

Sheriff collect taxes.

SEC. 2. *Be it enacted*, That the sheriff of Jackson county shall collect all arrearages of taxes already laid by any order or orders of the county court of Jackson, and all state taxes already due and uncollected in the same manner and under the same rules and regulations as he could have done if this act had not passed.

SEC. 3. *Be it enacted*, That this law shall take effect from and after the first day of December next.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER.

Speaker of the Senate.

Nov. 16, 1813.

CHAP. XCVIII.

An act to amend an act establishing circuit courts and a supreme court of Errors and Appeals, and also an act supplementary thereto and for other purposes.

Oath to be taken.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That there shall be appointed by joint ballot of both houses of this legislature, five persons in each county in this state, who shall before entering upon the duties of their offices take the following oath, to wit—*I A B do solemnly swear, or affirm that I will support the constitution of the United States, and also the constitution of the state of Tennessee, and that I will administer justice without respect to persons, doing equal right to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent on me as a judge of the court of Pleas and Quarter sessions according to the best of my skill and ability; so help me God; whose duty it shall be after taking the oath here prescribed to preside as judges of the*

court of pleas and quarter sessions, who shall be commissioned by the Governor, and who shall hold their offices during good behaviour.

SEC. 2. *Be it enacted*, That a majority of said judges so appointed and commissioned after taking the oath prescribed in the preceding section of this act, from and after the first day of January next, shall hold the county courts, and have the exclusive power and authority to hear and determine all causes, matters and things of which the court of pleas and quarter sessions now have jurisdiction, except county business, which shall be done on the first day of every session or term; *Provided* a less number may adjourn the court from day to day, or until court in course, in the transacting and doing of which business it shall be the duty of the justices of the peace, in the several counties in this state in office to preside in said courts, and to elect sheriffs and other officers whose election is provided to be by the courts of pleas and quarter sessions, and to act conjunctly with the judges appointed by authority of this act in the election of clerks of said court, when vacancies shall happen by death, resignation or otherwise, and the clerks of the county courts shall be continued as clerks of said courts, and the judges of said courts shall appoint solicitors for the several counties of this state, and all officers who are to be elected by the county courts except clerks, shall be elected on Monday the first day of the session or term, and appoint jurors for the several courts.

Majority hold courts

SEC. 3. *Be it enacted*, That from and after the first day of January next, it shall be the duty of the clerks of the courts of pleas and quarter sessions to record at full length the proceedings of the justices of the several counties of this state, on Monday in the transaction of county business, and the said clerks shall record at full length the proceedings of the judges of said county, which proceedings shall be attested by the presiding judge of said court, who shall be appointed by said courts at their first session after the first day of January next, and the judges of said courts shall continue the session of said courts by commencing their duties on Tuesday the se-

Clerks to make record.

good day of the session, which shall be return day of all process except such process as relates to county business only.

Power of Judges
SEC. 4. Be it enacted, That a majority of the judges appointed agreeably to the provisions of the first section of this act shall have full power and authority to hear and determine all causes or matters of which by law the courts of pleas and quarter sessions now have jurisdiction.

SEC. 5. Be it enacted, That the circuit courts of this state shall have original and concurrent jurisdiction over all civil causes of which the court of pleas and quarter sessions now have jurisdiction.

Grant appeal.
SEC. 6. Be it enacted, That when either of the parties either plaintiff or defendant shall be dissatisfied with the judgment of any of the courts of pleas and quarter sessions in this state, on any matter or point of law, it shall be the duty of said court on application of such party or any of them to grant an appeal in the nature of a writ of error, or a writ of error at their election to the court of appeals in the circuit in which said trial may be had, or to the circuit court of the county, under the same rules, regulations and conditions on which appeals and writs of error are granted to said courts from the circuit courts.

Persons to fill vacancies.
SEC. 7. Be it enacted, That in the event by refusal to act, death, resignation or otherwise, there should not be a majority of the judges at any time appointed by virtue of this act in any of the counties of this state qualified to hold the said courts of pleas and quarter sessions, it shall be the duty of the governor to appoint persons to fill such vacancies.

Tax to be paid.
SEC. 8. Be it enacted, That from and after the first day of January next, it shall be the duty of the clerks of the several county courts in this state in making out a bill of costs, in any suit which may be determined in any of said courts, in addition to the tax collected on law process at this time in behalf of the state to tax in said bill the several sums hereinafter provided for, which when collected shall be by said clerks accounted for to the several county trustees to which they may severally belong in the same manner that the tax in behalf of the state is account-

ted for by him to the state treasurer, and be subject to the same proceedings and penalties as in that case provided.

Rates of
SEC. 9. Be it enacted, That from and after the passage of this act it shall be the duty of the clerks of the several county courts in this state to tax in the bill of costs in addition to the sum now collected on each original writ sixty two and one half cents, on each writ of certiorari twenty five cents, on each supersedeas twenty five cents, on each appeal seventy five cents, which shall be collected and accounted for agreeably to the provisions of the preceding section.

Pay of judges
SEC. 10. Be it enacted, That each of the judges appointed agreeably to the provisions of the first section of this act, shall receive for each day he may be engaged in discharging the duties of his office the sum of one dollar, and shall receive from the clerk of said court a certificate of the number of days he may have attended at each term, which shall be received and paid by the county trustee for said county out of any money in his hands not otherwise appropriated and which shall be received in the settlement of his accounts.

Attorneys fees
SEC. 11. Be it enacted, That attorneys tax fees in said county courts shall hereafter be one dollar and fifty cents and no more, and the sum of one dollar so deducted from the amount of said tax fees shall hereafter be taxed by the clerk upon the unsuccessful party in each and every suit finally determined in said courts to be appropriated to the payment of the said judges holding said courts as other costs laid on suits and process for the payment of said judges are before provided to be collected and applied.

SEC. 12. Be it enacted, That this act shall not take effect nor be in force for two years from and after the passage thereof.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

November 16th, 1813.

CHAP. XCIX.

An act to condense and bring into view the Revenue laws of this state and to amend the same.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That all lands to which the Indian title is extinguished by treaty not exempt by law, held by deed, grant, entry, right of dower, occupancy and preemption, all free males between the ages of 21 and 50 years, and all slaves male and female between the ages of 12 and 50 years, all town lots, stud horses and jacks kept for the season of mares, all retail stores, as well medicine as merchandize, pedlers and hawkers within this state, and all carriages of pleasure shall be subject to the payment of public taxes.

Sec. 2. *Be it enacted,* That the public taxes on such property and persons shall be taxed agreeably to the following proportions to wit. for each hundred acres of land eighteen and three fourth cents, each town lot thirty seven and an half cents, each free poll twelve and an half cents, each stud horse and Jack the price of the season of one mare, on each slave between twelve and fifty years twenty five cents, on each billiard table one thousand dollars, which tax shall be and remain a lien on the house and lot, or tract of land whereon such table or tables may be kept, on each retail store twenty five dollars, on each pedler and hawker ten dollars in each county, on each four wheeled carriage of pleasure two dollars, on each two wheeled carriage of pleasure one dollar.

Sec. 3. *Be it enacted,* That the aforesaid tax shall be and remain a lien on all lands, slaves and other taxable property of the person returned for the same, when it shall become due and payable according to the provisions of this act, and the said lien shall extend to all and every part of all tracts or lots of land or species of taxable property whatever, notwithstanding the same may have been divided or alienated, and notwithstanding the same may have been vested and advertised in the name of others, than those who

Taxable property

Rates of tax.

Present the sheriff with list of property.

Attend at the place appointed to receive lists

Subject to double tax

actually own the same, at the time of the return of such property or sale thereof altho' the owner be not known, provided such land or other property be specially and particularly described in such return and advertisement, and it shall be duty of the collector of public taxes to refer particularly to the number of the grant or entry, with all special calls in his advertisement, and the tax upon stud horses and merchants shall be a lien upon the land on which such stud horse or store shall be kept, altho' it may belong to any other person.

Sec. 4. *Be it enacted,* That each merchant, pedler and hawker before they sell any article of merchandize shall obtain a licence from the clerk of the county in which such merchant, pedler and hawker is about to dispose of such goods, which licence shall be sufficient authority for him to sell for one year and no longer, in said county, but in no other: provided that such pedler, merchant or hawker shall before such licence shall be issued, pay to the clerk issuing the same the tax imposed by this act, and fifty cents fees of office, and each clerk receiving any money from merchants, pedlers or hawkers as aforesaid, shall be bound to account for and pay the same in manner and form as directed for settling and accounting for tax on law proceedings.

Sec. 5. *Be it enacted,* That if any merchant, pedler or hawker shall sell or retail any merchandize without first obtaining licence as aforesaid, from the clerk of the court of the county where such sale shall be made, he shall forfeit and pay one hundred dollars, one half to the person who shall sue for the same the other half to the use of the state, to be recovered by action of debt before any jurisdiction having cognizance thereof.

Sec. 6. *Be it enacted,* That at the last term of the county court in each and every year the justices of said court, shall appoint a justice of the peace for each captain's company, to receive lists of taxable property and polls for the succeeding year, and if any justices of the peace so appointed to take lists of taxable property, and polls as by law directed

Tax on studs and merchants, a lien on land.

Before selling any goods to get licence.

Forfeiting for selling without licence.

Justices to take lists of property.

which shall be collected as herein after directed — the number of free polls and taxable property of such persons so failing to be reported by the justice to the best of his knowledge, and if any executor, administrator, guardian, trustee, agent, or attorney, shall after due notice as aforesaid, fail to return an inventory to the justice appointed to receive the same, the taxable property in his trust or possession, the property of the testator, intestate, minor, or absentee, shall be liable and stand bound to pay a double tax, and the justice shall report the same to the best of his knowledge or information, and a double tax shall be levied on the proper estate of such executor, administrator, guardian, trustee, agent, or attorney, and collected and paid as hereafter directed, and if any person who is not a resident of this state, shall fail by himself, his agent, or attorney, to return his her, or their taxable property as by this act directed, the property of such person so failing shall be liable to and stand bound to pay a double tax, to be collected and paid as by this act directed, and the justice shall report the said property to the best of his knowledge and information as aforesaid: *Provided,* That any person incurring the said double tax in this act mentioned, for omitting to return his, her, or their lists of taxable property and polls, may apply to the county court to which such lists shall be returned or to the next succeeding court, which court upon sufficient reason shewn, may direct that such person shall pay in the same manner as if no failure had been made, together with such costs as shall have accrued in consequence thereof.

Sec. 10. *Be it enacted,* That it shall be the duty of the sheriff in each county by such lawful ways and means as shall be in his power, by having recourse to the register's books, clerk's and surveyor's offices, free of the payment of a fee therefor, or otherwise to discover such taxable property and polls as shall not have been returned within the time limited by law, and to report the same in writing under his hand to the clerk of the county, which report the clerk of said court shall enter on his list of taxable property, by him sent to the treasurer of said

Sheriff has recourse to books.

District in the same manner, as if it had been taken by a justice of the peace in manner and form as prescribed by this act.

Justices taking lists to make return.

Sec. 11. *Be it enacted*, That the justices of the peace who shall be appointed to receive the lists of taxable property and polls, shall make return of such lists to their respective county courts at the next term after they shall be received, and the justices in their returns, shall exclusive of their original lists by them received, distinguish the persons names, the several tracts of land, quantity and situation of each tract, the number of white polls, and the number of black polls, in the following manner, to wit.

Persons Names.
Quantity in each tract.
Situation of place where tract lies.
Number of free polls.
Number of town lots.
Number of black polls.
Number of stud horses with the price of season.
Number of billiard tables.
Number of pleasure carriages.

Form there.

Persons failing to give in list of property.

Sec. 12. *Be it enacted*. That if any person appointed to take lists of taxable property and polls as by this act directed, shall fail or neglect to perform the duties of his appointment, the person so failing or neglecting shall be guilty of a misdemeanor in office, and if any justice of the peace appointed to receive lists of taxable property shall die, refuse to act, or remove out of the county before the duties of their appointment shall be performed, any three justices of said county may, and they are hereby directed and authorized to appoint another to act in place of such person so dead, refusing to act or removing, and the person so appointed shall have the same power and authority in all respects, as if he had been

originally appointed to receive the lists of taxable property, all polls shall make return of their own lists to the county court or to some other justice of said county appointed for some other district.

Sec. 13. *Be it enacted*, That the clerk of each county court shall record at large in alphabetical order the annual returns that shall be made, in a book kept by the justices of his county, and the court shall make a reasonable allowance, not exceeding twenty-five dollars, for such services, to be paid by the county tax.

Clerk to make record.

Sec. 14. *Be it enacted*, That the several clerks and masters of the courts of equity, the clerks of circuit courts, the clerks of the county courts, in each and every county in this state, shall each make out a list of all monies by them collected, which by law they are bound to pay over to the treasurer of their respective districts, which lists they shall return to every stated session of the general assembly, within six days after the meeting thereof, and if any clerk or master in equity shall fail to return a list as aforesaid, he shall forfeit and pay one thousand dollars, to be recovered by action of debt, in the name of the governor for the time being, for the use of the state.

Clerk to make out list for the treasurer.

Sec. 15. *Be it enacted*, That all taxes by this act imposed, or hereafter to be imposed, shall be collected, paid and accounted for in manner and form following: the clerk of each county court in this state, shall thirty days after the court to which the lists of taxable property are returned in each and every year furnish the sheriff of the county or collector of public taxes with a list of taxable property and polls in said county, and the sheriff or collector shall thereupon appoint a day and place in each captain's district when and where he will attend to receive taxes: *Provided always*, that said sheriff shall give fifteen days previous notice by advertisement at six of the most public places in said district and if any person or persons within said district shall fail to attend or otherwise pay their taxes on or before the day appointed, it shall be the duty of the sheriff or collector to levy the same by distress of the goods and chattels, and sale thereof make of any person so neg-

course to be pursued to make tax out of land if no chattel property.

lecting, provided no distress be made within twenty days after the time so appointed for receiving taxes, and for every sale or distress so made, it shall be lawful for such sheriff or collector as fees of office to levy therewith fifty cents, provided also that the sheriff or collector, shall give at least ten days previous notice of such sale by advertisement as in other cases, and said sheriff or collector shall not receive the fifty cents by this act contemplated if the delinquent shall pay his taxes before distress made.

How to run
out land sold
for taxes.

Sec. 16. *Be it enacted,* That in case there shall not be any goods and chattels, on which the sheriff can make distress for public taxes it shall be the duty of the sheriff or collector to make report thereof to the court of his county at the second term after he shall have received his tax list for collection, and the court shall thereupon enter up judgment against the claimant of land for all costs, taxes and charges due thereon, and for double taxes where the lands have not been listed agreeable to the provisions of this act, and order the same to be sold for the payment of said taxes, charges and costs, and it shall be the duty of the clerk to make out an order of sale, expressing the number of entry or grant, or both as the case may be, together with all the specialties belonging to such claim in said order, and on the receipt of such order of sale, the sheriff or collector shall forthwith cause the same to be advertised in some news paper of respectability in East and West Tennessee three times successively at least, forty days previous to the sale of said land, setting forth that the said tracts of land will be sold for taxes, costs and charges, and setting forth specially quantity and situation of each tract, and if the taxes, costs and charges upon any tract shall not be paid before the day appointed in said advertisement for sale, the same shall be sold or so much thereof as shall be sufficient to satisfy said judgment, and all costs and charges due thereon, and the said sheriff or his successor is hereby authorized and required to make a deed or deeds, of conveyance for the lands so sold to the purchaser or purchasers, having regard to the

beginning corners of the tract so sold, that is to say) beginning at the same and running either in a square or oblong so as to make the quantity, and should that part of the tract be sold, then it shall be taken off the original tract, beginning on the line of the same and to adjoin the part formerly sold, and run in a square or oblong, and the clerk shall receive one dollar and forty cents for all the services performed in entering judgment and issuing order of sale against each tract, and no more, and the sheriff shall be entitled to the same fees as he is entitled by law for similar services in other cases of sale, and the printers shall be allowed seventy five cents for advertisements as heretofore: *Provided,* That the sheriff shall not make a deed to the land so sold for taxes until the expiration of twelve months after said sale, and it shall be lawful for the owner by himself, his heirs, executors, administrators, attorney, or any other person to redeem said land within the time aforesaid by paying the tax, costs, charges, together with the rate of fifty per cent per annum.

land may be
redeemed in
12 months.

Sec. 17. *Be it enacted,* That wherever land has been reported for non-payment of taxes or for failure to list the same for taxation and has been condemned by a judgment of the court of the county to be sold for the payment of the taxes and charges due thereon, and which has not been sold on said judgment, nor the said taxes paid, it shall be lawful for the sheriff of the county where such land is situated to sell the same in the same manner as he would have had a right to do upon the day prescribed by law, and under the same rules and restrictions as is provided in similar cases.

land not list
ted to be
sold by sheriff

Sec. 18. *Be it enacted,* That wherever a stud horse or jack is given in as taxable property and the owner shall not give the price of the season, he shall be subject to pay a tax equal to the highest price of the season of any horse or jack in the county.

the price of
stud horses
and jacks if
not given in

Sec. 19. *Be it enacted,* That in all cases where lands may be sold by virtue of this act, where the same has not been perfected into a grant, and where

land claims
not perfect
ed sold to be
transferred.

Warrant on which said entry is made, shall be deposited or transferred from the surveyor's to the register's office, it shall be the duty of the register of the land office to suffer the sheriff or his successor in office to transfer said warrant, or so much thereof as may so be sold, and the plat and certificate thereof to the purchaser, on which the register shall issue a grant to said assignee.

Justices to give notice to persons to bring forward claims
 SEC. 20. *Be it enacted,* That it shall be the duty of each and every justice of the peace in the several counties within this state, who shall be appointed to take lists of taxable property and polls, to give public notice that all persons having claims against the county shall bring them forward and lay them before the court, to which the returns of taxable property and polls are returned, and it shall be the duty of the court to make a fair statement and estimate of all charges and demands against the county, and apportion the same as equally as can be among the different subjects of taxation in such county, and it shall be the duty of such clerk to make out a list of the amount of all and every demand against such county, with the number of polls and other subjects of taxation in such county with the amount, and shall post up the same at the most conspicuous place in the court house there to remain during the setting of the court.

Persons carrying produce may in return bring merchandise
 SEC. 21. *Be it enacted,* That it shall be lawful hereafter for any farmer or other person who drive stock or carry any of the produce or manufactures of this state to market, to bring in his return cargo any articles of merchandise to vend to his neighbours without licence or taxation, provided such person do not hawk or peddle or establish himself as a merchant.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

An act concerning the Cumberland Turnpike road.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the commissioner of the road, commonly called the Cumberland Turnpike road shall in each and every case where the said road, shall be reported to be out of order after the first day of June next, forfeit and pay the sum of fifty dollars to be deducted from his annual salary, unless he can make it appear satisfactorily to the Governor, that he has industriously and economically applied all the money arising from said road to the repairs thereof: And provided also that said commissioner shall in no case be bound to expend more money on said road than is or shall be collected from said Turnpike.

SEC. 2. *Be it enacted,* That the commissioner appointed to view said road, shall be allowed the sum of three dollars for each day he may be necessarily engaged in viewing said road, to be paid by the commissioner of said road.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

An act to repeal an act entitled an act to annex part of Anderson county to Campbell county, passed at Knoxville, October twenty eighth, eighteen hundred and eleven.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That all that part of Camp-

bell county, which was taken from Anderson county, shall be and the same hereby reannexed to Anderson county, and that the line dividing the county of Campbell from Anderson county before the passage of the above recited act shall be and the same is hereby made the dividing line between the counties aforesaid.

former line
re-established
certain provisions.

SEC. 2. *Be it enacted*, That it shall be the duty of the court martial of Anderson county to reannex the militia of that part reannexed to either battalion of said county that may muster nearest to that part, and that they shall be considered as part of the thirteenth regiment of the militia of this state, and make other regulations that may be necessary for them agreeable to law provided that nothing herein contained shall be so construed as to prevent the sheriff of Campbell county, from collecting all the arrearages of taxes or other public dues in said part so reannexed as though this act had not been passed.

Sec. 3. *Be it enacted*, That the above recited act be and the same is hereby repealed.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

Nov. 17, 1813.

CHAP. CH.

An act for the relief of Micajah Muckleroy.

allowance to
Micajah
Muckleroy.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the county court of Lincoln county, two thirds of the acting justices in said county being present are hereby authorized should they think proper to authorize the commissioners appointed to lay off the town of Fayetteville

in Lincoln county, and their successors in office to make an allowance to Micajah Muckleroy undertaker of the building of a court house in said county, of any sum not exceeding seven hundred and fifty dollars out of any monies in their hands unappropriated.

Sec. 2. *Be it enacted*, That it shall be the duty of the commissioners aforesaid and their successors in office, to make report to the first county court to be held for said county after the first day of January next of their progress in office, and also what monies, if any, may remain in their hands unappropriated.

commissioners to make report every year

Sec. 3. *Be it enacted*, That if it should appear to the county court from the report of said commissioners that there are no monies unappropriated in their hands or not sufficient to comply with the intention of the first section of this act, it shall and may be lawful for said county court, two thirds of the acting justices being present if they should, think proper to lay a tax on said county sufficient to raise a sum not exceeding seven hundred and fifty dollars, which when collected shall be paid into the hands of said commissioners or so much thereof in addition to what may be in their hands otherwise unappropriated, as will amount to seven hundred and fifty dollars, which shall constitute a fund in their hands for the purposes in the first section of this act mentioned.

in case no funds court to lay tax

Sec. 4. *Be it enacted*, That this act shall not be so construed so that any allowance shall be made to Micajah Muckleroy, until the said court house shall be finished agreeably to contract.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

November 16, 1813.

CHAP. CIII.

An act for the relief of Thomas Hislop.

Whereas it appears to this General Assembly that a military warrant issued by the authority of North Carolina to Kindol Hislop for six hundred and forty acres of land, on the the twenty-third day of April in the year one thousand seven hundred and eighty four number six hundred and thirty eight, agreeable to a plat of survey returned; and whereas it hath been represented that the aforesaid warrant issued by mistake to the said Kindol Hislop, instead of Thomas Hislop, for the services rendered by Thomas Hislop, and inasmuch as no grant hath yet been issued thereon: therefore,

Be it enacted by the General Assembly of the state of Tennessee, That it shall be the duty of the commissioner of West Tennessee on application of the said Thomas Hislop, to proceed to examine and adjudge the said warrant, and if it should be by him adjudged valid then it shall be the duty of the register of the land office of West Tennessee to issue to the said Thomas Hislop a grant on said warrant agreeable to the plat and certificate of survey, accompanying the same, in the same manner as if the said warrant and certificate of survey was in his own name; provided that if the said Kindol Hislop or his heirs or legal representatives should at any time shew to the satisfaction of the said register that the right of said warrant is or ought to be in the said Kindol Hislop it shall be his duty to issue a grant to him thereon as though this act had not passed, and the grant by the act directed to be issued to the said Thomas Hislop shall and is hereby declared in that event to be null and void to all intents and purposes.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

Nov. 16th, 1812.

CHAP. CIV.

An act more effectually to prevent sheriffs from purchasing property at their own sales, and for other purposes.

WHEREAS, it is represented to this General Assembly, that much oppression is practised upon the good people of this state by the conduct of some of the sheriffs thereof and their deputies, purchasing property at the sales of each other, and also in advertising such sales, for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That from and after the passing of this act, no sheriff, deputy sheriff, constable, or coroner shall purchase property either directly or indirectly, by himself or themselves, or by any other person or persons whatsoever, either at his own sale or at the sale of his principal, or his or their deputy or deputies, or any of them, whether the said sale be for taxes or for any other kind of execution or decree whatsoever—and if any such sheriff, deputy sheriff, constable, or coroner shall presume to purchase property at any sale contrary to the true intent and meaning of this act, whether it be done by him or themselves, or either of them, or by any other person or persons whatsoever, for his or their use, or in partnership—such sheriff, deputy sheriff, constable, or coroner, as the case may be, shall be liable to be indicted for such offence, in any of the county or circuit courts of any of the counties wherein said offences or any of them may be committed, subject to a change of venue, as in other cases are now by law; and if upon the trial of said indictment, said sheriff, deputy sheriff, constable, or coroner, as the case may be shall be found guilty he shall be immediately removed from office by said county court if he be the sheriff, constable or coroner; and shall moreover be liable to an action for damages by the party injured, and if it shall be a deputy sheriff, he shall in like manner be removed by the sheriff, and shall also be liable to the sheriff for whatsoever damages may be recovered against him, said sheriff, for his said deputies' misconduct in said sale or sales.

SEC. 2. *Be it enacted,* That hereafter when any

Table

Tho. Hislop
to draw a
certificate.

Sheriffs forbidden to purchase at their sales.

To adver
tise

sheriff, deputy sheriff or coroner shall levy an execution upon lands, negroes, horses or other property, he or they or either of them shall advertise the time and place of sale at four places at the least in his county, one of which shall be at the door of the court house of his county, another at the most public place in the neighbourhood of the party whose property is to be sold, and at the other two most public places in the county, and if either of the officers aforesaid shall presume to sell any property without first advertising the same as aforesaid, he or they, or either of them so offending, shall be liable in the manner and under the same rules, regulations, and restrictions pointed out in the first section of this act: *Provided* nevertheless, that nothing contained in this act shall be so construed as to prevent the necessity, or supercede the advertisement of the sales of land in the public news-papers as heretofore

SEC. 3. *Be it enacted*, That this act shall commence, and be in force from and after the first day of January next.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

November 18th 1813.

CHAP. CV.

An act for the benefit of Thomas Bounds and others.

Preamble

WHEREAS, it appears to this General Assembly, that a grant of number three hundred and thirty-three, dated the first day of March, seventeen hundred and ninety-seven, for two thousand five hundred acres, of land issued to Robert King from the state North Carolina, the land called for in which grant, cannot be so identified as to enable the claimants to hold the same, and it further appearing that the inter-

est in said grant has, by virtue of a judgment and order of sale from the county court of White, been transferred to the said Thomas Bounds and others, wherefore,

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 a certificate to Thomas Bounds and others, agreeably to the existing laws of this state, for the quantity of land legally called for in said grant, provided it shall satisfactorily appear to said commissioner, that the interest in said grant is vested in said Thomas and others, by regular conveyance, and that said grant is founded on a good and valid warrant, that the land cannot be identified, and that no warrant has heretofore issued for said original warrant.

Tho. Bounds
to draw a
certificate

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

Nov. 17, 1813.

CHAP. CVI.

An act authorising separate elections in the county of Roane.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of the sheriff of Roane county by himself, deputy or coroner on the constitutional days of elections to open and hold two separate elections at the places herein after mentioned, viz, one at the house of Jared Hotchkiss on the main road leading from Kingston to Knoxville, one other at the house of Joseph Robinson on the waters of Embrees river, for the purpose of electing a governor, members to congress, electors to elect a President and Vice-President, mem-

separate
elections in
Roane

Members of the state legislature and field officers of the militia, which said elections shall be held and conducted under the same rules and restrictions as similar elections in this state.

Sec. 2. *Be it enacted*, That it shall be lawful for any person living within the bounds of Roane county aforesaid, who is constitutionally authorized to vote at such elections, to give in his vote at the town of Kingston, or at either of the aforesaid places of holding separate elections, as may best suit his convenience, provided nevertheless that if any person shall vote at more than one place in any election, he shall on conviction thereof forfeit and pay the sum of ten dollars, recoverable by action of debt before any jurisdiction having cognizance thereof, to the use of any person who may sue for the same.

who to vote

SEC. 3. *Be it enacted*, That at the close of said election it shall be the duty of the judges and returning officers to count out said votes, and on the succeeding day make a return to the sheriff of Roane county of the number of votes received at said election, for each candidate, which return shall be received as a part of the election of Roane county.

returns

TH. CLAIBORNE,

Speaker of the House of Representatives.

J. C. ISACKS,

Speaker of the Senate, pro-tem.

Nov. 17th, 1813.

CHAP. CVII.

An act concerning College and Academy money.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the Treasurer and commissioners heretofore appointed to receive monies arising from the sales of lands south of French Broad and Holston, or whosoever hands said money may

shall forthwith pay into the hands of the president and trustees of Cumberland College or their agent the one half of all the monies that has heretofore been collected or may hereafter be collected for the use of Colleges in this state, which said president and trustees of Cumberland College aforesaid shall without delay vest the said sum of money either in Nashville bank stock, or in the event said bank stock cannot be procured in the stock of the bank of the state of Tennessee, and such interest as may from time to time accrue thereon, said president and trustees of said College are hereby authorized to apply to the use of said College, but they shall in no event be permitted to use the principal sum or any part thereof.

College money act.

SEC. 2. *Be it enacted*, That said Treasurer of East Tennessee and commissioners theretofore appointed to receive the monies arising from the sales of lands south of French Broad and Holston, or whosoever hands said monies may be in, shall forthwith pay into the hands of the treasurer of West Tennessee or his order all that part of the monies arising from the sales of said lands for the use of Academies which hath heretofore been or may be hereafter collected for the use of said Academies in West Tennessee which said treasurer of West Tennessee shall forthwith proceed on the receipt of said money to vest the same in bank stock as is provided in the first section of this act for vesting College monies, and the interest accruing on said monies so vested shall be added to and make a part of the principal of said academy money until otherwise provided by law.

Academy money how disposed of

SEC. 3. *Be it enacted*, That the Treasurer of East Tennessee and commissioners heretofore appointed to receive said monies shall without delay proceed to dispose of that part of said monies which belong to the College and academies of East Tennessee, respectively in the same way and under the same rules and regulations, provided that they shall in no wise be bound to

College and Academy money of East Tennessee

T

vest any part of said monies in Nashville Bank stock but shall be at liberty to vest the same or any part thereof in the stock of the bank of the state of Tennessee.

SEC. 4. *Be it enacted*, That it shall be the duty of the commissioners heretofore appointed to loan out college and academy monies to give notice at least nine months in the Knoxville Gazette to borrowers of said money forthwith to pay the same, and upon neglect or refusal to commence suit or suits against all such delinquents to the intent, the same may be collected and disposed of agreeable to the provisions of this act as early as practicable.

SEC. 5. *Be it enacted*, That the treasurers of East and West Tennessee or other persons whose duty it is made to loan out the money by this act shall in every case give to the trustees of the Academies in the respective counties the preference if they will apply to loan the amount of the proportion of said Academies monies taken upon the terms heretofore provided: *Provided*, said money shall be exclusively appropriated by them to the use of said Academies respectively.

TH. CLAIBORNE,

Speaker of the House of Representatives,

ROBERT C. FOSTER,

Speaker of the Senate

November 17, 1813.

CHAP. CVIII

An act designating the third regiment of Maury county and holding regimental musters in Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the third regiment of Maury county shall henceforth be known and dis-

tingled as the fifty first regiment of the Tennessee Militia, and shall hold their regimental musters on the last Thursday in September.

SEC. 2. *Be it enacted*, That the twenty third regiment of militia of this state shall hold their regimental musters on the Thursday before the last Thursday in September, the fifteenth regiment on the last Thursday in September, and the twenty fourth regiment on the first Thursday in October annually.

SEC. 3. *Be it enacted*, That the officers of each regiment of the state, shall be drilled by the Brigade Inspector at their respective regimental muster grounds.

TH. CLAIBORNE,

Speaker of the House of Representatives,

I. C. ISAACKS,

Speaker of the Senate, pro tempore

November 17, 1813.

CHAP. CLX.

An act authorizing John Hawkins to build a mill on Elk river in Giles county.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That John Hawkins be hereby authorized to build a mill on the south side of Elk river, opposite to an Island in the same: *Provided*, That in the erection of the same he shall not be authorized to erect any Dam or Dams which may impede or injure the navigation of said river.

TH. CLAIBORNE,

Speaker of the House of Representatives,

I. C. ISAACKS,

Speaker of the Senate, pro tempore

November 17th, 1813.

CHAP. XCIX.

An act to amend an act entitled an act to compel the different sheriffs, coroners and other officers to pay over money by them collected, to persons authorized to receive the same.

Penalty for not paying money.
 Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when judgment shall be entered against any sheriff, coroner or constable, agreeable to the provisions of the first and second sections of the act, which this act is intended to amend, it shall be the duty of the court granting said judgment on motion of the party injured to give judgment for twelve and an half per cent on the amount so recovered by the way of damages and costs.

TH. CLAIBORNE,

Speaker of the House of Representatives.

J. C. ISAACKS,

Speaker of the Senate, pro-tem.

November 17th, 1813.

CHAP. CXI.

An act to appoint additional trustees for the Academies therein mentioned.

Trustees appointed.
 Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Ralph Crabb, Jonathan Spyker, James Lewis and Francis Jones, be, and they are hereby appointed additional trustees for Carrick Academy in the county of Franklin; and that James Wilson, James M'Ewen, Pleasant Henderson and Samuel H. Laughlin be, and they are hereby appointed additional trustees for Quincy

Academy in the county of Warren, and the said trustees so appointed, shall be vested with the same powers and subject to the same restrictions as other trustees of the respective Academies to which they belong.

Sec. 2. *Be it enacted,* That the Academy in the county of Warren, shall hereafter be called and known by the name of Quincy Adams Academy.

TH. CLAIBORNE,

Speaker of the House of Representatives.

J. C. ISAACKS,

Speaker of the Senate, pro-tem.

November 17, 1813.

CHAP. CXII.

An act, supplemental to an act, entitled, an act to suspend all proceedings at law against the Militia of this state, while in actual service.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the provisions of the before recited act, shall be and the same is hereby extended so as to stop all proceedings at law against the security or securities of those who are in actual service, in the same manner and to the same extent as the principal debtor or debtors are secured and provided for, any law to the contrary notwithstanding.

TH. CLAIBORNE,

Speaker of the House of Representatives.

J. C. ISAACKS,

Speaker of the Senate, pro-tem.

November 17th 1813.

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CHAP. CXIII.

An act appointing additional trustees to the Woodward academy in Maury county.

Trustees to Woodward Academy.

Be it enacted by the General Assembly of the state of Tennessee, That James W. Stephenson, Duncan Brown, John White, and Horatio Depriest, be and they are hereby appointed trustees of Woodward academy in Maury county, in addition to those heretofore appointed, with similar powers and under similar regulations and restrictions.

TH. CLAIBORNE,

Speaker of the house of Representatives

ROBERT C. FOSTER,

Speaker of the Senate

November 13, 1813.

CHAP. CXIV.

An act to provide for the adjudication of certain causes.

Circuit judges to hold a court.

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee, That in all cases now depending or which hereafter may depend in the court of Errors and Appeals where the law requires two judges to make a decision, and one of the judges of said court hath been of counsel in the cause and in cases where two judges are not required to make a decision and both shall have been concerned as counsel, then three of the circuit court judges shall assemble at such time and place on each side of the Cumberland Mountain, as shall be appointed by Proclamation of the Governor and shall decide such causes, and shall be paid at the rate of seven dollars per day, and shall be attended by the clerk of the court of errors and appeals of the circuit in which said judges shall be required to set, and the causes so circumstanced shall be transmitted to the court to be held by virtue of

this act, and shall be finally decided by said court which shall set from time to time, upon adjournments to be made by said court, until all the aforesaid causes shall be finished and decided.

Judge of the fifth circuit.

SEC. 2. Be it enacted, That it shall and may be lawful for the circuit judge of the fifth circuit, who has been elected during this session of the Legislature, to take the oath of office required by law, before any justice of the peace for Davidson county, which shall be as effectual to all intents and purposes as if taken before the presiding magistrate of the county in which he resides.

TH. CLAIBORNE,

Speaker of the House of Representatives

ROBERT C. FOSTER,

Speaker of the Senate.

Nov. 20th, 1813.

CHAP. CXV.

An act to alter the place of holding a separate election in the county of Franklin.

Separate elections.

Be it enacted by the General Assembly of the state of Tennessee, That the separate election heretofore established by law at the house of Major James Hunt in said county, shall hereafter be held at the house of James Cunningham, esquire, under the same rules, regulations and restrictions, as prescribed by law for holding the said separate election at the said former place, any law to the contrary notwithstanding.

TH. CLAIBORNE,

Speaker of the House of Representatives

ROBERT C. FOSTER,

Speaker of the Senate.

November 13th, 1813.

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CHAP. CXVI.

An act to amend an act authorizing the commissioner of East Tennessee, to issue a duplicate land warrant certificate, for sixty eight acres, to Joseph Brown, passed at Nashville, October the eighth, one thousand eight hundred and twelve.

Preamble. WHEREAS, it appears that by mistake it is declared by the before recited act, that the original certificate issued to Joseph Brown, when in fact it issued to Jacob Casner, and was by him transferred to Joseph Brown: Wherefore,

Warrant to issue. *Be it enacted by the General Assembly of the state of Tennessee,* That the commissioner of East Tennessee is hereby authorized to issue to Joseph Brown a duplicate certificate for sixty eight acres of land, of number eighty one, which issued to Jacob Casner under the rules and conditions, expressed in the act this is intended to amend.

TH. CLAIBORNE,
Speaker of the House of Representatives.
J. C. ISAACSON,
Speaker of the Senate, pro tempore

November 17th 1813.

CHAP. CVII.

An act to provide for the better disposal of School lands, in this state and to repeal an act therein mentioned.

Act repealed. *Sec. 1. Be it enacted by the General Assembly of the state of Tennessee,* That an act of the General Assembly passed at Knoxville, on the 20th day of November, 1811, entitled an act to provide for the future disposal of the school lands in this state, be and the same is hereby repealed.

SEC. 2. Be it enacted, That the trustees of the academies of the different counties in which school lands have been laid off agreeable to an act of the Ge-

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neral Assembly passed at Knoxville in the year 1800, shall and they are hereby authorized to rent out or lease each and every tract of land so laid off in their respective counties, for any term not exceeding five years from and after the first day of January next, upon such terms as the said trustees shall think most expedient for the benefit of their respective Academies.

Sec. 3. Be it enacted, That each trustee of the respective Academies shall at the first meeting of the board after the first day of January next, take an oath well and truly to demean himself as trustee for the Academy to which he may belong, if an oath to the same effect has not before been taken, and at their first meeting after the first day of January in each year, appoint one of their own body as clerk of the board of trustees, who shall keep a correct journal of all their proceedings and an account current with the treasurer, they shall also appoint a treasurer of the board, who shall give bond and security to the board of trustees, as they may require, conditioned for the safe keeping all papers, and re-delivering to such board, all monies and papers put into his hands for safe keeping, such board shall also appoint one or more of their own body, whose duty it shall be immediately after to proceed to view and examine the quality and situation of each tract of school land laid off in the county, and lay before the board of trustees a statement thereof with the reasonable value of the rent of such tracts as may be improved for the ensuing year.

Sec. 4. Be it enacted, That the board of trustees after receiving such statement, shall make such order for the renting of the improved tracts or leasing the unimproved tracts for the purpose of improving the same rent free, as they may think best, agreeable to this act, and give to the person or persons appointed to view the land as aforesaid, a copy of such order, whose duty it shall be to advertise at the court-house and at some public place in the neighbourhood of each tract of school land in the county, the time and place at which he or they will attend to receive applications to rent or lease the same, at least fifteen days before the commencement of

Trustees
to appoint
clerk & treasurer

To rent
or lease
and.

the time and shall receive applications for the space of ten days before renting out or leasing any tract of land after which he or they shall, in behalf of the board of trustees, execute leases, agreeable to contract, to the person applying within said time, who may offer to pay the best rent, or take a lease of unimproved tracts, on the best terms, agreeable to the order of the board of trustees, upon his complying with the following conditions, to wit.

Conditions
of lease.

First, to give bond with sufficient security to the Board of Trustees of the Academy for the payment of the rent to become due by annual instalments agreeable to the amount of the respective years rent.

Secondly, to enter into a written agreement with sufficient security, under hand and seal, to such Trustees to re-deliver the premises at the expiration of his lease in good repair, and remove therefrom at the expiration, or pay all damages occasioned by the failure thereof, unless his lease should be renewed agreeable to this act.

Proposals
to rent.

Sec. 5. *Be it enacted*, That if no person should apply and make proposals to rent or lease within the time mentioned in the foregoing section or those applying should fail to perform the conditions therein laid down, such person or persons so appointed to view the land and give leases as aforesaid, shall afterwards rent out or lease each tract undisposed of to any person on the best practicable terms, who shall comply with the said conditions.

Proceed-
ings of exe-
cutors.

Sec. 6. *Be it enacted*, That when the said person or persons so appointed shall have performed such services he or they shall lay before the board of trustees the whole of their proceedings and deposit with them all the papers and writings appertaining to the same, and shall be allowed by the board for such services a reasonable compensation out of the rents of said land.

Certain
preference.

Sec. 7. *Be it enacted*, That every person who from time to time may be in possession of any of said land shall have the preference over any other in obtaining a lease for a future term, upon his offering to pay as high a rent, or take a lease upon as good terms as

any other, and complying with the conditions of this act.

Sec. 8. *Be it enacted*, That it shall be the duty of the respective trustees as aforesaid, so soon as they have raised in manner aforesaid, a sufficient fund, to proceed to fix upon the most eligible site which they can obtain on the best terms, for the purpose of erecting an academy; provided, they can obtain for such quantity of land as they may think necessary a title by a general warrantee deed in fee simple, to themselves and their successors, and apply such fund to the building a house and making such other provisions for the benefit of their academies as they may think proper.

Sec. 9. *Be it enacted*, That said trustees whenever they may judge it necessary, shall be authorized to call on the principal surveyor of the district or his deputy in the county, whose duty it shall be within three months after to survey, and measure the tract required, plainly marking the corners and lines thereof and deliver to such trustees a plat and certificate of the same, truly stating the natural and artificial calls of such tract, with the number of the section in which it may be laid off, who shall be entitled to receive from said trustees out of any money in their hands such compensation for the same as he is entitled to by law for similar services.

Sec. 10. *Be it enacted*, That a majority of such trustees shall constitute a board and quorum to do business.

Sec. 11. *Be it enacted*, That said trustees shall have a right to sue, and shall be liable to be sued as the board of trustees of their respective academies.

Sec. 12. *Be it enacted*, That a board of such trustees respectively, shall be authorized to pass such other rules and bye laws for the leasing of said school lands, and the regulations of their academies as they may think necessary, not contrary to this act or the constitution of this state.

Sec. 13. *Be it enacted*, That when any of the above school lands may have sufficient streams for water works, then and in that case the trustees shall have power to rent or lease such part of any tract that may be calculated for water works to any person that

may wish to build such works, for any term not exceeding seven years; the person so leasing giving bond and security as required in the fourth section of this act, any law to the contrary notwithstanding.

Not waste
timber.

Sec. 14. *Be it enacted*, That if any person or persons shall cut or waste timber growing on any tract of said school lands without the consent of the trustees of the county academy in which the same may be situated, he shall be liable to an action of damages, in the name of the chairman of the board of trustees of the county academy in which the said land may lie.

Lessors to
give notice.

Sec. 15. *Be it enacted*, That if any person or persons shall continue in possession of any of said tracts of school lands, without obtaining a lease for the same or without having his or their lease renewed from the trustees of the academy, agreeable to this act, after receiving thirty days notice in writing to remove therefrom, from the board of trustees of the county academy in which such tract of land may be situated, such person or persons shall be liable to be dispossessed by a writ of forcible entry and detainer, in the name of the chairman of the board of trustees of such county academy, in which the same proceedings shall be had as the law provides for other cases of forcible entry and detainer, and no other right or title to the said tract of school land shall be required to enable such trustees to recover possession of such premises than that which is by this act vested in such board of trustees; and *Provided* this action shall not extend to any person that may at the time such possession is retained, be in the actual service of this state or the United States, and marched out of the county in which such land lies, during the present war against the Creek Indians and their allies.

TH: CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

November 16, 1813.

CHAP. CXVIII.

An act to appoint additional trustees to Cumberland College.

Be it enacted by the General Assembly of the state of Tennessee, That the appointment of James Trimble as a trustee of Cumberland College, be and the same is hereby confirmed, and that Jesse Wharton, Wilkins Tannehill and Thomas Clibborn be and they are hereby appointed additional trustees to said College.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

November 16, 1813.

CHAP. CXIX.

An act authorizing the drawing of a lottery for the benefit of Fayette Academy in the county of Lincoln.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That John V. McKinney and Elliott Hickman are hereby appointed additional trustees to the Fayette Academy in the county of Lincoln.

Sec. 2. *Be it enacted*, That John V. McKinney, Elliott Hickman, James Bright, Brice M. Garner, Robert C. Kennedy, John Greer, Robert Dickson, and Francis Porterfield are hereby appointed commissioners of a lottery for the benefit of Fayette Academy.

Sec. 3. *Be it enacted*, That the commissioners or a majority of them aforesaid are hereby authorized to draft and publish a scheme of a lottery on such plan as they shall think proper, either in one, two

Trustees to
Fayette Academy.

Lottery.

Publish
scheme.

three or four classes, for the purpose of raising a sum not exceeding five thousand dollars.

SEC. 4. *Be it enacted,* That said commissioners 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 Lincoln 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.

SEC. 5. *Be it enacted,* That when said commissioners shall have sold such a 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 as they shall have made known in their scheme, giving notice of the time and place they will commence at least twenty days previous to the commencement in the public newspapers printed nearest said place.

SEC. 6. *Be it enacted,* That it shall be the duty of the commissioners of said lottery to pay the amount of money made by the same to the treasurer of the board of trustees of said academy.

SEC. 7. *Be it enacted,* That the commissioners 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.

TH. CLAIBORNE,

Speaker of the House of Representatives.

J. C. ISACKS,

Speaker of the Senate, pro. tem.

Nov. 17th, 1813.

An act for the benefit of the widows of intestates and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That where a man shall die intestate leaving a widow, it shall be lawful for such widow to take into her possession and care, all the personal estate of her deceased husband, and the crop then growing until letters of administration shall be granted upon such estate, and to make use of such part of the said crop and of the provisions on hand as may be necessary for the support of herself and family, and also to make use of the slaves, stock, and plantation utensils, for the purpose of completing, securing and selling such crop.

SEC. 2. *Be it enacted,* That upon the application of such widow, it shall be the duty of the county court to appoint three freeholders unconnected with her, either by consanguinity or affinity, who being first duly sworn to act impartially, shall set apart so much of the crop and provisions on hand, as may be necessary for the support of such widow and her family, until the expiration of one year after the decease of her said husband, which part of said crop and provisions so set apart, shall be the absolute property of such widow for the uses aforesaid, and shall not be taken into the account of the administration of the estate of such intestate.

SEC. 3. *Be it enacted,* That nothing herein contained shall be so construed as to prevent creditors, who may have obtained judgments against such intestate in his life time, from levying their executions upon such crop and provisions, if no other property can be found sufficient to satisfy the same.

SEC. 4. *Be it enacted,* That from and after the passage of this act, all executors of every description, shall before they presume to enter upon the administration of any estate whatsoever, enter into bond and security in the same way that administrators are required to do, unless the testator shall o-

Widow
to take care
of personal
estate.

Support
for one year

Creditors
may buy.

Executors
to give bond.

Five
and.

Drawing
lottery.

To pay mo-
ney.

May pur-
chase tick-
ets.

therwise expressly provide by his will, in which case no bond or security shall be required unless thereafter some creditor or creditors or the representative or representatives of said testator shall apply to the court of the county where such executor or executors shall have qualified, and suggest by petition that said executor or executors are wasting or likely to waste the estate of his or their testator, whereupon it shall be lawful for said court, and they are hereby required to direct said executor or executors on satisfactory proof being made to said court, of the truth of said complaint, and proof also being made that ten days notice in writing has been given to said executor or executors to enter into bond and security as other executors are by this act required to do, and in case said executor or executors shall fail to enter into bond with satisfactory security within three days after said order is made, said court shall proceed to appoint an administrator for said estate, who shall forthwith proceed to call said executor or executors to account for said estate, who shall give bond and security and be qualified as other administrators are required by law, and shall dispose of said estate agreeably to the last will and testament of such deceased.

SEC. 5. *Be it enacted*, That in all cases wherein any person heretofore or may hereafter become bound as security for any person as administrator, and shall conceive himself in danger of becoming liable by reason thereof, it shall and may be lawful for the county court, wherein said person so become bound, upon petition of the party supported by oath or affidavit to them exhibited, forthwith to order a summons to issue against the party or parties with and for whom the petitioner or petitioners stand bound, returnable to the next term of said court, and thereupon compel such party or parties to give other sufficient or counter security to be approved of by said court, or to deliver up the said estate to the said petitioner or to such other person as the court shall direct, or they may and are hereby authorized and empowered to make such other order or rule thereon

Executors
wasting pro-
perty.

To give
counter se-
curity.

for the relief of the petitioners, and better securing such estate as to them shall seem just and equitable:

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

Nov. 16th, 1813.

CHAP. CXXI.

An act to alter the names of the persons there in mentioned.

Whereas James Doherty and John Anderson, having requested this General Assembly to alter the names of their illegitimate children, to wit: the name of Isaac Christie to that of Isaac Anderson, and the name of Eliza Davis to that of Eliza Campbell Doherty:

Preamble

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, that from and after the passing of this act the name of Isaac Christie is hereby altered and changed to that of Isaac Anderson, and that he the said Isaac Anderson shall in all respects both in law and equity be upon an equal footing with the said John Anderson's other children, and shall be entitled to all the advantages he the said Isaac Anderson could be, provided he had been born in lawful wedlock. And that the name of Eliza Davis shall be altered to that of Eliza Campbell Doherty, and that she the said Eliza Campbell Doherty shall in all respects both in law and equity, be upon an equal footing with the said James Doherty's other children, and shall be entitled to all the advantages she the said Eliza Campbell Doherty could be, provided she had been born in lawful wedlock, any law to the contrary notwithstanding.

Names altered.

TH. CLAIBORNE,

Speaker of the House of Representatives

ROBERT C. FOSTER,

Speaker of the Senate

Nov. 13th, 1813.

W

A act authorizing Samuel Brooks and Benjamin Smith to build a mill on Duck River, and for other purposes.

Mill dam on
Duck river.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Samuel Brooks and Benjamin Smith be, and they are hereby authorized to build a mill or mills at the mouth of Flat creek in Maury county on Duck river, near the eastern boundary line of said county, provided the said Samuel Brooks and Benjamin Smith shall cut a canal round each mill-dam, and fix therein locks and gates, or make slopes through the dam, and construct the same in such manner as not to obstruct the free and easy navigation of said river, with all boats, rafts and other water craft that may be used to navigate the same.

Any one may
build above
Shelbyville.

SEC. 2. *Be it enacted,* That it shall and may be lawful for any person or persons to build a mill-dam or mill-dams across Duck river, on his, her or their own land above the town of Shelbyville, under the same laws, regulations and restrictions as is heretofore pointed out by law for building mills in this state: *Provided,* that if any person or persons shall build a mill-dam or mill-dams across said river as aforesaid, such person or persons shall not build such dam or dams, higher than seven feet above the common or low water mark, and shall build good and sufficient locks or slopes in each dam built as aforesaid as will perfectly secure the navigation of said river, to all who may wish to descend or ascend across said dam or dams, any law to the contrary notwithstanding.

TH. CLAIBORNE,

Speaker of the House of Representatives.

J. C. ISAACKS,

Speaker of the Senate. pro-tem.

November 17th, 1813.

CHAP. CXXIII.

An act for the benefit of William Gore sheriff of Overton county.

WHEREAS, it appears to this General Assembly that William Gore, sheriff and collector of Overton county, omitted at the first county court after the first day of January eighteen hundred and thir-

teen, to report certain lands lying in said county, upon which taxes were due for the year eighteen hundred and twelve, and which had not been given in for the taxes of that year upon which double tax had accrued, and also omitted at the court aforesaid to report certain other lands lying in said county which had been given in for the taxes due thereon for the year eighteen hundred and twelve, and which taxes had not been paid. And whereas it also appears that he hath accounted for and actually paid over to the treasurer of West Tennessee, the full amount of the state tax due on said last mentioned description of land, and also to the trustee of Overton county the county tax thereof and to the commissioners of the town of Monroe the tax due to them thereon, and to enable him to have said money refunded and tax collected, for remedy whereof.

Present.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the said William Gore shall be authorized to report said lands to the first county court of Overton county, after the first day of January next, in the same manner that he was authorized to have reported the same at the time prescribed by law, and it shall be the duty of the county court of said county to proceed to enter judgments and order the sales of said lands so by him to be reported in the same manner required by law in other cases, and said sheriff and collector shall advertise and sell the same and execute deeds of conveyance therefor, in the same manner as if the same had been done at the time prescribed by law, and any deed of conveyance so made shall vest in the purchaser of any such lands the same right and title that it would have done, if the proceedings had been had thereon at the times prescribed by law.

Wm. Gore
relieved.

SEC. 2. *Be it enacted,* That the said William Gore shall be authorized to receive and retain so much of the money arising from such sales as will be sufficient as to make the sum of the taxes paid over thereon and shall be required to pay over the balance thereof to the treasurers authorized by law to receive the same, under the same rules and restrictions that similar taxes are directed by law to be accounted for.

To sell lands.

SEC. 3. *Be it enacted,* That the administrators of

Administrators of James Cook allow- ed to retain commissions James Cook late sheriff of Jackson county, he and they are authorized to retain the commissions allowed to sheriffs for the collection of taxes, for the benefit of the estate of the said James Cook; provided that the said administrators shall settle and pay the amount of the taxes collected and due from the sheriff of Jackson for the year eighteen hundred and twelve, and all such costs and charges as may have accrued thereon, in the same manner, as if no judgment had been rendered for said taxes.

TH. CLAIBORNE,
Speaker of the House of Representatives,
ROBERT C. FOSTER,

Speaker of the Senate,

November 16, 1813.

CHAP. CXXIV.

An act for the benefit of John W. Simpson.

John W. Simpson to keep a turnpike SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That John W. Simpson shall have the benefit of the turnpike gate erected on the road leading from Sparta to Daddy's creek, for the term of five years, to commence from and after the expiration of the term for which he is now entitled to it by contract, and shall be bound to keep said road in repair as required by the act of eighteen hundred and nine, and for failure therein shall be subject to the same penalties prescribed in said act, and the commissioners now appointed shall be bound to view said road, and in all respects to perform the duties assigned them by the said act of eighteen hundred and nine.

SEC. 2. *Be it enacted* That if the said John W. Simpson shall fail to keep said road in as good repair as required by the preceding section, so far as the nature of the ground will admit, he shall for every such offence forfeit and pay the sum of one hundred dollars, to be recovered by action of debt before any

satisfaction having cognizance thereof; one half to the use of the party suing for the same, and the other half for the use of the state

TH. CLAIBORNE,

Speaker of the House of Representatives

J. C. ISAACKS,

Speaker of the Senate, pro tempore

November 17th 1813.

CHAP. CXXV.

An act authorizing Carter Talley to keep up his mill dam on Nolichucky river.

Be it enacted by the General Assembly of the state of Tennessee, That Carter Talley be and he is hereby authorized to repair and keep up his mill dam on Nolichucky river, provided the said Talley shall in no way obstruct the navigation of said river, but shall at all times leave thirty six feet in the main channel thereof for the free passage of boats.

TH. CLAIBORNE,

Speaker of the House of Representatives,

J. C. ISAACKS,

Speaker of the Senate, pro tempore

November 17, 1813.

CHAP. CXXVI.

An act to establish two separate elections in the county of Campbell.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the sheriff of Campbell county shall by himself, deputy or coroner on

Separate elections. the constitutional days for holding elections, open and hold separate elections at the houses of Robert Glen, in Powel's Valley, and of George Baker for the purpose of electing a governor, members of Congress, electors to elect a President and Vice President, members of the state legislature, and militia officers, which said elections shall be held and conducted under the same rules, regulations and restrictions as similar elections in this state.

Who to vote. Sec. 2. *Be it enacted,* That it shall and may be lawful for all persons who are constitutionally authorized to vote in Campbell county, to give in his vote either at the court house of said county, or at either of the above places for holding separate elections as may best suit his convenience.

To count out votes, SEC. 3. *Be it enacted,* That at the close of said separate elections it shall be the duty of the judges and returning officer to count out said votes, and on the succeeding day make a return to the sheriff of Campbell county in the town of Jacksborough of the number of votes received at said separate elections for each candidate, which return shall be received as part of the election of said county.

Voting twice for same. SEC. 4. *Be it enacted,* That if any person shall vote at more than one place of holding elections, he shall forfeit and pay the sum of ten dollars before any tribunal having cognizance thereof, one half to the county and the other to the person who will sue for the same.

TH. CLAIBORNE,
Speaker of the House of Representatives.
ROBERT C. FOSTER,
Speaker of the Senate.

November 16, 1813.

CHAP. OXXVII.

An act to authorize the erection of a Turnpike gate on a certain road therein mentioned.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That John Forensworth, John Gragg, Isaac Baker, senr. William Houston,

Emanuel Parman, David Forensworth, William Hall, George Gillispie, Senr. and Reuben Allen, be and they are hereby declared commissioners of the road leading from Sherills Cove across Paint Mountain to the painted rock on French Broad river, whose duty it shall be to proceed immediately or a majority of them, to let the said road to some fit and suitable person for the term of ten years, from the time he undertakes the same; but not to commence until after the expiration of Isaac Baker's and Thomas Wilson's time.

Toll to be collected. Sec. 2. *Be it enacted,* That said undertaker shall before he erect his gate or demand and receive any toll enter into bond with approved security to the chairman of Greene county court, in the sum of one thousand dollars, conditioned for the keeping said road in good repair for the term aforesaid, which bond shall be deposited in the clerk's office for the benefit of any person injured, or for neglect of duty, in keeping said road in good repair, and said bond shall not become void on the first recovery but shall be liable to be sued on by the party injured until the whole penalty may have been recovered.

Toll to be regulated. Sec. 3. *Be it enacted,* That before the undertaker erect his gate across the road, it shall be viewed by at least three of the aforesaid commissioners, who shall report the same to the court of Greene county, whereupon if the report be favorable, it shall be the duty of said court, there being present at least ten of the acting justices, who shall proceed to regulate and determine the toll to be received at said gate, and issue their licence, for which the clerk shall be paid by the undertaker fifty cents, and the said court may once in every year afterwards alter the rate of toll as to them may seem proper, provided a majority of said justices be present at the doing thereof.

Oath of undertaker. Sec. 4. *Be it enacted,* That said undertaker shall in open court or before some justice of the peace before he demand or receive any toll take the following oath: I A. B. do solemnly swear or affirm (as the case may be) that I will not ask or demand of any person or persons passing through the said Turn-

take any greater tollage than is by law allowed, to help me God; and each of the commissioners appointed by this act shall before they enter on the duties of their appointment take the following oath: I A, B, do solemnly swear or affirm (as the case may be) that in all respects appertaining to my appointment, I will between the public and the people do equal and impartial justice to the best of my skill and judgment, so help me God.

Commissioners of view.

Sec. 5. *Be it enacted*, That the commissioners aforesaid shall appoint three of their own body, whose duty it shall be to view said road three times in each and every year, and report the condition thereof to the board, whose duty it shall be in the event of an unfavorable report to proceed forthwith to let the same to some other suitable person.

To be paid.

Sec. 6. *Be it enacted*, That each and every commissioner may at the expiration of each and every year render an account on oath of the number of days he has been employed in discharge of the duties of his appointment, whereupon it shall be the duty of said court to make a reasonable allowance, not exceeding one dollar to be paid by undertaker or keeper of the gate.

Forfeiture.

Sec. 7. *Be it enacted*, That if any person shall arbitrarily or clandestinely attempt to pass said Turnpike within one half mile thereof, in order to evade the payment of toll, he, she or they so offending, shall forfeit and pay the sum of ten dollars for every such offence, to the undertaker or keeper of said Turnpike, recoverable by action of debt before any justice of the peace in this state.

When turnpike heretofore ordered shall cease.

Sec. 8. *Be it enacted*, That an act entitled an act authorizing Isaac Baker and Thomas Wilson to erect a Turnpike on a certain road therein mentioned, passed at Knoxville Nov. 7th 1803, shall continue to be in force until the gate contemplated by this act shall have been erected and no longer.

TH. CLAIBORNE,

Speaker of the house of Representatives

J. C. ISAACKS,

Speaker of the Senate pro. temp.

November 17, 1813.

CHAP. CXXVIII

An act to incorporate the Watauga and Holston navigation company.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Alfred M. Carter, Samuel Tipton, Godfrey Carriger and John Stewart, of Carter county; Adam M'Kee, John G. Easton, Samuel Hunt, Joseph Melville, Francis Willett, and James Hall of Washington county, Edward Cox and Zebariah Cross junr. George Gammon, Nicholas Fain, John Lyon and Laurence Snapp junr. of Sullivan county and all such other persons as they may permit to associate with them to improve the navigation of Watauga river from Elizabethton in Carter county, to its junction with the river Holston, and Holston from Middletown, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name and style of the President directors and company of the Watauga and Holston navigation company, and by that name they and their successors shall have continual succession, and shall be persons capable in law of suing and being sued, and pleading and being pleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever.

Sec. 2. *Be it enacted*, That the said corporation be and they are hereby authorized and empowered to draft and publish a scheme of a lottery on such plan, as to them or a majority of them shall seem eligible either in one, two, three or four classes, for the purpose of raising a sum not exceeding four thousand dollars to be employed in the improvement of the navigation of the rivers Watauga and Holston, between the points named in the preceding section.

To have a lottery.

Sec. 3. *Be it enacted*, That said corporation or a majority of them shall have power to appoint trustees of their own body to act as managers in the drawing and conducting said lottery, who shall be before they enter on the duties of said appointment

Managers of which

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take and subscribe the following oath: I A. B. do swear or affirm (as the case may be) that I will faithfully and truly keep an account of the drawing of this lottery without partiality, so help me God.

SEC. 4. Be it enacted, That said corporation shall have full power and authority to appoint a chairman and such other officers as may be deemed necessary and to make reasonable allowances for their services, and to make all other bye laws and regulations necessary for the carrying the aforesaid object into full and complete effect.

SEC. 5. Be it enacted, That the aforesaid corporation shall previous to publishing said scheme enter into bond in double the amount of the capital in said scheme, to the chairman of the county court of Washington 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 each person or persons the sum or sums of money they have advanced for tickets, which bond when executed shall be filed in the clerk's office of said court.

SEC. 6. Be it enacted, That the said corporation are hereby authorized to appoint a suitable person or persons at such places as they may think proper for the purpose of receiving subscriptions in addition to funds to be raised by lottery for the purposes aforesaid, under such rules and regulations as to them may seem right.

SEC. 7. Be it enacted, That the said corporation are hereby authorized and directed to lay out the money or other property so raised, either by lottery or subscription, or both as the case may be, in the most economical manner for improving and facilitating the navigation of the aforesaid rivers between the points aforesaid.

SEC. 8. Be it enacted, That it shall and may be lawful for the county courts (a majority of the acting justices being present) situated on the navigable rivers of this state, upon the application of any person

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or persons praying the establishment of a place on the banks of any of said rivers for the purpose of loading and unloading boats, to appoint a jury as in the case of establishing public roads, to view the place so prayed to be established as aforesaid for a landing, which jury shall view the same and ascertain the amount of damage to the party dipping the land as well for the landing as also for the road leading thereto, and shall make their report to the next county court, and if said court shall think proper to grant said road and landing they shall direct their clerk to give the owner of said land a certificate authorizing him or them to collect a toll to be by them allowed.

SEC. 9. Be it enacted, That it shall and may be lawful for all persons to use the public ferry landings in this state for the purpose of loading and unloading boats, provided they do not obstruct said ferries.

TH. CLAIBORNE,
Speaker of the House of Representatives.
ROBERT C. FOSTER,
Speaker of the Senate.

November 18, 1813.

CHAP. CXXIX

An act authorizing three separate elections in the county of Giles.

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee. That it shall be the duty of the sheriff of Giles county, by himself or deputy or coroner on the constitutional days of holding elections, to open and hold three separate elections at the places herein after mentioned; viz. one at the dwelling house of Martin Lane, and one other at the dwelling house of John Dick, Esquire, and one other at the dwelling house of William Phillips, Esquire, for the purpose of electing a Governor, members to Congress, electors to elect a President and Vice President, and members of the state Legislature, which said elections shall be held and conducted under the same rules and restrictions as similar elections in this state.

SEC. 2. Be it enacted, That it shall be lawful of any

any person living within the bounds of Giles county, aforesaid, 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 either of the aforesaid places of holding separate elections as may best suit his convenience: *Provided*, nevertheless, that if any person shall vote at more than one place in any election, he shall on conviction thereof forfeit and pay the sum of ten dollars, recoverable before any jurisdiction, having cognizance thereof, to be recovered by action of debt, to the use of any person who will sue for the same.

Returns of votes.

Sec. 3. *Be it enacted*, That at the close of said election it shall be the duty of the judges and returning officer to count out said votes, and on the succeeding day, make a return to the sheriff of Giles county of the number of votes received at said election for each candidate, which return shall be received as a part of the election of Giles county.

TH. CLAIBORNE,
Speaker of the House of Representatives

ROBERT O. FOSTER,
Speaker of the Senate, pro-tem:

Nov. 18th, 1818.

CHAP. CXXI.

An act authorizing the drawing a lottery for the benefit of Overton Academy in the county of Overton.

Lottery for Overton Academy.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the trustees of Overton Academy be and they are hereby authorized to draft and publish a scheme of a lottery on such plan as they may deem proper, either in one, two, three or four classes, for the purpose of raising a sum of money not exceeding three thousand dollars, for the benefit of said Academy.

Sec. 2. *Be it enacted*, That said trustees previous

to their publishing said scheme, shall enter into bond in a sum double the amount of the capital in said scheme, to the Chairman of the county court of Overton, and his successors in office, for the fair conducting the same, and the faithful payment of all the prizes when drawn, and for the faithful application of the money arising from the same to the use of said Academy, or in case of failure to draw said 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 county,

Sec. 3. *Be it enacted*, That when said trustees have sold such a proportion of the tickets as would in their opinion authorize the commencement of the drawing of said lottery, they shall proceed to draw the same, under the same rules and regulations as they shall have made known in their scheme, giving notice of the time and place in the Clarion and Carthage Gazette.

Drawing to commence.

Sec. 4. *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 to meet in the town of Monroe, and make a reasonable allowance to themselves, managers and clerks for their services performed, and after deducting such allowance from the amount of money made by said lottery, to pay the residue of the money made by the same to the treasurer of the board of commissioners of said Academy.

Allowance to managers.

Sec. 5. *Be it enacted*, That the trustees may be purchasers of tickets if they think proper, provided they satisfy the managers or superintendents of the drawing, that there is no fraud intended or practised or advantage intended to be taken in consequence thereof.

Trustees purchase tickets.

Sec. 6. *Be it enacted*, That Archibald Rhea, George Christian, Simon Huddleston, Abel Willis, William Chilton, Andrew Steele, James Whiteside, William Flemming, Benjamin Potten and William Armstrong be, and they are hereby appointed trustees

Names.

to act with those heretofore appointed for Overton
County, in the county of Overton.

TH. CLAIRBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

November 18th, 1813.

CHAP. CXXXI.

An act authorizing the county court of the
county of Sumner to lay a tax, for defraying
the expence of building a Jail and Stocks,
and appoint commissioners to contract for
said buildings and carrying said contracts
into effect.

Tax to build
Jail and
Stocks.

Sec. 1. *Be it enacted by the General Assembly of
the state of Tennessee,* That the county court of Sum-
ner county, at any court after the first day of January
next, a majority of the acting justices in the county
being present, are hereby authorized to lay a tax
yearly, for the purpose of building a jail and stocks
for the use of said county, not to exceed the present
state tax, and on the same objects of taxation, and in
the same proportion as said public taxes are laid, until
a sufficient sum is collected to effect the contemplated
object.

Taxes a
counted for

Sec. 2. *Be it enacted,* That when the above said
taxes are laid, they shall be collected, accounted for
and paid over to the county treasurer or trustee by
the same persons and agreeable to the same rules and
restrictions as other county monies.

Buildings to
be let.

Sec. 3. *Be it enacted,* That said court, a majority
of the acting justices being present, may at any time
proceed to appoint three commissioners, whose duty
it shall be to contract with a suitable person or per-
sons to erect said building or buildings agreeable to

shall plan as said court shall direct, a majority of the
acting justices in said county being present, and when
said commissioners shall want money for the above
purposes, the county court shall issue their order to
the county treasurer or trustee, a majority of said ac-
ting justices being present, for such sum or sums as
will appear to them right, which order shall be a good
voucher for him in the settlement of his accounts.

Sec. 4. *Be it enacted,* That when said commis-
sioners are appointed as by this act directed, that before
they enter on the duties of their appointment they
shall severally take an oath before some justice of
the peace, who shall give a certificate of the same,
faithfully to execute to the best of their abilities, the
duties required of them by this act, and said court
shall make such allowance to said commissioners for
their services as said court, a majority of the justices
being present shall think right and fit.

Sec. 5. *Be it enacted,* That in case of death, resig-
nation or refusal to act, of any of the commissioners
by this act to be appointed, the next court or any suc-
ceeding court shall appoint others to fill such vacan-
cies, qualified in the same way and have the powers
and go-tooth as those first appointed.

TH. CLAIRBORNE,

Speaker of the House of Representatives,

ROBERT C. FOSTER,

Speaker of the Senate.

November 16, 1813.

CHAP. CXXXII.

An act for the better regulating proceedings
to be had before justices of the peace and
for other purposes.

Sec. 1. *Be it enacted by the General Assembly
of the state of Tennessee,* That in all causes

Plaintiff appearing to have no cost

which may hereafter be depending before any of the justices of peace in this state, wherein judgment may be given for the plaintiff, if said plaintiff should take an appeal from the judgment of said justice to the next county court, and said court on hearing of said cause should not give a judgment more favorable to the plaintiff than that given by the justice before whom said cause was originally tried, making allowance for the difference of interest accruing, it shall be the duty of said court to give judgment for the plaintiff for the amount by him so recovered, and at the same time to give judgment in behalf of the defendant for all costs.

of said

Security to be given.

Sec. 2. Be it enacted, That in all causes which may hereafter be commenced before any of the justices of the peace in this state, and from the judgment of which justice an appeal should be taken, it shall be the duty of the court to which the same may be taken, on motion at the return or any subsequent term, while said cause may be depending to require of the original plaintiff in said cause to give security for the costs of suit.

Warrants for

Warrants for bastardy to recover state

Sec. 3. Be it enacted, That hereafter when any warrant shall have been issued against any person charged with bastardy, that on the suggestion of the county solicitor that the person so charged hath removed into another county, from that in which the crime may have been committed, that it shall be the duty of the clerk of the county court to issue a capias directed to the sheriff of any county in the state, whose duty it shall be to execute the same, under the same penalties and rules as other process in criminal cases.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

Nov. 19, 1819.

CHAP. CXXVII

An act to improve the navigation of Duck river

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee That Alexander Gray and Garret Lane of the county of Hickman, and Robert M. William Cathey and William Stockard, of the county of Maury be, and they are appointed commissioners of the Duck river navigation, from Gordon's ferry to the mouth thereof.

Commissioners of Duck river.

Sec. 2. Be it enacted, That said commissioners before they enter upon their duties as such, shall enter into bond with sufficient security to the chairman of Maury county court, and his successors in office, in the penal sum of three thousand dollars, conditioned for the faithful discharge of all the duties herein after imposed and required of them as commissioners aforesaid, which said bond shall be deposited for safe keeping with the clerk of said court.

To give bond

Sec. 3. Be it enacted, That said commissioners or any two of them, shall so soon as practicable cause the obstructions to the navigation of said river, to be removed by clearing away the timbers on the islands and banks, and in the bed of the river, in such manner as they shall deem expedient, and shall have power to procure all necessary utensils and tools for that purpose, and to hire such number of hands from time to time, as to them shall seem fit and proper, to remove such obstructions, and to procure all things necessary for carrying the object of this act into execution, and for defraying the expenses incurred thereby.

To remove obstructions

Sec. 4. Be it enacted, That the said commissioners or any two of them, so soon as they may be ready to proceed to the clearing said river as aforesaid, shall call upon the commissioners of the town of Columbia, and receive from them a sum not exceeding one thousand and fifty dollars, which sum the said Columbia commissioners are hereby authorized and required to pay them out of any money in their hands, which has arisen or which may hereafter arise from the sale of lots in said town, not otherwise appropriated, pro-

Money appropriated

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ded nevertheless, that if there should not be the sum of two thousand and fifty dollars, collected and in their hands so unappropriated, that then said Columbia commissioners shall only pay to said Duck river commissioners one half of such money so in their hands, and the remainder of said sum of one thousand and fifty dollars shall be paid from time to time as the same may be collected.

Tax to be laid.
Sec. 5. *Be it enacted*, That the county court of Hickman, shall at the first court to be holden for that county after the first day of January in the years 1814, and 1815, proceed to lay a tax on the taxable property in said county at such rates as to raise thereby the sum of one hundred and ten dollars in each of said years, which said money shall be collected by the sheriff or collector of said county, and shall be accounted for and paid over to said Duck river commissioners or their successors in office for the purposes aforesaid, under the same rules, regulations and restrictions as are provided for the collection of county taxes, provided nevertheless, that the sheriff of Hickman county shall not be authorized to pay over unto said commissioners, any sum or sums collected by him, by virtue of this act, unless a proportionate part of the sum required to open the navigation of said river, from Gordon's ferry to the mouth thereof, from the county of Maury is received by said commissioners from the commissioners of Columbia for the purposes aforesaid; and in case of failure, of the commissioners of said town of Columbia, then the monies collected by said sheriff of Hickman, shall be at the disposal of Hickman county court.

Commissioners.
Sec. 6. *Be it enacted*, That Jonathan Webster, Isaac Roberts and Samuel Smith shall be, and they are hereby appointed commissioners of the Duck river navigation within the county of Maury, from the Bedford county line to Gordon's ferry who shall give bond and security in the penal sum of two thousand dollars in the same manner and under the same rules as are prescribed for the commissioners herein before appointed, and shall in all respects possess and exercise all the powers and be subject to all the regulations and restrictions which are herein before provided, for the governmen

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of said commissioners in the discharge of the several duties herein before enjoined upon them.

Money for that part in Maury county.
Sec. 7. *Be it enacted*, That said last appointed commissioners so soon as they shall be ready to enter upon the duties of their office, may call upon the commissioners of the town of Columbia and receive from them a sum not exceeding one thousand dollars, to meet the expenses to be incurred by carrying the objects of their appointment into execution, and the said commissioners of Columbia are hereby authorized and required to pay the same to them out of the unappropriated monies in their hands arising or to arise from the sale of lots in the said town, provided nevertheless that if there should not be the sum of two thousand and fifty dollars collected and in their hands so unappropriated, inclusive of any money they may have paid to the first commissioners by this act appointed, then and in that case they shall only pay to them one half of such money so in their hands, and the remainder of said sum of one thousand dollars shall be paid to them from time to time as the same may be collected.

To keep account.
Sec. 8. *Be it enacted*, That each company of said Duck river commissioners shall keep a fair and correct statement and account of the expenditure of the monies by them respectively received by authority of this act, and shall once a year at least after they enter upon the performance of their duties, settle with the county court of Maury, and shew how they have respectively appropriated the monies so by them received, which settlement shall be recorded by the clerk of said court, and the said court may make to each of said commissioners, such compensation for their services in this behalf as may be deemed adequate, out of the aforesaid appropriations, ten of the justices thereof, at least, being present.

Vacancies how supplied.
Sec. 9. *Be it enacted*, That in case any of said commissioners should refuse to act, or his place by any other means become vacant, then and in that case the court of the county wherein he now resides, shall have power to appoint a fit person to supply such vacancy, six of the justices, of such court at least, being present when such appointment is made and such person so appointed shall have the same powers and be

subject to the same rules, regulations and restrictions as the commissioners appointed by this act.

To open
River.

Sec. 10. *Be it enacted*, That it shall be the duty of the commissioners for that part of the river within Maury county, to commence the improvement of said river at Gordon's ferry, and continue to open said river as far up as the funds will authorize, or to the upper line of said county.

TH. CLAIBORNE,

Speaker of the House of Representatives.

J. C. ISAACKS,

Speaker of the Senate, pro. tem.

November 17th, 1843.

CHAP. CXXXIV.

An act to alter the times of holding the courts therein mentioned.

Time of
courts.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the county courts of Franklin shall be held on the first Mondays of January, April, July and October; and the county courts of Warren on the second Mondays of January, April, July and October; the county courts of White, on the third Mondays of January, April, July and October; and the county courts of Overton, on the fourth Mondays of January, April, July, and October; and the county courts of Jackson, on the first Mondays of February, May, August and November; the county courts of Smith on the second Mondays of February, May, August and November and the circuit courts of Franklin county on the third Mondays of February and August; the circuit courts, of Warren on the fourth Mondays of February and August; the circuit courts of White on the first Mondays of March and September; the circuit courts of Overton on the second Mondays of March and September; the circuit courts of Jackson on the third Mondays of March and September; and the circuit courts of Smith on the fourth Mondays of March and September.

Sec. 2. *Be it enacted*, That the county court of Williamson shall be holden on the first Mondays in the months of January, April, July and October; in the county of Rutherford on the second Mondays in the months of January, April, July and October; the county of Bedford on the fourth Mondays in January, April, July and October; the county of Lincoln the first Mondays in February, May, August and November; the county of Hickman on the second Mondays in February, May, August and November; in the county of Maury, on the third Mondays in February, May, August and November; in the county of Giles on the first Mondays in March, June, September and December; in the county of Claiborne on the second Mondays on February, May, August and November; the county courts of Sumner on the fourth Mondays in February, May, August and November.

Time of
courts.

Sec. 3. *Be it enacted*, That the circuit court for the county of Lincoln shall be holden on the fourth Mondays in March and September; in the county of Sumner on the second Mondays in April and October.

Lincoln
county.

Sec. 4. *Be it enacted*, That any process returnable at any other time than that at which the different courts are directed to be held by this act, they shall be returned to their proper court, and shall be as good and valid in law as if they had been returned at the time expressed in such process.

Process to
be returned.

Sec. 5. *Be it enacted*, That this act shall be in force from and after the first day of January next.

TH. CLAIBORNE,

Speaker of the House of Representatives

ROBERT C. FOSTER,

Speaker of the Senate.

Nov. 19th, 1843.

CHAP. CXXXV.

An act to amend the laws respecting Strays

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall and may be lawful for the former owner of any stray or stray stolen up agreeably to the provisions of the acts which

Half value
of strays.

this is intended to amend, on proving his property by one or more disinterested witnesses, either before the ranger or any justice of the peace for said county, to demand and receive from the county trustee one half of the appraised value of all such stray or strays he may so prove, and which may be accounted for to said trustee agreeably to the provisions of the laws which this is intended to amend without interest or limitation of time, after deducting his twelve and one half per cent for receiving and accounting for the same.

Sec. 2. *Be it enacted*, That when the former owner of any stray or strays, after the expiration of twelve months and before the one half of the appraised value should be paid into the hands of said county trustee, shall prove the same to be his or her property it shall be the duty of said trustee to give to said former owner an order to said taker up for the amount of one half of the appraised value of said stray or strays which if said taker up should fail to accept and pay on sight it shall be the duty of said county trustee on notice of the same, to commence suit against said taker up for the use and benefit of said former owner.

Sec. 3. *Be it enacted*, That it shall be the duty of the rangers of the several counties in this state to prosecute all violations of the stray law within the bounds to their respective counties, and shall not be liable to costs in any case, out of his own private property but on the settlement of his accounts shall be allowed the full amount of all such costs as he shall be liable to in consequence of prosecuting said offences which shall be evidenced by a certificate of the clerk of the court of justice before whom the same shall have accrued.

Sec. 4. *Be it enacted*, That if any of the rangers of this state shall fail, refuse or neglect to comply with any of the requisitions of this, or the acts which this act is intended to amend it shall be deemed a misdemeanor in office, and shall on conviction therefor on an indictment or presentment be removed from office.

Sec. 5. *Be it enacted*, That it shall not be lawful for any person to take up any neat cattle as an

Order to be given.

Rangers to prosecute violations of law

Rangers may be removed.

estray from the first day of May until the first day of November in each and every year.

Sec. 6. *Be it enacted*, That nothing in this act shall be so construed as to require the taker up of any hog or hogs as an estray, to keep the same more than six months.

Sec. 7. *Be it enacted*, That so much of the acts which this is intended to amend as authorizes any individual to prosecute offenders against the stray law in an action of *Qui Tam* shall be repealed.

TH. CLAYBORNE,

Speaker of the House of Representatives

ROBERT C. FOSTER,

Speaker of the Senate.

November 18, 1813.

CHAP. CXXXVI

An act to suppress tippling shops and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That if any person, or persons shall sell any spirituous liquors or other drink capable of producing intoxication, to any slave or slaves, without a permit in writing, from the owner or the person having charge of such slave or slaves, or shall permit any slave or slaves disorderly to assemble at his, her, or their house or place of residence, every person or persons so offending, shall be fined in a sum not less than five nor more than ten dollars, to be recovered before any justice of the peace of the county wherein such offence shall be committed, one half to the use of the person who shall sue for the same, the other half to the use of the owner of such slave or slaves.

Sec. 2. *Be it enacted*, That if any person or persons offending against the provisions of this act, shall fail or refuse at the time of the rendition of such judgment, to pay the fine or judgment awarded against him, her or them, with costs of suit, such person or persons so failing or refusing, shall forthwith be committed by order of such justice to the jail of the

No quitam allowed.

No liquor to be sold to slaves.

Failure to pay forfeit.

county, until the fine and costs are paid, or the justice may issue execution as in other cases.

Not purchase any thing of slaves.

SEC. 3. *Be it enacted*, That if any person or persons shall purchase or receive from any slave or slaves, any article or articles unless the same shall be of his or their own manufacture, without a permit in writing from the owner or person having the care of such slave or slaves, expressive of the article or articles to be sold, such person or persons so offending, shall be subject to the pains and penalties set forth in the preceding section of this act.

No slave to hire his own time.

SEC. 4. *Be it enacted*, That if any person or persons shall hire to any slave or slaves, the time of such slave or slaves, such person or persons so offending, shall forfeit and pay not less than five nor more than ten dollars, for each and every day such slave or slaves shall have hired his, her or their time, and been absent from his, her or their owner or owners for the use of the person who shall sue for the same, to be recovered agreeably to the provisions of the first section of this act.

Slaves a competent witness.

SEC. 5. *Be it enacted*, That in all trials under the provisions of this act, any slave or slaves shall be deemed a competent witness or witnesses against any free person of colour who was born in slavery.

Slaves offering to sell to be whipped.

SEC. 6. *Be it enacted*, That if any slave shall offer to vend or sell any of the articles forbidden by this act without a permit in writing from the master or controuler of such slave authorizing such sale, it shall be the duty of the person or persons to whom such article is offered for sale to apprehend and carry before any justice of the peace, such slave or slaves, and if such charge shall be proved to such justice it shall be the duty of said justice to cause said slave to receive for such offence, any number of lashes not less than five nor more than thirty.

SEC. 7. *Be it enacted*, That this act shall be in force from and after the first day of January next.

TH: CLAIBORNE,

Speaker of the House of Representatives.

GEORGE WILSON,

Speaker of the Senate pro-tempore.

October 28, 1813.

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CHAP. CXXXVII.

An act to provide for the payment of costs in criminal cases.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That from and after the passing of this act, all forfeitures arising, and that may hereafter be collected pursuant to the judgment or sentence of any court of this state, all fines and forfeitures arising, or that may be collected, pursuant to the judgment or sentence of any justice of the peace, on any penal law, or so much of such fine or forfeiture, as shall, or may accrue to the state or county, shall be paid into the hands of the trustee of the county, wherein such fine or forfeiture may have arisen, which shall be accounted for as other county monies are.

SEC. 2. *Be it enacted*, That in case any person who may have been, or shall hereafter be convicted on an indictment or presentment for a capital or other offence, judgment may be rendered and execution may issue against the estate of such defendant as in other cases where a fine is adjudged, and all costs that are then due and incident thereto; and for any costs that may accrue after the time of such conviction by imprisonment or removing such prisoner from one county to another, either before or after such conviction for the better security of such offender, also all costs that may accrue in prosecuting to and carrying the judgment or sentence of such court into effect and the said court before whom such conviction may have been had may at any subsequent term on motion render judgment and award execution against the estate of such defendant as aforesaid and when it shall in such cases appear to the court that the defendant at the time of such conviction or executing the sentence of the court hath or had no estate real or personal, whereof such costs could be made, then it shall be lawful for such court by an order of record to direct the clerk to issue a certificate or certificates to the lawful claimant or claimants for all costs which to them may have accrued in said case which certificate or certificates shall be received and paid by the trustee of the county in which said offence may

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have been committed which shall be good in the settlement of the accounts of said trustee.

Sec. 3. *Be it enacted*, That on all indictments for capital as well as inferior offences if the defendants should be acquitted by the verdict of a jury on the trial of the merits of the cause it shall be the duty of the court to give judgment for all costs that may have accrued in said prosecution, whereupon it shall be the duty of the clerk to issue certificates to the parties thereto entitled for the amount so by them claimed, which certificates shall be received and paid by the trustee of the county where such was charged to have been committed, which shall be good in the settlement of his accounts: Provided nevertheless, That if the court before whom such trial shall be had, should be of opinion that the prosecution was frivolous or malicious the said court shall tax the prosecutor with the costs of such prosecution.

Sec. 4. *Be it enacted* That in all prosecutions in behalf of the state as well capital as inferior offences it shall not be lawful for the attorneys or solicitors prosecuting in behalf of the state to enter the nolle prosequi unless by consent of the court and when it shall so happen that a nolle prosequi shall be entered it shall be the duty of the court to give judgment for costs, and the clerk shall issue certificates to the parties entitled thereto which shall be received and paid by the county trustee of the county wherein such offence may have originated, which shall be received in the settlement of his accounts.

Sec. 5. *Be it enacted*. That where any person may have been or shall hereafter be recognized by any one justice of the peace or by any of the judges of this state to appear to answer any criminal charge in any of the courts of this state and should be discharged before any bill of indictment should be preferred to or presentment made by the grand jury and returned not a true bill, it shall be the duty of the court to give judgment for the costs which shall be paid by the trustee of the county wherein said charge may have arisen agreeably to the preceeding sections of this act.

Sec. 6. *Be it enacted*. That upon the holder or holders of any certificate obtained agreeably to the provisions of this act producing the same to the

Clerk to issue certificates.

Enter nolle prosequi.

Docket certificate.

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Trustee of the county on whom the same may be drawn it shall be the duty of said trustee to docket the same noting the time when such claim may have accrued, the name of the claimant and the amount of such claim, and shall pay the same out of any monies in his hands unappropriated: Provided, that where two or more claims shall be presented to said trustee at the same time, or where several such claims may have been docketed before payment he shall pay such claims according to the order of time in which claims may have originated.

Sec. 7. *Be it enacted*. That all laws coming within the purview and meaning of this act be and the same are hereby repealed.

TH. CLAIBORNE,

Speaker of the House of Representatives,

ROBERT C. FOSTER,

Speaker of the Senate.

November 16, 1813.

CHAP. CXXXVIII.

An act authorizing the solicitor general of the fourth circuit to order out process in certain cases.

Be it enacted by the General Assembly of the state of Tennessee, That the Solicitor General of the fourth circuit is hereby authorized to order out subpoenas for witnesses to attend at the circuit court of Wilson county, to give evidence in the suit of Willie Blount Governor-ect. against the Cumberland Turnpike company, and that the clerk of said court on the requisition of the solicitor general shall forthwith issue the same.

TH. CLAIBORNE,

Speaker of the House of Representatives,

ROBERT C. FOSTER,

Speaker of the Senate

Nov. 18th, 1813.

CHAP. CXXXIX.

An act to authorize separate elections in the county of Warren at the places therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the sheriff of

Warren county, by himself, lawful deputy, or some respectable freeholder, duly sworn for that purpose, shall open and hold a separate election at the house of George Payne on Piney river; another separate election at the house of William Chism, near Hickory creek; and one at the house of Daniel Payne on Rocky river; and one other at the house of John H. Gee in captain Fair's company; for the purpose of electing a governor of the state, representatives to congress, members of the state legislature, field officers of the militia, and electors to elect a President and Vice President, at the times prescribed or directed by law for holding said elections, and under the same rules and regulations prescribed by law for holding similar elections.

Sec. 2. *Be it enacted*, That the said officers or other persons so holding said separate elections, shall meet at the court house in the town of McMinnville, on the evening of the last day of said elections, with a certificate of the polls under the hands and seals of the inspectors of each of said elections, for the purpose of comparing the votes which votes so taken and returned shall be a part of the poll of Warren county.

Sec. 3. *Be it enacted*, That the inspectors of each of the said separate elections shall be authorized to reject any vote which may be offered by any person, unless such person will swear, if required, that he hath not in said election voted at any other place of holding said elections in the county; and if any person should in that case swear falsely he shall be liable to all the pains and penalties inflicted by law upon those who are convicted of wilful and corrupt perjury—and moreover any person voting at two places in said county in any of said elections shall forfeit and pay the sum of ten dollars, one half to the use of the county of Warren and the other half to the use of the person who will first sue for the same, to be recovered before any tribunal having cognizance thereof.

TH. CLAIBORNE,
Speaker of the House of Representatives.
ROBERT C. FOSTER,
Speaker of the Senate,

November 13th 1818.

An act to provide for the payment of the members, clerks and Doorkeepers of this General Assembly and to defray the necessary contingent expences thereof and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That each member shall receive the sum of three dollars for each day he has attended the General Assembly and a like sum for every twenty five miles traveling to and from the same. pay member

Sec. 2. *Be it enacted*, That the clerks of the General Assembly both principal and assistant shall each receive five dollars for each day they may have attended the same, and the principal clerk of the senate sixty four dollars fifty six and a fourth cents for stationary, and the principal clerk of the House of Representatives ninety dollars eighty seven and one half cents for stationary furnished the present session.

Sec. 3. *Be it enacted*, That the Doorkeepers be each allowed three dollars for each day they may have attended, and to John Bright the sum of twenty one dollars seven and a half cents for fuel, candles etc. and to John Rhea for fuel and candles the sum of fifteen dollars seventy five cents.

Sec. 4. *Be it enacted*, That Andrew Rhea assistant Doorkeeper, be allowed for services this session the sum of seventy dollars that Thomas M'Corry treasurer of East Tennessee be allowed the sum of eighty one dollars fourteen cents and three fourths for payments made the Treasurer of West Tennessee as credited to him by the committee of Finance, that John Bright be allowed seven dollars for his expence and trouble in selling the furniture at Knoxville agreeably to a resolution of the General Assembly, and that David Moore be allowed the sum of five dollars for taking care of the tables, chairs, inkstands ect. since the last session of the Legislature at Nashville, that Thomas G. Bradford be allowed the sum of fifty two dollars and fifty cents for printing sundry resolutions, captions of the laws, blank certificates ect. for the present General Assembly, as per account rendered.

Places to
hold elec-
tions.

in polls

Pay fines.

100

Sec. 3. Be it enacted, That the Treasurer of East Tennessee, and Principal surveyor, or one or six district elected by this General Assembly, may execute and acknowledge the bonds by them necessary to be given before any judge of the supreme court of Errors and Appeals or any judge of the circuit courts in this state, which bonds so executed and acknowledged shall be deposited, and shall be as valid and effectual as if executed and acknowledged in the manner heretofore pointed out by law.

TH. CLAIBORNE,
Speaker of the House of Representatives,
ROBERT C. FOSTER,
Speaker of the Senate,

Nov. 20th, 1842.

ERRATA.

The following errors occurred in Printing.

- Page 4, sec 3, line 2d, after any read of the
 Page 12, sec. 1, line 5, after or read oth r
ib *ib* line 7, read craft for crafts
 Page 16, line 4 from top, after be read as
 Page 19 sec. 2, line 3, after regulations read as
 Page 21, line 3 from top, read hands instead of hand
 Page 26, line 3 from top, read ordinances instead of ordinance
ib sec. 3, line 9, read towns instead of town
 Page 33, sec. 1, line 13 instead of plead read plea a
 Page 40, sec. 2, line 2 from bottom, read treasurers instead of treasurer's
 Page 42, sec. 1, line 3 from bottom, read courts instead of court
 Page 45, sec 3, line 6, read team instead of team
ib sec. 4, line 2 from bottom, read penalties instead of penalties
 Page 47, sec 1, line 4, instead Sillard read Lillard
 Page 51, sec 6, line 6, after company read and
 Page 67, line 4 from bottom instead of constitute read constitute
 Page 79, line 2 from bottom, instead of has read his
 Page 81, line 24, instead of passing read possessing
 Page 86, line 19, after or read did
ib line 20, for discover read discover and omit abetted
 Page 86, 6th line from bottom instead of mackies read mackies
 Page 87, line 2, for melting read milling
 Page 88, sec. 8, line 5, read hire instead of hide
 Page 100, sec 2, last line, before writing read in
 Page 112, line 5 from top, before court read said
 Page 120, sec 5, line 2, read built instead of boil
 Page 129, first line, read such instead of rus
 Page 131, sec 10 line 4 omit the word books
 Page 145 line 2, for theretofore read heretofore
 Page 154 line 3 from bottom after other read persons
 Page 171, line 2 from bottom, read state, instead of state

A Copy Attest,

W. G. BLOUNT,
Secretary of State.

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