Tennessee Justice, equal to the copy deposited in the said Secretary's office, in such time and manner as herein after prescribed.

Books to be delivered to clerks.

Sec. 2. *Be it enacted,* That said copies shall be delivered by the said Thomas G. Bradford, to the respective clerks, of the county courts in this State, in such number as said Secretary shall direct, on or before the first day of February next, and on producing the receipts of the clerks aforesaid, for the number of copies, to which each county may be entitled, the Governor is hereby authorized, and required to draw a warrant on the Treasuries of this State, for the sum of eight Hundred Dollars, in favor of said Thomas G. Bradford, or his assigns.

Governor to draw warrant

Clerks to give receipts.

Sec. 3. *Be it enacted,* That it shall be the duty of the said clerks, on receiving the said copies, to execute a receipt to the said Thomas G. Bradford, therefor.

How accounted for.

Sec. 4. *Be it enacted,* That each Justice of the peace on receiving from the clerk, a copy of said book, shall execute a receipt therefor, specifying he had received said book, and promising to redeliver the same to said clerk, or his successor in office, under the

penalty of two Dollars on his resignation, whether occasioned by death or otherwise.

Penalty if not returned.

Sec. 3. Be it enacted, That in all cases where said justices shall go out of office and not return said book, the said clerks, shall respectively enforce the collection of said two Dollars, from said justices, their heirs, executors and administrators, and as soon as collected shall account for the same to the State, in the same manner and under the same restrictions as they are bound to account for all other public monies by them collected.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

September 30th, 1811.

CHAP. V.

AN ACT to repeal an act passed the 14th day of November, 1809, entitled "an act for the benefit of Students, at the different Colleges and Academies in this State."

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.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

October 11th, 1811.

CHAP. VI.

AN ACT for the relief of Sterling Brewer.

Be it enacted, by the General Assembly of the State of Tennessee, That it shall be the duty of the commissioner of West Tennessee, to adjudicate and pass the claim or claims, for land warrants, filed in his office by Sterling Brewer, in the same manner and under the same regulations and restrictions, as are prescribed by

law for other claimants; any thing in the law relative to the report of Gaines, Graham, and Lock to the contrary notwithstanding.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

October 2d, 1811.

CHAP. VII.

AN ACT making appropriations for Archibald Rhea, and George Doherty.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Archibald Rhea, and George Doherty, be allowed the sum of two hundred and sixty four Dollars, to be equally divided between them, to be paid out of any monies in either of the Treasuries of this State, not otherwise appropriated, in full compensation for their services in viewing and measuring Road, marked out by John and George Lenoir, from its intersection with the Road, leading from Fort West-Point, to the State of Georgia, to the head of Stone's River, and for all other charges as marker, provisions, &c.

allowance and for what.

Sec. 2. Be it enacted, That the Governor, is hereby authorized to issue his warrant in favor of the said George Doherty and Archibald Rhea, or either of the public Treasurers for the above mentioned sum, which said warrant shall be a good voucher in the settlement of either of the Treasurers accounts.

Governor to sue warrant.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 11th, 1811.

CHAP. VIII.

AN ACT for the Relief of Daniel Bonford.

Be it enacted by the General Assembly of the State

Tennessee, That Daniel Sanford, be allowed the sum of twelve dollars and fifty cents, in full compensation for his services and expenditures and attendance as a witness in behalf of the Government, against Hubert Sanderson, whose; which sum shall be paid to him, by either of the Treasurers of this State, and his receipt, shall be a good voucher in the settlement of either of their accounts.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

October 11th, 1811.

CHAP. IX.

AN ACT to suspend an act, entitled, "an act for the relief of the citizens residing south of French Broad and Holston, between the rivers Big Pigeon and Tennessee.

May retain the principal due the state

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee,* That the citizens residing south of French Broad and Holston, between the rivers Big Pigeon and Tennessee, be, and they are hereby authorised and permitted to retain in their own hands, the principal sum due from them respectively to the state, for the price of the lands claimed by them under the provisions of the several acts of assembly heretofore passed, providing for the sale of lands within the district south of French Broad and Holston, until the legislature shall otherwise direct; and the said lands shall be held by the state as a security for the payment of the principal and interest, which the citizens aforesaid, respectively owe to the state, for, or on account of said lands: *Provided,* that nothing herein contained, shall prevent any citizen or citizens within said section of country, from paying into the treasury of Washington and Hamilton districts, the whole, or any part of the principal sum by them respectively due to the state for their lands.

Proviso.

Duty of treasurer to receive instalments.

Sec. 2. *Be it enacted,* That it shall be the duty of the treasurer of Washington and Hamilton districts, for the time being, and he is hereby required to receive from any citizen or citizens aforesaid, any sum or sums of money, which such citizen or citizens may be desirous of paying on account of the instalments due, or to

become due to the state on account of the lands claimed by them respectively; and the said treasurer, on receiving such sum or sums of money, shall give to the party paying the same, a receipt therefor, in such manner as to enable the register of the land office to enter a credit therefor, in the manner directed by the fifth section of an act, entitled, "an act for the appointment of a register of the land office, and providing for the sale of the lands south of Holston and French Broad, agreeably to the constitution of this state, and the provisions of the act of congress therein referred to," passed the 6th of September, 1806.

to give receipts

Sec. 3. *Be it enacted,* That on receiving the receipt of the treasurer as aforesaid, it shall be the duty of the register of the land office for East Tennessee, to enter a credit for the amount therein specified, in the manner heretofore prescribed by law.

register to give credit.

Sec. 4. *Be it enacted,* That it shall be the duty of the treasurer for Washington and Hamilton districts for the time being, to receive the interest now due, or which may hereafter become due on the amount of the purchase money due, or to become due to the state, on account of the sale of the lands within the district south of French Broad and Holston, in the manner hereafter directed.

treasurer to receive interest now due.

Sec. 5. *Be it enacted,* That the respective claimants of lands within the district aforesaid, shall, on or before the first day of November, one thousand eight hundred and thirteen, pay, or cause to be paid, to the treasurer of Washington and Hamilton districts, the amount of the interest which shall then be due from them respectively; and the said claimants shall thereafter, on or before the first day of November, in each and every year, pay to said treasurer the interest which shall then have accrued on the monies which are or may become due from them respectively to the state, on account of the sale of said lands.

Interest when to be paid.

Sec. 6. *Be it enacted,* That if the interest which may have accrued on the money due to the state, for any tract of land within the district aforesaid, shall not be paid at the times at which the same is by this act required to be paid, it shall be the duty of the treasurer for Washington and Hamilton districts, immediately to cause the land, on the purchase money of which such interest shall be due, to be advertised for sale, and such advertisement shall specify the day on which the land will be sold, and that the same will be sold at the court house in the county where the land lies, and the amount due on said land; which advertisement shall

Land to be advertised and sold if not paid

be published in some newspaper printed in Knoxville, if any there be, and if there be none published in Knoxville, then in the newspaper published nearest to said land, three weeks preceding the day of sale; and if the money due as aforesaid, and the costs of said advertisement are not paid before the day appointed for cash sale, it shall be the duty of said treasurer, at the time and place appointed, to expose said land to public sale, for ready money, to the highest bidder; and it shall be the duty of said treasurer, at, and upon such sale, to bid and offer for said land, the amount of said interest then due on the price of said land, and the costs attending such sales; and if no person will give more for said land, it shall be the duty of said treasurer, for the sum due as aforesaid, and the costs, to purchase such lands in for the use of this state, if it be other than college or academy land; and if it be either college or academy lands, then for the use of colleges or academies, as the case may be. But if any person will give more for said land, that then, and in that case, it shall the duty of the said treasurer, to sell said lands to the highest bidder who pays the money; but such land, thus sold, shall be liable in the hands of such purchaser to the payment of such instalments, and the interest thereon, as are or may become due, and the same may afterwards be sold by said treasurer, in the same manner, and as often as the same may become necessary to enforce the payment of the price of said land and interest, or any part thereof, which is, or may hereafter become due to the state.

asurer to rchase.

Sec. 7. *Be it enacted*, That in all cases where the said treasurer shall purchase any of the said lands for the use of this state, or of the colleges or academies, it shall be the duty of said treasurer to pay the expenses attending said sale, which shall be allowed in the settlement of his public accounts; and said land, so purchased, shall be liable to be granted by this state, in such manner as the legislature may direct for the uses aforesaid.

Sec. 8. *Be it enacted*, That whenever said treasurer shall make a sale of any of said lands, for which no grant has issued to any person or persons, it shall be his duty to assign the plat and certificate of survey of said lands, filed in the register's office, to such purchaser or purchasers, upon which assignment it shall be the duty of the register to issue a grant to such assignee or assignees, and their heirs, stating always in some part of such grant, how much is still due, and that the said land is liable therefor, and the interest thereon,

Grant to issue o purchaser.

Sec. 9. *Be it enacted*, That if, in any case, said land should sell for more than the amount of the interest due on the price of said land, and the costs attending said sale, that then the overplus shall by said treasurer, be paid on demand to the person who at the time of such sale owned said land, or his or her legal representatives.

surplus on sale to be paid the owner.

Sec. 10. *Be it enacted*, That whenever said treasurer shall sell any tract of land for which a grant shall have issued, it shall be the duty of said treasurer, to execute to such purchaser and his heirs, a deed of conveyance, which shall vest the title in such purchaser and his heirs, liable to the payment of the purchase money and interest, which is, or may become due.

treasurer to convey.

Sec. 11. *Be it enacted*, That to enable said treasurer to comply with the provisions in this act, it shall be the duty of the register of East Tennessee, on or before the first day of January next, to furnish said treasurer with a correct account of the quantity contained in each tract in the district south of French Broad and Holston, for which plats and certificates of survey have been filed, and on which the purchase money, or any part thereof, is due and unpaid, distinguishing in said list, the lands appropriated for the use of colleges, &c, for which he shall be allowed the sum of six and one fourth cents, for each tract contained in said list, to be paid by the said treasurer.

register to furnish treasurer with lists.

allowance to register.

Sec. 12. *Be it enacted*, That the said treasurer, for making such collection through the medium of sales, shall be allowed at the rate of four per centum, upon every sum he may so collect, to be collected as costs attending such sales; and the printer shall be allowed the sum of thirty-seven and one half cents, on each tract of land advertised under this act.

to treasurer and printer.

Sec. 13. *Be it enacted*, That it shall be the duty of the treasurer of the districts of Washington and Hamilton, for the time being, at the time of entering into bond for the performance of the duties of his office, to give bond with sufficient security, in the sum of fifty thousand dollars, conditioned for the faithful discharge of said treasurer's duty in receiving, safe keeping, and properly disbursing according to law, the monies by him to be received on account of the sale of the lands south of French Broad and Holston; which bond shall be payable to the governor and his successor in office, and shall be taken in the same manner, and under the same rules and regulations as the bond now by him required to be given by said treasurer; and said treasurer, for receiving, safe keeping and disbursing the

to give bond.

monies by them and [illegible] to collect, (except such as may be [illegible] as aforesaid) shall be [illegible] on the sum by him received [illegible] settlement of his accounts, [illegible] on account of colleges, academy or state money, [illegible] to their respective amounts.

Pay to Cumberland college.

Sec. 14. *Be it enacted*, That it shall be the duty of the treasurer of East Tennessee, and the commissioners appointed to form the college monies, &c. as aforesaid, to the trustees of Cumberland college, the one half of all monies which have or may come into their hands, for, and on account of colleges; which monies, when received by the trustees aforesaid, shall be by them vested in bank stock, in the Nashville bank, for the benefit of said college; and the interest arising therefrom, shall be by the said trustees applied to the use of said Cumberland College; and that the interest arising on the other half of college monies, shall be paid by said treasurer and commissioners, to the treasurer of East Tennessee College, for the use of said college.

Instalments may be paid.

Sec. 15. *Be it enacted*, That if any person or persons, residing in the tract of country aforesaid, be inclined to pay into the treasury the amount of any instalment not then due, it shall be lawful for him to do so; and the treasurer aforesaid, is hereby authorised and directed to allow such persons a discount at the rate of six per cent. per annum.

Former mayre-deem.

Sec. 16. *Be it enacted*, That in all cases where the treasurer shall become the purchaser for the benefit of the state, colleges or academies, the original possessor shall have six months to redeem the same, by paying twelve and one half per centum on the amount of the purchase money, and costs attending the previous sale.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 11th, 1811.

CHAP. X.

AN ACT making appropriations for William Questenberry and Sommerset Moore.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Questenberry, be allowed the sum of fifty three dollars, and Sommerset Moore, the sum of twelve dollars, to be paid out of any monies in the treasury not otherwise appropriated, in full compensation for their services for running a line from Tennessee to the head of Duck river, including all other charges for markers, provisions, &c.

Sec. 2. *Be it enacted*, That this act be in force from and after the passage thereof.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 11th, 1811.

CHAP. XI.

AN ACT to authorize the drawing of a lottery for the benefit of the Harpeth academy.

trustees appointed.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That Charles M'Alister, Stephen Childress, Robert P. Curren, James Gordon, Hinchey Petteway, Abram Maury, sen. and David Squier, be, and they are hereby appointed trustees of a lottery for the benefit of the Harpeth Academy.

draft scheme.

Sec. 2. *Be it enacted*, That the trustees aforesaid, are hereby authorised to draft and publish a scheme of a lottery on such plan as they shall think proper, either in one, two, three or four classes, for the purpose of raising a sum not exceeding eight thousand dollars.

Give bond.

Sec. 3. *Be it enacted*, That said trustees, previous to their publishing said scheme, shall enter into bond in double the amount of the capital in said scheme, to the chairman of the court of pleas and quarter sessions of Williamson county, for the faithful payment of the prizes when drawn, and for faithfully applying the money arising from said lottery, to the use of said academy; or in case of failure to draw the lottery, to return to such person or persons, such sum or sums of money as they may have advanced for tickets, which bond, when executed, shall be filed in the clerk's office of said court.

Drawing.

Sec. 4. *Be it enacted*, That when said trustees have sold such a proportion of the tickets as would in their opinion, authorise the commencement of the drawing of said lottery, they shall proceed to the same, (under

[illegible] as they shall have made known in [illegible] place, and of the time and place [illegible] at least twenty days previous to the [illegible] in the public newspapers [illegible]

Sec. 5. [illegible] the drawing of said lottery, [illegible] it shall be the duty of the [illegible] of the Elizabeth academy, [illegible] to the trustees, managers and clerk of said lottery, a reasonable allowance for their services and after deducting such allowance from the amount of money made by said lottery, it shall be the duty of the trustees of said lottery, to pay the amount of money made by the same, to the treasurer of the board of trustees for said academy.

Compensation.

Sec. 6. Be it enacted, That the trustees of said lottery, may also be purchasers of tickets if they think proper: *Provided*, they satisfy the managers or persons who superintend the drawing, that there is no fraud or advantage taken, or intended to be taken, in consequence thereof.

Trustees may purchase tickets.

JOHN COCKE,
Speaker of the House of Representatives,
THOs. HENDERSON,
Speaker of the Senate

October 17th, 1811.

CHAP. XII.

AN ACT *to appoint additional trustees for Hamden Sidney academy, in the county of Knox.*

Sec. 1. BE *it enacted by the General Assembly of State of Tennessee*, That Thomas McCorry, George Wilson, James Park, Thomas Emmerson, Hugh White and John Hillsman, be, and they are hereby appointed additional trustees for Hamden Sidney seminary, in the county of Knox, and are hereby vested with the same powers and privileges, subject to the same rules, regulations and restrictions, as those heretofore appointed.

Trustees appointed.

Sec. 2. Be it enacted, That it shall be the duty of the trustees of said academy, to hold their first meeting at the court house in Knoxville, on the second Thursday of December next, and if it shall so happen, that a majority of said trustees should fail to attend at said time

their duty.

then, and in that case, those trustees who may so attend, shall have power to appoint another meeting at such time as may appear to them expedient; any law to the contrary, notwithstanding.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 17th, 1811.

CHAP. XIII.

AN ACT to confirm and establish the dividing line between the counties of Giles and Lincoln, as it is run and marked by the commissioners of Giles county.

Preamble.

Whereas doubts have arisen, whether or not the commissioners of Giles county run the dividing line between said county and Lincoln county, agreeable to an act authorising the establishment of a county south of Maury county, and north of the south boundary of this state, passed the 14th of November, 1809;

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the line run and marked by the commissioners of Giles county aforesaid, between the counties of Giles and Lincoln, be, and the same is hereby confirmed and established, as the dividing line between the said counties.

Line established.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

September 30th, 1811.

CHAP. XIV.

AN ACT *supplemental to an act, entitled, "an act to establish a Water Company in the town of Columbia.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That John Hodge, William M'-

Neil, Samuel Craig, Jeremiah Cherry, Peter Cheatham, Isaac Harden and John M. Taylor, be, and are hereby [illegible] shall [illegible] and [illegible] and reading [illegible] aforesaid.

Sec. 2. Be it [illegible] that this act shall be in force from and after the first day of December next.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

September 30th, 1811.

CHAP. XV.

AN ACT to amend an act entitled "an act to incorporate the inhabitants of the town of Nashville, in the County of Davidson."

Election to be held.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sheriff of Davidson county, shall hold an election at the court-house in the town of Nashville, on the last Saturday of September, in each and every year, for the purpose of electing seven persons (qualified as heretofore required by law) to serve as the mayor of the corporation of the said town of Nashville, for one year, commencing on the first day of October next thereafter; and all persons owning a freehold, within the said town, and all persons residing within said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at the said elections, for alder men.

Sheriff to certify recorder.

Sec. 2. *Be it enacted*, That the seven persons (qualified as aforesaid) having the highest number of votes at any election held as aforesaid, shall be taken to be duly elected, and the Sheriff of the said county of Davidson, shall within two days thereafter, certify the same to the recorder of the said corporation, who shall thereupon summon the said aldermen, to meet at the court house, in the said town, on the Saturday next succeeding the day of such election, and the said aldermen shall then and there elect one of their number, not less than five, shall be a quorum, and they shall then proceed to elect by ballot, one of their own number to be mayor, and the person so elected shall accordingly be mayor of the said corporation for the same time for which the aldermen were elected as aforesaid, and whenever any mayor of the said corporation shall die, remove out of the said town, or resign, another election shall be made by the aldermen, in the manner aforesaid, of another person for the time then unexpired until the next general election of aldermen, and whenever any alderman shall die, remove or resign, such vacancy may be filled up by the mayor and aldermen of the said town, at any regular meeting, and the person or persons, by them appointed shall serve until the next election.

Mayor to be elected by aldermen.

Sec. 3. *Be it enacted*, That the mayor of the said town of Nashville, shall have power and authority to execute deeds of conveyance, for any lot or lots in the said town not already conveyed by the persons heretofore appointed by law for that purpose.

Mayor may sell and convey lots.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 11th, 1811.

CHAP. XVI.

AN ACT authorizing a separate election in the county of Robertson.

Where held.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the sheriff of Robertson county, by himself, deputy or coroner, on the constitutional days for holding elections, to open and hold a separate election at the house of Henry Hide, living on the road leading from Springfield to Weakley's Ferry on Cumberland river, for the purpose of electing a governor, members to congress, electors to elect a President and vice President, and members of the State Legislature and military officers, which said elections shall be held and conducted under the same rules and restrictions, as similar elections in this State.

Voting.

Sec. 2. *Be it enacted*, That it shall and may be lawful for any persons, living in Robertson county, who is constitutionally authorized to vote at such election, to give in his vote, at the place of holding court for said

county, or at the other place of holding a separate election, as may best suit his convenience.

Returns.

Sec. 3. Be it enacted, That at the close of said election, it shall be the duty of the judges and returning officers to enroll the votes, and on the succeeding day make a return, (if in the county of Robertson county, in the town of Springfield, if in the county of Davidson) of the number of votes received at said election, and each candidate, which return shall be received as part of the election of Robertson county, and the judges of said election, or the judges at the court-house (as the case may be), shall have power to swear each voter, that he has not given his vote at any other place in said election, than that at which he is about to vote, and if any such voter shall refuse to swear, being thus requested, it shall preclude him from a vote at such election.

Judges may swear voters.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

September 30th, 1811.

CHAP. XVII.

AN ACT *to amend the several laws now in force respecting Strays.*

Who may enter strays.

Sec. 1. Be it *enacted by the General Assembly of the State of Tennessee*, That each house holder in this state, may enter any estray horses, cattle, hogs, or sheep, on he or they, entering into bond with approved security, in a sum double the valuation of such estray, or estrays, by him intended to be taken up and entered by the ranger or justice of the peace (as the case may be) payable to the chairman of the county court, and his successors in office, conditioned for the reasonable care and safe keeping of such estray or estrays, which bond taken before a justice, shall be returned to the ranger, by the taker up of each estray, with the valuation and description of the same.

Sec. 2. Be it *enacted*, That each and every person taking up and entering any estray, in pursuance of this act, shall be under the same rules, regulations and restrictions, as are prescribed and by law for freeholders; and in case of failing to comply with the laws in such case made and provided, he and his securities shall be

liable in same manner as freeholders are in such cases.

Justices and rangers fees.

Sec. 3. Be it *enacted*, That the ranger or justice (as the case may be) shall be entitled to demand & receive the sum of twenty five cents, from the taker up, for the taking up and as aforesaid.

How long to be kept.

Sec. 4. Be it *enacted*, That from and after the passing of this act, the taker up of any estray hog or hogs, shall not be compelled to keep such estray or estrays, more than six months, from the date of the appraisement, but shall be liable at the end of said six months, to the payment of such monies as by law he, she or they are required to pay upon such estray or estrays.

JOHN COCKE,
speaker of the House of Representatives
THOS. HENDERSON,
Speaker of the Senate.

October 29th, 1811.

CHAP. XVIII.

AN ACT *authorising the building a bridge across Duck River, at or near Columbia.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the commissioners for the town of Columbia, be authorised to proceed to fix on a suitable place for the building a bridge across Duck river, at or near the town of Columbia, and contract with some suitable person or persons for the building a bridge as aforesaid; and such person or persons, so undertaking, shall enter into bond and security in the sum of ten thousand dollars to the said commissioners, conditioned for his or their building, & keeping in good repair, a bridge as aforesaid, for the term of years, to be agreed on by the parties, and to take or receive no other or greater rates of tollage for persons crossing the same, than such as is agreed on by the parties: *Provided*, it does not exceed the establishment made to ferry-men on said river.

JOHN COCKE,
speaker of the House of Representatives,
THOS. HENDERSON,
speaker of the senate.

October 22d, 1811.

CHAP. XIX.

An act for the relief of William T. Lewis.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioner of West Tennessee be and he is hereby authorized to issue to William T. Lewis, a duplicate warrant for five thousand acres of land, by virtue of warrant No. 6373, issued to William T. Lewis, by John Armstrong, entry taken bearing date the 8th day of November, 1784, for five thousand acres, provided said Lewis, shall satisfy said commissioner of the validity of said warrant, and that he is justly entitled to the interest of the same, notwithstanding it may have been heretofore adjudged invalid.

Warrant to issue.

Sec. 2. Be it enacted, That the said commissioner be, and he is hereby authorized to issue to the said Lewis, a duplicate warrant for six hundred and forty acres of land, by virtue of warrant No. 1842, issued to Abner Everage, by the State of North-Carolina, for six hundred and forty acres of land; provided said Lewis, shall satisfy said commissioner that no grant has issued from the State of North-Carolina upon said warrant; and furthermore that he is entitled to the benefit thereof.

JOHN COCKE,
Speaker of the House of Representatives.
THOs. HENDERSON,
Speaker of the Senate.

October 28th, 1811.

CHAP. XX.

AN ACT for the relief of those who have failed to return their plats and certificates for lands south of French Broad and Holston, within the time limited by law.

Time allowed

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That the further time of twelve months, from and after the passage of this act, be allowed for those persons who have failed to return their plats and certificates, on those occupant claims south of French Broad and Holston as aforesaid; and it shall and may be lawful for them to return their plats and

certificates to the register's office, at any time previous to the expiration of said term of twelve months hereafter, and shall be as good and valid as if they had been returned within the time prescribed by law; any law to the contrary, notwithstanding.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 28th, 1811.

CHAP. XXI.

AN ACT to repeal so much of an act of the general assembly, passed at their fall session in the year 1809, as respects the clearing and keeping open the navigation of Richland creek, above the shoals at the town of Pulaskie.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, so much of the before recited act, as relates to the clearing and keeping open the navigation of Richland creek in the county of Giles above the shoals at the town of Pulaskie; be and the same is hereby repealed and made void, any law to the contrary notwithstanding.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

September 30th, 1811.

CHAP. XXII.

AN ACT for the removal of the office of the principal surveyor, of the third district, to Sparta, and for other purposes.

Removed to Sparta.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That from and after the first day of January next, the principal surveyor of the third district shall remove his office, to the town of Sparta, in the county of White, where he shall thereafter keep said office, and shall by himself or deputy give due at-

[illegible] shall be [illegible] to indictment, and if convicted shall be removed from office, as provided by law.

Duty of Judge.

Sec. 2. *Be it enacted*, That the judge of the third judicial circuit, shall carry into the provisions of this act, shall be carried into effect as aforesaid, and that no record of any deed or grant, as authorizes the said surveyor to keep his office at Warren court house, be, and the same is hereby repealed.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 29th, 1811.

CHAP. XXIII.

AN ACT for the relief of the heirs of Samuel Cammins deceased.

Preamble.

Whereas there was granted by the state of North Carolina, to Samuel Cammins, five thousand acres of land, by grant No. 3551, bearing date the twenty-first of December, 1795. And whereas it appears that a part of said tract of land, is found to lie without the southern boundary of this state:

Warrant to issue.

Be it enacted by the General Assembly of the State of Tennessee, That the commissioner of West-Tennessee be, and he is hereby authorized to issue to the heirs of the said Samuel Cammins deceased a duplicate warrant, for that part of the aforesaid grant lying without, or south of the southern boundary of this state: *Provided*, a plat and certificate is returned to him by a lawful surveyor, on oath, shewing the quantity of acres left out of the state and included in said grant, in the same manner as is pointed out by law, in case of interfering grants, and it shall be the duty of said commissioner to make a memorandum in writing, on the back of the original grant, stating the quantity the which a duplicate shall have issued in consequence of this act.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 29th, 1811.

CHAP. XXIV.

AN ACT for the relief of Insolvent Debtors, with respect to the imprisonment of their persons.

How and in what time insolvency may be taken.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any person or persons now alive, or hereafter shall be taken or charged on mesne process or execution for any debt, and shall have remained in close prison by the space of ten days, it shall and may be lawful for any two justices of the peace, or any judge of the circuit court, either in or out of court, or any county court, upon the petition or petitions of such prisoner, or under his or their hands and seals, whereof ten days notice shall be given to the person or persons, his or their executors, administrators, attornies or agents, at whose suit such prisoner or prisoners shall be imprisoned, to require the sheriff, jailor, or keeper of any prison within their respective jurisdictions, to bring before such justices of the peace, judge of the circuit court, or county court issuing said warrant, either in or out of court, the body of any person being in prison as aforesaid, together with a list of the several writs, mesne processes and executions, with which he, she or they is, or are charged in the several jails as aforesaid; which warrant, every such sheriff, jailor or keeper, is hereby commanded to obey, and such prisoner or prisoners, coming before the said justices or judges, or either of them, the creditor or creditors, if resident in this state, at whose suit he is confined, or their agents or attornies, being first personally summoned, according to this act, if he, she or they had no visible estate real or personal, and shall make oath before the said justices of the peace, or judges of the circuit court, or justices of the county courts respectively issuing such warrant, that he hath not the worth of ten dollars in any worldly goods or substance, either in debts owing to him or otherwise howsoever, over and besides his wearing apparel, working tools, and arms for muster; and that he has not at any time since his imprisonment or before, directly or indirectly sold, aliened, or otherwise disposed of, or made over in trust for himself or otherwise, any part of his real or personal estate, whereby to have or expect any benefit or profit to himself, or to defraud any of his creditors to whom he is indebted; and if there be no person present that can prove the contrary, then such person, by such court or justice, without form of trial, shall be immediately set at liberty; but in case such person shall afterwards be

discovered to have sworn falsely, he shall be indicted for perjury, and if convicted, shall suffer all the pains and penalties of persons guilty of wilful perjury, and be furthermore liable to satisfy the debts and damages in same way as if he had not taken the benefit of this act, and be rendered incapable of taking the benefit of this act forever thereafter.

Proceedings if out of court to be returned.

Sec. 2. *Be it enacted*, That the said justices of the peace, justices of the county courts and judge of the circuit court respectively, before whom such prisoner or prisoners shall, upon oath, have discharged themselves, when the proceedings are before them out of court, shall put the same in writing under their hands, and return the same into the court from whence the mesne process or execution issued, there to be kept on record, under the penalty of twenty dollars for each judge or justice, for such omission and neglect, to be paid to the person injured, by order of said court.

Surrender of effects how to be made.

Sec. 3. *Be it enacted*, That if any person or persons now are, or hereafter shall be taken or charged in mesne process or execution, for any sum, and shall have remained in prison by the space of twenty days, and shall have any estate real or personal, and be minded to deliver up his, her or their effects, to his or their creditors, it shall be lawful for such prisoner to prefer a petition to the court of the county, or to the circuit court of the county in which said prisoner is or may be confined, setting forth the cause of imprisonment, and an exact account of his or their estate, and all circumstances relating thereto; which petition, subscribed by him, her or them, and schedule, shall be lodged with the clerk of the said court in which said prisoner may be confined, twenty days at least, before the next succeeding court; and upon such petition, so filed, the clerk of the said court shall issue under his hand and seal, a copy of said schedule, and a notice to the creditor or creditors, his, her or their agent or attorney, at whose suit such prisoner or prisoners are or shall be confined, setting forth the substance of the said petition, and summoning of them to attend the next succeeding court of said county or circuit, as the case may be, to show cause, if any they have, why the prayer of the said petition should not be granted; which notice, being duly served upon the person or persons, his, her or their executors, administrators, attorney or agent, at whose suit such prisoner or prisoners shall be imprisoned, ten days at least before the setting of said court, the clerk shall order the prisoner or prisoners to be brought before them, and if the said creditor or creditors, at whose suit he

is imprisoned, shall appear, or being duly summoned shall fail to appear, the court shall proceed to examine the nature of the said petition in a summary way, and shall tender to such person an oath to the effect following: *Form of oath.*

I, A. B. in the presence of Almighty God, solemnly swear or affirm (as the case may be) that the schedule now delivered and by me subscribed, doth contain to the best of my knowledge and remembrance, a full, just, true and perfect account and discovery of all the estate, goods and effects unto me any ways belonging, and such debts as are to me owing, or to any person in trust for me, and of all securities and contracts, whereby any money may hereafter become payable, or any benefit or advantage accrue to me, or to my use, or to any other person or persons in trust for me; and that I, or any other person or persons in trust for me have not land, money or stock, or any other estate real or personal, in possession, reversion or remainder, of the value of the debt or debts with which I am charged in execution; and that I have not directly or indirectly sold, lessened, or otherwise disposed of in trust, or concealed all or any part of my lands, monies, goods, stocks, debts, securities, contracts or estate, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors to whom I am indebted in any wise howsoever. SO HELP ME GOD.

Debtor to be discharged & officer may plead this act.

Sec. 4. *Be it enacted*, That if such prisoner take such oath, and the court be convinced of the truth thereof, the schedule so subscribed, being filed with the clerk of the court aforesaid, for the better information of the creditors of such prisoner or prisoners, then and in that case, it shall and may be lawful for the court before whom such oath was taken, by warrant, to command the sheriff, jailor, or keeper of any prison, forthwith to set at liberty such prisoner; which warrant shall be a sufficient discharge to such sheriff, jailor or keeper, and shall indemnify him or them against any escape or escapes, or any action or actions whatsoever, which shall or may be brought, commenced, or prosecuted against him or them by reason thereof, and if any such action shall be commenced against any sheriff or other officer, for performing his duty in pursuance of this act, such sheriff or other officer may plead the general issue, and give this act in evidence.

Real estates to sold and how.

Sec. 5. *Be it enacted*, That all the lands, tenements and hereditaments, which shall be contained in such schedule, for such use, interest, right or title, as such prisoner or prisoners then shall have in the same, and

else, all goods and chattels whatsoever, in such schedule mentioned, shall be levied by the sheriff or sheriffs of the county of counties wherein such lands, tenements, and hereditaments, upon full credit shall be, to be found respectively, and such lands and sheriffs, or sheriffs respectively, shall be required to sell at public vendue, after advertisement of the same in the newspaper printed for the said county or counties, and also at the door of the court house of the said county or counties, at least fifteen days before such sale, the time and place thereof, and convey the same to any person or persons whatsoever, for the best price that can be got for the same; and the monies arising by such sale or sales, shall be by such sheriff or sheriffs, or other officer or officers, upon oath, paid into the hands of the clerk of the circuit court of the county where such prisoner or prisoners shall be confined, for the uses and purposes hereafter mentioned, saving to every such prisoner his or her necessary apparel, farming tools and utensils of trade, so far as may be necessary to carry on the same.

Utensils and apparel excepted.

Claims of creditors to be examined.

Sec. 8. *Be it enacted*, That the judge of the circuit court shall appoint two commissioners, who shall have full power to examine into the claims of all and singular the creditors of the person or persons imprisoned, as well those at whose suit he was committed, as of all others; and the said commissioners shall, by advertisement at the court house of the county where such prisoner or prisoners be confined, & in some public newspaper nearest said county, make known the time at which they propose to make an examination of such claims, (which shall be within sixty days after their being appointed) & upon such creditors, their executors or administrators, agents or attorneys, appearing before them and satisfying them of the justice of their claims, they shall proceed to make distribution amongst each and every of the creditors so appearing, in proportion to their respective demands; and the clerk of said court is hereby directed to pay such monies, so received, upon the sale of such insolvent's estate, into the hands of the said commissioners for the purposes aforesaid.

Exemption.

Sec. 9. *Be it enacted*, That the person of such debtor, so discharged, shall never be arrested on final process for the same debt, nor shall the body of such debtor ever be liable to be taken in execution for the satisfaction of any cost actually due at the time of said discharge; nor where any person has removed to this state from any other, and has become a citizen here, and suit shall be commenced against him in this state

for debts contracted in the state from which such person shall have removed, if such person shall make it appear to the satisfaction of the court in whatever county he may be brought, that he had delivered up all his property for the use and benefit of his creditors previous to his removal from said state, in as ample a manner as by this act he would have to do in this state; then and in that case, he shall not be liable to be imprisoned for said debts, but shall have the same benefit under this law, as if said surrender of property had been made in this state by virtue of this law: *Provided*, that nothing herein contained, shall be so construed as to debar creditors from obtaining judgments, and issuing executions against any property said debtors may afterwards acquire.

Surrender in other states.

Proviso.

Sec. 8. *Be it enacted*, That when the party at whose suit or instance any debtor shall be committed in execution, does not reside in this state, nor hath any known agent or attorney here, it shall and may be lawful and sufficient for such insolvent debtor to give notice of such his intentions, to take the benefit of said act for relief of insolvent debtors, to the attorney at law who prosecuted the suit against him; and also, where the debtor shall have remained in execution for the space of twenty days, it shall be lawful and sufficient for the sheriff or jailor in the like cases, to give notice thereof to the attorney who prosecuted the suit, and to demand security of him for the prison fees that shall arise after the expiration of twenty days; and if he shall fail or refuse to give such security, then to discharge such debtor out of custody.

Notice.

Sec. 9. *Be it enacted*, That if at any time hereafter, any person being taken or charged on mesne process or execution, shall not be able to satisfy or pay his or her prison fees, and shall, after the expiration of twenty days, be charged by the creditor, the sheriff or jailor may demand and recover of the party or parties at whose suit such insolvent person shall be imprisoned, all such fees as shall become due on account of such imprisonment.

Prison fees.

Sec. 10. *Be it enacted*, That if any person who shall take such oath, shall, upon indictment for perjury be convicted thereon, such person or persons shall suffer all the pains of wilful perjury, and shall be liable to be taken on a new process, and shall never after have the benefit of this act: *Provided*, nothing herein contained shall be so construed as to enable any person who is allowed the prison bounds, to the benefit of this act.

Penalties.

Proviso.

Sec. 11. *Be it enacted*, That it shall be the duty of

Witnesses.

any judge or justice of the peace, (as the case may be) upon application of the creditors or executors of any prisoner or prisoners, or their agents, attorneys, to issue of him such process to subpoena witnesses, as may be necessary to compel the attendance of such witnesses, if any such should be necessary upon the examination of such prisoner or prisoners, and all sheriffs or other officers, are hereby required to execute the same; and such witnesses shall be bound to abey the same, under the same penalties and forfeitures that witnesses in other cases are liable to; and in all cases the judges and justices of the peace, are hereby authorized to enter up conditional judgments for such penalties as witnesses in other cases are liable to, and make return thereof to clerk, to have final judgment entered thereon, after a week of notice being issued, and which shall have been returned properly on such conditional judgment, unless sufficient cause can be shown why such judgment shall not be entered.

Effect.

Sec. 13. *Be it enacted*, That this act shall commence and be in force from and after the first day of January next; and that every law heretofore made respecting the relief of poor insolvent debtors, as to the imprisonment of their persons, be, and the same is hereby repealed.

JOHN COCKE,
Speaker of the House of Representatives.
THOs. HENDERSON,
Speaker of the Senate.

October 28th, 1831.

CHAP. XIV.

AN ACT establishing Mount Pleasant Academy, in Montgomery county, and for other purposes therein mentioned.

Academy established.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Academy heretofore established by law in Montgomery county, known and distinguished by the name of Rural Academy, shall henceforth be known and distinguished by the name of Mount Pleasant Academy, in the said county of Montgomery, and that all the rights, credits, interests and claims, which are due and property belong to the Academy, formerly known by the name of Rural Aca-

demy, and every thing appertaining thereto is hereby transferred and vested in the trustees of Mount Pleasant Academy, and their successors forever.

Trustees appointed.

Sec. 2. *Be it enacted*, That Parry W. Humphreys, William Clemonts, Asahel Brunson, James Elder, Henry Minor, George W. L. Marr, Charles Merriwether, Ephraim T. Payne, James A. Russel, John Shelby, John Blair, John Steele, John Smith, John M'Carrell, Robert Prince, Isaac Shelby, Francis Smith, and James B. Reynolds, shall be and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Mount Pleasant Academy.

Lottery authorized.

Sec. 3. *Be it enacted*, That the trustees aforesaid are hereby authorized to draught and publish a scheme of a Lottery, on such plan as they shall deem proper, either in one, two, three or four classes, for the purpose of raising a sum of money not exceeding two thousand dollars, for the use and benefit of said Academy.

Bond to be given.

Sec. 4. *Be it enacted*, That said trustees or a majority of them shall previous to their publishing said scheme, enter into bond, in double the amount of the capital in said scheme, to the chairman of the county court of Montgomery county, for the true and faithful payment of the prizes when drawn, and for the ready and punctual application of the money arising from said Lottery, according to the true intent and meaning of this act, or in case of failure to draw the Lottery to return to such person or persons, the sum or sums of money, as they may have advanced for tickets, which bond when executed shall be filed in the clerk's office of said court.

Drawing.

Sec. 5. *Be it enacted*, That when said trustees have sold such proportion of the tickets, as would in their opinion authorize the commencement of the drawing of said Lottery, they shall proceed to the same under such rules and regulations as they shall have made known in their scheme, giving notice in some Gazette, printed in this state, of the time and place they shall commence, at least twenty days previous to the commencement of said drawing.

Compensation to managers.

Sec. 6. *Be it enacted*, That when the drawing of said Lottery, or either class is completed, it shall be the duty of the board of trustees of the Mount Pleasant Academy, to meet and make to the trustees, managers and clerks of said Lottery, a reasonable allowance for their services and after deducting such allowance from the money made by said Lottery, it shall be the duty of the trustees of said Lottery, to pay the

amount of money made by the same to the treasurer of the board of trustees for said Academy, & the said board of trustees, are hereby authorized to appoint a fit person for the treasurer to the said board, at their first meeting.

trustees may purchase tickets.

Sec. 7. Be it enacted, That the trustees of said Lottery, may also purchase tickets, provided they satisfy the managers or the persons who may superintend the drawing that there is no fraud or advantage taken or intended to be taken in consequence thereof.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 24, 1811.

CHAP. XXVI.

AN ACT to establish the permanent seat of Justice in the county of Humphreys.

commissioners to be elected.

Sec. 1. Be it enacted by the General Assembly of the State Tennessee, That on the first Monday in March next, an election shall be held in the county of Humphrey's at the usual place of holding courts, by the sheriff of said county or his deputy, under the same rules and regulations as elections are held for the purpose of electing members of the General Assembly, for the purpose of electing five persons who shall be freeholders and residents of said county, as commissioners to fix on and establish a permanent seat of Justice in said county of Humphrey's, and every free male person above the age of twenty one years, actually resident in said county, at the time of said election, shall be permitted to vote, and the five persons who have the highest number of votes shall be commissioners for the purpose aforesaid.

their oath.

Sec. 2. Be it enacted, That it shall be the duty of said commissioners, when so elected before they enter on the duties of their appointment, to take the following oath; viz. I, A. B. do swear, that I will well and truly execute and perform all the duties enjoined on me by law as commissioner; to fix on the permanent seat of Justice in the county of Humphreys, to the best of my skill and ability. SO HELP ME GOD.

Sec. 3. Be it enacted, That it shall be the duties of

Fix on the seat of Justice.

Procure land, lay off town & sell lots.

contract for public building

Give bond.

[illegible] by this act, said [illegible] may at any time [illegible] appointments as [illegible] shall be their duty [illegible] court, [illegible] court or such person or persons as court may appoint when called upon [illegible] commissioners do not collect for settlement offender twice in each year.

Compensation

Sec. 6. *Be it enacted*, That said court be, and they are hereby authorized to order such sum or sums of money, to be paid out of the county treasury to each of the said commissioners, as they may deem an adequate compensation for his or their services, in the performance of the duties enjoined on them by this act.

Name of town

Sec. 7. *Be it enacted*, That the town herein directed to be laid off, shall be called and known by the name of REYNOLDSBURGH, and the same shall be the place of holding the county courts, for the said county of Humphrey's.

Sec. 8. *Be it enacted*, That this act, shall take effect and be in force from and after the passage thereof.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 26th, 1811.

CHAP. XXVII.

AN ACT to amend an act entitled "an act to establish the permanent seat of Justice, in the county of Stewart."

Preamble.

WHEREAS it appears to this General Assembly, that the commissioners elected by virtue of the aforesaid act, in pursuance of the powers delegated to them, fixed upon the town of Dover, to be the permanent seat of justice for said county;

Dover the seat of Justice.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Dover, is hereby declared to be the permanent seat of justice for Stewart county, any thing contained in said act to the contrary notwithstanding.

Sec. 2. *Be it enacted*, That the county court of pleas,

Town to be surveyed.

&c. for Stewart county, shall at the next court, to be holden after the first day of January, 1812, proceed to appoint a fit person to survey the said town of Dover, whose duty it shall be to survey the said town, and make such fair draught of the lots properly numbered, together with all streets, avenues and alleys in said town, with proper marks for each, and return the same to the clerk's office of the county court, and the clerk of the said office is hereby required to preserve the said plat, for the use of the citizens thereof.

Payment of surveyor.

Sec. 3. *Be it enacted*, That the said county court are hereby authorized on the production of the said survey and the plat, to allow the said person so appointed, the sum of ten dollars, in full compensation for his services, to be paid out of any monies in the county treasury not otherwise appropriated.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

October 17th, 1811.

CHAP. XXVIII.

AN ACT to appoint additional commissioners for the town of Columbia and other purposes.

Commissioners appointed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alfred Balch, William M. Berryhill, William W. Thompson, Samuel Craig, and Isaac Harden, are hereby appointed to act as additional commissioners, who after taking the same oaths, and entering into bond as prescribed by the before recited act, shall have full and equal powers with those heretofore appointed for the town of Columbia.

May sell lots.

Sec. 2. *Be it enacted*, That the commissioners for the town aforesaid are hereby authorized to proceed to sell the balance of the lots in said town, not heretofore sold, under the same rules, regulations and restrictions as prescribed in the act, to which this is a supplement.

Sec. 3. *Be it enacted*, That this act, shall be in force from and after the passage thereof.

Proviso.

Sec. 4. *Be it enacted*, That nothing herein contained shall be construed so as to prevent said commissioners

[illegible] the passage of this act.

JOHN [illegible],
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

October 11th, 1844.

CHAP. XXIX.

AN ACT to appoint additional Trustees for the Academies herein named.

Geneva.

Montpelier.

Liberty.

Anderson.

Transmonta-nia.

Martin.

Dickson.

Fayette.

[illegible] BE it enacted by the General Assembly of the State of Tennessee, That William Watson, Francis Gillespie, Archibald W. Franklin, Hugh Shaw and Nathaniel W. Williams, be, and they are hereby appointed trustees of Geneva academy, in the county of Smith, to act with those heretofore appointed. That James Ralston, Jesse W. Smith, James Vance, James Rodgers and William Hogsett, esquires, be, and they are hereby appointed trustees of Montpelier Academy, in the county of Jackson. That John Hutchison, William Adams, Andrew Carothan, Etheldred G. Williams, William Armstrong, James Dunhill, James A. Brian, Jack E. Turner, William Connell, John H. Blackwell, Ephraim T. Fain and Charles Bradson, sr. be, and they are hereby appointed trustees for Liberty Academy, in the county of Robertson. That William Hatton, senior, William Garrett, Charles T. Tudor, Henry Stephens and John Cassida, be, and they are hereby appointed trustees to the Anderson Academy, in the county of Claiborne. That [illegible] Woodly, Thomas King, William Bedford, Gideon Williams and James Hogg, sr. be, and they are hereby appointed trustees for Transmontania Academy, in the county of Sumner.

As [illegible] That John Cleveland, William [illegible] and [illegible] be, and they are hereby appointed trustees to the Martin Academy, in the county of [illegible] That [illegible] be, and they are hereby appointed trustees to the Dickson Academy, in the county of [illegible] That [illegible] be, and they are hereby appointed additional trustees to the Fayette Academy, in the county of Lincoln. That [illegible] William Williams, Robertson, William Donaldson, John [illegible] be, and they are hereby appointed trustees to the Robertson Academy, in the county of Davidson.

JOHN [illegible],
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

October 17th, 1844.

CHAP. XXX.

AN ACT *for the relief of Abraham Carlock.*

May peddle.

SEC. 1. BE it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, Abraham Carlock shall be privileged to vend goods throughout this state, in any district, without paying any tax, or complying with any law in the contrary, notwithstanding.

JOHN COCKE,
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

October 21st, 1844.

CHAP. XXXI.

AN ACT for the relief of Daniel Fox.

Preamble.

WHEREAS it appears to this general assembly, that Daniel Fox, who in the service of his country during the Indian war, contracted certain diseases which have rendered him incapable of procuring a subsistence by his own exertions, and having no fixed place of residence in any county in this state;

Pension.

BE it therefore enacted by the General Assembly of the State of Tennessee, That the sum of twenty dollars annually be allowed the said Daniel Fox, commencing from the present year, and ending at the end of three years, which shall be paid out of the contingent fund of the state, upon his producing a certificate from the county court of the county in which he may be entitled while in the service of his country, to be

[illegible] said by the treasurer of Washington and Hamilton dis-
[illegible] shall be good as an account of

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

October 17th, 1811.

CHAP. XXXII.

AN ACT making appropriations for Daniel Burford.

Be it enacted by the General Assembly of the State of Tennessee, That Daniel Burford shall be allowed the sum of fourteen dollars and fifty cents, in full compensation for his services, [illegible] the commissioners of West Tennessee with a bound book containing one hundred and sixteen transcripts of grants registered in the register's office in Smithcounty, which shall be paid by either of the public treasurers, and this receipt shall be a good voucher in the settlement of either of their accounts.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate,

October 24th, 1811.

CHAP. XXXIII.

AN ACT to establish the permanent seat of justice in the County of Rutherford.

WHEREAS it is alleged appears to this general assembly, that the present seat of justice for the county of Rutherford, at the town of Rutherford, is not [illegible] and [illegible] thing said out, [illegible] that county was considered, in contemplation of which, the present place of the [illegible] [illegible] to be by law. For [illegible]

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas Rutherford, Robert Henderson, James Hamilton, James Armstrong, Daniel Edwards, John Brasher and John Thompson, senior, be, and they are hereby appointed commissioners to fix on a place as near the centre of said county as a suitable situation can be procured, having due respect to good water, who shall purchase, or receive by donation, as the case may be, sixty acres of land, at the place which they may fix upon as aforesaid, and shall receive a title in fee simple, to themselves, and their successors in office, and shall lay off the said sixty acres of land into a town, to be known by the name of CANNONSBURGH, reserving near the centre thereof, a public square of two acres, on which the court house and stocks shall be built; likewise reserving such other lot as they may think proper, for the purpose of having a jail built thereon, for the use of the said county of Rutherford. *Commissioners. Procure land and lay off town.*

Sec. 2. *Be it enacted,* That said commissioners shall sell the lots of said town at public sale, on a credit of twelve months, giving due notice thereof in one of the public newspapers printed in Nashville, and shall take bond with sufficient security from the purchasers of said lots, payable to themselves or successors in office, and shall make titles in fee simple to the respective purchasers of said lots. *Sell lots.*

Sec. 3. *Be it enacted,* That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of the said commissioners, for defraying the expences incurred in the purchase of the tract of land (if any) on which the town above mentioned is directed; also, for defraying the expences of building a court house, prison and stocks. *Proceeds how applied.*

Sec. 4. *Be it enacted,* That the said commissioners shall superintend the building of the said court house, prison and stocks, and shall let the said buildings to the lowest bidder, advertising the same sixty days previous, in one of the newspapers printed in Nashville, setting forth the dimensions of which it is to consist, and the materials of which it is to be built, and shall take a bond with sufficient securities, from the person or persons to whom the said court house is let, payable to themselves and successors in office, in double the amount of the sum so bid for, conditioned for the faithful performance of his or their contract. *Public buildings.*

Sec. 5. *Be it enacted,* That the said commissioners, before they enter on the duties of their appointment, shall give a bond in the sum of four thousand dollars each, payable to the chairman of the county court of *Give bond.*

[illegible]

Oath.

Vacancies.

Courts to remove.

Removal of offices.

[illegible]

JOHN LOCKE,

Speaker of the House of Representatives.

[illegible]

President of the Senate.

October [illegible]

[illegible]

Lottery authorized.

Sec. 2. Be it enacted, The said proprietors shall, previous to the publishing said scheme, enter into bond with good and sufficient security, in double the amount of the capital in said scheme, to the chairman of the county court of Robertson county, for the true and faithful payment of the prizes when drawn, and for the ready and punctual application of the money arising from said lottery, according to the true intent and meaning of this act; or in case of failure to draw the lottery, to return to such persons or persons, the sum or sums of money they have advanced for tickets, with interest, when executed, shall be filed in the clerk's office of said court. *Bond to be given.*

Sec. 3. Be it enacted, That when said proprietors have sold such proportion of the tickets, as shall in their opinion, authorise the commencement of the drawing of said lottery, they shall proceed to the same, under such rules and regulations as they shall have made known in their scheme, giving notice in some Gazette of the time and place they shall commence, which notice shall be at least twenty days previous to the commencement of said drawing. *Drawing.*

Sec. 4. Be it enacted, That when the drawing said lottery, or either class, is completed, it shall be the duty of the said proprietors of said lick, to meet and make the managers and clerks of said lottery a reasonable allowance from the money made by said lottery, and the balance of the said money shall immediately be applied for the purpose of procuring salt out of said lick. *Compensation to managers.*

Sec. 5. Be it enacted, That the said proprietors shall

trustees duty and may be [illegible] of the said factory: *Provid*[illegible] purchase [illegible] of the persons who may [illegible]

Report to [illegible] *by court.*

[illegible] by the said trustees [illegible] the said [illegible] that the business of the [illegible] to make [illegible] of the [illegible] house of the [illegible] and if any money remains in the hands [illegible] after the expiration of four years, it shall be the duty of the said proprietors, to pay the same over to the trustees of Liberty Academy, to said county, for the use and benefit of said academy; and in case the said proprietors refuse to pay the said sum of money, it shall be the duty of the said trustees, and they are hereby required and authorised to sue for the same in any judicial tribunal in said county, having cognizance thereof.

JOHN COOKE,
Speaker of the House of Representatives.
THOs. HENDERSON,
Speaker of the Senate.

October 24th, 1811.

CHAP. XXXV.

AN ACT to remove the Land Office of the Second Surveyor's District, to the town of Shelbyville, in Bedford county.

[illegible] surveyor's office of the second district, is [illegible] town of Jefferson, which is [illegible] entirely [illegible] from the district [illegible] such it becomes [illegible] to the citizens thereof, [illegible] business to transact in said office. For remedy thereof,

Ministerial [illegible] *to be made.*

SEC. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of [illegible] next, it shall be the duty of the principal surveyor of the second district, to keep his office in the town of Shelbyville, in the county aforesaid, under the same rules, regulations and restrictions, as is heretofore pointed out by law.

SEC. 2. *Be it enacted*, That it shall be [illegible] *duty of sur-* the principal surveyor of the second district, [illegible] *veyors.* before the [illegible] day of January next, to remove his office, with all the books, records and papers belonging thereto, [illegible] or any other appertaining to the surveyor's office of the district aforesaid; and forever thereafter, the said office shall be [illegible] at the town of Shelbyville.

SEC. 3. *Be it enacted*, That it shall be the duty of the principal surveyor of the second district, at least [illegible] days previous to the time he may remove said office, [illegible] *Notice to begin.* [illegible] the same in the most public places in Bedford county, and shall also advertise in both the Nashville papers, [illegible] days before said removal, setting forth the day on which he will close or shut the office in the town of Jefferson, for the purpose of removing the same to the place aforesaid, which time shall not be more than ten days previous to the time pointed out by this act for the opening of said office in the town of Shelbyville.

SEC. 4. *Be it enacted*, That so much of the eighth section of an act, entitled, "an act directing the division of the state into convenient districts, for the appointment of principal surveyors," &c. as make it the duty of the principal surveyor of the second district, to keep his office in the town of Jefferson, be, and the same shall be repealed from and after the first day of January next. *Former act repealed.*

JOHN COOKE,
Speaker of the House of Representatives.
THOs. HENDERSON,
Speaker of the Senate.

October 24th, 1811.

CHAP. XXXVI.

AN ACT to provide for the further adjudication of land claims.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners for east and west Tennessee, shall from and after the passing of this act, keep their offices open for the purpose of filing and adjudication of land claims, for the term of two years, from the end of the present session of the General Assembly, under the same rules, regulations and *Offices shall be kept open.*

[illegible]

Appeals.

Sec. [illegible] Be it enacted, That on every appeal from [illegible] commissioners [illegible] for all services [illegible] the clerk shall be allowed the same fee as heretofore [illegible]

Offices when to be opened.

Sec. [illegible] Be it enacted, That the commissioner of [illegible] shall open his office on the first Monday [illegible]

[illegible]

[illegible] commissioners be, and the same is hereby repealed.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 22d, 1811.

CHAP. XXXVII.

AN ACT to divorce Henry Massengale, senior, of Sullivan County, from his wife Mary.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, that the bond of matrimony heretofore subsisting between said Henry Massengale, senior, and his wife Mary, be, and the same is hereby dissolved, as if the same had never been made; and that they, and each of them be restored to all their privileges and capacities.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 17th, 1811.

CHAP. XXXVIII.

AN ACT *to authorise the drawing of a lottery for the benefit of [illegible] kins, and to appoint additional trustees for the same.*

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, [illegible] Francis [illegible] trustees [illegible]

Additional trustees appointed.

[illegible] paid to the trustees of such Lottery, to the treasurer of [illegible]

Lottery dissolved.

Bond to be given.

Drawing.

Proceeds to be paid to treasurer.

[illegible] trustees have [illegible] in their estimation [illegible] the drawing of at least three [illegible] the numbers [illegible] by the scheme [illegible]

SEC. 6. [illegible] That when the drawing of said Lottery [illegible] said Lottery [illegible] from the amount of [illegible] shall be paid by the manager of said Lottery, to the treasurer of the board of trustees of said Academy.

Clerks.

Oath.

Allowance to Clerks.

SEC. 8. [illegible] That said clerks shall be allowed the sum of one dollar and fifty cents per day each, for all days [illegible] may be necessarily engaged in the business of said Lottery, to be paid by the said trustees of said academy upon a draft, signed by the trustees of said academy.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

October 24, 1811.

CHAP. XXXIX.

AN ACT *to afford further time for the proving and registering grants, deeds of conveyance, and other instruments required by law to be registered.*

Two years allowed.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any person or persons, hath failed or neglected to register his or her grant, deed, or other instrument required by law, to be registered; it shall be lawful for such person, to cause or procure the same to be registered at any time within two years, from the passage of this act, under the same rules, regulations and restrictions, as are provided by an act entitled "an act for the relief of such persons as have or may suffer by their grants, deeds, mesne conveyances, bills of sale, or other instruments of writing, not being proved, or registered within this state," passed the 28th of November, 1809, and such grants, deeds or other instruments so proven and registered; shall be as good and valid in law, as if the same had heretofore been registered according to the provisions of the before recited act; and where any such grants, deeds, or other instruments, have been

Provision for registering cases where witnesses are dead.

[illegible]

Sec. 3. *Be it enacted*, That this act, shall continue and be in force until the end of the next stated session of the General Assembly.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 24th, 1811.

CHAP. XL.

AN ACT *for the relief of John C. M'Lemore, and others.*

Whereas by a law of the general assembly of this state, passed the 2nd day of November, in the year 1809, the registers of the land offices were authorized, forbid and prohibited from granting to Thomas Dillon, or his assignees, any grants or warrants, entry or location [illegible] to be made, for a certificate issued on a paper by the name of Nicholas Gardner, to Stanley Dearing, which certificate was issued by the commissioners of West Tennessee, upon the ground, that

the land called for in said grant, could not be located. And whereas, before the passage of said law, the said Dillon had assigned parts of said warrant or certificate to the said John C. M'Lemore and sundry others, upon which said assignees had made sundry entries, which, by the said law they must lose the benefit of. For remedy whereof,

BE *it enacted by the General Assembly of the State of Tennessee*, That the said John C. M'Lemore, and all the other assignees of the said certificate, of the said Thomas Dillon, made before the passage of the said law, shall have a preference allowed to them, and each and every one of them, for the term of twelve months from the passage of this law, to obtain and lay a good and valid warrant upon any of their said entries, made by virtue of said certificate purchased of said Thomas Dillon. *Relief granted*

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

November 6th, 1811.

CHAP. XLI.

AN ACT *to alter the line between the counties of Cocke and Jefferson.*

BE *it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Cocke and Jefferson, be altered in the following manner to wit: Beginning on the south side of Nolichucky river, at the narrow neck in Outlaw's Big Bent of said river; thence due west ninety poles to the river bank; thence with the present line between said counties; and all that is taken north of said line, shall be added to Jefferson county.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 22d, 1811.

CHAP. XLIII.

AN ACT to establish public Inspections of Tobacco in the counties of Montgomery, Robertson and Dickson.

SEC. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for any person or persons to build and erect two warehouses on Cumberland river, at the following places, to wit: One on the north side of said river, at Weakley's ferry, in Montgomery county; the other on the south side of said river, at or near the landing of said Weakley's ferry, in Dickson county, for the inspection and safe keeping of tobacco, and other articles; which said places of inspection shall be under the same rules, regulations and restrictions, as are prescribed by the laws now in force and use in this state.

JOHN COCKE,
speaker of the House of Representatives,
THOS. HENDERSON,
speaker of the senate.

October 17th, 1811.

CHAP. XLIII.

AN ACT laying a tax on Shows.

Licences to be taken.

SEC. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing this act, that any person having any show or shows of any kind, other than such as are manufactured in this state, shall make application to the clerk of the county in which such person is about to exhibit such show or shows, of any kind whatever, and the clerk is hereby directed to issue licence for the term of one year, and no longer: *Provided*, that before such licence shall issue as aforesaid, the applicant shall pay to the said clerk the sum of five dollars, as a tax imposed on shows, with the additional sum of fifty cents, as fees of office; and each clerk receiving any money in behalf of the state by virtue of this act, shall be bound to account for the same in manner and form as directed for settling and accounting for the tax on law proceedings: *And provided also*, that such person or persons, having any show or shows of any kind, shall be compelled to take

a licence in each county where he may wish to exhibit any show or shows.

Penalty for showing without licence.

SEC. 2. *Be it enacted*, That if any person or persons shall exhibit any show or shows, of any kind whatever, other than those manufactured in this state, contrary to the true intent and meaning of this act, he or they shall forfeit and pay twenty-five dollars, to be recovered by an action of debt, one half to the use of the person who will sue for the same, the other half to the use of the state.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 22d, 1811.

CHAP. XLIV.

AN ACT to amend an act, entitled, "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the bona fide claims against the same, agreeable to an act of Congress, passed the eighteenth day of April, 1806, entitled, 'an act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.'"

BE *it enacted by the General Assembly of the State of Tennessee*, That the courts of the counties of Maury and Giles respectively, shall, at the first county court in each of said counties, after the first day of January next, proceed to elect a surveyor for each of said counties; and such surveyor or surveyors so appointed, shall be authorised to survey and procession all lands heretofore granted, which may lie within their respective counties, and west of the congressional reservation line, under the same rules, regulations and restrictions as surveyors and deputies are authorised to procession lands in Tennessee, by virtue of an act of the general assembly, passed at Knoxville, on the 28th day of July, in the year 1806; which surveyors, so appointed, shall enter into bond and security to the governor of this state, and his successors in office, in open court, in the sum of ten thousand dollars, for the faithful discharge

Maury and Giles

of the duties of their respective offices, and shall take and subscribe the oath prescribed in the before recited act for principal surveyors.

Surveyors fees

Sec. 2. *Be it enacted*, That the said surveyors shall be entitled to the same fees for the performance of their duties as other surveyors are entitled for the same services, which fees shall be paid by the persons for whom said surveys shall be made, and no more.

JOHN COCKE,
Speaker of the House of Representatives.
THOs. HENDERSON,
Speaker of the Senate.

October 23d, 1811.

CHAP. XLV.

AN ACT for the relief of Hugh M'Williams.

Whereas it appears to this general assembly, that an entry was made in the office of the entry taker of military lands, and by mistake entered in the name of Hugh Williams by the clerk, instead of Hugh M'Williams. And whereas, the surveyor in consequence of said mistake, has refused to return the survey of said entry, in the name of said Hugh M'Williams, and the register having also refused to issue a grant to said M'Williams, as that would alter the record of said entry. And whereas, it appears that the said M'Williams is remediless, except by the interference of this general assembly. For remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, That the surveyor is hereby authorised to return said survey in the name of said Hugh M'Williams: *Provided*, that he shall be satisfied that the mistake above mentioned was actually made; and the said register of West Tennessee, is also hereby authorised to issue a grant upon the return of said survey as aforesaid, in the name of the said Hugh M'Williams: *Provided*, he shall be satisfied on the proof, that said mistake did actually take place in transcribing said entry.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

November 1st, 1811.

CHAP. XLVI.

AN ACT to appropriate a sum of money therein mentioned, for the opening a road from Carriger's Ford in Carter County, to Julius Duggers, on the north side of Watauga River.

Whereas it is represented to the general assembly, that a road from Carriger's ford to Julius Duggers, on the north side of Watauga river, would greatly facilitate the carrying the mail from the state of Tennessee to North Carolina, and open an easy communication for the citizens of Carter county, and from the mountainous situation of the country, it cannot be opened by the general provisions of the road laws:

Proper person to be appointed to cut and open road.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the court of pleas and quarter sessions of Carter county, at the next court of pleas, &c. to be held for said county, on the second Monday of November next, or at any subsequent session, shall appoint a suitable person to cut and open said road, in the manner pointed out by law now in force and use on the subject of roads, whose duty it shall be, to enter into bond and approved security, in the sum of five hundred dollars, payable to the chairman of said court, and his successors in office, with condition to apply and dispose of the money appropriated by this act, in the most economical manner, and to make due return to the said court, of the manner in which the money has been expended on said road; and if the court shall be dissatisfied with the manner in which said money has been expended, they shall refuse to receive said return, and direct the attorney for the state to institute a suit on said bond, and recover back the said sum of money in this act hereafter mentioned.

appropriation

Sec. 2. *Be it enacted*, That the governor for the time being, shall be, and he is hereby authorised to issue a warrant in favor of the chairman of the court of said county of Carter, for the sum of one hundred dollars, as soon as the clerk of said court shall notify him that the court has made the appointment in this act contemplated; which said warrant on the treasury, shall be directed to the treasurer of Washington and Hamilton districts, whose duty it shall be to pay the same out of any monies in the treasury not otherwise appropriated, and the warrant shall be sufficient for the treasurer in the settlement of his accounts.

Sec. 3. *Be it enacted*, That the court of said county

Allowance to undertaker.

of Carter shall be, and they are hereby authorised to allow an allowance or compensation to the undertaker of said road, a majority of the acting justices being present, of the magistrates of the county of Carter aforesaid.

Sec. 2. *Be it enacted*, That as soon as the chairman of the said court shall receive the draft on the treasury, he shall deliver it to the undertaker of said road, for the purpose of his receiving the money thereon.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 6th, 1811.

CHAP. XLVII.

AN ACT for the relief of the securities therein named.

WHEREAS as the law now stands the securities of clerks of the several courts in this state, have no means of releasing themselves from ruin, in consequence of the neglect of said clerks, which is a great hardship on said securities. Therefore—

Relief how obtained.

Be it *enacted by the General Assembly of the State of Tennessee*, That hereafter it shall and may be lawful for any person or persons, that now are or hereafter may become an security or securities, for any clerk of any county court, circuit court or any other court of record in this state, whenever he or they shall from the conduct of said clerk or clerks, be induced to think him or themselves in danger of sustaining a loss, by reason of the failure of said clerk, to give ten days notice to said clerk, that he or they, will apply to the next court of the county or circuit or any other court of record in this state, as the case may be, to require the said clerk, to give other security and if he shall fail or refuse to do so; it shall be considered as a surrender of his office, and the said court shall proceed to appoint another in his stead, and if the said clerk, shall give other security as aforesaid, and be approved of by the said court, that the security so given, shall be made good from all responsibility of any failure of said clerk, for or by reason of any act or acts, to be done by him after the

date of his or their discharge: *Provided* that nothing herein contained shall be so construed as to discharge said security or securities, from any responsibility for any act or acts of said clerk, before the release or discharge of said security or securities.

JOHN COCKE,
Speaker of the House of Representatives.
THOs. HENDERSON,
Speaker of the Senate.

November 6th, 1811.

CHAP. XLVIII.

AN ACT to amend an act, to incorporate the Water Company of Franklin.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, each and every person or persons owning a post or pipe in said town for the conveyance of water, be, and they are hereby appointed, in addition to those heretofore appointed, and be a part of the body corporate and politic, with equal powers, and subject to the same rules, regulations and restrictions, of those heretofore appointed for the Franklin Water Company.

Sec. 2. *Be it enacted*, That no person shall continue to be one of the body corporate or politic as aforesaid, any longer than he does hold the right, title or interest in and to a post or pipe for the conveyance of water in the town of Franklin aforesaid.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 24th, 1811.

CHAP. XLIX.

AN ACT for the relief of Sheriffs.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the different sheriffs throughout this state, shall be allowed the term of two years

two years allowed.

from the time of going out of office, to close their unsettled business, and shall have the same power to collect and enforce payment, as sheriffs have who are in commission, and be subject to the same rules, regulations and restrictions; *Provided*, nothing herein contained, shall be so construed as to authorise the serving process, or transacting any business, except such as may remain unsettled in their hands at the time of going out of office.

John Spencer. *Be it enacted*, That John Spencer, late sheriff of Maury county, be allowed two years from the passage of this act, to finish his collections of taxes for the years 1808 and 1809, under the same rules, regulations and restrictions, and with equal powers, as acting sheriffs have in such cases.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 6th, 1811.

CHAP. L.

AN ACT for the relief of Nathaniel Henderson.

BE it enacted by the General Assembly of the State of Tennessee, That the commissioner of east Tennessee, is hereby directed to issue to Nathaniel Henderson, a certificate for six hundred and forty acres of land, which certificate is to issue from grant No. 494, dated the 27th day of June 1783, and the same being covered by an elder and better title, granted by the state of Virginia: *Provided*, that it shall appear to said commissioner, that no other grant over issued on the same warrant.

JOHN COCKE,
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

November 6th, 1811.

CHAP. LI.

AN ACT more effectually to destroy Wolves.

Bounty for killing.

Proof to be made.

JOHN COCKE,
speaker of the House of Representatives
THOS. HENDERSON,
Speaker of the Senate.

November 6th, 1811.

CHAP. LII.

AN ACT to authorise the drawing of a Lottery for the benefit of Cumberland College.

Trustees appointed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas [illegible], Thomas Crutcher, Michael Campbell, Andrew [illegible], Thomas Masterson, John Anderson and William Tait, be, and they are hereby appointed trustees of a lottery for the benefit of Cumberland College.

Sec. 2. *Be it enacted*, That the trustees appointed

Amount to be raised.

Bond to be given.

May take bond from venders of tickets.

Drawing.

Allowance to trustees.

Trustees may purchase tickets.

Clerks to be appointed.

Their oath.

Compensation.

Former appointment confirmed.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 6th, 1841.

CHAP. LIII.

AN ACT for the relief of Thomas Johnson.

Preamble.

Whereas it appears to this general assembly, that a warrant issued to the heirs of Thompson Smilie, a soldier in the line, by the state of North Carolina, for six hundred and forty acres of land, No. 1672, dated the 9th day of February, 1797, and that the said warrant was assigned to Sterling Brewer, by one William Smith, who is represented to this general assembly, as the heir of Thompson Smilie, and by the said Sterling Brewer to Thomas Johnson; and it also appearing that the said warrant was adjudged by the commissioner of West Tennessee, to be a good and valid one, but a duplicate therefor refused by said commissioner, be-

[illegible] the said [illegible] shall be recorded by name as the [illegible]

Warrant to issue.

[illegible] by the [illegible] assembly of the [illegible] enacted, that the comptroller of West Tennessee be hereby authorized to issue a duplicate warrant on the said original warrant, to the said Thomas Johnson, for six hundred and forty acres, lying [illegible] to the said [illegible] Tennessee. And the register of West Tennessee is hereby directed to issue a grant to said Thomas Johnson, or his assignee, on any entry or survey made by virtue of said duplicate warrant, in the same manner, as if said warrant had the regular assignments endorsed thereon: *Provided always*, that nothing herein contained shall be so construed as to defeat or destroy the right or title of the true heir or heirs of the said Thompson Smallie, to the said warrant or a duplicate thereof, or any grant or grants thereon, in the hands of the said Thomas Johnson or his assigns, if it should happen that the said William Smith shall hereafter appear not to be the heir of said Thompson Smallie.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 7th 1811.

CHAP. LIV.

AN ACT *to establish a separate election in the county of Wilson.*

Place of holding.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sheriff of said county, shall by himself or by his deputy, hold an election at the house of William Stanly, near big cedar lick, on the days appointed by law, for holding elections to elect a governor members to the General Assembly, members to Congress, and electors to elect a President and vice President of the United States, & all persons living within the bounds of the [illegible] districts, commanded by said [illegible], court, Wilkerson, earle, Hooks, and [illegible] shall vote at said elections.

Manner of conducting.

Sec. 2. *Be it enacted*, That said elections shall be held & conducted under the same rules & regulations as elections are conducted in this state, & any person who

shall take a vote in said election, shall [illegible] to [illegible] and be [illegible] of said elections. And on the succeeding day cause the poll of said elections in the county court to be taken, which shall be added and become a part of the poll of said county.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 11th, 1811.

CHAP. LV.

AN ACT *to establish a town, by the name of Elkton, at the mouth of Richland creek, at the junction of said creek with Elk river, on the lands of William Price, in the county of Giles.*

How laid off

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a town shall be laid off at the junction of the said Richland creek and Elk river, on the lands of the said William Price, consisting of one hundred acres of land, to be laid off into lots, of one half acre each, with the necessary number of streets, to be of the width of one hundred feet, taking care not to include more than four acres in each square of said town and observing also to leave a margin around said town of at least one hundred feet in width: to be laid off by the commissioners hereafter named, at the proper expence of the said William Price.

Plott to be returned & bond given for title.

Sec. 2. *Be it enacted*, That as soon as the said town shall be laid off and surveyed, the said William Price, shall file a true copy of the plat, and plan of said town, certified by the commissioners of said town, or a majority of them, hereinafter named and it shall furthermore be the duty of said William Price, to enter into a bond with sufficient security, in the opinion of said commissioners or a majority of them, in the sum of fifty thousand dollars, to the said commissioners and their successors in office, conditioned for his making good and sufficient deeds in fee simple to the purchasers of the said town lots, to be sold as herein after described.

Sec. 3. *Be it enacted*, That the said commissioners

Sale of lots in Gibson.

[illegible] said lots, shall be advertised, [illegible] at least six weeks [illegible] prior to the sale, [illegible] at one of the most public places in the county of Gibson, and they shall then proceed to sell said lots, at twelve months credit, taking bond, and approved security to the said William Price, from each purchaser, and paying all money, if any, arising from such sale to the said Price, after deducting therefrom their reasonable expences which shall be paid under any or every circumstance to said commissioners.

Commissioners appointed.

Sec. 3. *Be it enacted*, That Thomas Whitson, Mat. William H. Buchanan, John Kayley, John Baldridge, John Kelly and William Purnell, shall be, and they are hereby appointed commissioners for the laying off and superintending the improvements of said town.

Vacancies how filled.

Sec. 3. *Be it enacted*, That in case of the death, refusal to act or removal out of said commissioners out of the county, the survivors or a majority of them shall assemble and are hereby authorised to nominate and appoint by instrument in writing under their hands, some other person, being an inhabitant and freeholder of the said county of Gibson, in the place and room of him so dead, refusing to act, or removing out of said county, which said commissioner so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person in whose room and stead he was so appointed, had and exercised.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 7th, 1811.

CHAP. LVI.

AN ACT *to annex part of the county of Anderson, to the county of Campbell.*

Line altered.

Be it enacted by the General Assembly of the State of Tennessee, That that part lying north of the following line, running through a part of Anderson, shall be annexed to the county of Campbell, to wit: Beginning at a gap in the cross mountain, where the main road leading from Clinton, to Jacksborough, crosses the same on

the new line between Anderson and Campbell counties, from thence a direct course to Michael Hager's so as to include said Lewis Hager in Campbell county, from thence a direct course to Benjamin Potters, where he formerly lived on Longtown creek, so as to include said farm in Campbell county, from thence north, forty five degrees west to Anderson county line, thence with the same north, forty five degrees east to the county of Campbell county.

Surveyor appointed.

Sec. 2. *And be it enacted*, that William Hoggshead, shall and hereby is appointed, to run and cause to be distinctly marked, the line hereby established between the counties aforesaid, from the beginning to the western boundary line of Anderson county, who shall be allowed the sum of five dollars per day for such days as he may be necessarily engaged, in running and marking said line, which sum shall be paid by the county of Campbell.

Sec. 3. *Be it enacted*, That this act, shall be in force from and after the passage thereof.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 28th, 1811.

CHAP. LVII.

AN ACT *to alter the places of holding separate or precinct elections, in the counties of Jackson and White.*

In Jackson.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the separate election, heretofore held at the house of William Shaw, shall hereafter be held at the dwelling house of Joseph Shaw, and the separate election, directed to be held at Peterson's ferry, shall hereafter be held at Bennet's ferry, and that so much of the second section of an act entitled "an act authorising two separate elections to be held in Jackson county, at the house of William Shaw, and so much of the 4th section of said act, as provides for another election to be held at Peterson's ferry, be, and the same is hereby repealed."

In White.

Sec. 2. *Be it enacted*, That so much of the 2d. section of an act entitled "an act providing for two sepa-

[illegible] shall hereafter be held at the dwelling house of [illegible] any law to the contrary notwithstanding; and all the citizens entitled to vote by the laws and [illegible] this state, and living on the south side of said Fork, in the said county of White, shall be authorised to vote, at the house of the said Joseph Smith.

JOHN COOKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

October 24th, 1811.

CHAP. LVIII.

AN ACT to secure the navigation of Duck and Elk Rivers.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no dam or obstruction shall be made across Elk River, below the mouth of Mulberry creek, running in above the town of Fayetteville, or across Duck River, below the town of Shelbyville, so that the navigation of said rivers be obstructed, under the penalty of five hundred dollars, to be recovered for the use of the state, to be sued for by the solicitor general of the 6th judicial circuit of this state, and shall, moreover be liable to a fine of one hundred dollars, to be sued for, and recovered by said [illegible] of any person, whose boat or raft, shall be obstructed by said mill dam, which said penalty shall be recovered by suit, and every person, whose boat or raft, shall be so obstructed as often as said obstructions may occur.

JOHN COOKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 11th, 1811.

CHAP. LVIX.

AN ACT to prevent the selling of lands, south of French Broad and Holston, held by grant.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, it shall not be lawful for any sheriff or other officer, to sell or cause to be sold for public taxes, under the pretence of a grant from the state of North-Carolina, to lands lying south of French Broad and Holston, between the rivers Big Pigeon and Tennessee, to which any person hath a title from under the authority of this state, and all sheriffs and other officers, are hereby prohibited from making any report or exposing the same for sale, and be it enacted if any sheriff or other officer, shall violate the provisions of this act, he shall forfeit and pay to any person suing for the same, the sum of one hundred dollars.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 22d, 1811.

CHAP. LX.

AN ACT *authorising the right of private way and to prevent obstructing the same.*

Be it enacted by the General Assembly of the State of Tennessee, That when the lands of any person, shall be surrounded or enclosed by the lands of any other person or persons, who refuse to allow to such person, a private road to pass to or from his said lands; it shall be the duty of the county court on petition of any person, whose land is so surrounded to appoint a jury of view, who shall on oath view the premises and lay off and mark a road, through the land of such person or persons refusing as aforesaid; in such manner as to do the least possible injury to such person and report the same to the next court, which court shall have power to grant an order to the said petitioner to open such road not exceeding fifteen feet wide, and keep the same in repair, and if any person shall thereafter shut up or obstruct the said road, he shall be liable to all the penal-

ties, to which any person is liable by law for obstructing public roads.—Be it enacted that the damage adjudged by the jury aforesaid shall in all cases be paid by the person applying for such order, together with the costs of summoning and impannelling said jury.

JOHN COCKE,
Speaker of the House of Representatives.
THOs. HENDERSON,
Speaker of the Senate.

October 25th, 1811.

CHAP. LXI.

AN ACT *to repeal an act therein described.*

Be it enacted by the General Assembly of the State of Tennessee, That an act passed by the General Assembly held at Knoxville, the twenty second of April, 1809, authorising, Richard Cureton to build a Toll-Bridge, across Lick creek in Greene county, be and the same is hereby repealed from the passage of this act.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 1st, 1811.

CHAP. LXII.

AN ACT *to amend the several laws in this state, to prevent the exportation of unmerchantable commodities.*

Clause repealed.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the laws now in force, concerning the exportation of unmerchantable commodities, as require the owners of presses, and inspectors of cotton, to mark on the bale, the quality of the cotton, and the word Tennessee, shall be, and the same is hereby repealed, any thing in any law to the contrary notwithstanding.

Inspection established.

Sec. 2. *Be it enacted,* That from and after the passage of this act, the mouth of Eliots branch or the landing, near that place in Sumner county, is hereby

appointed a place of public inspection for all articles, and under the same rules, regulations and restrictions, as other public inspections are agreeable to the laws now in use and force in such cases.

JOHN COCKE,
speaker of the House of Representatives,
THOs. HENDERSON,
speaker of the senate.

November 6th, 1811.

CHAP. LXIII.

AN ACT *to alter the name of a certain person therein mentioned.*

WHEREAS it hath been represented to this General Assembly, that William P. Anderson, esq. hath raised and educated an Indian boy, known by the name of Alexander M'Daniel, but is desirous that his name should be changed to that of Alexander Hamilton. Wherefore—

Be it enacted by the General Assembly of the State of Tennessee, That the name of the aforesaid Alexander M'Daniel, be changed to that of Alexander Hamilton.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

November 6th, 1811.

CHAP. LXIV.

AN ACT *for the relief of Thomas Swann.*

WHEREAS it appears to this General Assembly, that Thomas Swann, was appointed a confidential Spy, or missionary by brigadier general Thomas Johnson, of the sixth brigade, who acted under the authority and direction of major general Andrew Jackson, in the year 1808; and whereas, it appears that said Swann, performed the said service satisfactorily and has never received any compensation therefor—Wherefore

[illegible] Treasurer, [illegible] be and he is hereby authorized [illegible] commencement of the [illegible] Governor, is hereby authorized [illegible] warrant on either of the [illegible] for the said sum of money in favor of said [illegible] such warrant shall be required as a good voucher [illegible] the settlement of said treasurers account with the state.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

November 11th, 1811.

CHAP. LXV.

AN ACT to suspend so much of an act, passed the twenty-third day of November, eighteen hundred and nine, as respects the appointment of commissioners for the establishment of the town of Washington, in the county of Rhea, and their duty therein designated.

BE *it enacted by the General Assembly of the State of Tennessee,* That so much of an act passed at Knoxville, the twenty-third day of November, eighteen hundred and nine, as respects the appointment of commissioners for the town of Washington, in the county of Rhea, and their duty therein appointed, shall be, and the same is hereby suspended until further provision is made by law.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 17th, 1811.

CHAP. LXVI.

AN ACT respecting the duty of Sheriffs and Constables in returning Executions.

SEC. 1. BE *it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of every sheriff or constable in this state, into whose hands any execution may come, to make return thereof, to the justices of the peace who compose the county court, and justice shall, on the day of the first Monday in the sessions next after the said justice has received, and returned of the county, and the process of said justice should be deposited with the clerk of the county court, it shall be the duty of the sheriff or constable to make his return as aforesaid, under the same rules and regulations, and be subject to the same penalties in case of failure, as are prescribed by law in the case of failing to make his return to the justice of the peace. *How returns are to be made.*

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 6th, 1811.

CHAP. LXVII.

AN ACT for taking an enumeration of the free taxable inhabitants of this State.

SEC. 1. BE *it enacted by the General Assembly of the State of Tennessee,* That the justices of the peace in each county in this state, who shall be appointed after the first day of January next, to take lists of taxable property and polls, as directed by law, shall, and are hereby required, and it is hereby made the duty of each of the justices, to take, and make out in writing, an accurate and complete list of the names and number of free taxable inhabitants, who are over the age of twenty one years, and who would be entitled to vote for members of the general assembly at the next election; and who, on the first day of January, in the year 1812, did live in the district in which such justice of the peace is appointed to take such lists of taxable property and polls: and it shall be the duty of each of the said justices, to return the list of taxable inhabitants so taken by him as aforesaid, signed with his name, to the court of pleas and quarter sessions, which shall be held in and for the county in which he is a justice of the peace, next, before the last day of July in said year. *Justice to take and return list to court.*

SEC. 2. *Be it enacted,* That it shall be the duty of the clerks of each county court of pleas and quarter sessions, and he is hereby required to take the aggre- *Clerks to transmit to secretary*

gate number of the taxable inhabitants in the county in which he is clerk, ascertained as by this act directed, and shall make out two accurate copies thereof; and the presiding justice of the court, together with the clerk, shall set their names thereto; one of which copies, after being entered on the records of the court, shall be preserved in the office of the clerk, and it shall be the duty of the clerk of the court, to transmit, or cause to be transmitted, the other copy, to the office of the secretary of this state, on or before the first day of September, in the year 1811.

To be laid before the assembly.

Sec. 2. *Be it enacted*, That the secretary of this state shall, and is hereby required, to receive all such lists to him transmitted as by this act directed, and shall carefully preserve the same, so that he may have them ready to lay before, and be delivered to the general assembly, at their first session thereafter.

Justices failing or refusing provided for.

Sec. 3. *Be it enacted*, That if any justice of the peace appointed to take a list of taxable inhabitants as by this act directed, shall die, or remove out of the county before the day and time by this act limited for the return of such lists, then, and in that case, any three justices of the court of pleas and quarter sessions in the county in which such justice did live, shall appoint one in his place, and it shall be the duty of the justice of the peace so appointed, to return a list as by this act directed.

Allowance to Justices.

Sec. 5. *Be it enacted*, That each justice of the peace shall be allowed one dollar and fifty cents for each hundred free taxable inhabitants by him enumerated and returned, as by this act directed, which shall hereafter be appropriated for.

Their duty.

Sec. 6. *Be it enacted*, That it shall be the duty of the magistrate when taking the enumeration of any person or persons, to interrogate him or them whether he or they have been enumerated heretofore under this act, the object of which is, that no citizen shall be enumerated more than once.

Penalty for neglect.

Sec. 7. *Be it enacted*, That if any justice of the peace or clerk, shall fail, neglect or refuse to perform the duties enjoined by this act, such neglect, failure, or refusal, on due proof thereof, they shall be fined in a sum of one hundred dollars, unless sufficient cause be shewn.

Slaves not to be numbered.

Sec. 8. *Be it enacted*, That no negro slave shall be numbered by any justice of the peace in taking the enumeration as provided for by this act.

Sec. 9. *Be it enacted*, That this act shall commence

and be in force from and after the first day of January next.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 1st, 1811.

CHAP. LXVIII.

AN ACT *to provide for the payment of the Secretary of State, and John B. Hood.*

R. Houston.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That Robert Houston, secretary of state, be allowed the sum of four hundred and seventy-six dollars seven cents, in full of his account submitted to this general assembly, for stationery, postage, &c. &c. which sum shall be paid him by either of the treasurers of this state, and his receipt shall be a good voucher to either of them, on settlement of their accounts.

J. B. Hood.

Sec. 2. *Be it enacted*, That John B. Hood, shall be allowed the sum of three dollars, for printing done by him for the state.

JOHN COCKE,
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

November 11th, 1811.

CHAP. LXIX.

AN ACT to confirm the appointments of trustees to the Harpeth Academy.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the appointment of Charles M'Alister, John H. Eaton, John Reid and doctor Samuel Crockett, as trustees of the Harpeth Academy, heretofore made by the board of trustees of said academy, be, and the same is hereby confirmed, and they are vest-

ed with equal powers and privileges, as those already [illegible]

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 21th, 1811.

CHAP. LXX.

AN ACT for the relief of John Nall, and others in a [illegible]

John Nall.

Sec. 1. [illegible] *Be it enacted by the General Assembly of the State of Tennessee*, [illegible] duty of the register of West Tennessee [illegible] a grant to John Nall on [illegible] and [illegible] and certificate [illegible]

General provision.

Sec. 2. [illegible] *That it shall also be the duty of the register of East or West Tennessee*, to issue a [illegible] any heretofore plat or plats and certificate of survey, issued on joint or separate warrants and entries as above mentioned: *Provided*, said entries are adjoining, or made in one entire entry, and are entered in one entire tract, and be returned to him in the same way as is heretofore pointed out by law.

JOHN COCKE,
speaker of the House of Representatives
THOS. HENDERSON,
Speaker of the Senate.

November 6th, 1811.

CHAP. LXXI.

AN ACT appointing additional Commissioners for the Town of Springfield, in Robertson County.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Anderson Cheatham, John

Hutchison, Charles H. Pickering, Benjamin Porter, William Adams and Benjamin Tucker, are hereby appointed commissioners for the town of Springfield, to act with those persons who have heretofore been appointed by law, and are now acting commissioners for said town.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

October 25th, 1811.

CHAP. LXXII.

AN ACT *to amend an act, entitled, "An act to establish Circuit Courts, and a Supreme Court of Errors and Appeals; and also, "An act supplementary thereto," passed 23d November, 1809.*

County courts Jurisdiction.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the courts of pleas and quarter sessions of the several counties in this state, shall have and exercise the same jurisdiction, power and authority, to hear, try and determine all causes civil and criminal, of which said courts had by law, jurisdiction, prior to the passage of the above recited acts.

To appoint solicitors and a grand jury.

Sec. 2. *Be it enacted*, That to enable said courts to exercise the jurisdiction hereby restored, they shall severally have power and authority to appoint a solicitor in each county, and that all laws which were in force at the time of the passage of the before recited acts, which relate to the appointment and summoning of jurors to the said courts of pleas and quarter sessions, and the duties and emoluments of county solicitors, be, and the same are hereby revived and declared to be in full force, and that all laws respecting jurors to the county courts, passed at the last session of the general assembly, be, and the same are hereby repealed.

Repealing clause.

Sec. 3. *Be it enacted*, That so much of the before recited acts as vests the circuit courts with original jurisdiction in causes either civil or criminal, of which, before the passage of said acts, the courts of pleas and quarter sessions had, by law, exclusive original jurisdiction, be, and the same are hereby repealed: *Provided nevertheless*, that either party who may be dissa-

Proviso for appeals.

tified with the judgment, sentence or decree of any court of pleas and quarter sessions, may pray an appeal to the circuit court of the county, which shall be allowed and prosecuted in the same manner, and under the same rules, regulations and restrictions, as were heretofore prescribed by law, in cases of appeals from the courts of pleas and quarter sessions, to the late superior courts of law and equity: *And provided also*, that the said circuit courts shall have full power and authority to hear and determine all prosecutions already commenced therein; and where any person may be bound in recognizance to appear and answer any charge in said courts, in the same manner as if this act had never been passed.

Supreme court to have exclusive equity jurisdiction.

Sec. 4. *Be it enacted*, That from and after the time this act takes effect, the supreme court of errors and appeals in the several circuits in this state, shall have exclusive jurisdiction in all causes in equity arising in said circuits, and that part of the before recited acts, which vests the circuit courts with equity jurisdiction, be, and the same are hereby repealed; and the clerks of the said supreme courts of errors and appeals, shall be clerks and masters in equity, and shall be entitled to the same fees for their services in all causes in equity, as are now by law allowed to the clerks of the circuit courts for similar services.

Equity causes to be removed.

Sec. 5. *Be it enacted*, That all causes in equity which may be depending and undetermined, in any of the circuit courts in this state, at the time this act takes effect, shall be removed into the supreme court of errors and appeals, for the circuit in which said causes are or may be depending.

Papers to be transmitted.

Sec. 6. *Be it enacted*, That within sixty days after the first day of January next, it shall be the duty of the respective clerks of the circuit courts, to transmit to the clerk of the supreme court of errors and appeals, in their respective circuits, all the papers and documents in their offices relative to any cause in equity depending therein, together with a true and complete bill of the costs which may have accrued in each cause; and also, a properly authenticated transcript of the proceedings which may have been had in each of such causes, prior to the time of making out such transcript, and the said supreme court of errors and appeals, shall have as full power and authority to hear and finally determine the causes to them transmitted in obedience to the provisions of this act, as the said circuit courts now have.

Supreme court

Sec. 7. *Be it enacted*, That the said supreme courts

how to be governed.

as errors and appeals, in exercising the jurisdiction by this act given, shall be governed by the same rules, regulations and restrictions, by which said circuit courts are now governed, and possess the power and authority that the said circuit courts now by law possess.

Issues to be tried in circuit courts.

Sec. 8. *Be it enacted*, That where it shall be necessary to ascertain any fact in the trial of any suit in chancery, the said court of errors and appeals shall have the issues made up, and direct them to the circuit court of the county most convenient to the parties, at the discretion of the court, which said circuit court shall proceed to impannel a jury for the trial of said issues of fact, and when ascertained, said court shall direct them back to said court of errors and appeals, who shall thereupon proceed to a final hearing of said cause.

Depositions.

Sec. 9. *Be it enacted*, That either party, in any cause in equity, may take the deposition of any witness whose testimony he may deem material for him in his cause, which deposition shall be taken by such person or persons, and at such time and place as the court may direct, which deposition, so taken, shall be legal testimony on the hearing of such cause.

Circuit Judges may grant injunctions.

Sec. 10. *Be it enacted*, That the circuit judges in their respective circuits, shall have power to grant injunctions to stay proceedings at law; and such injunctions shall issue and be returnable, and shall, in all respects have the same effect, as if the same had been granted by a judge of the supreme court of errors and appeals.

Appeals.

Sec. 11. *Be it enacted*, That when either party in any suit, which now is, or hereafter may be depending in any of the circuit courts, shall be dissatisfied with the judgment of such court, or shall be of opinion that there is error in the record of the proceedings in such suit, such party, may, at the term in which final judgment is rendered in said cause, pray an appeal in the nature of a writ of error, to the supreme court in the circuit in which such judgment may be rendered; which appeals the said courts are hereby required to grant, first taking bond with sufficient security, from the party praying the same, that he will prosecute said appeal with effect, or in case he fail therein, pay and satisfy all damages and costs which may be awarded against him, her or them, for wrongfully prosecuting said appeal, which bond shall be payable to the opposite party in such suit.

Writs of error and supersedeas

Sec. 12. *Be it enacted*, That where either party in any suit depending as aforesaid, shall be desirous of prosecuting a writ of error to reverse the judgment rendered therein, and shall have failed to pray an ap-

peal in the manner herein-before directed, it shall be lawful for such party, at any time within one year from the rendition of such judgment, on delivering to the clerk of the supreme court, in the circuit in which such judgment shall have been rendered, a certified transcript of the record in said suit, to demand of said clerk a writ of error, to remove said cause into said supreme court, but such writ of error shall not operate as a supersedeas, unless the party suing out the same, shall first obtain from one of the judges of the said supreme court, an order for a supersedeas in such cause, which order, said judge is hereby authorised to grant, on the petition of the party praying the same: *Provided*, on inspection of the record in said cause, it shall appear to him, that there is error therein, for which such judgment ought to be reversed; and in all cases of writs of error as aforesaid, the party suing out such writ, shall, before obtaining the same, enter into bond with securities, to be approved of by the clerk issuing such writ, in the manner herein before directed in case of appeals.

Proviso.

Sec. 13. *Be it enacted*, That the supreme court of errors and appeals shall, and they are hereby authorized to prescribe such rules and regulations relative to the mode of prosecuting appeals and writs of error, as they shall deem expedient.

Court may prescribe rules.

Sec. 14. *Be it enacted*, That no writ of error, assignment of error, or other proceeding in any of the courts of errors and appeals in this state, shall be quashed or dismissed for any defect, omission, or imperfection, but said courts shall and may, from time to time, allow either of the parties to amend the same, as other amendments are allowed of in the other courts of this state.

Practice.

Sec. 15. *Be it enacted*, That from and after the first day of January next, the judges of the respective circuit courts in this state, shall be judges of the state, and wherever they may be therein, shall have full power and authority to grant writs of certiorari and supersedeas, and also writs of injunction, and shall interchange ridings in the following manner: the judge of the first circuit shall preside and hold the first court in the second circuit; and the judge of the second circuit, shall, in like manner, preside in the third circuit; and the judge of the third circuit, in the fourth; and the judge of the fourth, in the fifth; and the judge of the fifth, in the first circuit. And each judge shall continue to go on in the same way, in regular rotation, holding only one court in each circuit in succession, until he comes to his own circuit, where he shall also hold one court and proceed again in the same manner as above described, each of the judges of the different circuits proceed-

Interchange of ridings.

ing in the same way; and when they are in the respective circuits of each other, shall possess and exercise the same judicial authority, over the circuit judges now have, or hereafter may have, when presiding in their respective circuits.

Sec. 16. *Be it enacted*, That so much of the before recited acts, that require the attendance of, and providing therein, of the respective circuit judges, in the courts of errors and appeals, be, and the same are hereby repealed, and from and after the first day of January next, in all cases in the courts of errors and appeals, where there may be a writ of error to reverse the sentence, judgment or decree of any circuit court, where the judges of the court of errors and appeals differ in opinion, as to whether the said judgment ought to be reversed; in each, and every such case, the judgment of the circuit court shall be affirmed under the same rules and regulations, as other judgments in said court of errors and appeals, are affirmed.

Circuit Judges not to sit in supreme court.

Sec. 17. *Be it enacted*, The circuit judges shall not hereafter allow a change of venue in any cause now, or hereafter pending in any of said circuit courts, out of term time, neither shall they set on the trial of any cause wherein they have been employed as an attorney.

Change of venue repealed.

Sec. 18. *Be it enacted*, That from and after the time this act goes into operation, the clerks and witnesses of the circuit courts in this state, shall only be entitled to the same fees that the clerks and witnesses of the county courts are entitled to, for similar services.

Fees of clerks and witnesses.

Sec. 19. *Be it enacted*, That from and after the time this act takes effect, there shall be twenty six jurors summoned for each circuit and county courts, and no more than thirteen of whom shall be drawn for, and compose the grand jury, and the residue the traverse jury to said court, any law to the contrary, notwithstanding. And that the grand jury shall set as petit jurors at all times except when they are engaged in grand jury business.

Number of jurors.

Sec. 20. *Be it enacted*, That this act shall be in force from and after the first day of January next; and that all laws and parts thereof, that come within the purview of this act, be, and the same are hereby repealed, from and after said first day of January next.

Effect.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 19th, 1811.

CHAP. LXXIII.

AN ACT *for the better regulation of the towns of Shelburne and Westfield, in the counties of Bedford and Lincoln.*

Commissioners to be elected.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the sheriffs of the counties of Bedford and Lincoln aforesaid, on their own or their deputies, to hold a second at the court houses of the respective counties, on the first Saturday in January in each and every year, for the purpose of electing three suitable persons in each town, inhabitants of their respective towns, to act as commissioners, who shall hold their appointments for the term of twelve months, or until the next succeeding election, for the purpose aforesaid.

Who may vote.

Sec. 2. Be it enacted, That all citizens or freeholders in said towns, who have a right to vote for members of the general assembly, shall be entitled to a vote in said elections, and a majority of said commissioners so elected, shall constitute a quorum to do business; and in case of vacancies happening by death, resignation, removal or otherwise, it shall and may be lawful for the balance of the commissioners of said town, where such vacancy may happen, to meet and appoint a suitable person or persons, to fill such vacancy or vacancies, as the case may be.

Vacancies provided for.

Duty of commissioners.

Sec. 3. Be it enacted, That the commissioners of each of the towns aforesaid, at their first meeting after the election annually, shall appoint a chairman from their own body, and shall also appoint a treasurer and clerk annually, which treasurer shall keep a regular and just account of all monies received and paid out by him, in a book to be kept by him for that purpose, which said book, with the money then in the treasury, and papers appertaining to said office, he shall deliver up to his successor; and the clerk shall keep a true and regular account of the proceedings of the commissioners, and advertise the rules by them adopted, whenever they may deem it necessary, who shall receive such compensation, together with the treasurer, as said commissioners may conceive adequate to their services and expenditures.

Their power.

Sec. 4. Be it enacted, That the said commissioners shall have power to compel the inhabitants of their respective towns, that are liable to work on roads, to work on, and keep in repair, the streets of their towns respectively, and to appoint an overseer thereof, who

shall collect such fines, from those who neglect or refuse to work on said streets, (as are directed in similar cases respecting roads) to prevent encroachments on the streets, and to remove any nuisance whatsoever, at the expence of the party occasioning the same; and if necessary, to procure a surveyor to re-survey said town, agreeable to the original plan; they shall also have power to lay a tax annually, on each hundred dollars worth of town property, not exceeding twelve and one half cents; on each white poll, not exceeding twelve and one half cents; on each black poll, not exceeding twenty-five cents; which said tax may be collected by a warrant under the hands and seals of the chairman and clerk of the commissioners of the town in which work may be collected; which collectors shall be appointed by the commissioners of the town for which he is collector, and shall be governed by the rules established by law, for collecting and accounting for the state tax.

Their power.

Sec. 5. Be it enacted, That said commissioners of the towns aforesaid, shall appoint one of their own body to take a list of the taxable property in their respective towns as aforesaid, annually, in the month of January, who shall return the same to the said commissioners, at their first meeting thereafter.

Sec. 6. Be it enacted, That no appropriation of money shall be made by said commissioners, except for the benefit or improvement of their respective towns, agreeable to the directions of this act, or for defraying the expence necessary for carrying the same into effect.

Sec. 7. Be it enacted, That the commissioners of the respective towns aforesaid, shall appoint three suitable persons in each town, to assess the value of the town property aforesaid, whose duty it shall be, to assess the same annually, and make return thereof, on oath, to the commissioners of their respective towns, at the first meeting after such assessment is made.

JOHN COCKE,
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

November 1st, 1811.

CHAP. LXXIV.

AN ACT *authorising the citizens residing in the first, second and third surveyors districts, to have their*

grants made out and registered by the register of East Tennessee.

Whereas it has been represented to this general assembly, that inconvenience has arisen, and may hereafter arise, to many of the good people of this state, in consequence of their being compelled to go to the register's office at Nash. ville for their grants, and then returning them to the said office for registration, after they have been executed by the governor at the seat of government. For remedy whereof,

Duty of Register.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, it shall and may be lawful for any person or persons who have made, or shall make an entry, or have any survey of lands in either of the said first, second and third districts, to bring his or their plats and certificates of survey to the register of East Tennessee, who shall, without delay, forthwith make out a grant as the same as in other cases provided for by the laws of this state: *Provided*, that nothing herein contained, shall be so construed, as to compel any person or persons, in either of said districts, to have their grants made out by the register of East Tennessee, but they shall and may take their choice, to have them made out by either of the registers in this state.

Duty of Surveyor.

Sec. 2. *Be it enacted*, That the surveyors general of the said first, second and third districts, shall insert, or cause to be inserted, in every certificate of survey, the number and date of the entry, the date of the survey on said entry, together with the number and date of the warrant or certificate, the persons name in which said warrant or certificate issued, together with the assignments vesting an interest in each entry.

Sec. 3. *Be it enacted*, That the register of East Tennessee shall record the grants issued under the authority of this act, in a separate book, to be by him kept for that purpose.

JOHN COCKE,
Speaker of the House of Representatives.

THOs. HENDERSON,
Speaker of the Senate.

November 12th, 1811.

AN A[illegible]

[illegible]

Sec. [illegible] *Be it enacted by the General Assembly of the State* [illegible] may be issued [illegible] the [illegible] and valid [illegible] security [illegible] shall, from [illegible] further obligation, in virtue [illegible]

JOHN [illegible],
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

November 12th, 1811.

CHAP. LXXXI.

AN ACT *for the relief of persons holding Virginia land claims, that are now in the bounds of this state.*

Titles may be registered.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, [illegible] from the state of Virginia [illegible] county [illegible] in the bounds of the state of Tennessee, [illegible] that [illegible] be registered in the county where said land may lie, and after the register certifies on the same [illegible] all such grants, so registered and certified, shall be received as good evidence in any court of record in this state.

Sec. 2. *Be it enacted*, That all conveyances of land, and other [illegible] for lands situate in the state, for lands situated as aforesaid, which may have been duly proven and recorded in any court of record in the state of Virginia, shall, on being presented as aforesaid, be registered in the county where said land may lie; and af-

for said register certifies the same to have been duly registered, all such [illegible] and other papers or documents, shall be deemed as good evidence in any court of [illegible] state.

[illegible]

Duty of registers.

[illegible] shall be the duty of the [illegible] ready of [illegible] documents relative to [illegible] to them for [illegible] and certify the same [illegible] they shall be entitled to such fees as they [illegible]

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

November 12th, 1811.

CHAP. LXXVII.

AN ACT *to amend the sixth and fourteenth sections of the Land Law, passed at Knoxville, the third day of December, 1807.*

Section 1. BE it enacted by the General Assembly of the State of Tennessee, That in cases of interfering grants, where the grant of younger title is bottomed on the entry [illegible], which has been in part applied to some older grant, different from either of such interfering grants, in such cases, a certificate shall issue for so much of such grant of younger title, as is covered by such interfering grant of older title: *Provided,* that no certificate shall issue for such part of said entry or warrant as was applied to said other grant, different from said grants of interfering title.

JOHN COCKE,
speaker of the House of Representatives
THOS. HENDERSON,
Speaker of the Senate.

November 12th, 1811.

CHAP. LXXVIII.

AN ACT *to repeal part of an act, entitled "an act to establish Sessions of the Peace," passed at Knoxville, the [illegible] day of October, 1809.*

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, the second section of an act, entitled "an act to establish sessions of the peace," passed at Knoxville on the 18th day of October, 1809, shall be, and the same is hereby repealed.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

CHAP. LXXIX.

AN ACT *to establish a Bank, and incorporate the subscribers thereto.*

BE it enacted by the General Assembly of the State of Tennessee, That a bank shall be established at Knoxville, the original capital stock whereof, shall not exceed four hundred thousand dollars, and shall be divided into shares of fifty dollars each share; and the subscriptions towards constituting the said stock, shall, on the first day of January next, be opened at Knoxville, under the superintendance of Messrs. James Dardis, Calvin Morgan, Robert King, Joseph C. Strong, Thomas Humes, David Kellers, John Anthony, Thomas Emmerson, William Park, and John Crozier. *State bank established.* *Books to be opened in Knoxville.*

And under the direction of William Bailey, James Rhea and Richard Sevier, in Sullivan county, for 340 shares. *In Sullivan.*

Under the direction of Nathaniel Taylor, George Duffield and Godfrey Carriger, in Carter county, for 440 shares. *In Carter.*

Do. do. David Deaderick, John M'Alister, junior and Robert M'Koe, in Washington county, for [illegible] shares. *Washington.*

— — William Dickson, John Russell and Valentine Sevier, in Greene county, 440 shares. *Greene.*

— — William Helms, senior, A. Jenkins and John Shields, — Cocke county, 440 shares. *Cocke.*

Jefferson. — — [illegible] Henry and Henry [illegible]

Hawkins. — — [illegible] Francis [illegible]

Sevier. — — [illegible]

Blount. — — [illegible] John [illegible] shares.

Grainger. — — [illegible] Black- [illegible] — 440

Claiborne. — — [illegible] Doherty and William [illegible] shares.

Anderson. — — [illegible] Walker and [illegible] county, — 440

Campbell. — — [illegible] Benjamin David and Jo- [illegible] — 440 shares.

Roane. — — [illegible] John M'Even, and Thomas N. Clarke, [illegible], — [illegible] shares.

Rhea. — — Alexander [illegible], Robert Means and James Campbell, [illegible] county, — 440 shares.

Bledsoe. — — John [illegible], [illegible] and William Cleveland, — [illegible] county, — 440 shares.

When to be closed.

And a majority of the said commissioners, at the places above mentioned respectively, shall be sufficient to perform the duties of their appointment; and they shall keep the subscription open for at least the term of ten days, and thereafter until the expiration of the term, then, they shall keep the same open, for three weeks thereafter, unless sooner completed, and no longer; and, if the subscription shall be closed at any time before the expiration of the said term of ten days, then, and immediately after the same shall be so filled, no person, or company, or body politic, shall, during the remainder of said term of ten days also, be permitted to subscribe for more than ten shares.

Shares the sole right of subscribers.

Sec. 4. *Be it enacted*, That all subscriptions and the shares thereby subscribed, shall be deemed, and held to be, the sole and proper, and not for the [illegible] and benefit of the persons, co-partnerships, or bodies politic, respectively subscribing, or to whom, [illegible] respectively shall be [illegible] as the case may be, that of making the [illegible] of bargains, contracts, premiums, agreements, [illegible] to any, [illegible] concerning this [illegible] with the [illegible] co-partnership, or [illegible] subscribing, or for which the subscriptions shall be declared to be

[illegible] shall have, enjoy and receive the share [illegible] and shares [illegible] and [illegible] or any [illegible] not [illegible] subscription [illegible] in the general [illegible] dividing the [illegible] in the hand of a person or [illegible] persons residing in the county where such subscription [illegible] taken.

Subscriptions, how regulated.

Sec. 5. *Be it enacted*, That it shall be lawful for a[illegible] to subscribe, in person, or by attorney, to [illegible] or any number of shares, not exceeding [illegible] shares in any one day, except in the case above [illegible], and except also, as shall be herein after directed, relative to the state of Tennessee; and, in case the amount of subscriptions in any of the places above mentioned, shall exceed the number of shares there allowed to be subscribed, the excess thus created, shall be reduced within the number of shares authorised to be subscribed at such places respectively, in the manner following, that is to say: From the subscriptions and subscriptions highest in amount, the respective commissioners, or a majority of them, shall subtract a share or shares, until the same be made equal to the subscription or subscriptions next highest in amount; and as often, as the case shall require, they shall so proceed to subtract a share or shares from the subscription or subscriptions remaining from time to time, highest in amount, until the aggregate of all the subscriptions be reduced to the number of shares authorised to be subscribed at the places above mentioned respectively; and if, by and after the operation of such subtraction, (as often as the same shall be necessarily made and repeated as aforesaid,) a greater number of shares may be allowed to one or more of the subscribers than those shares such subtraction shall have been made, then, in the rest, or if the number of subscriptions ultimately be greater than the number of shares authorised to be subscribed at the places above mentioned respectively, so that at least one share cannot be allotted to each and every subscriber, then, and in either of the above cases, the respective commissioners shall ascertain by lot, in which the greater number of shares, or the right of subscribing for, and retaining one share (as the case may be) shall be vested; and the person or persons to whose favor the lot may be cast, shall be deemed to all intents and

purposes the lawful subscribers and subscribers, for such shares and shares respectively, and the amount of the shares and shares subscribed for, shall be paid by the several and respective subscribers in gold or silver, at the times and in the proportions hereinafter specified.

Subscriptions to be returned.

Sec. 4. *Be it enacted*, That each and every of the said commissioners, are hereby required and directed to return at the expiration of the said period of three weeks, or within twenty days thereafter, the respective subscriptions taken under their, and each of their directions, to the said commissioners of Knoxville; and if the said number of shares shall not have been subscribed at any of the places aforesaid, in manner herein before mentioned; or if subscribed, and a return thereof shall not be made to the commissioners at Knoxville, aforesaid, within the time herein limited, the subscriptions not so returned, shall be *forfeited*; and it shall and may be lawful for the said commissioners of Knoxville, to open other subscriptions for supplying the said unsubscribed, or unreturned shares, in Knoxville, under the provisions, limitations and regulations aforesaid; and the said commissioners, or a majority of them, shall give three weeks notice thereof, before the opening of said subscriptions, in the public Gazettes printed in the said town of Knoxville.

Forfeited by failure.

Payments.

Sec. 5. *Be it enacted*, That the payments for said subscriptions shall be divided into eight equal instalments, and each instalment into two equal parts, and the one half part of the first instalment, shall be paid to the commissioners of Knoxville, previous to the election of directors, on or before a day to be fixed, whereof thirty days notice shall be given in the public Gazettes printed in Knoxville respectively, and the remaining half of the first instalment shall be paid to the directors on a day by them to be appointed, of which three months notice shall be given in the Gazettes aforesaid; and the second instalment shall be paid to the directors, for the time being on or before the first day of November, eighteen hundred and thirteen, if the same shall be so soon called for by said directors, but it shall be lawful for any subscriber to pay the whole of any instalment or any greater part thereof than is hereby required before the time limited as aforesaid, and each & every subscriber so paying in advance shall draw a proportionable dividend on the profits & emoluments of the bank, computing said dividend from the first day of the month next succeeding each payment.

Sec. 6. *Be it enacted*, That all the persons who shall become subscribers to the said bank, their

successors and assigns, shall be, and are hereby created and made a corporation and body politic, by the name and style of the president, directors and company of the bank of the State of Tennessee, and by that name shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods and chattles and effects of what kind, nature and quality soever, and the same to grant demise alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any Courts of Record or any other place whatsoever; and also to make, have and use a common seal, and the same to make, alter and renew at pleasure, and also to ordain establish and put in execution such bye laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation not being contrary to law, or to the constitution of this state or the United States, for which purpose general meetings of the stock-holders, shall and may be called by the directors and in the manner hereafter specified, and generally to do and execute all such acts, matters and things as to them shall or may appertain to do, subject nevertheless to the rules regulations, restrictions, limitations and provisions, hereafter prescribed and declared.

Corporation.

Sec. 7. *Be it enacted*, That there shall be nine directors of whom there shall be an election, on the first day of January in each year, or within twenty days thereafter by the stock-holders or proprietors of the capital stock, of the said corporation and by plurality of votes actually given and those who shall be duly chosen at any election shall be capable of serving as directors by virtue of such choice, until the end or expiration of the term of one year next ensuing, the time of such election and no longer, except in case of failure of election on the day appointed and in that case until such election takes place, and the said directors at their first meeting after each election, shall choose one of their own number as president, but no subscriber shall be permitted to vote for directors on the first election, who has not paid the commissioners aforesaid, the whole or half part of his or their first instalment, nor shall any stock-holder, at any time be permitted a vote or votes at any subsequent election on any occasion, where votes are taken for such share or shares, as he or they may have forfeited by a failure of payment.

Officers how to be chosen.

Sec. 8. *Be it enacted*, That as soon as four thousand shares shall be subscribed and twenty-five thou-

When to go into operation.

and dollars, shall have been actually paid to the commissioners aforesaid, in gold or silver, on account of the subscription to the said stock; notice thereof shall be given by the said commissioners in the public Gazettes printed in Knoxville; and the said commissioners shall at the same time in like manner notify a time and place within the said town, at the distance of twenty days from the time of notification for proceeding to the election of directors, and it shall be lawful for such election to be then and there made, and the persons who shall then and there be chosen, shall be the first directors, and shall be capable of serving by virtue of such choice until their successors, shall be duly elected in pursuance of this act, and shall as soon as twenty five thousand, are actually paid in specie and not before commence the operations of the said bank at Knoxville aforesaid. And in case it should happen that an election of directors, should not be made on any day when pursuant to this act, it ought to have been made the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of said corporation, and in case of the death, resignation, absence from the United States, or removal of a director by the stock-holders, his place may be filled by a new choice for the remainder of the year.

Failure of elections provided for.

Sec. 9. *Be it enacted*, That the commissioners aforesaid, shall immediately provide in the said town of Knoxville, a proper house for carrying on the business of the bank, together with all necessary paper stationary, vaults and accounts suitable to the same, so that as soon as directors are chosen, the operations of the bank may be immediately and without loss of time entered on and carried into effect.

Commissioners to provide buildings, &c.

Sec. 10. *Be it enacted*, That any person or party failing to pay the one half part, his first instalment, at the times fixed on, to the commissioners aforesaid, be or they are hereby declared to have forfeited all right of title, to his or their subscription for such share or shares, on which such payment shall be omitted to be made as aforesaid; and the commissioners shall open the shares so forfeited for subscription to the original terms to any person desirous to subscribe and who shall pay to the said commissioners the one half part of the instalment of the shares so by them subscribed, which subscription and payment shall entitle them to all the benefits and privileges and subject them to all the regulations of original subscribers.

Sec. 11. *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 the business of the said corporation, and to pay them such compensation for their services respectively, as shall be reasonable, and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

Directors may appoint officers & servants.

Sec. 12. *Be it enacted*, That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of said corporation, viz.

Fundamental articles.

1st. The number of votes to which each stock-holder shall be entitled, shall be according to the number of shares he shall hold in the proportions following; That is to say, for one share and not more than two shares, one vote; for every two shares and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; but no person or body politic, shall be entitled to a greater number than thirty votes; and after the first election no share or shares, shall confer a right of suffrage, which shall not have been holden two calender months, previous to the day of election. Stock-holders actually resident within the United States, and none others may vote in elections by proxy.

2d. Not more than two thirds of the directors in office exclusive of the president, shall be eligible for the next succeeding year, but the director who shall be president at the time of election may always be re-elected.

3d. None but a stockholder, except in case of directors chosen by the state, being a citizen of the United States, shall be eligible as a director; no director of any other bank, shall at the same time be a director of this bank, nor any dividends shall be made to the stock-holders, of no more of the profits of the bank, as shall appear to the directors advisable, and once in every year the directors shall lay before the stockholders, at a general meeting for their information, an exact and particular statement of their debits which shall have remained unpaid after the expiration of the original credit and of the surplus of property, if any after deducting losses and dividend.

4th. No director shall be entitled to any emolument,

Fundamental articles.

unless the same shall be allowed by the stock-holders at a general meeting. The stock-holders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

5th. 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 his place shall be supplied by any other director, whom he shall by writing under hand, nominate for the purpose.

6th. That the state may subscribe, and become a stock-holder to an amount not exceeding twenty thousand dollars, being the amount of four hundred shares of the original capital, not by this act apportioned among the several counties, and for which the right of subscribing is hereby reserved to the state, but shall not be permitted to pay in the course of any year, a sum not exceeding five thousand dollars, unless by express consent of the president and directors previously signed in writing, to the state or its agent authorised to subscribe.

7th. Any number of stockholders not less than three who together shall be proprietors of one hundred shares, or upwards, shall have power at any time to call a general meeting of the stock-holders, for the purposes relative to the institution, giving at least three weeks notice, in the public Gazette printed at Knoxville, and specifying in such notice, the object or objects of such meeting.

8th. Any person copartnership or body politic, failing to pay any instalment or part thereof, to the directors at the periods prescribed by this act, shall lose the benefit of any dividend which may have accrued prior to the time of making such payment, and during the delay of the same.

9th. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more securities, to the satisfaction of the directors, in a sum not less than one hundred thousand dollars, with condition for his good behaviour.

10th. The lands, tenements, hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business, and such as shall have been *bona fide*, mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which

shall have been obtained for such debts. The corporation shall not directly or indirectly, except as hereafter specified, deal or trade in any thing, except bills of exchange, promissory, notes, gold or silver, bullion, or in the sale of goods, which shall be the produce of its lands, neither shall the said corporation take more than at the rate of six per cent. per annum, for or upon its loans or discounts.

Fundamental articles.

12th. No loan shall be made by the said corporation, for the use or on account of this state or the United States, or of any particular state, to an amount exceeding ten thousand dollars, or to any foreign prince or state whatever, without the previous consent of the legislature.

13th. The stock of the said corporation shall be assignable and transferable according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

14th. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement 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 to bring and maintain an action thereupon, in his, her or their own name or any names, and bills or notes, which may be issued by order of the said corporation signed by the president, and counter signed by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer tho' not under seal of the said corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as upon any private person or persons if issued by him or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by indorsement in like manner and with like effect, as foreign bills of exchange now are, and those which are payable to bearer, shall be negotiable or assignable by delivery only.

15th. Each director, cashier or treasurer, before he enters upon the duties of his office; shall take the following oath or affirmation, as the case may be, I, A. B. do swear or affirm that I will faithfully execute the duties of agreeably to the provisions of the law and the trust reposed in me, to the best of my skill and knowledge.

Fundamental articles.

16th. That if said corporation, or any person or persons, for or on the use of the same, shall deal or trade, in buying or selling any goods, wares, merchandize or commodities whatsoever, contrary to the provision of this act, all and every person or persons by whose any order or direction for so dealing or trading shall have been given; and all and every person or persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares and merchandize and commodities, in which such dealing and trade shall have been, one half thereof to the use of the informer, and the other half thereof to the use of the state, to be recovered with costs of suits.

17th. That if the said corporation shall advance or lend any sum for the use or on account of this state, the United States, or any particular state, to an amount exceeding ten thousand dollars, or of any foreign prince or state, unless previously authorised thereto, by law of the state, all and every person and persons by and with whose order, agreement, consent, approbation or connivance such unlawful advance or loan shall have been made, upon conviction thereof shall forfeit and pay for every such offence, treble the value and amount of the sum or sums, which shall have been so unlawfully advanced, or lent, one fifth thereof, to the use of the informer and the residue thereof to the use of the state.

18th. The total amount of the debts, which the said corporation, shall at any time owe, whether by bond bill, note or other contract shall not exceed double the amount of the capital actually paid into said bank, provided that the money deposited in the said bank for safe keeping, shall not be considered as the debts of the bank within the provisions of this clause, unless the contracting of any greater debt shall have been previously authorised by the laws of the state. In the case of excess the directors under whose administration it shall happen, shall be liable to the same in their natural and private capacities, and an action of debt may in such case be brought against them or any of them or their heirs, executors or administrators in any court of record in this state, by any creditor or creditors of the said corporation and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding, but nothing herein contained shall be construed to exempt the said corporation or the lands, tenements, goods or chattles of the same, from being also liable for and chargeable with the said excess, and such of the said directors who may have been absent when the said excess was created, or who may have dissented from the resolution or act, whereby the same

was created may respectively exonerate themselves from being so liable by forthwith giving notice of the fact, and of their absence or dissent to the governor of the state, and to the stock-holders at a general meeting, which they shall have power to call for that purpose. *Fundamental articles.*

19th. That the treasurer for East Tennessee, for the time being shall be furnished once in every year, or oftener if required, with statements of the amount of capital stock of the said corporation, and of the debts due to and from the same, of the monies deposited therein, of the notes in circulation, of the cash in hand, and of the profits made, and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statement, but nothing herein contained shall be so construed, as to imply a right of inspecting the account of any private individual or individuals of the bank, nor shall such general statement, and power of inspection be used for any other purpose, than to enable him to form a just opinion of the state of the institution relative to the public safety, and of the profits thereof, over which he is hereby appointed guardian, so far as the same relates to the state.

20th. Whenever the state shall become a stock-holder to an amount not less than twenty thousand dollars, it shall be entitled to appoint one director, whose appointment shall be made by the governor for the time being, at the periods by law appointed for the electing directors.

21st. That the capital stock, and funds of the bank, shall be deemed and taken to be personal, and not real estate.

22d. The notes or bills obligatory, which it shall be lawful for the said corporation to issue, shall not be for a less sum than five dollars.

Sec. 14. *Be it enacted*, That the Governor, for the time being, is hereby authorized and directed to subscribe for four hundred shares, and the treasurer for East Tennessee is hereby directed to pay the several instalments, or parts thereof, as they become due, having due regard to the provisions aforesaid, and the receipts of the directors shall be good vouchers in the settlement of his accounts: *Provided nevertheless*, that the governor of this state, shall not subscribe for more than two hundred shares, until three thousand eight hundred shares shall be subscribed for by private individuals, and so on afterwards, in the same proportion, until the whole eight thousand shares are subscribed for, until he shall have subscribed four hundred shares as aforesaid. *Governor directed to subscribe.*

Debts may be recovered in a summary way

Sec. 15. And whereas it is absolutely necessary that a debts due to the said bank should be punctually paid, to enable the directors to calculate with certainty and precision on meeting the demands that may be made upon them: *Be it enacted*, That when any person or persons are indebted to the said bank, for money borrowed by them, or for bonds, bills or notes given or endorsed by them with an express consent in writing that they may be made negotiable at the said bank, and shall refuse or neglect to make payment at any time the same may become due, the president shall cause a demand of payment to be made, in writing, on the person of the delinquent or delinquents, having consented as aforesaid, or if not to be found, have the same left at his last place of abode, and if the money so due, shall not be paid within ten days after such demand made, or notice left at the last place of abode as aforesaid, it shall be lawful for the president for the time being, or his agent or attorney, at his election, to move in any such court of the county, in which the said defaulter or defaulters shall reside, or did, at the time he or they contracted the debt, reside, on producing the bond, bill or note due, with proof of demand made as aforesaid, and whereupon the court shall enter judgment thereon, and issue *capias ad satisfaciendum*, *fieri facias* or attachment by way of execution, on which the debt and costs may be levied, by selling the property of the defendant, under the rules prescribed by law, for the sum or sums of money mentioned in said bond, bill or note; and the clerk of the circuit court, and the clerks of the several county courts, are hereby respectively required to issue such execution or executions, which shall be made returnable as in other cases, and shall be as valid and effectual in law, to all intents and purposes, as if the same had issued on judgments regularly obtained according to the common and ordinary course of proceedings in the said courts, and such execution or executions shall not be liable to be stayed or detained by any supercedeas, writ of error, appeal or injunction: *Provided always*, that before any judgment shall be entered, or execution or executions shall issue as aforesaid, the president of the bank shall make, on oath or affirmation, before some judge or justice of the peace, if he shall be of such religious society as are allowed by the laws of this state to make affirmation, ascertaining whether the whole, or what part of the debt due on the said bond, bill or note, is due; which said oath or affirmation shall be filed in the office of the clerk of the court, from which the execution shall issue; and if the

defendant shall dispute the whole or any part of the debt, on the return of the execution, the court before whom it is returned, may order an issue to be joined, and trial to be had the same court at which the return is made, and make such other proceeding, that justice may be done in the speediest manner.

Notices.

Sec. 16. *Be it enacted*, That where any debtor to the said bank, shall reside without the town of Knoxville, it shall the duty of such debtor, to leave in writing with the president or cashier of the bank aforesaid; the name of some person in the town of Knoxville, being a director or stockholder, to whom notice may be given, and in all cases arising under this act, requiring notice; notice to the person designated, shall to all intents and purposes, be as good as if the same were personally served on such debtor, and in case such debtor shall fail to make such designation, the said debtor shall take no advantage for want of notice in any case.

Limitation of the act.

Sec. 17. *Be it enacted*, That this act shall continue and be in force, for the term of thirty years.

Branch banks

Sec. 18. *Be it enacted*, That the directors of said bank shall have full power and authority to establish branches of the same at Clarksville, Columbia, and Jonesborough and such other places within this state, and commit the management of such branch or branches, to such person or persons subject to such regulations as they shall deem proper, not being contrary to law or to the constitution of the bank.

State may withdraw after 10 years.

Sec. 19. *Be it enacted*, That after ten years, from the passage of this act, it shall and may be lawful for the state to withdraw their part of the capital stock subscribed for, pursuant to the provisions of this act, and in the mean time, said state shall be always entitled to draw their dividend of the interest arising on the shares so subscribed in the same manner that other stock-holders are entitled to.

Nashville bank may become a branch.

Sec. 20. *Be it enacted*, That on the mutual agreement between the directors of the Nashville bank, and the bank by this act established, it shall and may be lawful for the two banks to conjoin and unite the joint funds of both banks, that then and in that case the name of the Nashville bank, shall cease, and thereafter said Nashville bank, shall become a branch of the state bank and at all times thereafter the whole of the stock of said Nashville bank, shall be, and remain there unless the directors thereof, shall be willing and desi-

rous, that a part thereof shall be transferred to some other part of this state.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 30th, 1811.

CHAP. LXXX.

AN ACT *for the relief of John Raines, Thomas Brandon, and the heirs of Richard Shaffer, deceased.*

Whereas John Raines served as a hunter, and was allowed by a resolution of the assembly of North Carolina, 640 acres of land for his extra services. Thomas Brandon served as a private, and Richard Shaffer a chain carrier, in running the military boundary line of this state, in 1784, which services and claims have been exhibited and proven to the satisfaction of this general assembly, and that they have not been compensated therefor. For remedy whereof,

Warrants to issue.

BE *it enacted by the General Assembly of the State of Tennessee,* That the commissioner of West Tennessee be, and he is hereby directed to issue to John Raines, a land warrant for 640 acres; to Thomas Brandon, a land warrant for 250 acres; and to the heirs of Richard Shaffer, deceased, a land warrant for two hundred and fifty acres, as full compensation for their respective services aforesaid: *Provided,* that it shall appear to the satisfaction of the commissioner, that no warrant or grants have heretofore issued to said Brandon, or the said Shaffer, or their heirs, for the same services; and that said John Raines shall give satisfactory evidence to said commissioner, that the state of North Carolina did make him an additional allowance of six hundred and forty acres, and furthermore, that he has never received a warrant therefor.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 14th, 1811.

CHAP. LXXXI.

AN ACT *appointing additional commissioners for the town of Elizabethton, in the county of Carter.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee,* That Abraham Kendry, Samuel Watson, Alfred M. Carter, Nathaniel Blackmore and Abraham Drake, be appointed commissioners, to act with the acting commissioners for the town of Elizabethton, in the county of Carter, and that they be vested with the same powers as those heretofore appointed.

JOHN COCKE,
speaker of the House of Representatives,
THOS. HENDERSON,
speaker of the senate.

October 25th, 1811.

CHAP. LXXXII.

AN ACT *to appoint additional commissioners, to those heretofore appointed by an act, entitled, "an act appointing commissioners to fix a place to build a court house, prison and stocks, in the county of Grainger, and to lay off a town thereon."*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee,* That John F. Jack, Frederick Moyers, Nicholas Counts, senior, Thomas Gill and Henry Mays, be, and they are hereby appointed commissioners in addition to those appointed by virtue of said recited act, who shall have and possess the same power and authority as those heretofore appointed. *additional commissioners.*

Sec. 2. Be *it enacted,* That said commissioners, or a majority of them, shall proceed without delay, to sell two lots in the town of Rutledge, number twelve and thirteen, first giving thirty days notice of the time and place of sale, and apply the money arising from such sale, to the payment of any debt or debts due from the county of Grainger. *Lots to be sold*

Sec. 3. Be *it enacted,* That said commissioners shall make and execute a deed or deeds in fee simple, to the purchaser or purchasers of said lots, which shall vest the titles of such lots to all intents and purposes; any law to the contrary, notwithstanding. *Make deeds.*

Sec. 4. *Be it enacted*, That this act shall be in force from and after the passage thereof.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 12th, 1811.

CHAP. LXXXIII.

AN ACT *for the countersigning certain Grants.*

Whereas a number of grants have been issued by the registers of the land office of the state, and signed by John Sevier, esquire, late governor of this state, which have not been countersigned by the then secretary of state,

BE *it enacted by the General Assembly of the State of Tennessee*, That William G. Blount, the successor of the present secretary of state, be authorised, and he is hereby directed to countersign the said grants, affixing to his signature the proper date.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

CHAP. LXXXIV.

AN ACT *supplemental to an act, passed the 3d day of August, 1804, entitled, "an act to remit the fines imposed by the courts martial, on delinquents, when ordered to master into service, and be ready to march on the 20th of December last."*

Refunding of fines may be enforced by suit.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That in case any of the fines which by said act were directed to be refunded to the persons from whom the same were collected, shall not have been refunded, or paid over to the person or persons entitled to receive the same by said act, it shall and may be lawful for such person or persons, as were entitled to receive said fines, under said act, to commence a suit or

suits at common law, before any tribunal having cognizance thereof against the colonel or other officer, in whose hands the same was paid by such delinquents, and on proof of such to recover judgment against such colonel or other officer, for the amount of such fine or fines.

Commanding officer liable in certain cases.

Sec. 2. Be *it enacted*, That if the colonel or commanding officer of any regiment, shall have neglected to take security of a judge advocate, as directed by law, and that any of such fines shall have been paid into the hands of such colonel or commanding officer, by such delinquent, and that said colonel shall have paid said fines into the hands of any judge advocate, without taking security as aforesaid, whereby such fine or fines cannot be collected from the judge advocate, said colonel or commanding officer shall be accountable for the same, in the same manner as prescribed in the first section of this act.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 12th, 1811.

CHAP. LXXXV.

AN ACT *to authorise the governor to draw on either of the treasurers of this state, for the sum of money necessary to defray the expence attending an exchange of laws with the several states in the United States, and for other purposes.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the governor to draw on either of the treasurers of this state, for a sum of money necessary to defray the expence attending an exchange of laws with the several states in the United States; also, for the sum necessary to defray the expence attending the negotiation, running and marking the state line, between this state, and the state of Kentucky.

Sec. 2. Be *it enacted*, That the draft drawn by the governor as aforesaid, shall be a good voucher to either of the treasurers of this state, on the settlement of their public accounts.

Sec. 3. Be *it enacted*, That the governor shall, from

dent to them have power to draw on either of the treasurers aforesaid, for such sum or sums as may be necessary to provide stationary for the use of the governor's and secretary's offices, and postage on public letters.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 10th, 1814.

CHAP. LXXXVI.

AN ACT *authorising county courts, to settle with the commissioners of the county towns.*

WHEREAS there is no provision by law to compel the commissioners of county towns to pay over the money in their hands, which shall be left after paying for the public buildings; for remedy whereof——

to appoint commissioners.

Be it *enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall be the duty of the respective county courts in this state, at the first court after the first day of January next, and as often thereafter as they may think proper, to appoint three commissioners to settle with the commissioners of the respective county towns, whose duty it shall be to report the same to the next succeeding county court, and if upon such settlement it shall appear that there is any money in the hands of the commissioners of said town or towns, after having paid all such sums of money, as they were bound to pay for the public buildings or otherwise; then and in that case, it shall be the duty of said county courts respectively to order said sum or sums of money, so remaining in the hands of said commissioners to be paid to the county trustee or trustees respectively, who shall be answerable and accountable for the same, in the same manner as he or they are answerable or accountable for other county monies.

Judgments on motion.

Sec. 2. *Be it enacted*, That if the said commissioners shall not or refuse to pay the said sum or sums of money to the said trustee or trustees, that it shall be lawful for the chairman of the court or courts respectively to move for and obtain judgment on motion in his

or their own name or names, as chairman of said court against the said commissioners in any court of said county having jurisdiction thereof; and recover the same for the use of said county, and the money when recovered to pay to the trustee or trustees as aforesaid for the purposes aforesaid.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 11th, 1811.

CHAP. LXXXVII.

AN ACT *in addition to act entitled "an act to repeal the second section of an act entitled 'an act allowing and regulating certain officers fees in particular cases'" passed 21st April, 1809.*

Clerks in certain cases may issue execution

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where the papers of any suit or suits may have been or hereafter may be deposited in the clerks office of any county within this state, by any justice of the peace, upon his resignation or removal or by his representatives after his decease according to the requisition of the before recited act, and it appearing from such papers that any judgment given by said justices so resigned, removed or dead, has not been fully satisfied, the clerk with whom said papers are so deposited, on application of the plaintiff, in any such suit or suits is hereby authorised to issue an execution thereon returnable before him in the same manner as if issued by a justice: *Provided nevertheless*, that any plaintiff shall not derive greater advantage from any such execution than if the same had been issued by a justice.

Sec. 2. *Be it enacted*, That if any judgments rendered the papers of which have heretofore been filed as aforesaid, shall not die for want of an execution having issued thereon within the time prescribed by law but the clerk shall proceed thereon as in other cases.

To report the number of justices.

Sec. 3. *Be it enacted*, That it shall be the duty of the different clerks of the courts of pleas and quarter sessions throughout this state, to make report to each session of the General Assembly, the number

of captains commanded, within their respective counties and the number of acting justices of the peace in each county.

Penalty for omitting to return a tax list.

Sec. 5. Be it enacted, That if any clerk of the county court of pleas and quarter sessions throughout this state, shall refuse or neglect to return the tax list in each county, as by law required of the General Assembly of this state, it shall be deemed a misdemeanor in office, and on the production of the report of the committee of finance as published in the printed journals of the legislature, stating such neglect and failure, the said county court, on conviction thereof, shall dismiss their said clerk from office instanter.

JOHN COCKE,
speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 8th, 1811.

CHAP. LXXXVIII.

AN ACT *to provide for Sheriffs exofficio services.*

BE *it enacted by the General Assembly of the State of Tennessee,* That from and after the first day of January next, it shall not be lawful for any court in this state to allow their sheriff for his exofficio services, more than fifty dollars, for each year he may serve as sheriff, and in that proportion for a longer or shorter period.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 19th, 1811.

CHAP. LXXXIX.

AN ACT *making further provision to enable creditors to recover their just debts.*

BE *it enacted by the General Assembly of the State of Tennessee,* That it shall hereafter be lawful, after a

creditor or creditors, recovers final judgment against a debtor or debtors, each creditor or creditors may have it at his, or at their option, to summon garnishees in the same manner, and under the same rules and restrictions, as in cases of attachments against debtors, and such garnishees or garnishees, shall be proceeded against in the same way, and shall be liable in the same manner as they would be, in cases of attachments against debtors: *Provided,* that it shall not be lawful for the sheriff or other officer, to summon any garnishee pursuant to the provisions of this act, to be sufficient property of the debtor in his county, sufficient to satisfy the execution in his hands.

JOHN COCKE,
Speaker of the House of Representatives,
THOS. HENDERSON,
Speaker of the Senate.

November 19th, 1811.

CHAP. XC.

AN ACT *concerning the navigation of Smith's Fork, of the Caney Fork.*

BE *it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, all laws and parts of laws which provide for the keeping open as a navigable stream, Smith's Fork of the Caney Fork, be, and the same are hereby repealed.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 20th, 1811.

CHAP. XCI.

AN ACT *to discourage vexatious law-suits against owners of Grist-Mills, and other Water Works of utility.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee,* That in all suits hereafter brought

for the recovery of damages sustained by the overflowing of water, from the erection and keeping up of a grist mill [illegible] of the [illegible] or plaintiff, [illegible] to such person [illegible] may be assembled the [illegible]

Sec. 2. [illegible] of the county [illegible] to such cost as the [illegible] necessary, and of the same [illegible] against the plaintiff for the nonfee of said cost; any law, usage or custom to the contrary, notwithstanding.

JOHN COCKE,
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

November 19th, 1811.

CHAP. XCII.

AN ACT *to authorise Abraham Williams to erect a Dam across Nolichucky River.*

Whereas it is represented to this general assembly, that Abraham Williams of Washington county, has built a mill on Nolichucky river, [illegible] of great public utility, a little below where, by the laws heretofore enacted, it is declared a public highway; and that a dam eighteen inches high, will enable said mill to grind throughout the year. Wherefore,

BE *it enacted by the General Assembly of the State of Tennessee*, That Abraham Williams of Washington county, be, and he is hereby authorized to build a dam eighteen inches high across the river Nolichucky, in such manner as he shall deem most beneficial, so as to enable him to divert the water of said river on his said mill; any law to the contrary, notwithstanding.

JOHN COCKE,
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

November 21st, 1811.

CHAP. XCIII.

AN ACT *to amend the Militia Laws of this State.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, the militia of Humphreys county is added to the sixth brigade, and the militia of Jackson county is annexed to the seventh brigade, and shall each remain a part thereof; the militia of the counties of Giles, Lincoln and Bedford, shall compose the fifth brigade; and the militia of the counties of Davidson, Williamson and Rutherford, shall compose the ninth brigade, and the major general of the second division, shall issue his writ for electing a brigadier general in said ninth brigade; which election shall be held at the court house in the town of Nashville, under the same rules and regulations as is heretofore pointed out by law, giving the proper notice thereof.

Sixth and seventh brigade.

fifth brigade.

ninth brigade.

Sec. 2. *Be it enacted*, That the second regiment of Williamson county, shall be the forty-fourth regiment, and shall hold a regimental muster on third Thursday in September, annually; the second regiment of Rutherford county, shall be the forty-fifth regiment, and shall held regimental musters on the second Thursday in September; the second regiment of Maury county, shall be the forty-sixth regiment, and shall hold regimental musters on the fourth Thursday in September, annually; and the twenty-seventh regiment, on the second Thursday in September; the thirty-seventh regiment, on the fourth Thursday in September; the thirty-ninth regiment, on the first Thursday in October; the twenty-eighth regiment, on the second Thursday in October. And the second regiment of Bedford county, shall be the forty-seventh regiment, and shall hold regimental musters on the third Thursday in October annually, as aforesaid; the second, of Knox county, shall be the fortieth regiment, and shall hold regimental musters on the first Thursday in September, annually; the eighteenth regiment shall hold regimental musters on the first Thursday in September; the thirty fifth regiment, on the second Thursday in September; the thirty-fourth regiment, on the third Thursday in September; the twenty-sixth regiment, on the fourth Thursday in September; the thirty-second regiment, on the first Friday in October annually, as aforesaid.

Number and musters of new regiments.

Sec. 3. *Be it enacted*, The second regiment of Wilson county, shall be the forty-second regiment, and hold their drill muster on the second Monday and

Regimental musters.

Regimental musters, &c.

Tuesday of September, and their regimental muster on the succeeding day; the seventeenth regiment shall hold their drill muster on the first Thursday and Friday of September, and their regimental muster on the succeeding day; the second regiment of Sumner county, shall be the forty-third regiment, and hold their drill muster on the third Monday and Tuesday of September, and their regimental muster on the succeeding day; the fifteenth regiment shall hold their drill muster on the third Thursday and Friday of September, and their regimental muster on the succeeding day; the sixteenth regiment shall hold a drill muster on the fourth Monday and Tuesday of September, and their regimental muster on the succeeding day; the second regiment of Smith county, shall be the forty-first regiment, and shall hold a drill muster on the fourth Monday and Tuesday of September, and their regimental muster on the succeeding day; and in all cases where the places for holding drill and regimental musters have not been pointed out by law, the commissioned officers of said regiments shall be authorised to fix on their muster ground: *Provided*, a majority of said officers are present; and the place so appointed, shall be the place of holding courts martial, and the elections for field officers; and the officers of the forty-first regiment shall have due regard a central situation in fixing on their muster ground.

Brigadier gen. to a succeeder.

Sec. 4. *Be it enacted*, That where any regiment has heretofore been laid off, or may hereafter be laid off and organized, and the time of holding regimental musters is not pointed out by law, it shall be the duty of the brigadier general in whose brigade such regiment or regiments may be, to issue his order to the commanding officer of such regiment, directing the time on which he shall hold his regimental muster annually, which notice shall be at least three months previous to the time appointed; and the colonel of said regiment shall proceed to call his muster on the day so appointed, annually.

Battalion musters when held

Sec. 5. *Be it enacted*, That in all cases where regiments are divided into battalions, and time of holding musters in the same have not been pointed out by law, it shall be the duty of the officers of the first battalion in each regiment, to hold their musters on the first Thursday of April, annually; and the officers of the second battalion to hold their musters on the second Thursday in April, annually, as aforesaid; and the officers of the respective battalions shall hold drill musters on the day immediately preceding the day of holding their battalion musters, under the same rules and regulations as is pointed out by law for holding drill musters; and it shall be the duty of the adjutant of the regiment, to attend the drill musters of the battalions in their respective regiments, for the purpose of instructing the officers, in lieu of the brigade inspector.

Drummers & fifers to attend drill musters.

Sec. 6. *Be it enacted*, That the drummers and fifers of the different companies, shall attend the drill musters of their respective regiments and battalions, for the purpose of being instructed by the drum and fife majors of said regiment, whose duty it shall be, to attend said musters, for said purpose, and in case of failure, shall be fined as the court martial of said regiment or battalion may think proper.

Fine for not accepting appointment, &c.

Sec. 7. *Be it enacted*, That any person who declares himself a candidate, or consents to serve in any military office or appointment, and is elected to fill the same, who refuses to accept his or their commission, and be qualified to the same as the law directs, shall be subject to a fine not exceeding ten dollars, and not less than five dollars, as the court martial of the regiment or battalion may direct, on information given thereof; and no military office or appointment shall be rendered vacant by the person holding the same declaring himself a candidate for any higher commission, unless the person so declaring himself is duly elected to fill said higher place; and each person who may hereafter be elected to fill any military appointment or commission, shall receive from the inspectors of said election, or sheriff, a certificate of their election, or a copy thereof, and keep the same in their own possession, which shall be sufficient authority for them to proceed to the duties of their office or appointment, until their commission is received and qualified to, as by this act required.

Courts martial when held.

Sec. 8. *Be it enacted*, That regimental courts martial shall be held in the different regiments throughout this state, by the commissioned officers of the respective regiments, on the first Thursday in December annually, and the succeeding day, if found necessary, at the places of holding regimental musters, under the same rules, regulations and restrictions, as are by law directed; and all delinquents for not attending the preceding regimental muster, shall be returned to said court martial, and fined as by law directed; and the officers of each first battalion, shall hold a court martial on the first Thursday in June annually; and the offices of each second battalion, on the second Thursday in June annually, as aforesaid, at the same places as is pointed out for holding battalion musters; and all delinquents for not attending the preceding battalion mus-

ter, shall be returned and fined as by law directed; and said courts martial held as afore-mentioned, shall be vested with the same powers, and regulated in the same way, as those heretofore held on the succeeding day after holding regimental and battalion musters; any law to the contrary, notwithstanding.

Cavalry to be equipped.

Sec. 9. *Be it enacted*, That each company of cavalry now raised in this state, shall, within six months after the passage of this act, or any company that may hereafter be raised in this state, shall, within six months from the time of electing their officers, equip themselves as the law directs; and in case of failure, each commissioned officer shall forfeit and pay a sum not exceeding five dollars, and each non-commissioned officer and private in a sum not exceeding two dollars, to be recovered on information against the officers at the first regimental court martial; as privates, at the first company court martial: *Provided* also, that every officer or private so neglecting or failing to equip himself as by law directed, shall be reduced to the ranks, and be enrolled and do his duty in the company of infantry in which he may reside, and shall be subject to the same rules and regulations as the infantry are.

Cavalry to attend musters, &c.

Sec. 10. *Be it enacted*, That each company of cavalry, shall attend at the time and place of holding regimental musters in their respective regiments, and shall parade and muster, and while there, be subject to the orders of the commandant of said regiment, and each brigade shall form a regiment of cavalry, and each regiment so formed shall hold a regimental muster, on the first Monday of October next; and on the same day biennially when it shall be the duty of the General of the Brigade to attend and review with the field officers, and the officers of said regiment shall hold courts martial, on the succeeding day for the purpose of trying delinquents, &c. under the same rules and restrictions, as is by law directed, and shall appoint their own places of holding said regimental musters, which shall also be the place of holding elections for field officers in said regiments, unless otherwise provided for by law; and in all cases where the place of holding elections as aforesaid, is not pointed out by law, as fixed on as by this act required; it shall be the duty of the officer whose duty it is to issue the writ of election, also to fix on the place of holding the same, at some suitable place near the centre of said regiment or brigade, and give notice of the same in said writ, or order of election.

Sec. 11. *Be it enacted*, That it shall be the duty of

the Governor, to lay before the general assembly, at each stated session, a copy of the adjutant general's return of the strength of the militia of this state, together with a statement of the number of their arms and other equipments according to said report of the adjutant general.

Governor to make report.

Sec. 12. *Be it enacted*, That from and after the passage of this act it shall and may be lawful for each volunteer company of light-infantry in this state, to choose their own uniform under the same rules and regulations, that volunteer rifle companies in this state are permitted to do: *Provided*, they do not or shall not be permitted to choose the same uniform as the rifle companies have.

Officers to receive books, &c.

Sec. 13. *Be it enacted*, That Thomas C. Bradford, he, and he is hereby authorized to add the foregoing amendments to the military instructor, and deliver to the colonel of each regiment in this state, one copy for himself, and one for each field officer, and captain in his regiment, of said book strong and neatly bound with leather on the backs; within four months from and after the rise of this session of the general assembly, and shall receive twenty-five cents for each copy so delivered, and on delivery of the same as aforesaid, shall take receipts from the colonel of each regiment, to whom he delivers said copies, stating the number, so delivered as by this act required, which receipt shall be a sufficient voucher to draw on the treasurer of the state, for the amount of twenty-five cents for each copy delivered and receipted for as by this act directed.

To be returned.

Sec. 14. *Be it enacted*, That each officer so receiving a copy of said military instructor, shall on the resignation of his commission return said book to the commanding officer of the regiment, who shall deliver the same to the successor in office of the person so resigning and any person so resigning and failing to deliver said book as above directed shall forfeit and pay the sum of one dollar, to be sued for and recovered in the same way as other fines and forfeitures are by law directed.

Sec. 15. *Be it enacted*, That the sixth, tenth, twelfth, thirteenth and sixteenth sections of an act, entitled an act to amend the militia laws of this state, passed the 23d of November, 1809, be, and the same are hereby repealed.

Sec. 16. *Be it enacted*, That all laws and parts of

laws coming within the purview and meaning of this act be, and the same are hereby repealed.

JOHN COCKE,
Speaker of the House of Representatives.
THOs. HENDERSON,
Speaker of the Senate.

November 20th, 1811.

CHAP. XCIV.

AN ACT *to appoint additional Trustees to the Rittenhouse Academy, in the county of , and other purposes therein mentioned.*

Section 1. BE *it enacted by the General Assembly of the State of Tennessee*, That Noah Ashley, John M'Ewen, Hugh Dunlap, Joseph M'Pherson, Solomon Geran and William Gardenhire, be, and they are hereby appointed additional trustees to the Rittenhouse Academy, in the county of Rome.

Sec. 2. *Be it enacted*, That John M'Ewen, Samuel Martin and Samuel Stout, be, and they are hereby appointed additional commissioners for the town of Kingston, in the county of Rome aforesaid: which trustees and commissioners, shall be, and they are hereby vested with equal powers, as those heretofore appointed.

JOHN COCKE,
Speaker of the House of Representatives.
THOs. HENDERSON,
Speaker of the Senate.

November 20th, 1811.

CHAP. XCV.

AN ACT *for the relief of Henry Cross.*

Whereas, on the 6th of May, 1807, a certificate No. 1, issued by the board of commissioners of East Tennessee, to Christopher Houts, for 170 acres and 100 poles, which certificate the said Houts transferred to Henry Cross, and said Cross applied 151 acres and

twenty poles thereof, to an occupant claim, which certificate is lost. Wherefore, to remedy which loss,

BE *it enacted by the General Assembly of the State of Tennessee*, That the commissioner of East Tennessee, be, and is hereby authorized to issue to said Henry Cross, a duplicate of said certificate, which shall be as good and valid to entitle him to a grant thereon, as if the original thereof had not been lost: *Provided nevertheless*, that should the original ever be found, it shall not be lawful for the said Henry Cross, or any other person, to obtain from either of the registers of East or West Tennessee, a grant on the said original certificate which is now lost; and if any grant has, or shall issue on the original, the same shall be void.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 13th, 1811.

CHAP. XCVI.

An act to keep in repair the Cumberland Turnpike.

Commissioner to be appointed.

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the governor is hereby authorized and required to appoint a commissioner to superintend the keeping in repair the road leading from South-West-Point, to begin at Lyon's to the fork of the roads, leading to Walton's ferry and Fort Blount, which said commissioner shall before he enters upon the duties of his appointment, enter into bond to the governor of this state and his successors in office, with good and sufficient security in the opinon of the said governor in the sum of two thousand dollars conditioned for the faithful discharge of the duties enjoined on him by this act.

Gate to be established.

Sec. 2. *Be it enacted*, That the said commissioner shall so soon as he shall enter into said bond and security, establish on said road, at some convenient place thereon a turnpike gate, and appoint a keeper of the same for the purpose of receiving the following rates of toll, to wit: For each waggon and team, seventy-five cents; for each four wheel carriage for the conveyance of persons, one dollar and fifty cents; for each chair and horse, seventy-five cents; for each cart and team,

Rates of toll.

thirty-three and one third cents; for each man and horse, twelve and one half cents; for each led or loose horse, six and fourth cents; for each head of cattle, hogs or sheep, one cent; for each taxable poll travelling on foot, six and one fourth cents: *Provided*, the keeper of said turnpike shall not demand any of the aforesaid rates from any Indian or Indians whatsoever, or from the carriers of the mail of the United States, or poor people moving, who will make oath they are without money; and the gate-keeper is hereby authorised to administer such oath to the head of such family passing through such gate without money; which said toll shall be appropriated wholly to the keeping of said road in complete repair, according to the provisions of an act, entitled, "an act authorising the opening and repairing the road from Hamilton district, to the district of Mero, as stipulated by the treaty of Holston, and for erecting a turnpike or turnpikes," passed at Knoxville, November 14th, 1801.

Bridges to be built.

Sec. 3. *Be it enacted*, That the said commissioner, as soon as a sufficient sum of money shall have been received therefor, proceed to build good, strong and substantial bridges across all the streams crossing said road, that may require to be bridged, taking care to put up the first bridge across Piney's river; the second across the next creek, and the third across Piney river; the said commissioner shall advertise for one month, in some public newspaper, the time when he will, at the nearest county town to the place of building said bridge or bridges, proceed to let the building of the same to the lowest bidder; and the person undertaking the same, shall give bond and approved security, in a sufficient sum, to the governor and his successors in office, that he will, in some reasonable time, to be named by said commissioner, build and keep in repair, for a term of not less than five years, such a bridge or bridges as the said commissioner shall and may contract for.

Commissioner to keep account and return a statement, &c.

Sec. 4. *Be it enacted*, That the said commissioner shall keep a regular and fair account of all monies he may receive, and of all the expenditures he may make, for the purposes aforesaid; and that he shall return a fair and full statement of the same, upon oath, to the secretary of state, once in six months, and if he shall fail, neglect or refuse to do so, that he shall forfeit his said bond, and it shall be the duty of the secretary to put the same in suit against him for the benefit of the state, and it shall moreover be a forfeiture of his appointment, and the governor shall, without delay, proceed to appoint some other person, who shall be appointed under the

[illegible] shall [illegible] *Salary of commissioner.*

[illegible] half [illegible] tolls [illegible] liable [illegible] compensation [illegible] gate keeper.

Sec. [illegible] point [illegible] *Road to be* [illegible] ceasingly [illegible] allowed [illegible] may be necessarily employed in viewing said road, to be paid out of the [illegible] directed by this act, and it shall be the duty of the persons so appointed, to view said road, and [illegible] working to the secretary of state, the condition of said road; and if the road shall be reported to be out of order, after it shall first be reported to be in order by [illegible] *Penalty of not* [illegible] keeper of the turnpike, shall forfeit the sum of fifty dollars, to be retained from his annual salary, for each and every time the said road shall be reported to be out of order: *Provided*, said commissioner shall have funds or money in his hands sufficient to put the road in repair, which reports shall be made on oath.

Sec. 7. *Be it enacted*, That it shall not be lawful for the persons forming the company, or their agents, to collect any toll, after the expiration of the present month; and if they should, under any pretence whatever, presume to take or collect any toll, he or they shall be liable to be indicted, and upon conviction, shall be fined in the sum of ten dollars, and shall be further liable to the action of the party injured, who shall recover treble damages. *Company prohibited from taking toll.*

Sec. 8. *Be it enacted*, That this act shall commence and be in force from and after the first day of December, in the year one thousand eight hundred and eleven.

JOHN COCKE,
Speaker of the House of Representatives.

THOS. HENDERSON,
Speaker of the Senate.

November 21st, 1811.

CHAP. XCVII.

AN ACT to authorise the drawing of a Lottery for the benefit of Montpelier Academy, in the county of Jackson.

Trustees appointed.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Jacob Baker, Patrick Fitzgerald, Pleasant Kelsey, Matthew Rogers and George White, be, and they are hereby appointed trustees of a lottery, for the benefit of Montpelier Academy, in the county of Jackson.

Lottery authorized.

Sec. 2. Be it enacted, That said trustees are hereby authorised and empowered to draft a scheme or such a plan, as shall to them seem most eligible, either in one, two, three or four classes, for the purpose of raising a sum by lottery, not exceeding five thousand dollars.

Bond to be given.

Sec. 3. Be it enacted, That said trustees, previous to their publishing said scheme, shall enter into bond in double the sum of the capital in said scheme, to the chairman of the court of said county, conditioned for the faithful payment of the prizes when drawn, and for the faithfully applying the money arising from the said lottery, for the use of said academy; or in case of failure to draw the lottery, to return to such person or persons, such sum or sums of money as they may have advanced for tickets, which bond, when executed, shall be filed in the office of the clerk of the county court.

May take bond from venders of tickets.

Sec. 4. Be it enacted, That said trustees shall have full power and authority to take bonds in their own names from all such persons as they may empower to sell tickets, delivered to them for the purpose of making sale thereof; and in case any such person or persons thus employed, should fail to pay to said trustees the sums by them collected for the sale of tickets, or return the tickets by them received as aforesaid, they are hereby authorised in their names as trustees of said lottery, to institute suit or suits against such defaulter, and shall recover whatever sum or sums are not accounted for; and said trustees may sell tickets on a credit not exceeding one year.

Drawing.

Sec. 5. Be it enacted, That when said trustees have sold such a proportion of tickets, as would, in their opinion authorise the commencement of the drawing said lottery, they shall, in the presence of three justices of the peace, put into the wheel the number of prizes and blanks that are contemplated by the scheme to be put therein.

Allowance to managers.

Sec. 6. Be it enacted, That when the drawing of said lottery is completed, at either class of the same, it shall be the duty of a board of trustees of said academy, to meet and make to the trustees of said lottery, a reasonable allowance for their expense and trouble; and deducting such allowance from the amount of the money made by said lottery, then the balance shall be by them paid to the treasurer of the board of trustees of said academy, who shall receipt therefor.

Clerks.

Sec. 7. Be it enacted, That at the time of the commencement of the drawing, the said trustees shall appoint two clerks, who shall keep a regular account of the numbers drawn, and the blanks or prizes that may be drawn for each number, and shall, previous to their entering on the duties of their appointment, take the following oath (to wit:) I, A. B. do swear, that I will faithfully and truly keep an account of the drawing of this lottery, without partiality or prejudice. so HELP me GOD.

Trustees may purchase tickets.

Sec. 8. Be it enacted, That the trustees of said lottery may be purchasers of tickets, but shall, at all times be accountable to the trustees of said academy for the amount thereof.

Allowance to clerks.

Sec. 9. Be it enacted, That said clerks shall be allowed the sum of two dollars each, for each day they may be necessarily engaged in the business of said lottery, which shall be paid by the trustees of said academy, upon the certificate or order of the trustees of said lottery.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 19th, 1811.

CHAP. XCVIII.

AN ACT directing suit to be commenced against the Cumberland Turnpike Company and their Securities, and for other purposes.

Company to be sued.

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That the solicitor general of the fourth judicial circuit, is hereby directed, and it is hereby made his duty, to commence suit against the Cumberland Turpike Company and their securities, in the circuit court of the county of Wilson, on the penal

[illegible] bond, and the report of the commis[illegible] and that subject before them the present session, shall be conclusive evidence against them.

Secretary to transmit bond. Sec. 2. *Be it enacted*, That the secretary of state is hereby directed to transmit said bond to the said solicitor general, without delay; and in case the said bond should be lost or destroyed by accident or otherwise, a copy of the same, as recorded in the secretary's office, shall be evidence in the same manner as the original, a copy of which he is required to make and deliver on the application of the said solicitor general.

Process made good. Sec. 3. *Be it enacted*, That it shall be lawful for the clerk of the circuit court, and it is hereby made his express duty, to issue process to the sheriff of each county in which any of the said turnpike company or their securities, respectively reside; and the said sheriffs are hereby bound to execute and return the same to the office from which it issued, in the same manner, and under the same rules and restrictions as if issued from their own proper county; any law to the contrary, notwithstanding.

Provision for Smelters. Sec. 4. *Be it enacted*, That all and every person or persons who have or may erect any smelting houses for manufacturing of lead, tin, copper, brass or pewter within the limits of this state, shall be entitled to the same privileges in surveying lands not arable, for the use of said works, as are now given by law to the manufacturers of iron within this state.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 20th, 1811.

CHAP. XCIX.

AN ACT *to establish a Female Academy in Knoxville in the County of Knox.*

Trustees appointed. Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That Thomas M'Corry, Thomas Humes, James Park, John Crozier, George Wilson, Joseph C. Strong, Nathaniel Cowan, Thomas Emmerson, Calvin Morgan and Hugh L. White, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Knoxville Female Academy, and by that name shall have perpetual succession, and a common seal; and the said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold, to themselves and their successors forever, or for any less estate, any lands, tenements, goods or chattels, which shall be given, granted or devised to them, or purchased by them to the use of said academy, and to use and dispose of the same in such manner as to them shall seem most advantageous for the use of said academy; and said trustees, and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity of this state, or elsewhere.

Meetings. Sec. 2. *Be it enacted*, That the said trustees and their successors, shall have power to hold a meeting whenever convened by any two of said trustees, at any place said trustees may appoint, but not less than five members may constitute a board; which board or a majority of them, shall have power to fill all vacancies which may happen by the death, resignation or removal of any trustee, to appoint a president and secretary of said board, and to transact all business of every description, relating to the interest, government and management of said academy, in such manner as to them shall seem expedient and necessary: *Provided*, said board of trustees shall not have power to make any bye laws, rules or regulations, which shall be inconsistent with the laws of the United States, or of this state.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 11th, 1811.

CHAP. C.

AN ACT *to authorise the taking depositions in cases therein mentioned.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That in all civil suits that may be brought, or that are now depending before any justice of the peace in this state, and a material witness or witnesses reside out of this state, and oath thereof being made, it shall be the duty of such justice to issue a commission to a justice of the peace in the state or territory wherein such witness resides, to take and return the

depositions of such witnesses as aforesaid, giving reasonable notice of the time and place of taking said deposition, which, when taken and returned in the manner aforesaid, shall be received as legal evidence.

Sec. 2. *Be it enacted*, That this law shall be in force from and after the passage thereof.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 19th, 1811.

CHAP. CI.

AN ACT *to provide for the payment of George Wilson.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That George Wilson be allowed the sum of forty-eight dollars for printing done by the direction of the governor since the last general assembly, and for blanks furnished the secretary of state's office, as certified to this general assembly.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 19th, 1811.

CHAP. CII.

AN ACT *authorising a separate election and general muster in the county of Bledsoe.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the county of Bledsoe is hereby authorised to hold a separate election for members to congress, governor, and members to the state legislature, by the sheriff or his deputy, at a place called and known by the name of the Big Springs, in said county, at the same times, and under the same laws, rules and regulations, that other elections are held in this state. *Seperate election authorized.*

Sec. 2. *Be it enacted*, That the general musters

hereafter to be held for said county, shall be held at the house of Philip Thirman, in said county, at the respective times appointed by law to be held for said county. *Musters.*

Sec. 3. *Be it enacted*, That all that part of said county lying north of a line beginning at the house of James Shillelow, a direct course to the house of Philip Thirman, in said county, shall vote at the Big Springs, and that part of said county, at the court house of said county: *Provided nevertheless*, nothing herein contained shall be so construed as to prevent any voter residing in either of the aforesaid election districts, from voting in the other; *Provided*, he shall be first qualified that he has not, nor will vote in the other district during the present election. *Voting.*

JOHN COCKE,
speaker of the House of Representatives,
THOS. HENDERSON,
speaker of the senate.

November 19th, 1811.

CHAP. CIII.

AN ACT *directing the commissioners heretofore appointed by law to loan out the monies received on account of Colleges and Academies, to collect the money heretofore loaned by them, and providing for the disposition of said monies in future.*

Sec. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That the commissioners heretofore appointed by law to loan out the monies received on account of colleges and academies, shall, and they are hereby required to demand of the several borrowers of said monies, the re-payment thereof, as soon as the same can be demanded according to the terms of the contracts entered with said borrowers; and if any person who has borrowed any part of said monies, shall, after due notice that the re-payment thereof is required, fail or refuse to pay the one half of the sum by him borrowed, and give further security for the other half, if the same shall be required, together with all interest which may be due thereon, it shall be the duty of the treasurer of East Tennessee, immediately to cause suit to be commenced against such person and his securities for the recovery of the amount due from him. *Payment to be demanded.*

Sec. 2. *Be it enacted*, That the monies belonging to Cumberland College, shall be [illegible] to the provisions of an act, [illegible] (illegible).

Sec. 3. *Be it enacted*, That the said shall be [illegible] to the [illegible] commissioners aforesaid, as a compensation for their services in loaning and collecting the monies aforesaid, the sum of [illegible] per cent, to be paid out of the interest of the money belonging to the college and academies, in equal proportions.

Compensation to commissioners.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 21st, 1811.

CHAP. CIV.

AN ACT *to change the name of the town of Cannonsburgh, to that of Murfreesborough.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an act, entitled, "an act to establish the permanent seat of justice in Rutherford county, and directing a town to be laid off, &c." (passed this session) as goes to call said town by the name of Cannonsburgh, be, and the same is hereby repealed, and said town shall forever after the laying off and establishment of the same, be called and known by the name of Murfreesborough.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 19th, 1811.

CHAP. CV.

AN ACT *for building a Jail in the Town of Springfield, for Robertson county.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Johnson, Archer

Cheatham, John Hutchison, Isaac Dorch, James Tunstall, James Sanders and Samuel Hollis, are hereby appointed commissioners, and are authorised to fix on the most eligible situation in the said town of Springfield, for the purpose of erecting a prison for the use of Robertson county; which said commissioners, or a majority of them, after fixing on and contracting for the said situation, are hereby empowered and directed, as soon as convenient thereafter, to let the erection of said prison to the lowest bidder or bidders, first advertising the same sixty days previous thereto, at the court house in the said town of Springfield, and also in the newspaper published in the town of Clarksville, and in one of the newspapers published in Nashville, setting forth the size and materials of which the said prison is to be built; and the person or persons undertaking the same, shall give bond or bonds to the said commissioners and their successors in office, with approved security, for the faithful performance of the same agreeable to contract.

Sec. 2. *Be it enacted*, That the court of Robertson county shall, at the first court to be held in said county after the first day of January next, lay a tax for the year one thousand eight hundred and twelve, and the two succeeding years, for the purpose of defraying the expence of erecting the said prison, which tax shall not exceed twenty-five cents on each white poll; fifty cents on each slave liable to taxation; twenty-five cents on each hundred acres of land; ten dollars on each merchant; twenty-five cents on each hundred dollars worth of town property in said town; and two dollars on each stud horse kept for mares, in any one year, which tax shall be collected by the sheriff of said county, at the same time, and in the same manner he is bound to collect the public taxes, and shall pay the same to the said commissioners or a majority of them, under the same restrictions and penalties as he is bound to account for public taxes, and shall be allowed therefor, the same commissions as in other cases of a similar nature.

Tax to be laid.

Sec. 3. *Be it enacted*, That the said commissioners before entering on the duties of their appointment, shall give bond in the penal sum of five thousand dollars, payable to the chairman of Robertson county court, and his successors in office, for the faithful performance of the several duties enjoined on them by this act, and shall render a fair and regular account of all monies by them received and expended, and shall lay the same before the said court when required thereto, and shall be allowed a reasonable compensation for their services to be paid them out of monies appropriated for that

Commisioners to give bond.

purpose: *Provided*, a majority of the acting justices of said county are present when such allowance is made; any law to the contrary, notwithstanding.

JOHN COCKE,
Speaker of the House of Representatives.
THOS. HENDERSON,
Speaker of the Senate.

November 19th, 1811.

CHAP. CVI.

AN ACT *to appoint additional commissioners to those already appointed, for the purpose of establishing a seat of justice in the county of Rhea, and for other purposes therein mentioned.*

Commissioners appointed.

SEC. 1. BE *it enacted by the General Assembly of the State of Tennessee*, That James Campbell, Jesse Roddy, Alexander Ferguson, Azariah David, Robert Patterson, Daniel Rawlings, David Murphrey, Daniel Walker and John Lock, be, and the same are hereby appointed commissioners to establish a seat of justice in the county of Rhea, a majority of whom shall, as soon as convenient, proceed to fix on a seat on the river Tennessee, as near the centre of said county as they shall think the public good may require, and an eligible scite can be procured, at which scite said commissioners shall procure at least forty acres of land, for which they shall cause a deed or deeds to be made to them and their successors in office, by a general warrantee, on which they shall cause a town to be laid off with necessary streets, alleys, &c. reserving at least one acre for a public square, on which shall be built a court house, prison and stocks, in a convenient part of the town, which town shall be called and known by the name of WASHINGTON.

Sale of lots.

SEC. 2. *Be it enacted*, That when said town shall have been laid off, the said commissioners shall advertise in the Knoxville Gazette, and shall proceed to sell to the highest bidder, giving sixty days previous notice, and allowing twelve months credit for such a portion of lots so laid off, as they may think will be for the benefit of the county, and they shall take bond with sufficient security to themselves and their successors in office, for the payment of the purchase money, and shall make titles to the purchasers in fee simple.

Public buildings.

SEC. 3. *Be it enacted*, That it shall be the duty of said commissioners to contract with suitable workmen to build a court house, prison and stocks, and for that purpose shall advertise the same in the same, at least three successive weeks in the Knoxville Gazette, setting forth the day on which the building shall be let; and the said commissioners, at the day and place appointed for letting said public buildings, shall produce a fair plan of the court house, prison and stocks, for the inspection of those who wish to undertake, and shall be struck off to the lowest bidder, or to the person or persons who will undertake the same for the lowest sum, and out of the money arising from the sale of the lots of said town, shall first discharge the sum due for the purchase of said land, and the necessary expences of laying off said town, and the residue, if any, shall be appropriated to the building of a court house, prison and stocks.

Tax may be laid.

SEC. 4. *Be it enacted*, That should the monies arising from the sale of said lots, be insufficient to pay for the building of such court house prison and stocks, that a majority of the justices of said county, shall, in term time, have power, and are hereby authorised to lay a county tax, not exceeding the state tax, which tax shall be continued from year to year, until a sufficient sum be collected to pay for such public buildings aforesaid, and shall be collected in the same manner that other public taxes are, and when collected, shall be paid by the sheriff to the commissioners, and applied by them to the payment of said public buildings, and the commissioners receipt shall be allowed in the settlement of the sheriff's account.

Oath, bond &c

SEC. 5. *Be it enacted*, That the said commissioners, before they enter on the discharge of their duties, shall enter into bond with the sheriff of the county, with sufficient security, in the sum of three thousand dollars payable to the governor for the time being, and his successors in office, for the faithful discharge of their duties herein mentioned, which bond shall be lodged with the clerk of the county court, and shall take the following oath, viz: I do solemnly swear, that to the best of my skill and ability, I will use my best exertions to establish the seat of justice in the county of Rhea, agreeably to law. SO HELP ME GOD.

Allowance.

SEC. 6. *Be it enacted*, That so soon as the public buildings shall be completed, the said commissioners shall lay before the court of Rhea county, a majority of the justices being present, a fair statement of all monies by them received and expended, with sufficient