

ACTS

OF A PUBLIC OR GENERAL NATURE
PASSED AT THE SECOND SESSION OF

THE

THIRTEENTH

GENERAL ASSEMBLY

OF

THE STATE OF TENNESSEE,

Began and held at Murfreesborough, on Monday the
Twenty-sixth of June, one thousand eight hundred and
twenty.

CHAPTER I.

AN ACT to provide for the registration of certain
deeds and mesne conveyances.

WHEREAS, it may happen that honest purchasers
may have obtained deeds of conveyance for lands
under the laws of this state requiring the attesta-
tion of one witness only, and notwithstanding they
may have procured such deed or deeds to be pro-
ven in open court, may have failed to have the same
registered in the proper office before the passage
of the law requiring the attestation of two wit-
nesses; and whereas, by reason of the death, ab-
sence, or removal of the bargainer or bargainors
and witness or witnesses thereto, such bargainees
may be defeated in their honest titles; for remedy
whereof:

Sec. 1. Be it enacted by the General Assembly of the
State of Tennessee, That where bargainees or bargain-
ees, shall have procured a deed or deeds of convey-
ance under the laws of this state which required but
one attesting witness, and who shall have procured
the probate of such deed or deeds of conveyance be-
fore the passage of the act requiring the attestation
Bargainer
or bargain-
ors under
the law re-
quiring but
one attest-
ing witness
may have
their deeds

of conveyance registered at any time within 12 months in the county where their land lies. of two witnesses, or who may hereafter prefer the probate or acknowledgement of such deed or deeds of conveyance, shall and may at any time within twelve months from and after the passage of this act have such deed or deeds of conveyance registered within the county where such lands may lie, which shall be good and valid either in law or equity, against all and every person or persons, except those who may have purchased for a valuable consideration without notice of such prior purchase.

Sec. 2. Be it enacted, That all deeds or mesne conveyances for land within this state, which shall have been made or executed or which may hereafter be made and executed by grantors or bargainors, living in other states, such deeds or mesne conveyances shall be admitted to registration in any county in this state upon the probate or acknowledgement of such deeds or mesne conveyances taken in pursuance of the laws of the state, where the grantor or bargainor or witnesses to such deeds may live: provided the probate or acknowledgement of such deeds or mesne conveyances be endorsed thereon with the certificate of the officer before whom taken, that he is acquainted with the bargainor or witnesses as the case may be, and he or they are inhabitants of the state where the probate or acknowledgement is taken: and provided, also, that the governor or Secretary or some judge of the superior court of such state, shall certify that the probate or acknowledgement endorsed thereon is in due form; that it is done in pursuance to the laws of such state, and by the proper officer: and if such certificate be made by the governor or secretary, it shall be under the Great Seal of the State, and provided always, such deed or mesne conveyance be registered within twelve months from and after the passage of this act, or within twelve months from and after the execution of such deeds or mesne conveyances in the county where such land lies; which deeds so proven and registered, shall be good and effectual to pass the title to the lands called for in said deeds, except against subsequent purchasers for a valuable consideration, and without notice.

How to proceed in case of the death of any of parties or witnesses. s. *Sec. 3. Be it enacted,* That where it shall so happen that two or more joint bargainors shall have made or who may hereafter make a deed or deeds of conveyance, and before the same can be proven in open court, one or more of such joint bargainors and the subscribing witness or witnesses thereto, shall have died, that it shall and may be lawful for the bar-

gainor or bargainees in such deed or deeds, to pursue the legal mode now pointed out for the probate of deeds, where the subscribing witness or witnesses and bargainor or bargainors are dead, notwithstanding one or more of said joint bargainor or bargainors may be living.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

July 12, 1820.

CHAP. 2.

AN ACT to make good and legal, certain land claims, or land warrants.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That all warrants, duplicates or certificates of warrants, divided by Jacob Tipton, Register of East Tennessee, by his deputy Anderson Hutcheson, shall have the same legal effect as though they were signed by the said Jacob Tipton, any law to the contrary notwithstanding. All warrants, duplicates, &c. divided by J. Tipton or his deputy made legal.

And whereas, sundry persons in the counties of Roane, Rhea and Hamilton, have obtained grants from the states of North Carolina and Tennessee, for lands situate within the bounds of three large grants, (viz.) one of 5,000 acres situate in the county of Roane, granted by the state of North Carolina to James W. Lackey; one in the county of Rhea of 19,600 acres granted by the said state to Stokely Donelson; and one in the county of Hamilton of 20,000 acres granted by the said state to the said Donelson; and whereas it appears that said grants are bounded by natural boundaries, and that it will occasion immense expense actually to run all the lines of said surveys as now required by law, to authorise the owners of these younger grants to draw their warrants; for remedy whereof:

Sec. 2. Be it enacted, That the holders of younger titles to lands situate within the bounds of any of said described grants shall be authorised to obtain warrants upon grants without producing to the commissioners for West Tennessee the certificate of the surveyor general, or deputy surveyor of said district, setting forth that he has actually run all the lines of said older grant, or better title; and a certificate sign-

ing to com- ed by the said surveyor general or his deputy setting
missioners forth that the younger grant upon which warrants
the certifi- are proposed to be drawn, are to his knowledge in-
cate of sur- cluded within the lines and natural boundaries of any,
veyor gen- or either of said grants, and that the applicants have
ral. not been seven years in the peaceable possession of
the land, by virtue of said younger title, adverse to all
other titles whatever : which facts shall be made ap-
pear to the surveyor before he shall make a survey
of said younger title, and that they do not hold the
land by the same, which certificate shall be only evi-
dence of those facts required by the commissioners to
entitle said younger grantees to obtain their warrants.

Surveyor's Sec. 3. *Be it enacted,* That it shall be the duty of
duty. the surveyor of said district to give the certificate as
directed in the preceding section of this act without
actually running the lines of said 5,000 and 19,000
acre grants and so much of said 20,000 acre grant as
lies within the county of Hamilton : Provided he may
be satisfied that the tracts held by younger grants and
by him surveyed, are situated within said older grants,
and the applicants for certificates, shall pay to said
surveyor the sum of one dollar for each certificate, to-
gether with the fees now allowed by law for all other
services in and about the surveying and making out
the plat and certificate of survey of said younger
grant, to be by him performed in enabling claimants
to obtain their warrants.

All acts of fore have, or hereafter may be performed by the de-
dep. Regis- puty of either of the Registers of this state shall be as
ters of this good and available as if the same were done by their
state made principals, any law, usage, or custom to the contrary
good. notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

July 1st, 1820.

CHAP. 5.

AN ACT authorising the surveyors of land south and
west of the congressional reservation, to lay
down certain fractions in the general plan therein
named.

WHEREAS, it is represented to this general assembly

ly that some of the surveyors west of Tennessee
river, having commenced their business before the
outlines of their adjoining districts were run out,
which has occasioned a fraction between some of the
aforesaid districts; for remedy whereof.

Sec. 1. *Be it enacted by the General Assembly of the
State of Tennessee,* That where such fractions may
have happened, it shall and may be lawful for the
respective surveyors to lay down and fairly repre-
sent said fractions on their general plans, under the
same rules, regulations and restrictions as are here-
tofore pointed out by law, any law, usage or cus-
tom, to the contrary notwithstanding.

Sec. 2. *Be it enacted,* That the surveyors south
and west of the congressional reservation line, are
hereby authorized to lay down the general plans of
their respective districts by a scale of four hundred
poles to the inch, any law to the contrary notwith-
standing : and all surveys by them made, shall be
run parallel and at right angles with the sectional
lines, except where they are bounded by old surveys
or natural boundaries; any thing in the acts of eigh-
teen hundred and nineteen, to the contrary notwith-
standing.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

July 15th, 1820.

CHAP. 4.

AN ACT directing the duty of Attorneys General
in certain cases.

WHEREAS some attorneys general refuse to prefer
a bill of indictment against overseers of roads who
have been presented by the grand jury, unless some
person would mark themselves as prosecutor there-
on, for remedy whereof :

Sec. 1. *Be it enacted by the General Assembly of the
Stat of Tennessee,* That the several attorneys prose-
cuting the pleas of the state shall send a bill of indict-
ment to the grand jury against overseers of roads on
the presentment of the grand jury without a prosecu-
tor marked thereon, which shall be as effectual and
binding in law, as if there was a prosecutor marked

thereon, any law usage or custom to the contrary notwithstanding.

Sec. 2. *Be it enacted*, That in all cases where any person or persons, are, or hereafter may be recognized to appear before any of the courts in this state to answer for any breach of the peace or other inferior misdemeanor, when committed in the presence of, and taken notice of by any judge or justice of the peace from his own view, that it shall be the duty of the attorney general, or other attorney prosecuting for the state, to prefer a bill of indictment, and send the same to the grand jury and proceed with a prosecution thereon, although no prosecutor may be marked on the back of said bill of indictment, any law, usage or custom to the contrary notwithstanding.

James Fentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 17, 1820.

CHAP. 5.

AN ACT to amend an act, entitled "an act more effectually to suppress the vice of gaming, passed November 10th, 1817.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That nothing in the act which this is intended to amend; shall in any wise extend or be construed to extend to turfrazing, and the same is hereby declared not to be indictable, any thing in the said act to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WKAKLEY.

Speaker of the Senate.

July 13th, 1820.

CHAP. 6.

AN ACT supplementary to an act, passed on the third day of November, 1803, laying a county tax on Stores, Hawkers, and Pedlars.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, when any county

court shall think proper to lay said county tax, it shall be the duty of the clerk, when issuing the state license to collect said tax, and account for the same to the county trustee, in the same manner that he accounts to the state Treasurer for the state tax, any law to the contrary notwithstanding.

James Fentress

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 15, 1820.

CHAP. 7.

AN ACT to establish a Bank of the state of Tennessee.

WHEREAS, it is deemed expedient and beneficial both to the state and the citizens thereof, to establish a bank on the funds of the state for the purpose of relieving the distresses of the community and improving the revenue of the state; Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Bank shall be established for and in behalf of the state of Tennessee, in the manner and on the conditions and limitations hereinafter expressed.

Bank established

Sec. 2. *Be it enacted*, That there shall be a branch of said bank established at the town of Knoxville, with four tenths of the capital created by this act for said bank, and that the Treasurer of East Tennessee shall make his deposits in said branch, except as may be hereinafter provided in this act.

Branch established at Knoxville

Sec. 3. *Be it enacted*, That the said Bank shall be established and fixed in the town of Nashville, under the government of a President and ten Directors, to be chosen by joint ballot of both houses of the General Assembly, who shall continue in office until the next stated session of the General Assembly, and until their successors, chosen in like manner, are qualified to act, and the said President and Directors shall appoint a cashier and other persons necessary to aid in conducting the same, and they shall take from their said cashier bond with sufficient security in the penalty of one hundred thousand dollars, with condition for his good behaviour and the faithful performance of the duties of his office.

Bank to be established at Nashville

Sec. 4. *Be it enacted*, That this bank is hereby in-

Bank incor-
porated.
Name of
the Bank.

Bank incor-
porated, and made a corporation and body politic
by the name and style of "The Bank of the State of
Tennessee," and shall continue until the first day of
January, eighteen hundred and forty-three; and by
that name shall be and is hereby made able and capa-
ble in law, to have, purchase, receive, possess, enjoy,
and retain to them and their successors, lands, rents,
tenements, hereditaments, goods, chattels, and effects
of what kind, nature or quality soever, and the same
to sell, grant, alien, demise, or dispose of, to sue and
be sued, plead and be impleaded, answer and be an-
swered, defend and be defended, in courts of record or
any other place whatever—and also to make, have
and use a common seal, and the same to break, alter
and renew at pleasure—and also to ordain, establish
and put in execution, such by-laws, ordinances and
regulations as shall seem necessary and convenient
for the government of the said corporation, not being
contrary to law or the constitution hereby establish-
ed; and generally to do and execute all and singular
such acts, matters and things, which to them it shall
and may appertain to do; subject, nevertheless, to
the rules, regulations, restrictions, limitations, and
provisions prescribed in this act.

Powers of
the Bank.

Bank to is-
sue notes
signed by
the Presi-
dent & coun-
tersigned by
the Cashier.

Sec. 5. *Be it enacted*, That the said bank shall have
power to issue notes signed by the President and
countersigned by the Cashier, not under the denomi-
nation of one dollar, nor over one hundred dollars, on
behalf of said corporation, in such sums, and with such
devices as they may deem most expedient and safe.

Amount of
stock to be
one million
of dollars.

Sec. 6. *Be it enacted*, That the capital stock of
"The Bank of the State of Tennessee," shall be one
million of dollars, in bills payable to order or bearer;
all of which shall be emitted on the credit and securi-
ty of the borrowers, and the whole be warranted by
the state, on the proceeds of the sales of its unappro-
priated lands, the interest of the money arising from the
sales of the land south of French Broad and Holston, in
such portions as the same now is or hereafter may be
required by law by them to be paid, together with such
portions of principal as may be by them from time
to time paid, and the ordinary revenue of the state,
not otherwise appropriated.

Vacancies
how to be
filled.

Sec. 7. *Be it enacted*, That in case of the death, re-
signation, removal, or refusal to act of the said Pre-
sident, or either of the directors, a majority of those
remaining in office shall fill up such vacancy, and the
persons so appointed shall hold their office during the
remainder of the term, for which the President or

Director so dying, resigning, removing, or refusing
to act, had to serve.

Sec. 8. *Be it enacted*, That none of the said officers
shall become security or be bound for any debt con-
tracted for in behalf of said Bank, except for his
or their own accommodation, and each and every offi-
cer concerned in the transaction of the business of
said Bank, shall, before he enters upon the duties of
his office, take the following oath, before some Cir-
cuit Judge or Justice of the Peace. "I, A. H. do so-
lemnly swear (or affirm, as the case may be) that I
will well and faithfully discharge the duties assigned
me, according to the best of my skill and abilities,
and that I will not directly nor indirectly, for myself
or others, loan money at a greater interest than is
allowed by law, during my continuance in office,
So help me God."

Sec. 9. *Be it enacted*, That all the public monies
shall be deposited in the said Bank by the Treasur-
ers of East and West Tennessee, and the whole of
the proceeds of the sales of the lands in the Hiwassee
District is hereby vested in the said bank, subject
nevertheless, to all the drafts drawn on the part of
the state authorized by legal appropriation.

Sec. 10. *Be it enacted*, That the said bank shall re-
ceive money on deposit, and pay away the same to
order free of expense; discount bills of exchange, and
notes with two or more good securities, who shall be
jointly and severally bound; or other public stock,
known to be good at a rate of interest not exceeding
one per centum discount for sixty days; and shall
also have power to make loans to citizens of this state
in the nature of discounts on real or personal prop-
erty, secured by mortgage and power of attorney to
confess judgment on default of payment; *Provided*,
That the sum so loaned shall never exceed one half of
the real unincumbered value of the property so mort-
gaged; *And provided further*, that the loans shall nev-
er be for a longer term than one year, nor draw a great-
er interest than at the rate of six per centum per an-
num, which shall always be payable in advance; *And
provided further*, That no loan shall be, in any case
whatever, renewed, unless the interest of such re-loan
shall be paid in advance; and *provided further*, that
the Directors for the time being shall not call in more
than one tenth of each loan, at the time the same
shall become due, without giving sixty days notice
thereof; and all persons failing to make payment of
the interest and principal as aforesaid, shall be de-

No officers
of the Bank
to become
security.

Oath of the
Officers of
the Bank.

All public
monies to be
deposited in
the bank.

Directions
for the bank.

prived in future of credit in said bank, and judgment shall be immediately entered up on the power of attorney, given as in this act required, and execution shall be immediately issued in the name and on behalf of the Bank against each person or persons for the whole amount of the debt which may be due the said bank.

Bank not to owe more than 1 million of dolls.

Sec. 11. *Be it enacted*, That the total amount of the debts which the said bank shall at any time owe, whether by bond, bill, note or contract, shall not exceed one million of dollars previous to the session of the next general assembly, and in case of excess, the Directors under whose administration it shall happen shall be liable for the same in their private and individual capacities, and an action of debt may in such case be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court in this state, having jurisdiction, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary, notwithstanding: but this shall not be construed to exempt the said Bank, or the lands, tenements, goods and chattles of the same from being also liable for, and being chargeable with said excess.

Not less than six directors to constitute a board.

Sec. 12. *Be it enacted*, That not less than six Directors shall constitute a board to do business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director who may be selected by the directors or a majority of them.

Agents to be established in each county and their duty.

Sec. 13. *Be it enacted*, That it shall be the duty of the president and directors of said bank, to establish an agency in each county in East and West Tennessee, created before the year 1819 except the county in which said bank may be situated, or a branch thereof, and said agent or agents shall be a resident or residents of the county where such agency may be established; and it shall be the duty of the agents to forward to the said bank a true statement of the accounts and proceedings, so often as may be required of each agency, and said agencies shall be established in each of said counties within twenty days after said bank is put into operation, under such rules, regulations and conditions, as shall seem to said president and directors to be safe and convenient, and in all cases the amount of bills intended for the benefit of each of said counties shall be transmitted to each of said counties within the time aforesaid and loaned therein. The bills

issued by said bank, shall be receivable in the payment for lands in the Hiwassee district, also for all monies due or to become due to the State, Colleges and Academies, from the citizens south of French Broad and Holston and west of Big Pigeon rivers, as the interest becomes due, and in payment of all state and county tax, and for all debts of every denomination due or to become due to the state or the said bank.

Sec. 14. *Be it enacted*, That no clerk of any court nor justice of the peace within this state, shall hereafter issue an execution upon any judgment or decree, until two years after the rendition of said judgment or decree, unless the plaintiff by himself or his attorney shall endorse upon the execution, that the sheriff or other officer shall, and may receive in satisfaction of said execution, the bills or notes authorized to be issued by this act, in addition to those authorized to be received by the act regulating proceedings on judgments and for other purposes, passed November 24, 1819: *Provided*, That nothing in this act shall prevent any future legislature from modifying or repealing this section or any part thereof.

Plaintiff to endorse on executions.

Sec. 15. *Be it enacted*, That it shall be the duty of the president and directors of said bank, to make such arrangements and regulations as will secure to the citizens of each county as aforesaid, a just proportion of the capital therein to be loaned, which proportion shall be ascertained agreeably to the taxes paid by each county into the public treasury for the year 1819, except the tax on merchants license, and whenever payment in whole or in part, shall be made into the bank hereby established, it shall be the duty of the directors so to conduct the proceedings, as not to reloan to citizens of any county, the sum or any part thereof originally intended for another; but the sum or sums thus paid in, may from time to time be reloaned to the citizens of the same county, so long as may be consistent with the interest and safety of the institution hereby established—and the said directors shall not receive in discharge of loans made by them any thing but the notes hereby created, specie or the notes of such banks as shall be at par at the time such loans are payable.

Duty of the President & Directors.

Sec. 16. *Be it enacted* That it shall be the duty of the said bank to make an accurate and detailed report of their proceedings and situation to each session of the General Assembly, and during the first week thereof: *Provided*, however, That in such report,

Bank to report to General Assembly.

the private accounts of individuals need not be presented.

Treasurer of E. Tennessee to issue six per cent stock.
 Sec. 17. *Be it enacted*, That the treasurer of East Tennessee, under the direction of the governor of the state, shall and he is hereby authorised, at the instance of the president and directors of said bank, to issue six per cent stock to an amount not exceeding eighty-seven thousand five hundred dollars, on the faith and credit of the funds vested in said bank by this act; that in like manner the treasurer of West Tennessee under the direction of the governor of the state, shall, and he is hereby authorised at the instance of the president and directors of said bank, to issue six per cent stock to an amount not exceeding one hundred and sixty two thousand five hundred dollars, on the faith and credit of the funds vested in the said bank by this act, which stock shall be redeemable at the pleasure of the state at any time after the period of five years from the issuance thereof, and it shall be the duty of the said bank to pay the holders of the stock hereby created, the interest due thereon annually; and the said bank is hereby authorised and empowered to sell and dispose of the said stock created under the authority of this act from time to time, provided the same shall not at any time be sold under par-

Directions for selling stock.
 Sec. 18. *Be it enacted*, That in selling out said stock, each county shall have submitted through the agencies hereby established, the preference of purchasing a just portion of said stock, according to the ratio hereinafter established—and if the stock cannot be sold in said county, then the President and Directors shall sell the same to any person or persons wishing to purchase the same.

No Agents to become security.
 Sec. 19. *Be it enacted*, That no person or persons who shall or may act as agents under this act, shall endorse or become security for any loans made in said county, unless it be for the amount of their own accommodation, which shall not exceed the amount loaned to any other individual under this act.

Compensation of the officers of the Bank.
 Sec. 20. *Be it enacted*, That the President of said bank shall be allowed the sum of one thousand five hundred dollars per annum, payable half yearly; and the Cashier of said bank, shall be allowed the sum of one thousand dollars payable half yearly per annum—and each director may be allowed the sum of one hundred dollars per annum—and one clerk shall be allowed the sum of five hundred dollars per annum.

Sec. 21. *Be it enacted*, That said President and Directors, or the said agents, in the respective counties,

shall and they are hereby required, to loan upon personal security, renewable every three months, where they believe it can safely be done; and upon substantial real security, they may loan for six months or any longer time not exceeding twelve months. Renewable every three months on personal security.

Sec. 22. *Be it enacted*, That no loan to any person shall exceed the sum of five hundred dollars, nor shall any loan be made, but upon the conditions expressed in the preceding sections. No loan to exceed 500 dollars.

Sec. 23. *Be it enacted*, That it shall be the duty of the President and Directors of the said bank, to put this act in full force, and complete operation, on or before the 15th day of October next. To go in effect the 15th of Oct. next.

Sec. 24. *Be it enacted*, That the said President and Directors may make an allowance to each of the agencies created by this act, not exceeding one hundred dollars. Allowances to be made to Agents.

Sec. 25. *Be it enacted*, That no director, or part-ner of any director of any other bank, shall be a director of this bank. No Director of any other bank to be a director of this.

Sec. 25. *Be it enacted*, That the Legislature of this state, shall have the power from time to time to make such rules, regulations and restrictions, for the better government, control and regulation of said bank and agencies, as they may deem advisable, so as not materially to change the constitution hereby established. Legislature to make rules &c.

Sec. 27. *Be it enacted*, That either the "Nashville Bank," or the President, Directors and Company of "The Bank of the State of Tennessee," or both of them, together with their branches, may consolidate and incorporate themselves with the bank by this act established, upon such terms as shall be agreed on by the President and directors of this bank, on the one part, and the aforesaid banks, or either of them, on the other part, subject, nevertheless, to the following limitations and provisions. First, that the bank by this act established, nor the state of Tennessee, shall be made liable to, or subject to the payment of any debts, or other responsibilities by said banks, or either of them, contracted previous to said agreement. Second, that said banks, or all of them, upon such consolidation, shall not elect more than ten directors, being an equal number with the directors elected by the state, exclusive of the President, who shall be elected by the General Assembly as by this act provided. Third, that the agreement thus made, before the same shall be considered binding and in force, shall be submitted to three persons to be elect-

ed by this legislature, who shall not be a director or stockholder in either of said banks, for their consideration and approbation, and such agreement shall not be of any force or effect, until ratification by said three persons, or a majority of them. And provided also, if there is any loss sustained by the bank hereby established, after the consolidation of other banks therewith, the stockholders of the banks so incorporating themselves with this bank, shall sustain an equal proportion of the loss in proportion to the amount of stock said banks may have in with the bank hereby established, so far as their stock will indemnify the same.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 26th, 1820.

CHAP. 8.

Proceeds of Hiwassee sales to be vested in the bank.

AN ACT, supplemental to an act, entitled "an act to establish a Bank of the State of Tennessee," passed the 26th day of July, 1820.

Revenue of the state pledged.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the proceeds of the sales of the lands in the Hiwassee district, are hereby vested in said bank, so far as may be necessary to make up the amount of the capital stock thereof.

If impracticable to establish a branch at Knoxville it may be established at any other place in E. Tennessee.

Sec. 2. *Be it enacted,* That the ordinary revenue of the state is hereby pledged, in support of said bank, subject nevertheless, to such appropriations as may be made by law.

Sec. 3. *Be it enacted,* That in case the President and Directors shall find it impracticable to establish said branch bank at Knoxville, by reason of the refusal of suitable persons to accept of the direction and management thereof, in a reasonable time, they shall be at liberty to put the same in operation at any other place in east Tennessee, which to them shall seem best; in the same manner and under the same rules, regulations and restrictions as prescribed in relation to the said branch directed to be established at Knoxville.

Rules in case of either of the other banks consolidating.

Sec. 4. *Be it enacted,* That in case any of the banks mentioned in the act to which this is a supplement shall incorporate themselves, and become a part of this bank, then and in that case the restrictions as to

the amount of loans to individuals, shall not be considered as operative, except as to that part of the capital stock which belongs to the state, and as to that, for the space of two years only: *Provided, however,* That no loan shall be made by said bank to any person or persons, being stockholders, for a greater sum than five thousand dollars, over and above the amount of stock owned by him or them, nor to any other person for a greater amount than five thousand dollars: *Provided,* That such accommodations heretofore given by either of said banks as may be considered safe by said banks, may be continued from time to time.

Sec. 5. *Be it enacted,* That the said bank shall establish and continue a branch or agency in each county contemplated by the act aforesaid, for the space of two years from and after the 15th day of October next, but such agencies to be continued or discontinued at the pleasure of the Legislature; after which time the said President and directors shall be bound to continue a branch or agency within the bounds of each judicial circuit now established by law.

Sec. 6. *Be it enacted* That the governor of this state for the time being, shall be, and he is hereby authorized, at the instance of the president and directors of said bank, to issue six per cent stock to an amount not exceeding two hundred and fifty thousand dollars, which stock shall be redeemable at the pleasure of the state at any time after five years from the issuance thereof; and it shall be the duty of said bank to pay the holders of the stock hereby created, the interest due thereon annually; and the said bank is hereby authorized and empowered to sell and dispose of the said stock created under the authority of this act, from time to time, provided the same shall not at any time be sold under par.

Sec. 7. *Be it enacted,* That the treasurer of West Tennessee be, and he is hereby directed to furnish the president and directors such sum or sums of money as may be sufficient to procure plates and other things necessary to carry the said bank into full and complete operation.

Sec. 8. *Be it enacted,* That the said president and directors shall at the commencement of their operations, issue at least five hundred thousand dollars in bills as directed by the said act, and to be disposed of as is herein directed, and the said bank may from time to time, issue and emit bills to any amount, not exceeding twice the amount of the capital stock paid in.

Agencies to be discontinued at pleasure.

Governor to issue six per cent stock.

Treasurer of W. Tenn. to furnish money to buy plates.

Amount to be issued.

to said bank: *Provided always*, that nothing in this act contained shall be so construed as to authorize the principal bank at Nashville, or the branch bank at Knoxville, to loan more money on the states capital in the county of Davidson or Knox, or in the county where said branch may be established, than is contemplated by the 13th section of the act to which this is a supplement; *And provided also*, That when said bank shall issue bills on the state's capital stock of said bank, the respective counties shall be secured in their respective proportions, as aforesaid, so long as the same can be loaned, or reloaned in the respective counties.

Repealing clause.

Sec. 9. *Be it enacted*, That the provisions of the act to which this is a supplement, and which are inconsistent with this act shall not be considered in force.

Governor to fill vacancies.

Sec. 10. *Be it enacted*, That should any of the three persons appointed by this General Assembly, under the provisions of the 27th section of the act aforesaid, die, resign or refuse to act, or remove, the Governor for the time being, shall appoint fit persons, not being directors or stockholders in any of said banks, to supply the vacancy or vacancies so created.

Duty of the president, directors.

Sec. 11. *Be it enacted*, That it shall be the duty of the president and directors of the principal and branch bank to appropriate for, and loan to the citizens of such counties, as shall have been formed since the first day of January, 1819, a fair and equitable proportion of the monies to be loaned in each end of the state in such manner, as shall seem to them safe and prudent.

26th Section repealed.

Sec. 12. *Be it enacted*, That the 26th section of the act, to which this is a supplement, shall be and the same is hereby repealed.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 29, 1820.

CHAP. 9.

No prosecution for assault, &c. after twelve months shall have expired.

AN ACT to prevent indictments and presentments from being commenced or prosecuted, after a limited time, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That no indictment, or presentment shall be made, preferred, or prosecuted, for any

assault, battery or affray, or for any failure, or neglect of the duty of any overseer of any public road in this state, after twelve months shall have expired, from the commission of either of said offences; any law, usage or custom to the contrary notwithstanding; *Provided* said persons should not remove or abscond from the county, where such offences were committed, but in case of their removal, or absconding, it shall and may be lawful on their returning to the county where such offence was committed, for them to be prosecuted at any time, within twelve months after their return, in the same way as if this act had not passed.

Sec. 2. *Be it enacted*, That from and after the passage of this act, it shall not be lawful for any court within this state, to which an appeal may be taken, to dismiss the same, for and on account of the failure of the attorney or attorneys of the appellant or appellants, to file reasons for such appeal; any law, usage or custom to the contrary notwithstanding.

Courts not to dismiss appeals on account &c.

James Fentress,
Speaker of the House of Representatives.

R. Weakley,
Speaker of the Senate.

July 26, 1820.

CHAP. 10.

AN ACT to repeal the fourth section of the act, amendatory of the land law of 1819, passed Nov. 27th 1819.

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

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 26, 1820.

CHAP. 11.

AN ACT to prevent a sacrifice of real estate, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*. That it shall and may be lawful for each individual in this state, against whom an execution, Certain property exempt from execution,

tion may hereafter issue, upon all contracts hereafter to be made, to select and set apart one cow, or cow and calf, one bedstead and bed, containing not more than twenty-five pounds of feathers, two sheets, two blankets and one counterpane; one half dozen knives and forks, six plates, one dish, one basin, one pot, one Dutch oven, and one spinning wheel, one pair of cotton cards, one chopping axe, if so much they may have, and if not, so many of the articles above named as they may have, which articles such individual shall be protected in the enjoyment of, and they shall not be liable to be taken or seized on by virtue of any execution whatever that may be hereafter issued, and if any levying officer shall presume to act in contravention of this act, or attempt to evade the same, it shall be deemed a misdemeanor in office, and be punished according to law, and shall moreover be liable to an action at the instance of the party aggrieved thereby, and it shall be the duty of the Justices of the peace, or clerk who issues any execution upon judgments rendered upon contracts hereafter entered into, to endorse on the back of the execution, at what time said contract was entered into.

Real estate or negroes may be redeemed any time within two years after sale.

Sec. 2. *Be it enacted*, That it shall and may be lawful for any debtor, whose interest in any real estate, or whose interest in any slave or slaves, may hereafter be sold under execution, at any time within two years after such sale, on payment, or tender thereof to the purchaser or purchasers, or on payment or tender thereof to any one claiming under such purchaser, the principal money bid at such sale, with ten per cent. interest per annum thereon, together with all such other lawful charges, if any there be, to redeem the interest that may have been sold, whether the same may be an interest in land or slaves, and upon payment or tender thereof, as aforesaid, in such bank notes as are receivable on executions, it shall be the duty of the then claimant to reconvey said interest to said debtor, but at the cost and charge of such debtor.

Creditors unsatisfied may redeem debtors property sold at public sale.

Sec. 3. *Be it enacted*, That whenever it shall hereafter happen, that any interest in lands, or any interest in a slave or slaves, shall be sold at any execution sale, and the individual whose interest is so sold, shall have other bona fide creditors, whose debts are not secured or paid, such bona fide creditor, may at any time within two years after such sale, redeem such interest in land or slaves as may have been sold, from the purchaser thereof or from any one claiming

under such purchaser, and on payment or tender of so much money, of the description aforesaid, as was bid for said land or slaves at said execution sale, and such further sum as shall be equal to ten per cent. per annum on the purchase money, and shall further offer and agree, to credit the person whose estate was sold, with the further sum of ten per cent. or more on the amount bid at the execution sale. It shall be the duty of such purchaser, or person claiming under such purchaser, to convey said interest so purchased, to such bona fide creditor, at the proper cost and charge of such creditor, unless such purchaser or those claiming under him, shall pay, or secure to be paid within six months thereafter to such bona fide creditor, the sum proposed to be advanced by him on the bid at sheriff's or execution sale.

Sec. 4. *Be it enacted*, That if such purchaser at execution sale, or the person or persons claiming under him, shall also be a bona fide creditor to the amount proposed to be advanced on the bid at execution sale, at the time that any bona fide creditor may propose to make the advance, it may be at the option of such purchaser, or those claiming under him, to credit the debtor with the sum proposed to be advanced on the bid, and keep the property, or surrender the same in manner aforesaid, to such person offering to make the advance.

How to proceed if the purchaser at execution sale be also a debtor.

Sec. 5. *Be it enacted*, That it shall and may be lawful for any other bona fide creditor of him whose estate has been sold at execution sale, to redeem, from any bona fide creditor who may have previously redeemed from the purchaser at execution sale upon the same terms, and under the same rules and regulations that is herein provided for a bona fide creditor to redeem from the purchaser.

Any other creditor, to redeem under the same principles.

Sec. 6. *Be it enacted*, That the provisions of this act shall extend to all lands sold by the Treasurer of East Tennessee in behalf of the state, or for Colleges and Academies in the district south of French Broad and Holston, and West of Big Pidgeon Rivers, and that the same power of redemption shall extend to those citizens against the state or Colleges and Academies, which are generally or specially extended to the debtor against the creditor or other person purchasing at execution sales as provided for by this act.

To what property this law shall extend.

James Fentress,
Speaker of the House of Representatives.

R. Weakley,
Speaker of the Senate.

Passed July 28, 1820.

AN ACT to restrain and punish the crime of Bigamy. FOR as much as divers evil disposed and lascivious persons being married, run out of one county into another, or into places where they are not known, and there become to be married, having another husband or wife living to the great displeasure of God, and utter undoing of divers honest mens children and others; for remedy whereof.

Any man marrying anothers wife to be considered guilty of felony.

Sec. 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That if any person or persons within this state being married, or which hereafter shall marry, do at any time, after the passage of this act, marry any person or persons, the former husband or wife being alive; that then every such offence shall be felony, and the person and persons so offending shall be punished as in other cases of felony; and for the second offence shall suffer death without benefit of clergy; and the party and parties, or either of them, so offending shall receive such, and the like proceeding trial and execution, in such county where the offence may have been committed.

Not to extend to persons whose wives or husbands reside beyond the limits of the U. States.

Sec. 2. *Be it enacted,* That this act nor any thing therein contained, shall extend to any person or persons whose husband or wife, shall be continually remaining beyond the limits of the United States or the territories thereof by the space of seven years together, or whose husband or wife shall absent him or herself the one from the other by the space of seven years together, in any parts beyond the limits, or within the limits of this state, the one of them not knowing the other to be living within that time.

certified copies of the marriage to be considered sufficient evidence.

Sec. 3. *Be it enacted,* That a certified copy of the marriage licence by the clerk who issued the same, accompanied by the certificate of solemnization of the minister of the Gospel or justice of peace, also copied and certified, shall be sufficient proof of either the first or second marriage in any prosecution founded upon this act; and in the absence of such certified copy, the testimony of any competent bystander who witnessed the performance of the marriage ceremony, shall be sufficient proof of such marriage; any law, usage or custom to the contrary notwithstanding.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 20th, 1826.

AN ACT to amend an act entitled "An Act to prohibit the keeping of Billiard Tables in this state," passed at Knoxville on the 25th day of November, 1817.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That in addition to the penalties imposed by the act which this is intended to amend, if any person shall erect or keep erected, any billiard table for use, without first having obtained license therefor, in any county in this state, he, she, or they, shall be liable to be presented by the grand jury of either the county or circuit court, or to be indicted in either the county or circuit court of the county in which the offence shall have been committed, and on conviction, shall be fined in a sum not less than five dollars, nor more than fifty dollars, and imprisoned not less than ten days, nor longer than two months.

Penalties on billiard tables.

Sec. 2. *Be it enacted,* That in any prosecution founded upon this act, it shall not be necessary for the name of any prosecutor to be marked on the back of the indictment, and any person offending against this act, shall be liable to a separate indictment, or presentment, for every twenty four hours he, she, or they may keep such table erected; and when any person shall be presented or indicted under this act, such person or persons shall be compelled to answer, and when convicted, judgment shall be given on such indictment or presentment, notwithstanding any informality therein.

Not necessary for the name of the prosecutor to be marked on the indictment.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate,

July 22, 1820,

AN ACT to amend the several laws now in force in this state respecting public roads.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That all orders relative to the laying off public roads, appointing overseers, and hands to work on said roads, already laid off, shall be made

only by the courts in the several counties, as now by law are appointed to do county business.

Sec. 2. Be it enacted, That the court of quorum of each and every county in this state, shall not have any power to make any order, respecting any road or roads, in this state, or appoint any hands, or overseers on the same, except when they sit with the other justices to do other county business.

Sec. 3. Be it enacted, That all orders made heretofore by any court of quorum, inconsistent with any order made at the same term, by the court sitting to do county business, respecting roads, and hands to work on the same, are hereby declared null and void to all intents and purposes.

James Fentress,
Speaker of the House of Representatives.

R. Weakley,
Speaker of the Senate.

July 27, 1820.

CHAP. 15.

AN ACT giving a preference to occupants south of French Broad and Holston Rivers.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That so soon as the Congress of the United States shall yield their assent to an act of the general assembly of this state, passed the 25th day of November 1819, opening an office for the vacant lands in the district South of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, any person or persons who may have been actually settled on any piece or parcel of vacant and unappropriated land within the aforesaid tract of country, on or before the first day of September 1819, shall be entitled to a preference of entry, and shall have the term of three months within which to make said entry, and secure said tract of land agreeably to the provisions of the above recited act, and agreeably to the quantities they may severally claim: *Provided* each occupant shall not be permitted to enter less than fifty acres, and provided however, that nothing in this act contained, shall be so construed as to extend to, or authorise a right of occupancy and pre-emption within the tract of country lately acquired by treaty from the Cherokee Indians, and now within the Hiwassee dis-

trict lying between the rivers Hiwassee and Tennessee, and north of Little Tennessee.

James Fentress,
Speaker of the House of Representatives.

R. Weakley,
Speaker of the Senate.

July 28, 1820.

CHAP. 16.

AN ACT to amend the law, now in force, directing the payment of costs in criminal prosecutions.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That in all criminal cases, hereafter to be tried, above the grade of petit larceny, where there may be a change of venue from one county to another, the state shall pay all costs, accruing thereupon after such change, that the county from which such case may be taken by change of venue would be bound to pay under the law which this is intended to amend: *provided* said bill of costs shall be first examined and certified to be correct and just, by the Judge of the circuit court, trying such cause; which said bill and certificate shall be a voucher for either of the Treasurers in settlement of their accounts—any law to the contrary notwithstanding.

James Fentress,
Speaker of the House of Representatives.

R. Weakley,
Speaker of the Senate.

July 26, 1820.

CHAP. 17.

AN ACT to exempt Jailors from militia duty, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That all jailors or keepers of public prisons in the different counties in this state, be, and they are hereby exempted from attending muster or performing other militia duty, now required by law. Jailors exempted from muster.

Sec. 2. Be it enacted, That when the evidence of Jailor to give any jailor, or keeper of a public prison, may be required deposition.

red in any court, other than the court of the county in which he may reside, it shall and may be lawful for the party desiring the benefit of his evidence, upon affidavit presented to court, to obtain the deposition of such jailor or keeper of a public prison, and it shall not be lawful for any party litigant, to take a forfeiture against any jailor, or keeper of a public prison, for non-attendance at any court, except for non-attendance at the court of the county in which he may reside: *Provided*, however, that this act shall not extend to criminal causes depending in any of the courts of this state.

James Fentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

Passed July 26th, 1820.

CHAP. 18.

AN ACT to amend and explain an act passed at Murfreesboro' November 15, 1819, to dispose of the lands lying between the rivers Highwassee and Tennessee and north of Little Tennessee river.

Treasury of E. Tenn. entitled to per cent.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of East Tennessee shall be entitled to one fifth of one per cent. on all monies by him received at the sales of the lands, directed by the act, which this is intended to amend, and shall also be entitled to demand and receive the sum of thirty-seven and one half cents for each certificate by him executed to each purchaser at said sales; and the Register of East Tennessee shall be entitled to the like sum of thirty seven and one half cents for each certificate by him countersigned and recorded in a book to be by him kept for that purpose.

Monies to be received in payment.

Sec. 2. *Be it enacted*, That the Treasurer is hereby directed to receive from the purchasers at the sales of the lands, in said act directed to be sold, gold and silver, or the notes of the President, Directors & Co. of the Bank of the State of Tennessee and its branches, or the notes of the Bank of the state of Tennessee, or the notes of the Nashville Bank and its branches, and the notes of such other banks as shall be at par.

Sec. 3. *Be it enacted*, That so much of the aforesaid act, as appoints commissioners to superintend said sale, shall be, and the same is hereby repealed, and

that the duty to be performed by said commissioners shall be performed by the Treasurer of East Tennessee. Repealing clause.

Sec. 4. *Be it enacted*, That the Register of the land office for East Tennessee shall be entitled to receive the sum of three dollars for each day he may necessarily attend, or be employed at said sales. Registers re-fee.

Sec. 5. *Be it enacted*, That the interest on monies due from the citizens south of French Broad and Holston, and west of Big Pigeon rivers, now required by law to be paid on the first day of November 1820, shall be, and the same is hereby postponed until the first day of January 1821, and if said interest be not then paid it shall be the duty of the treasurer of East Tennessee to collect said interest in the manner now prescribed by law. Interest postponed.

Sec. 6. *Be it enacted*, That for superintending said sales instead and place of said commissioners, the said treasurer shall be entitled to have and receive seven dollars per day. Treasurer's fee.

James Fentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 28th, 1820.

CHAP. 19.

AN ACT to amend an act supplemental to an act, entitled "an act to condense and bring into view the revenue laws of this state," passed at Murfreesborough, the 26th November 1819.

WHEREAS, by the before recited act, the sheriffs of this state are bound to report all lands that the taxes are not paid on, to the first court of their counties after the first Monday in January of each year, for the taxes due thereon for the preceding year or years, and whereas from the existing laws, the sheriffs are bound to account for and pay over the tax by them collected on or before the last day of December in each year; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all sheriffs, as well those who are now in office, and such as have gone out of office without finishing their collections, shall be entitled to a credit with the treasurers, both state and county,

for such portion of taxes as they may be bound for the collection of, on lands which they are bound to report for the taxes, until six months after the first Monday of January in each and every year, for the tax due for the preceding year, and the county courts are hereby required on application of the sheriff, to make out an order directed to the state Treasurer, and county Trustee, which said sheriff is bound to settle with, under the hand and seal of their clerk, setting forth the amount of tax said sheriff may be entitled to a credit for, which shall be received by said Treasurer and county trustee.

James Fentress,
Speaker of the House of Representatives.

R. Weakley,
Speaker of the Senate.

Passed July 28, 1820.

CHAP. 20.

AN ACT for the relief of those who may have claims lying north of the Kentucky line:

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any person or persons, the legal representative of any person or persons, or the rightful assignee of any person or persons, shall or may have any legal claim to any grant or grants, derived from the state of North Carolina, lying and being west of Tennessee River, and north of a line lately recognized as the boundary and divisional line between the states of Tennessee and Kentucky, commonly known by the name of Alexander's and Munsell's line, may, and he, she or they, is or are hereby authorized to lay his, her or their grant or grants before the Commissioners for the adjudication of North Carolina land claims, to be cancelled and made void, as to the land called for in them, or any of them; and upon making it satisfactorily appear, by the certificate of some sworn surveyor for this state, or the oath of the original surveyor, or chain carriers, that the lands called for in said grant or grants, is or are situate, or lying west of Tennessee River, and north of said line; then, and in that case, said Commissioners shall issue to such claimant or claimants, a duplicate warrant for the number of acres called for in such grant, without charging any

Claims west of Tenn. River & north of Alexander & Munsell's line to be laid before commissioners.

tax thereon: *Provided* said grant or grants is founded upon good and genuine warrants, and have not been appropriated to other grants.

Sec. 2. *Be it enacted,* That all entries and surveys, situate as in the first section, may be laid before said Commissioners, and upon it appearing to their satisfaction, that said entries and surveys, or any of them, are founded upon good and valid warrants, which have not been previously satisfied, said Commissioners shall issue a duplicate warrant for the number of acres called for in such entry or survey, to the rightful owner thereof.

Sec. 3. *Be it enacted,* That all and every person or persons who have, or claim title to any lands derived from the state of Tennessee or North Carolina, lying east of Tennessee River, and north of a point where Munsell's and Alexander's line would run, if continued eastwardly, be, and they, or either of them, are hereby permitted to lay their grants, entries or surveys before said Commissioners, and upon making it appear to said Commissioners, any of said claims are taken, or covered by any of the grants recognized by the late treaty, of an elder date, or that the same lies north of a line commonly called Walkers's line, upon the same evidence required in the preceding sections, said Commissioners shall issue a duplicate warrant or warrants to such claimant or claimants for the amount or quantity taken, as aforesaid.

Sec. 4. *Be it enacted,* That the board of Commissioners for the adjudication of North Carolina land claims, be, and they are hereby authorized to receive a certified copy from the Register of the county where the original grant shall be Registered, in full evidence of the claim, in as full and ample a manner as they would do the original grant in the thirty sixth section of the land law, passed at Murfreesborough, October 23d, 1819, as evidence of conflicting titles.

James Fentress,
Speaker of the House of Representatives
R. Weakley,
Speaker of the Senate.

July 28, 1820.

CHAP. 21.

AN ACT for the purposes therein mentioned. WHEREAS, certain duplicate and certificate land

warrants which have heretofore been issued by the former commissioners for land claims in this state and by the registers of the land office for east Tennessee, which duplicates or certificates have been laid before the present board of commissioners for adjudication, and have by said board been adjudged invalid, which word "invalid," has been written by said board in the face of said warrants.

Be it enacted by the General Assembly of the State of Tennessee, That in such cases the said duplicates or certificates shall stand, and be considered in all respects as if such duplicate or certificate had never been laid before the present board of commissioners or the word "invalid," written in the face thereof: *Provided nevertheless,* that nothing in this act contained shall be construed, deemed or taken as giving any additional sanction, or validity to said warrants, or as placing them on any other or better situation than they were entitled to before said last mentioned adjudication.

James Fentress,
Speaker of the House of Representatives
R. Weakley,
Speaker of the Senate.

July 28, 1820.

CHAP. 22.

AN ACT to provide for the appointment of Commissioners on the part of this state, to co-operate with the Commissioners appointed by the General Assembly of the state of North Carolina, to run and mark the boundary line between this state and the said state of North Carolina.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the Governor shall be, and he is hereby authorized, to appoint three Commissioners, to meet the Commissioners who have been or may be appointed by the state of North Carolina, at such time and place, as may by the said Commissioners, or by a majority of those representing the respective states be agreed on, and with them to settle, run and re-mark the boundary line between this state and the state of North Carolina, agreeably to the true intent and meaning of the said act of the General Assembly of the state of North Carolina, entitled "an

Governor to
appoint 3
commission-
ers.

act for the purpose of ceding to the United States of America, certain western lands therein described," commonly called the cession act.

Sec. 2. Be it enacted, That the Governor, as soon as may be, after he shall have appointed the Commissioners contemplated by this act, shall give notice thereof to the Governor of the state of North Carolina of the passage of this act, together with the persons by him appointed to act with the commissioners of that state.

Governor to
give notice
to the Gov.
of N. Caro-
lina.

Sec. 3. Be it enacted, That whatsoever the said Commissioners, or a majority of those of each state, shall do in and touching the premises, shall be binding on this state.

Acts of the
commission-
ers binding
on this state

Sec. 4. Be it enacted, That in case of the death, refusal to act, or resignation of any of the Commissioners hereby appointed, the Governor is hereby authorized and required, as speedily as may be, to appoint other Commissioners or Commissioner in the place of such as may have died, resigned, or refused to act.

Governor to
fill vacan-
cies.

Sec. 5. Be it enacted, That the Commissioners appointed under this act, or by the Governor, under the authority thereof, shall be allowed for their personal services, the sum of five dollars per day, and the said Commissioners, or a majority of them, are hereby authorized to employ such surveyor or surveyors, and such chain bearers and markers as they, or a majority of them, shall deem necessary. Each surveyor so appointed shall be allowed five dollars per day; each chain carrier and marker, shall be allowed two dollars and fifty cents per day; said commissioners, surveyors, chain bearers and markers bearing their own expense.

Compensa-
tion of com-
missioners.

Sec. 6. Be it enacted, That to enable said Commissioners to make advances to the persons employed by them during the progress of said running, and to compensate to them at the close thereof, the Governor, by his warrant, shall direct the Treasurer to pay said Commissioners, upon their notifying him, that they are ready to proceed to the discharge of the trust hereby reposed in them, the sum of five hundred dollars, and said Commissioners shall account for their application of said money to the succeeding General Assembly.

Treasurer
advance to
commission-
ers 500 doll

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 28, 1820.

AN ACT to amend an act, passed at Knoxville, the 24th day of November, 1817, entitled "an act to provide for leasing school lands and for other purposes."

Chairman
to prosecute
persons in
possession of
school lands

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee.* That the Chairman to the board of Commissioners of common schools be, and he is hereby authorised and empowered to commence and prosecute in his name as Chairman of said board, actions of ejectment against all persons who may be in possession of any school tract of land, and shall also have power to bring and prosecute suits against all and every person, who may commit trespasses on any of the said lands, and shall have power by and with the consent of said commissioners, to do all other acts and things necessary to be done, to carry the provisions of this or any former act into full force and effect; and the original surveys made therefor shall be considered as vesting the legal title in the same manner, as though grants had issued thereon.

Treasurer
of board of
Trustees to
pay over mo-
ney.

Sec. 2. *Be it enacted,* That it shall be the duty of the Treasurer of the board of Trustees of the different academies in this state, in those counties where there may be school tracts of land, to pay over upon oath to the commissioners of common schools in each of said counties, all monies which may remain in their hands for the use of common schools, under the provisions of the said act of 1817, to be appropriated by said commissioners to the use of said schools.

Surveyor
allowed only
the usual
fees for iss-
ing plats &
certificates
of survey.

Sec. 3. *Be it enacted,* That no allowance shall be made to any principal surveyor, for surveys made on any school tract of land, which was surveyed when originally laid off; but that they shall be allowed the usual fees for issuing plats and certificates of survey, to be paid by either of the Treasurers of this state, upon application.

Repealing
law.

Sec. 4. *Be it enacted,* That all laws heretofore passed contrary to the provisions of this act, be, and the same are hereby repealed.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 28, 1820.

AN ACT for the relief of securities in particular cases.

WHEREAS it frequently happens, when debtors are about to fail who have securities in bonds, bills, notes &c. that when they are sued in time sufficient to save harmless their securities; other persons will come in and replevy said debt, without consent of the first security, by reason of which said first security is frequently injured; for remedy, whereof:

Sec. 1 *Be it enacted, by the General Assembly of the state of Tennessee,* That where any person or persons may be security, for any debtor or debtors, and said debtor, or debtors, and securities may be sued, if any person or persons shall stay the same for the length of time given for the stay of such judgment or executions without the request or consent of the first securities, such person or persons, so replevying, shall be liable in default of the principal debtor, to pay the debt, and cost of said judgment and the first securities shall be exonerated therefrom, unless the principal, debtor and the security in the replevy, shall both become insolvent:

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 29, 1820.

AN ACT to amend the law respecting suits to be brought against endorser's of promisory notes, bills of exchange, and writings obligatory, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for any person or persons who are the endorsee or endorsees of any foreign or inland bill of exchange, promisory note or writing obligatory, to commence and prosecute an action for principal, interest, and charges of protest, if any there be, against all, or any two, or more of the endorser's jointly, or at his election prosecute an action of debt jointly against the

How to pro-
ceed against
endorser's.

maker or makers of any such writing obligatory, and any one or more of the endorsers thereof, and judgment shall and may be given accordingly, and whenever a suit may or shall be brought jointly against all, or any two, or more of the endorsers of a bill of exchange, promisory note, or writing obligatory, and the plaintiff shall be entitled to recover against one or more, but not against all who are thus jointly sued; the discharge of one or more shall not prevent a verdict and judgment from being rendered against him, her or them, who may be liable.

How to proceed on joint contracts.

Sec. 2. *Be it enacted*, That in all joint actions founded upon contract, whether the action be debt or case, a discharge of one or more who may be thus jointly sued, shall not prevent a verdict and judgment from being rendered against him, her, or them who may be liable.

How to proceed against two defendants residing in different counties.

Sec. 3. *Be it enacted*, That in all cases where a suit shall or may be required to be brought against two or more defendants in any of the courts of this state, who reside in different counties, it shall be lawful for the clerk of such court, and he is hereby required, when he issues a writ directed to the sheriff of his county, in which one of said defendants may reside, on application to issue a counterpart or counterparts of such writ to the sheriff of such counties where the other defendants may reside, which, when executed and returned, shall constitute a part of the original writ or leading process of such suit in the court to which the same may be returnable, *provided* nothing in this section contained, shall be so construed as to authorise suits to be brought in a county where neither of said defendants do in fact reside, nor so construed as to authorise suits which are local in their nature to be brought in a different county than that which is now required by law, but the same may be abated upon the plea of the defendant.

How to proceed against the drawer &c. of a bill of exchange

Sec. 4. *Be it enacted*, That wherever a suit is or shall be brought against the drawer or endorser or endorsers of an inland or foreign bill of exchange, the maker, or makers, or endorser, or endorsers of a promisory note, or the obligor or obligors, or endorser or endorsers of a writing obligatory, and such bill, promisory note, or writing obligatory shall have been duly protested by a notary public for non-acceptance or non-payment, and the notary shall have certified either in or on his protest, that he has given notice of demand of payment and refusal, or the dishonor of such bill, promisory note or writing obligatory to the

endorsers, makers, or others concerned, such protest shall be prima facie evidence of the fact of notice, and if the notary be dead at the trial of such suit, and such certificate be not made in or on the protest, but if an entry to that effect be made in his record book, containing a record of his protests on such entries, then such book or sworn copy thereof, shall in like manner be prima facie evidence of the fact of notice to all persons so stated to have received notice.

James Fentress,

Speaker of the house of Representatives,

R. Weakley,

Speaker of the Senate,

Passed July 29, 1820.

CHAP. 26.

AN ACT to provide for certain land claims. WHEREAS, by an act passed by the general assembly on the 23d day of November, 1819, it is expressly provided that no entry, survey, or grant shall be made on any warrant or certificate for more than five thousand acres; and whereas there may have issued warrants for military services to officers of such grade as to entitle them to a quantity exceeding that number, therefore, and to make the necessary and just provisions of such particular cases,

Sec. 1 *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where a military warrant may have issued to any officer for more than five thousand acres, where the grade of such officer would justify a greater quantity, the same shall be appropriated by entry, survey and grant as in other cases, notwithstanding the same may exceed five thousand acres, *provided* such warrant shall be adjudged by the commissioners for the adjudication of North Carolina land claims to be a good and valid warrant, and *provided* also, it shall appear to the satisfaction of said commissioners that no other grant has ever been issued thereon or on any part thereof,

James Fentress,

Speaker of the House of Representatives,

R. Weakley,

Speaker of the Senate,

Passed July 29, 1820.

AN ACT supplemental to an act entitled "an act making provision for the adjudication of North Carolina land claims, and for satisfying the same by an appropriation of the vacant soil south and west of the Congressional reservation line, and for other purposes," passed at Murfreesborough on the 23d day of October, 1819.

WHEREAS, there is doubt entertained by a number of the good people residing in the seventh and eighth districts about the construction of the ninth section of the act making provision for the settlers on the vacant and unappropriated land, for remedy whereof;

Duty of the surveyors of the 7th and 8th districts
 Sec. 4. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the respective surveyors of the said seventh and eighth districts, to receive the warrants and locations of the respective settlers, and make entries and surveys, and do all other things in their behalf, as the other surveyors west of Tennessee river are bound to do for the settlers in the bounds of their respective districts, by the act to which this is a supplement, in the same way and manner, and under the same penalties and forfeitures as prescribed by the said act to which this is a supplement, any law to the contrary notwithstanding.

AND WHEREAS, it has happened under the act to which this is a supplement that persons were in possession of improvements at the passage of said act, which were owned and claimed by others having paid a valuable consideration for the same, and do by said act claim a preference of entry, when in truth it never was intended that such persons should have any preference, therefore;

First improvers to have preference.
 Sec. 2. *Be it enacted,* That those who had possession by their agents or any part of their families, the first improver or his rightful assignee, shall have the right of preference of entry, as was intended by the act to which this is a supplement, but shall not, in making such entry, effect any other settlers who may be entitled to equal benefits from the aforesaid act, provided always, that nothing herein contained, shall be so construed as to authorise any settler to enter more than one occupant claim in his own name; and whereas doubt exists amongst some of the surveyors, whether they are authorised by the aforesaid act to receive an entry for a smaller quantity than one hun-

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 dred and sixty acres from any of said settlers to include their improvements. It is hereby made the duty of said surveyors, to receive an entry from any settler or settlers for any quantity less than one hundred and sixty acres, to include their improvements who are entitled to the benefits of the act to which this is a supplement, provided said small entry shall be circumscribed by lines of other occupants, or lines of older surveys or grants, in such manner that no greater quantity can be had.

S. Brewer
 Sec. 3. *Be it enacted,* That Sterling Brewer is hereby authorised to lay before the Commissioners for the adjudication of North Carolina land claims, duplicate warrant No. 582, for thirty five acres issued by the Register of West Tennessee, it being a part of a duplicate warrant for 640 acres issued to William Hart by the Commissioners of West Tennessee, on the fifth day of January, 1813, and if it shall appear to the satisfaction of the Commissioners, that the said duplicate warrant for thirty five acres, is a good and valid warrant, and that no grant has ever issued thereon, or on any part thereof, then and in that case, the said duplicate warrant may be located on any vacant and unappropriated land in this state which is subject to the satisfaction of warrants, any law, usage or custom to the contrary notwithstanding.

Drawing for priority
 Sec. 4. *Be it enacted,* That the drawing for priority of entry shall take place in the town of Nashville, on the first Wednesday in November next.

Drawing for priority place.
 Sec. 5. *Be it enacted,* That the respective surveyors south and west of the congressional reservation line, and also the respective surveyors west of Tennessee river shall proceed to receive locations and warrants, at ten o'clock in the morning of the first Wednesday in December next, and make entries in strict conformity with the seventeenth section of the act to which this is a supplement. And all the surveyors in this state are hereby authorised and required to receive and make entries and surveys in their respective districts, on two or more parts of warrants or certificates which have been adjudicated and declared valid, expressing in said entry or entries the No. of each warrant or certificate, by whom issued, and the quantity of acres contained in each, provided no entry on such consolidated warrant or certificate, made by any occupant or settler, shall exceed one hundred and sixty acres.

Repealing clause
 Sec. 6. *Be it enacted,* That all laws or parts of laws that come within the purview and meaning of this act, be, and the same is hereby repealed and

made void to all intents and purposes, any law to the contrary notwithstanding.

Register of E. Tenn. his duty.
 Sec. 7. *Be it enacted*, That the Register of East Tennessee is hereby directed, that where any duplicate or certificate warrant has been divided by him, or any of those who have been incumbents of said Register's office, and the same has been defaced or obliterated by time, accident or otherwise, to fill up such blanks occasioned by any of the defacings aforesaid, so as to make said certificate read as it originally did; and as the same appears upon the records of said office and the legal owner or owners of the same shall be entitled to enter and obtain a grant thereon.

Register of W. Tenn. authorised to issue grants.
 Sec. 8. *Be it enacted*, That the register of West-Tennessee is hereby authorized and required to issue grants North and East of the Congressional reservation line on warrants No. 1315 for five hundred acres; 1385 for five hundred acres; 1339 for five hundred acres; 1388 for two hundred and fifty acres; 1395 for two hundred acres; 1459 for one hundred acres, and 1390 for two hundred and fifty acres, which warrants were issued by Jacob Tipton Register of East Tennessee, which grants shall issue to the owner or owners as the case may be and shall be good and valid in law, any law usage or custom to the contrary notwithstanding: Also that he issue a grant on warrants Nos. 1400, 1401 and 1402 each for one hundred acres issued by the Register of East-Tennessee.

James Fentress,
 Speaker of the House of Representatives.
 R. Weakley,
 Speaker of the Senate.

July 31st, 1820.

CHAP. 28.

AN ACT for the redemption of personal property.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That in all cases, where a sheriff, coroner, or constable, or other collecting officer may hereafter sell any property by virtue of an execution, other than lands and negroes, the person owning said property, or either of his creditors shall have the right of redemption of the same, until the first Monday of December next; under the same rules and regula-

tions prescribed by law for the redemption of land & negroes; any law to the contrary notwithstanding.

James Fentress,
 Speaker of the House of Representatives.
 R. Weakley,
 Speaker of the Senate.

July 31, 1820.

CHAP. 29.

AN ACT concerning the Farmer's Mechanics Bank.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no clerk of any Court nor Justice of the peace in this State shall hereafter issue an execution upon any Judgment or decree whatever until two years after the rendition of said judgment or decree unless the plaintiff by himself, his agent or attorney shall indorse upon the execution that the Sheriff or other Officer shall and may receive the bank notes issued by and on the Farmers and Mechanics Bank of Nashville, in addition to those directed to be received by the acts of assembly regulating the proceedings on judgments, &c. passed 24th November, 1819, and a supplemental act thereto.

Sec. 2. *Be it enacted*, That the sheriff, collectors and all other officers are hereby directed to take the said bank notes in payment of all public dues to the same extent, and under the same rules and regulations as they are required to take other bank paper by law, so soon as the stockholders of said bank, or such a number of them as shall be sufficient, will go into the county court of Davidson county, and give bond with good and sufficient security, payable to the chairman of said court, in double the amount of the debts due and owing by said bank, or that may become due and owing by said bank to other banks, or to individuals, to make good all said debts, which said bond shall be lodged in the clerk's office of said court, and to remain for the use of all or any creditor or creditors to the said bank, and an action may be had and prosecuted upon a certified copy of said bond, made out and certified by said clerk, as other copies are certified from the records of said court and shall have the same effect in law and equity as the original could or would have, before any tribunal having jurisdiction thereof; and said bond shall not be void on the first recovery.

Plaintiff to indorse on execution.

Sheriff and other officers to receive F. & Mechanics money.

Stockholders to give bond and security.

And in case of an action being brought against the said obligors upon said bond or a copy thereof, by any person or persons holding the paper of said bank, judgment shall be rendered against said obligors for the amount of the notes or bills so sued for, and execution shall issue accordingly: *Provided also*, that the bills of said bank shall not be receivable as aforesaid until publication is made through the medium of the Nashville Gazette, the Whig and the Knoxville Register, that such bond has been given and lodged in said office.

F. & Mechanics money to be received from citizens So. of F. Broad & Holston.

Sec. 3. *Be it enacted*, That the notes of said Farmers and Mechanics Bank shall be receivable from the citizens, residing south of French Broad and Holston and west of Big Pigeon rivers, in payment of their lands: *Provided* nothing in this act contained, shall be so construed to extend to contracts heretofore made payable in specie in the first instance and so expressed in the face of the note.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate,
July 31, 1820.

CHAP. 50.

AN ACT supplemental to an act entitled an act to revise and amend the militia laws of this state, passed in the year 1819.

What officers shall rank with Brig. Gen.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Adjutant and Quarter-Master General of the state, shall each have the rank of a Brigadier General of the line, and when ordered into service of the United States, or of this state, shall each receive the same pay and emoluments, as a Brigadier General of the line.

Aids-de-camp to rank with Col. of Infantry.

Sec. 2. *Be it enacted*, That in addition to the present staff of the Governor there shall be two aids-de-camp appointed by the Governor, with the rank of Colonel of Infantry, and that the said aids, when called into actual service, shall be entitled to the same pay and emoluments as Colonels of Infantry.

Executive of state to commission staff officers

Sec. 3. *Be it enacted*, That the Executive of the state shall commission the said staff officers in the degree of rank hereby conferred.

Sec. 4. *Be it enacted*, That the assistant adju-

tant generals shall each have the rank of lieutenant colonels of the line, and when called into actual service, shall be entitled to the same pay and emoluments as lieutenant colonels of infantry. Ass. Adj. Generals to rank with lieut. cols.

Sec. 5. *Be it enacted*, That the assistant quarter master generals shall be entitled to the same rank and emoluments as are allowed by this act to assistant adjutant generals, and that all brigade staff shall rank as majors, and all adjutant and quarter-masters of regiments shall take the rank of captains. Ass. Qr. Gen. to rank with Lt. Col.

James Fentress
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate,
July 27, 1820.

CHAP. 51.

AN ACT supplemental to an act, entitled an act to revise and amend the militia laws of this state, passed at Murfreesboro' in 1819.

Sec. 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That it shall be the duty of Adjutants of regiments, at their several parades to call the roll of officers whose duty it is to attend such parade, and note all delinquents and make report thereof to the next court-martial having cognizance of the same which report shall be read in evidence against such delinquents and it is hereby made the duty of company officers to attend their annual Regimental and Battalion courts-martial and the commanding officer of each company shall report to such court the condition of his company at the preceding Regimental or Battalion parade as the case may be.

Sec. 2. *Be it enacted*, That each company of militia of this State excepting cavalry and volunteer companies shall consist of not less than forty nor more than ninety privates one captain one lieutenant and ensign three sergeants, three corporals and two musicians, and no company shall be reduced by any volunteer company under sixty rank and file. Numbers to compose a company.

Sec. 3. *Be it enacted*, That the field officers of any regiment or regiments, in any one county where they conceive it necessary to divide said regiment or regiments, and make a separate and distinct regiment, provided that each regiment have eight militia companies, exclusive of cavalry or volunteer companies, Duty of field officers.

and whenever a new and distinct regiment is formed from one or more regiments, it shall be the duty of the senior officer present, to notify the brigadier general of the regiment or regiments so laid off, and the vacancies of the field officers, occasioned in either of the regiments who shall issue his writ or writs to the sheriff of the county, who shall hold an election to fill such vacancies as in other cases, and the regiment or regiments so established shall be under the same rules, regulations and restrictions that the other militia of this state are under, and shall constitute a part of the brigade to which the regiment or regiments belong. And it shall be lawful for the commandants of regiments of militia in this state to divide any company or companies in their respective regiments, so as to make two or more captains companies, provided the same can be done without reducing the number of privates below the number required by this act, to organize a company of militia and the bounds shall be laid off and recorded by the judge advocate of the regiment.

Sec. 4. *Be it enacted,* That the regimental courts-martial to be holden within the fourth regiment and first brigade. shall be, and they are hereby vested with a discretionary power to remit the fines on all delinquents for not attending the regimental muster of 1819.

Sec. 5. *Be it enacted,* That the collection of all such fines shall be stayed until said courts martial shall decide thereon.

Sec. 6. *Be it enacted,* That the master of an indentured servant or apprentice shall not hereafter be bound to furnish said apprentice with arms, with which to muster and perform militia duty.

Sec. 7. *Be it enacted,* That the time of holding the Regimental muster of the sixty-third Regiment, shall be on the first Friday of October annually; any law to the contrary notwithstanding.

Sec. 8. *Be it enacted,* That the notice required by the hundreth section of the act which this is intended to amend, shall be sufficient when once given, until the day or days of mustering be changed, then and in that case the notice shall be renewed by the officer aforesaid.

Sec. 9. *Be it enacted,* That the militia of the county of Perry, shall compose the 68th regiment, and shall hold a regimental muster on the first Saturday of October annually. The militia of the county of Hardin shall compose the 65th regiment, and shall

hold a regimental muster on the second Saturday of October annually. The militia of the county of Monroe shall compose the 67th regiment. The militia of the county of M' Minn shall compose the 66th regiment. The militia of the county of Wayne, shall compose the 61st. regiment, and the militia of the county of Shelby, shall compose the 69th regiment and said 69th regiment, shall hold a regimental muster on the 4th Saturday of September annually.

Sec. 10. *Be it enacted,* That the militia of the counties of Humphryes, Wayne, Perry, Hardin, Shelby and such other counties as may be laid off west of a Tennessee river, shall be stricken from the 5th and 6th brigades, and said regiments shall form a new brigade, which shall be denominated the 11th brigade, and it shall be the duty of the Sheriff of the county of Humphryes, by himself or deputy, to open and hold an election on the first Thursday of May 1821, for brigadier general of said brigade, which election shall be held under the same rules, regulations and restrictions as heretofore prescribed by law in similar cases.

Sec. 11. *Be it enacted,* That it shall be the duty of the public printer to publish and distribute fifteen hundred copies of this act, with the forms hereunto annexed, which forms shall be observed by the returning officers of the militia of this state, and that this act shall be distributed in the same way and proportion as described for distributing the militia law passed in 1819.

James Fentress,
Speaker of the House of Representatives.

R. Weakley,
Speaker of the Senate.

July 29, 1820.

I do certify that I have carefully examined and collated the foregoing public acts, thirty-one in number, and find them to be true copies of the originals now on file in my office.

DANIEL GRAHAM,
Secretary of State.

**A RETURN of the strength and condition of a Company of Infantry, commanded by
and attached to the
Regiment of Tennessee Militia, for the year 18**

44

| COMPANY, OFFICERS & MEN. | | | | | | | ACCOUTREMENTS. | REMARKS. |
|--------------------------|--------------|----------|------------|------------|------------|-----------|---|----------|
| CAPTAINS. | LIEUTENANTS. | ENSIGNS. | SERGEANTS. | CORPORALS. | MUSICIANS. | PRIVATES. | ***** Swords. Muskets. Rifles. Shot-guns. Bayonets & Scabbards. Pouches and Horns. Catouch Boxes. Drums. Fifes. Colours. ***** | |

I CERTIFY that the above return of the Company under my command is correct ; given under my hand this day of 18

A RETURN of the strength and condition of the
commanded by Brigadier General

Brigade of Tennessee Militia for the year 18

| BRIGADE STAFF. | FIELD AND STAFF OFFICERS. | | | | | NON-COMMISSIONED STAFF. | COMPANY OFFICERS. | | NON-COMMISSIONED OFFICERS & MEN | | | | ACCOUTREMENTS. | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------|---------------------------|----------------|---------------------|--------------|-------------|-------------------------|-------------------|-----------------|---------------------------------|-------------|-------------------|---------------|----------------|-------------|-----------|--------------|-----------|------------|------------|------------|-----------|-----------|-----------|----------|------------|--------------------|--------------------------------|-------------|--------|-----------|---------|--------|--|--|--|--|
| BRIGADIER GENERAL, | AD-DE-CAMP, | BRIGADE MAJOR, | BRIGADE Qr. MASTER, | LT. COLONEL, | 1st. MAJOR, | 2nd. MAJOR, | SURGEON, | SURGEON'S MATE, | ADJUTANT, | Qr. MASTER, | Qr. Master Sergt. | Sergt. Major, | Drum Major, | Fife Major, | CAPTAINS, | LIEUTENANTS, | ENSEIGNS, | SERGEANTS, | CORPORALS, | MUSICIANS, | PRIVATES, | Privates, | Drummers, | Sappers, | Shot-guns, | Bayonets & Knives, | Shot Pouches and Powder Horns, | Cartridges, | Boxes, | Blankets, | Woolen, | Coats, | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

A RETURN of the strength and condition of a Regiment of Cavalry, commanded by
to the Brigade of Tennessee Militia, for the year 18

attached

| FIELD & STAFF OFFICERS. | | | | | | | NON-COMMISSIONED STAFF. | COMPANY OFFICERS | | NON-COMMISSIONED OFFICERS & MEN. | | | | ACCOUTREMENTS. | | | | | | | | | | | | |
|-------------------------|-------------|------------|----------|-----------------|-----------|--------------------|-------------------------|------------------|--------------|----------------------------------|-------------|----------|------------|----------------|-----------|-----------|---------|-----------------------|---------|----------|----------|-------|------------------|-----------|--------|--|
| LIEUT. COLONEL, | 1st. MAJOR, | 2d. MAJOR, | SURGEON, | SURGEON'S MATE, | ADJUTANT, | REG'L. Qr. MASTER, | Qr. MASTER SERGEANT, | SERGEANT MAJOR, | BUGLE MAJOR, | CAPTAIN, | LIEUTENANT, | CORNETS, | SERGEANTS, | CORPORALS, | BUGLEMEN, | PRIVATES, | Swords, | Pistols and Holsters, | Horses, | Saddles, | Bridles, | Caps, | Cartridge Boxes, | Blankets, | Coats, | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |

I CERTIFY that I have carefully examined and compared the above return with the returns in possession of the Brigade Inspector, and find it to be correct. Given under my hand, this day of 18

C. D. Brigade Inspector.

A. B. Brigadier General

Brigade Tennessee Militia.

A RETURN of the strength and condition of a Regiment of Infantry, commanded by
Major General **George M. Blandin,** for the year 18

| REGIMENT | | COMPANIES | | PLATOONS | | BATTALIONS | | REGIMENT | |
|----------|-------|-----------|-------|----------|-------|------------|-------|----------|-------|
| NAME | STAFF | NAME | STAFF | NAME | STAFF | NAME | STAFF | NAME | STAFF |
| 1st | | 1st | | 1st | | 1st | | 1st | |
| 2nd | | 2nd | | 2nd | | 2nd | | 2nd | |
| 3rd | | 3rd | | 3rd | | 3rd | | 3rd | |
| 4th | | 4th | | 4th | | 4th | | 4th | |
| 5th | | 5th | | 5th | | 5th | | 5th | |
| 6th | | 6th | | 6th | | 6th | | 6th | |
| 7th | | 7th | | 7th | | 7th | | 7th | |
| 8th | | 8th | | 8th | | 8th | | 8th | |
| 9th | | 9th | | 9th | | 9th | | 9th | |
| 10th | | 10th | | 10th | | 10th | | 10th | |
| 11th | | 11th | | 11th | | 11th | | 11th | |
| 12th | | 12th | | 12th | | 12th | | 12th | |
| 13th | | 13th | | 13th | | 13th | | 13th | |
| 14th | | 14th | | 14th | | 14th | | 14th | |
| 15th | | 15th | | 15th | | 15th | | 15th | |
| 16th | | 16th | | 16th | | 16th | | 16th | |
| 17th | | 17th | | 17th | | 17th | | 17th | |
| 18th | | 18th | | 18th | | 18th | | 18th | |
| 19th | | 19th | | 19th | | 19th | | 19th | |
| 20th | | 20th | | 20th | | 20th | | 20th | |
| 21st | | 21st | | 21st | | 21st | | 21st | |
| 22nd | | 22nd | | 22nd | | 22nd | | 22nd | |
| 23rd | | 23rd | | 23rd | | 23rd | | 23rd | |
| 24th | | 24th | | 24th | | 24th | | 24th | |
| 25th | | 25th | | 25th | | 25th | | 25th | |
| 26th | | 26th | | 26th | | 26th | | 26th | |
| 27th | | 27th | | 27th | | 27th | | 27th | |
| 28th | | 28th | | 28th | | 28th | | 28th | |
| 29th | | 29th | | 29th | | 29th | | 29th | |
| 30th | | 30th | | 30th | | 30th | | 30th | |
| 31st | | 31st | | 31st | | 31st | | 31st | |
| 32nd | | 32nd | | 32nd | | 32nd | | 32nd | |
| 33rd | | 33rd | | 33rd | | 33rd | | 33rd | |
| 34th | | 34th | | 34th | | 34th | | 34th | |
| 35th | | 35th | | 35th | | 35th | | 35th | |
| 36th | | 36th | | 36th | | 36th | | 36th | |
| 37th | | 37th | | 37th | | 37th | | 37th | |
| 38th | | 38th | | 38th | | 38th | | 38th | |
| 39th | | 39th | | 39th | | 39th | | 39th | |
| 40th | | 40th | | 40th | | 40th | | 40th | |
| 41st | | 41st | | 41st | | 41st | | 41st | |
| 42nd | | 42nd | | 42nd | | 42nd | | 42nd | |
| 43rd | | 43rd | | 43rd | | 43rd | | 43rd | |
| 44th | | 44th | | 44th | | 44th | | 44th | |
| 45th | | 45th | | 45th | | 45th | | 45th | |
| 46th | | 46th | | 46th | | 46th | | 46th | |
| 47th | | 47th | | 47th | | 47th | | 47th | |
| 48th | | 48th | | 48th | | 48th | | 48th | |
| 49th | | 49th | | 49th | | 49th | | 49th | |
| 50th | | 50th | | 50th | | 50th | | 50th | |

TO THE HONORABLE SECRETARY OF WAR, WASHINGTON, D. C.

E. D. A. DUBOIS, Major, 1st U. S. Cavalry, *Inspector*

**A RETURN of the strength and condition of a Company of Cavalry commanded by
 and attached to the**
Regiment Tennessee Militia, for the year 18

| COMPANY OFFICERS. | ACCOUNTS. | REMARKS. |
|-------------------|------------|----------|
| CAPTAIN. | NEUTENANT. | CORNETT. |
| SERGEANTS. | CORPORALS. | DRUMMEN. |
| PRIVATEA. | Private | Private |
| Private | Private | Private |
| Private | Private | Private |
| Private | Private | Private |
| Private | Private | Private |

I CERTIFY that the above return of the Company under my command is correct; given under
 my hand, this day of 18

INDEX.

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ACTS

OF A LOCAL OR PRIVATE NATURE,
PASSED AT
THE

SECOND SESSION

OF THE
THIRTEENTH

GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

+

BEGUN AND HELD AT MURFREESBOROUGH, ON
MONDAY, THE TWENTY-SIXTH DAY OF
JUNE, ONE THOUSAND EIGHT HUN-
DRED AND TWENTY.



BY AUTHORITY.

PRINTED FOR G. A. AND A. C. SUBLETT, PRINTERS TO
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NASHVILLE, TENNESSEE.

ACTS
OF A LOCAL OR PRIVATE NATURE
PASSED AT THE SECOND SESSION OF
THE
THIRTEENTH
GENERAL ASSEMBLY
OF
THE STATE OF TENNESSEE,

*Began and held at Murfreesborough, on Monday the
Twenty-sixth of June, one thousand eight hundred and
twenty.*

CHAPTER 1.

AN ACT to incorporate the chairman and trustees and company of the Shelbyville Female Academy.

Sec. 1 *Be it enacted, by the General Assembly of the* Academy *state of Tennessee.* That all and every person or persons, or the legal representatives of such persons, who are or shall become subscribers to the association or company formed at Shelbyville for the purpose of establishing a Female Institution or Academy, and are or shall be the proprietors of the real or personal property belonging to said company, shall be, and they and their successors and assigns are hereby declared to be a body politic and corporate by the name and style of "*the Chairman, Trustees and Company of the Shelbyville Female Academy,*" and by that name shall have perpetual succession, and shall be liable to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase and hold estate both real and personal, of the amount of one hundred thousand dollars, and the same to alien, sell and dispose of, and to have a common seal; and also to ordain, establish and put in execution such bylaws and regulations as shall appear necessary and proper for transacting the busi- its stile and
powers.

ness of said association or company, and conducting and governing a seminary for the education and instruction of Females: provided the same shall not be inconsistent with the constitution and laws of the state: and provided also, that this charter of incorporation shall be accepted by three fifths of the members of said company or association in the manner hereafter provided.

Sec. 2. *Be it enacted*, That the following shall be and constitute the rules for the government of said company.

Rules of government.

Article 1. Each individual who shall have subscribed the articles of association, or who may hereafter subscribe the same on the books of the company, and shall have paid into the hands of the Treasurer appointed for that purpose on or before the First day of September next, the sum of ten dollars on each share of the company's stock which he or she may hold, or the legal representative of such person or persons, shall be considered a joint proprietor with all of the members in the stock or property of the company so long as he or she shall conform to the laws and rules for the government of the same.

Rules of government.

Article 2. The amount that may be required to be paid by each member or proprietor of the company shall be five dollars on each share which he or she may hold, of which not more than ten dollars on each share or shares each, shall be required to be paid in any term of three months.

Rules of government.

Article 3. The affairs of said company shall be managed by five Trustees who shall elect one of their own body to be chairman: said trustees shall be elected by the proprietors of stock in said company, on the first Monday in October in each year. The trustees shall be proprietors of stock, and in electing trustees, each member of the company shall be entitled to vote for five persons either in *propria persona*, or by proxy, and those having the greatest number of votes shall be considered as elected, and if at any time an election should not take place, the chairman and trustees for the time being shall continue to manage the affairs of said institution until an election shall take place; and if any of said trustees shall refuse to act, or die, or remove out of the state, or cease to be a member of the company, the remaining trustees together with the chairman shall fill said vacancies from amongst the members of the company until next election.

Article 4. The trustees shall appoint one of their

own body as secretary to the board, who shall keep a regular and full record of their meetings, counter-sign and attest all the business transacted by the chairman, and shall keep an account current together with the treasurer, which shall be open for the inspection of the chairman and trustees at all times, and for the members of the company at every regular meeting.

Rules of government.

Article 5. There shall be a treasurer elected for said company by the trustees who shall hold his office for one year, whose duty it shall be to take charge of the funds of the company, and collect, disburse and pay out the same, pursuant to the orders and direction of the chairman and trustees of the company. The treasurer shall before entering on the duties of his office enter into bond with good security payable to the chairman and trustees, for the use of the company in such sum as they may direct, with condition that he will well and truly execute and discharge the duties of his office, and that he will well and truly account for all the monies by him received, and pay over whatever sum shall be in his hands to the chairman and trustees or to their order whenever he shall be thereto required, and the said treasurer shall keep a regular book in which he shall enter all the receipts and expenditures of the money; shall keep the same open at all times for the inspection of the chairman and trustees, and shall hand over the same together with all the papers to the chairman and trustees when his time of service expires.

Rules of government.

Article 6. The chairman and trustees, of whom a majority shall be a quorum, shall have power to make, alter and amend all such by-laws rules and regulations, for the government of the officers of the institution, and for the tuition and instruction of females as to them from time to time may seem expedient, in conformity and not inconsistent with this act of incorporation; and shall have power to employ such and so many teachers in the different branches of education; to prescribe the manner of tuition; to purchase such books and other apparatus as to them may appear necessary; and shall have power at all times and it shall be their duty, at least once in every month, to visit the academy and inquire and enquire into the course of discipline and the studies of the students.

Article 7. All contracts and engagements made by the chairman and trustees, or by said company or association, with the teachers and others shall be

Rules of government.

signed by the chairman and attested by the secretary, and shall be obligatory on said company.

Rules of government.

Article 8. The stock or shares belonging to the proprietors in the said company shall be transferable on the book of said company and in no other manner: provided the chairman and trustees are willing to accept of such proposed assignee as a member of the company of which an entry shall be made on record and the share or shares of any deceased person shall pass by devise or descend to the legal heirs of such deceased person.

Rules of government.

Article 9. The chairman and trustees shall have power to require payment from the members of the company from time to time, of such sum not exceeding the amount on each share heretofore specified as to them may appear necessary for the purpose of erecting, enlarging, repairing or finishing the buildings of said company; and for the purpose of procuring teachers and purchasing books and other apparatus necessary for the purposes of education; provided that no greater sum than ten dollars shall be required on each share, or be paid in any term of three months, and that notice be given of such payment at least twenty days in the newspaper printed at Shelbyville.

Rules of government.

Article 10. If any member of said company shall fail to pay into the hands of the Treasurer, within the time required by order of the Chairman and Trustees, any sum required by them to be paid, such person shall thereupon cease to be a member of said company, and forfeit all claim or interest, that, he or she may have to the property of said company, or to the money by him or her paid: Provided nevertheless, that the chairman and trustees shall have power, within any term of six months, from such failure on the application of such person, to accept of such installment, with such additional sum in damages as to them shall seem proper, and re-instate such defaulter as a member, and cause the same, and all the circumstances attending it, to be entered on the record. And if any member shall make such default or failure and shall fail to pay such installment with the addition of the damages required, his default shall be entered on the minutes of the board together with the circumstances, and that he or she has ceased to be a member of the company.

Rules of government.

Article 11. The chairman and trustees shall have a regular meeting once in every month, and as much oftener as the chairman, and any two of the trustees may require the same.

Article 12. The members of the association of company shall meet on the first Monday in May in each year, and as much oftener as one third of the members of the association may require it. Rules of government.

Article 13. The chairman and trustees with the concurrence of a majority of the members of association, may augment the capital stock of said company; Provided that each individual of the association shall have an opportunity to become equally interested in such increased capital. Rules of government.

Article 14. The profits of said company for two years from the time the institution shall go into operation shall be applied as far as shall be adjudged necessary and proper, to the purposes of furthering and promoting the institution and the encouragement of female education, and after the said two years shall have elapsed the profits arising from said seminary shall be paid over in equal proportions to the members of the company, or in such proportion as the amount of stock which he or she may own for the time being every six months. Rules of government.

Sec. 3. Be it enacted, That until the first Monday in October 1831, and until an election shall take place for a chairman and trustees of said academy, the business of said company or association shall be conducted by James L. Armstrong, M. D. Mitchell, Clement Cannon, Jesse Evans and James A. McClure, of whom James L. Armstrong is chairman, and until the first Monday in October 1831, they shall be called, "the Chairman and Trustees of the Female Shelbyville Academy," and shall have and exercise all the powers and authority hereby given to the chairman and trustees of said academy. Trustees per. temp.

Sec. 4. Be it enacted, That it shall be the duty of said chairman and trustees to cause public notice to be given in the newspaper printed at Shelbyville, requiring the proprietors of the stock of said company to meet at the Female Academy or at any other place which they may think proper on the first Monday in October next to decide whether they are willing to accept of the charter of incorporation, and if three fifths of said persons who have signed the constitution of said company shall subscribe an agreement to accept of the charter, the same shall be entered on the records of the proceedings of the company, and this act of incorporation shall be considered as in full force, and binding on the members of said company, their successors and assigns. Incorporation how to be accepted

Sec. 5. Be it enacted, That the election of trustees

Election
how to be
conducted.

for said institution shall be conducted under the superintendance of any Justice of the Peace for the county of Bedford at the times before specified, and said election shall be held at the academy, or at such other place as the chairman and trustees for the time being shall appoint: provided that public notice be given in the newspaper printed at Shelbyville, fifteen days before said election.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 1, 1820.

CHAP. 2.

AN ACT to authorize the clerk of the Circuit court of White county, to build a Clerk's office on part of the public square in the town of Sparta.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the clerk of the Circuit court of White county be, and he is hereby authorized to build a clerk's office on some part of the public square, in the town of Sparta, which may be designated by the county court.

Sec. 2. *Be it enacted,* That upon the death or resignation of said clerk, the subsequent clerk who may succeed to the vacancy by reason of said death or resignation, shall have the benefit and use of said office upon his paying the clerk so resigning, or his heirs in case of death, the value of said building, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 1st, 1820.

CHAP. 3.

AN ACT to authorize John Cathey to build a mill on Duck river.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Cathey, be, and he is hereby authorized to build a mill upon his own land

an Duck river, about half a mile below Warners' old ferry, under the same rules, regulations, and restrictions that John G. Sims is authorized to build a mill on said river, in Bedford county.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 1st, 1820.

CHAP. 4.

AN ACT to authorize Alfred M. Carter and James P. Taylor, of Carter county, and Adam Boyd of Sullivan county, to keep up their mill dams on Wataga and Holston rivers.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Alfred M. Carter and James P. Taylor, be, and they are hereby authorized to keep up and repair their milldams on Wataga river, in Carter county: Provided they do not obstruct the usual boating channel thereby, any law to the contrary notwithstanding.

Sec. 2. *Be it enacted,* That Adam Boyd, be, and he is hereby authorized to keep up and repair his mill dam on one sluice of Holston river, in Sullivan county: Provided he shall remove all obstructions in the other sluice to the passage of boats, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 5d, 1820.

CHAP. 5.

AN ACT to authorize the commissioners appointed by the county court of Carter, at their May sessions, 1820, to superintend the building a new Court House in the public square of the town of Elizabethton, to sell the old Court House therein.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Jeremiah Campbell, William Carter, James Keys, Johnson Hampton and Alfred

M. Carter, the commissioners appointed by the county court of Carter, to superintend the building of a new court-house in the town of Elizabethton, or a majority of them, be, and they are hereby authorized to sell the old Court House now standing on the public square in said town, at public or private sale, upon such terms as to them may seem most conducive of the public interest, and appropriate the monies arising therefrom, towards defraying the expense of building a new court-house.

Sec. 2. *Be it enacted*, That it shall be lawful for the county and circuit courts for the county of Carter, to be held in any house in the town of Elizabethton, which can be secured by the sheriff of Carter county therefor, until the new court-house be built and fit for use, and all business done therein, shall be as good and effectual as if done in the present court-house on the public square, any law, usage or custom to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 5th, 1820.

CHAP. 6.

AN ACT to establish the town of Alexandria.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a town heretofore laid off on the lands of Daniel Alexander, in the county of Smith, be, and the same is hereby established, and that said town shall be known and designated by the name of the town of Alexandria.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 5th, 1820.

CHAP. 7.

AN ACT to repeal an act passed at Martinsboro' on the 21st of November, 1819, authorising Dennis Condray and William Hill to open a Turnpike

road from Sycamore creek, in Claiborne county to the Cumberland Gap.

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

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 5th, 1820.

CHAP. 8.

AN ACT for the relief of Willie Griffin.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, Willie Griffin of the county of Maury, be, and he is hereby authorized to retail spirits and other liquors without paying for, or obtaining any license therefor, within the county of Maury, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 5th, 1820.

CHAP. 9.

AN ACT for the relief of Jonas Bedford.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for Jonas Bedford, a citizen of Jackson county, to remove with him to the Chickasaw purchase, within the bounds this state, a free boy of colour named Thomas, who has been heretofore bound as an apprentice to the said Jonas Bedford, by the county court of Jackson provided the said Bedford give to the chairman of the court of pleas and quarter sessions of Jackson county bond with security to be approved by said court, that he will have the indentures of apprenticeship recorded in the county to which he may remove, within twelve months after his removal; and if said Jonas Bedford shall neglect or refuse to perform the condition of said bond, it shall and may be lawful for said

Thomas, in his own name, if over twenty-one years old, and by his next friend, if under that age, to institute a suit against said Jones, and to recover such damages as he may have sustained, first having obtained an assignment of said bond for that purpose from the Chairman of the county court of Jackson.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 6th, 1820.

CHAP. 10.

AN ACT to provide for the payment of certain costs therein mentioned.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the costs of a prosecution instituted in the county of Franklin, against Benjamin Briggs for the murder of Evan Andrews, which have accrued subsequent to the change of venue, be paid by the Treasurer of West Tennessee, when the same is certified to be correct and reasonable by some judge of the Circuit courts of this state, whose vouchers shall be good in the settlement of the accounts of said Treasurer.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 7th, 1820.

CHAP. 11.

AN ACT to incorporate the inhabitants of the town of Gainsboro' in the county of Jackson.

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

of the same for the benefit of said town and may have and use a corporate seal.

Sec. 2. Be it enacted, That the corporation aforesaid shall have full power and authority to make and pass such laws and ordinances necessary and proper to suppress vice and immorality; to preserve the health of the town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain when necessary the boundaries and location of streets, lots and alleys; to establish new streets, lanes and alleys with the consent of the proprietors of the lots or houses adjoining such streets, lanes or alleys; to provide for licensing and regulating auctions; to restrain and prohibit gaming; and to provide for licensing, taking, regulating, or restraining theatrical or other public amusements and shows within the town; to pave and keep in repair the streets; to pass all laws necessary for the same; to establish necessary inspections within the town; to erect and regulate markets; to appoint a recorder and town constable; to provide for the establishment and regulation of a fire company or companies and the inspection, regulation and sweeping of chimneys; to erect and regulate wharves on the public square, streets, lanes and alleys, on quay water from the vicinity into the town; to impose and appropriate fines, penalties and forfeitures for a breach of these bye-laws or ordinances; to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town; to restrain tipping-booms, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect, provided they are not incompatible with the constitution and laws of this state.

Sec. 3. Be it enacted, That all fines, penalties and forfeitures imposed by the bye-laws and ordinances of said corporation not exceeding fifty dollars, shall be recovered before the mayor of said town or any justice of the peace for said county, and if exceeding that sum to be recovered by action of debt in the county court of Jackson county in the name of the corporation for the use of said town.

Sec. 4. Be it enacted, That the sheriff of Jackson county shall hold an election at the court house in the town of Gainsboro' on the first Monday in January, 1821, and on the same day in each and every succeeding year, for the purpose of electing nine persons to serve as aldermen of the corporation of said town of Gainsboro' for one year succeeding on the

Election of Aldermen

second Monday of the same month then next succeeding the said election; and all persons owning a freehold in said town, and also all persons residing in said town who would be qualified to vote for members of the general assembly, shall be qualified to vote at the said elections for aldermen, and no person shall be eligible to the appointment of Alderman unless he shall be a freeholder of said town of Gainsboro, seven of whom shall be citizens thereof.

Sec. 5. *Be it enacted*, That the nine persons qualified as aforesaid having the highest number of votes, at any election as aforesaid shall be deemed to be duly elected, and the sheriff of Jackson county shall within two days thereafter give to each of the new aldermen elected a certificate of his election, and it shall be the duty of the persons so elected to meet at the courthouse in said town on the Saturday next succeeding the day of their election, and the aldermen then and there met as aforesaid any number not less than five shall constitute a quorum and they shall then proceed to elect by ballot one of their own number to be mayor of said corporation for the same time for which the aldermen were elected as aforesaid, and the said Mayor when so elected shall have concurrent jurisdiction with Justices of the Peace in said county of all causes of action that shall or may arise within the limits of said town under this act subject to, and regulated in every respect by the same laws that regulate and direct the proceedings of the justices of the peace for said county; and whenever any Mayor shall die, remove out of said town, or resign, another election shall be held by the aldermen in the manner aforesaid to fill such vacancy for the time then unexpired, until the next general election of aldermen; and in case of the death, resignation or removal of any alderman, the same being certified to the Mayor, it shall be the duty of the said Mayor and Aldermen to fill such vacancy, and the person or persons by them appointed, shall serve until the next general election.

Sec. 6. *Be it enacted*, That the mayor and aldermen of said town, shall, before entering on the duties of their appointment, take an oath before some justice of the peace for said county, faithfully and honestly to demean themselves, as mayor and aldermen of said corporation during their continuance in office.

Sec. 7. *Be it enacted*, That at the first meeting of the aldermen as aforesaid, it shall be their duty to proceed to elect a town constable and recorder to the said corporation, who shall hold their office during

Election of
mayor and
his power.

Constable
& Recorder

the term of one year from the date of such appointment; that the town constable before entering upon the duties of his office shall enter into bond with sufficient security or securities payable to the mayor and aldermen for the time being, and their successors in office, in the sum of one thousand dollars for the faithful discharge of the duties of his appointment, and accounting for and paying over all moneys by him collected to such person as may be by the laws and ordinances of said corporation authorised to receive the same, and the recorder shall receive for his services such compensation, as the mayor and aldermen shall deem a reasonable compensation for the same.

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

Sec. 9. *Be it enacted*, That the mayor and aldermen of the corporation of said town of Gainsboro, shall have the power of laying and collecting a tax on billiard tables kept for use in said town not exceeding fifty dollars per annum, and also of laying and collecting a tax from persons who vend any article not of the growth, produce, or manufacture of this state on public days, on the public square, or in the streets,

On what
property
tax may be
laid.

lanes or alleys of said town, and shall have the power of laying and collecting all other necessary taxes as specified in this act.

Town pa-
ners & mo-
tors

Sec. 10. *Be it enacted*, That all debts and demands due and owing, or which shall hereafter become due, which by law was required to be paid for the use and benefit of said town of Gainsboro' shall be paid to the Mayor and Aldermen for such use, and every person or persons having any public documents or papers belonging to, or appertaining to the public concerns of said town, shall deliver the same to the Mayor and Aldermen of said town, and they are hereby authorized and empowered to sue for and collect the same before any tribunal having jurisdiction of the same.

Penalty on
sheriff for
not holding
elections.

Sec. 11. *Be it enacted*, That if the Sheriff of Jackson county shall at any time hereafter fail or refuse to open and hold an election as aforesaid, he shall forfeit and pay one hundred dollars to the corporation of the town of Gainsboro': to be recovered by action of debt before any jurisdiction having cognizance thereof for the use of said corporation, and in case the sheriff of Jackson county shall fail or neglect to hold said election at the time and place specified by this act, it shall and may be lawful for him to hold said election for the purpose aforesaid on any succeeding Saturday in the same, first giving five days public notice of said election, and the same shall be as effectual as though the same had been opened and held on the day herein specified.

Sec. 12. *Be it enacted*, That it shall be, and is hereby the duty of the Mayor and Alderman of said town of Gainsboro' at their last regular meeting in each and every year, to appoint three persons as judges of the next general election for mayor and alderman for said town of Gainsboro' for the next succeeding year, whose duty, when appointed, shall be to attend at the time and place specified in this act, and it shall be the duty of the sheriff before he proceeds to hold said election, first to swear the judges thereof, fairly and honestly to conduct said election in the manner pointed out by law.

Aldermen,

Sec. 13. *Be it enacted*, That Francis McConnell, Robert Jennings, Swancy Burris, John Mathews, George Cox, Alfred Murray, Andrew Whitley, Alexander Montgomery, and Samuel G. Smith, be, and they are hereby appointed aldermen of the town of Gainsboro', who shall be vested with full power and authority to hold elections, make appointments, and to do and perform all the duties enjoined on the may

or and aldermen of said town as pointed out by this act, and whose duty it shall be to proceed to discharge the duties of their appointment immediately: provided nevertheless that the appointment of said mayor and aldermen, together with such appointments as they may make, shall expire at the first general election to be held for mayor and aldermen.

Sec. 14. *Be it enacted*, That all laws and parts of laws within the perview and meaning of this act, heretofore and the same are hereby repealed.

James Eggtress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 7th, 1820.

CHAP. 12.

AN ACT to authorise the building of a clerks office on some part of the public square in the town of Rogersville.

Sec. 1. *Be it enacted*, by the General Assembly of the state of Tennessee, That the county court of Hawkins, a majority of the acting justices being present, shall have power and they are hereby authorized to appoint a committee consisting of five of their own body, which committee when selected shall proceed to designate some part of the public square in the town of Rogersville, most suitable for the erection of a clerks office; and on the ground thus designated, any one or all the clerks of the different offices kept in Rogersville may build an office for the safe keeping and preservation of their records.

Site how
to be design-
ated.

Sec. 2. *Be it enacted*, That upon the death, resignation or removal of any one of the clerks by whom said office may be built, his or their successors in office shall pay to the representative of the deceased clerk, his or their proportion of the value of said office before he shall be entitled to the use and occupation thereof.

Sec. 3. *Be it enacted*, That the county court of county court Hawkins shall at all times be at liberty to pay the proprietor or the proprietors of said office, the value thereof, out of any moneys in the office of the county Trustee, not otherwise appropriated; provided three fourths of the acting justices in said county be present, and upon payment thereof, shall be authorized

to hold and possess said office as the property of the county.

Sec. 4. *Be it enacted*, That the county court of Hawkins shall be authorized to permit any one or all of the clerks of the different offices held in Rogersville to build said office: provided however that no person authorized to build said office shall be at liberty to convey or encumber the right and title to said office in any manner so as to prevent the county court from paying the value, and taking possession thereof, for the use and benefit of the county.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 5th, 1820.

CHAP. 13.

AN ACT to authorize copies from certain books to be read as evidence.

Preamble

Whereas it appears to this General Assembly, that John C. M'Lemore has procured from the secretary's office of North Carolina a transcript in three bound books, marked A. B. and C. of grants issued by said state, founded principally on John Armstrong warrants for lands within the state of Tennessee showing the number or numbers of the warrant or warrants upon which such grant was respectively founded, together with the surveyor and chain carriers names, containing in the whole two thousand and seventy-one grants duly authenticated by the secretary of said state of North Carolina, as will appear by the certificates of William Hill secretary as aforesaid accompanying the said books, and whereas such inconvenience and delay is unavoidably produced to the good citizens of this state in being compelled to procure authenticated copies of land claims from the secretary's office of North Carolina, and at considerable expense, for remedy whereof.

Copy of records received in evidence.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That copies of said grants taken from said books, and certified by the said John C. M'Lemore shall be received and read in evidence in any court of record in this state, or before the commissioners appointed by law for the adjudication of land claims, and shall be entitled to the same faith

and credit in all and every respect as copies duly authenticated by the secretary of North Carolina.

Sec. 2. *Be it enacted*, That the said John C. M'Lemore shall, before he shall be permitted to give any certified copies from said books, before some judge of the circuit courts in this state, take and subscribe the following oath (viz.) I John C. M'Lemore do solemnly swear, that I will not demand any greater fee or fees for any copies I may issue from the books now in my possession, and from which I am authorized to issue copies, than by law I am authorized to receive and that I will faithfully and truly copy any grant or other part of said books, and that I will not suffer any certified copy to issue which is not a true and correct copy from said books *so help me God*. A copy of which oath certified by the judge, shall be filed in the office of the clerk of the circuit court in Davidson county.

Oath.

Sec. 3. *Be it enacted*, That the said John C. M'Lemore shall be entitled to receive for each certified copy of a grant from said books, the sum of fifty cents, and for a certificate shewing upon what warrant a grant was founded, together with the surveyor and chain carriers names, the sum of twelve and one half cents; and for each search in said books, the sum of twelve and an half cents.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

July 10th, 1820.

CHAP. 14.

AN ACT to authorize David Hogg to make distribution of the estate of Sally Baker, deceased.

WHEREAS it is presented to this General Assembly that Sally Baker died possessed of considerable property, both real and personal, and without issue, and that she was born out of lawful wedlock, and consequently had no legal heirs: therefore,

Preamble

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David Hogg, be, and he is hereby authorized to sell and distribute the Estate of the said Sally Baker equally amongst her brothers and sisters, and their heirs, that is to say, to David Russell, Henry Dixon, Thomas Finley, Lawson

David Hogg authorised to sell and distribute estate.

White, Richard White, Jr. Claiborne White, Richard L. W. Hogg and David Hogg, and whereas David Russell, Lawson White and David Hogg, have already received a portion of said estate: Therefore,

David Hogg
to have credit.

Sec. 2. *Be it enacted*, That the said David Hogg shall have a credit on the settlement of said estate, for the several sums which may have been by them respectively received out of their respective shares of the estate.

county court
to allow compensation.

Sec. 3. *Be it enacted*, That the county court of Jackson county, are hereby authorized and required to allow to David Hogg, an adequate compensation for his services in the management of the Estate of Jacob Baker deceased, and also of the Estate of Sally Baker.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 5th, 1820.

CHAP. 15.

AN ACT for the relief of the devisees of Barclay M'Ghee.

WHEREAS it is represented to this General Assembly that the devisees of Barclay M'Ghee were constitutionally entitled to an occupant claim of land on the north bank of Little Tennessee river, which tract was reserved to Cabbin Smith, by the treaty of the twenty-seventh of February, one thousand eight hundred and nineteen, and thereby said devisees deprived of their right, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the devisees of Barclay M'Ghee, deceased, shall be entitled to six hundred and forty acres of land, and the surveyor general of the Hiwassee district is hereby required to lay down the same on the south side of Little Tennessee river, beginning on the line of said Cabbin Smith's reservation, thence running up the river in a square or oblong, not exceeding in length twice its breadth, which the said devisees are to receive as full compensation for their said occupant claim.

Sec. 2. *Be it enacted*, That so soon as the aforesaid devisees shall pay into the public treasury of the state the sum of twelve hundred and eighty dollars, they

shall be entitled to receive a grant from the state for said tract of land: Provided the said devisees pay the said sum of twelve hundred and eighty dollars into the public treasury of East Tennessee within six months from the passing of this act.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

July 10th, 1820.

CHAP. 16.

AN ACT to provide for payment of the persons therein named.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each member of the General Court Martial cationed at Murfreesborough, on the fifth day of June, 1820, by order of his Excellency, for the purpose of revising the sentence of a division court martial, heretofore holden at Mossy creek, shall receive the sum of two dollars for each day he shall have served on said court, and a like sum for every twenty-five miles in travelling to and from the same; and each member who served on said division court martial shall receive the sum of two dollars for each day he shall have served on said court martial and a like sum for every twenty-five miles in travelling to and from the same; and each member of a general court martial convened on the — day of June, 1818, at Knoxville, by order of his Excellency for the purpose of deciding on the validity of an election for Brigadier General to command the 5th brigade, shall be entitled to the like sum per day, and a like sum for each twenty-five miles travelling to and from said court.

Of the general court of Knoxville

Sec. 2. *Be it enacted*, That the witnesses and members of the court martial which sat at Mossy creek, are hereby authorized to prove their attendance on said trial before any one of the Judges of the Circuit courts of this state, or before the Judge Advocate, under the same rules, regulations and restrictions that witnesses are bound by law to prove their attendance in other cases, and a certificate from under the hand of the judge or judge advocate shall be a sufficient voucher in the hands of either of the trustees in the settlement of their accounts.

Of the court at Mossy creek

Pay of witnesses.

Sec. 3. *Be it enacted*, That each witness who was summoned and did attend either of said military courts, shall receive the sum of one dollar and fifty cents for each day he or they shall have attended, on either of said courts as a witness or witnesses, and a like sum for every twenty-five miles travelling to and from the same: Provided nothing herein contained shall be so construed as to allow pay to the witnesses attending the general court martial held at Knoxville for their attendance.

Pay of judge Advocate

Sec. 4. *Be it enacted*, That the judge advocate of the respective courts martial shall receive the sum of three dollars for each day he shall have served on said courts martial, and the judge advocate of the division court martial who was ordered by his Excellency to attend at Murfreesboro' with the papers and records of the division court martial shall be entitled to receive the sum of three dollars for each twenty-five miles he shall have travelled in performing said duty.

Of Provost Martial.

Sec. 5. *Be it enacted*, That the provost martial who attended either of said courts shall be allowed each the sum of two dollars per day, and the like sum for every twenty-five miles in going to and returning from the places of holding said courts.

General Carroll.

Sec. 6. *Be it enacted*, That the treasurer of West Tennessee, is hereby directed to pay to Major General Carroll, the sum of twenty-five dollars, the amount by him expended in sending the records to Knoxville, of a Division Court Martial held in Bedford county.

Sec. 7. *Be it enacted*, That either of the Treasurers of this state shall pay to the before named persons the sums before named, on production of the certificate of the president of either of said courts of the number of days and miles, they and each of them shall have served and travelled, which certificate, together with the claimant's receipt shall be a good voucher in the settlement of his accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

H. WEAKLEY,

Speaker of the Senate.

July 10th, 1820.

AN ACT for the benefit of Jesse Jones and William Harrison Jones.

Sec. 1. *Be it enacted*, by the General Assembly of the state of Tennessee, That Jesse Jones and William Harrison Jones of the county of Lincoln, shall hereafter be known and called by the names of Jesse Hodges and William Harrison Hodges.

Sec. 2. *Be it enacted*, That the county court of pleas and quarter sessions of Lincoln county, shall have power to appoint a guardian or guardians for the said Jesse Jones and William Harrison Jones, now to be called Jesse Hodges and William Harrison Hodges, under the same rules and regulations, that guardians by law are now appointed for orphan children in this state, and that such guardian or guardians shall have the management, educating and raising of said minors until they shall arrive at the full age of 21 years, and that Lewis Jones, the father of said children shall have no control over said children, nor be in any way entitled to their custody or services, but that their custody shall be exclusively committed to such guardian or guardians as the said court in its discretion may appoint.

James Fentress,

Speaker of the House of Representatives,

R. Weakley,

Speaker of the Senate.

July 13, 1820.

AN ACT for the relief of the widow and heirs of Lawrence Snapp, jr. deceased.

Sec. 1. *Be it enacted* by the General Assembly of the State of Tennessee, That Mary Snapp, widow of Lawrence Snapp, jr. deceased, be, and she is hereby authorized to sell at public sale, at the court-house in Blountville, a certain lot of ground lying in said town of Blountville, known and designated in the plan of said town, by No. 28, and that said Mary is hereby authorized to make a good and valid deed of conveyance to the purchaser; provided nevertheless that said Mary shall advertise the said sale three months immediately preceding the day thereof, in the East Tennessee Patriot, printed in Jonesborough,

and shall sell the same on a credit not less than three nor more than twelve months, and shall take bond with sufficient security from the purchaser.

Sec. 2. Be it enacted, That the money arising from said sale, shall be paid over to the creditors of said Lawrence Snapp, deceased, according to the dignity of said claims.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 14, 1820.

CHAP. 19.

AN ACT to divorce John Campbell from his wife Margaret.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the bonds of matrimony now existing and heretofore entered into by and between John Campbell of the county of Knox and state of Tennessee, and Margaret J. M'Rhea, be, and the same are hereby dissolved.

James Fentress,
Speaker of the house of Representatives.
R. Weakley,
Speaker of the Senate.

July 14, 1820.

CHAP. 20.

AN ACT for the relief of the heirs of Drury Goodwin.

WHEREAS, the heirs of Drury Goodwin are entitled to a certificate warrant for eighty five acres of land, by virtue of a Grant No. 158, founded upon a Carter's office entry, No. 782; and whereas a certificate issued for the same to said heirs from the office of the commissioner of the Land office of East Tennessee, dated 26th June, 1818; and whereas the said certificate, for eighty-five acres, has been lost by accident and casualty, so that the said heirs are deprived of all benefit of the same, for remedy whereof:

Sec. 1. Be it enacted by the General Assembly of the

State of Tennessee, That the commissioners of the said office are hereby authorised to issue a duplicate certificate warrant to the said heirs for eighty-five acres, and the said certificate heretofore issued, is hereby declared void and of no effect, either in the hands of said heirs or in the hands of any other person to whom it may come by assignment, finding or otherwise.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 15, 1820.

CHAP. 21.

AN ACT for the benefit of the county of Sevier. **WHEREAS**, it appears to this General Assembly, that the grant issued to the commissioners of the town of Sevierville, for twenty-five acres and three rods of land has been issued to said commissioners and their heirs, when it should have been issued to them and their successors, for remedy whereof:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the secretary of state and the register of the land office of East Tennessee, are hereby authorised and required to amend said grant by crossing the word "heirs," in the face of said grant, and writing in the room thereof the word "successors."

James Fentress
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 14, 1820.

CHAP. 22.

AN ACT for the benefit of William Massengill. *Be it enacted by the General Assembly of the State of Tennessee,* That William Massengill, of Washington county, be, and he is hereby authorised to keep up and repair his mill dam, now erected on Watuga river, and also his fish dam on a small sluice thereof; provided that the said William Massengill in so

doing, shall not obstruct the navigation of the said river Watauga.

James Fentress,
Speaker of the House of Representatives,
H. Weakley,
Speaker of the Senate,

July 16, 1820,

CHAP. 23.

AN ACT to Divorce Eleanor Gurthry, from her husband, William Gurthry and other purposes.

Sec. 1. *Be it enacted by the General Assembly of E. Gurthry, the State of Tennessee,* That from and after the passage of this act the bonds of matrimony now existing and heretofore entered into by and between Eleanor Gurthry, formerly Kleanor Coen of Sullivan county, and William Gurthry of said county, be, and the same are hereby dissolved.

Sec. 2. *Be it enacted,* That Catherine Jones of Hawkins county, is divorced from her husband, Joel Jones.

Sec. 3. *Be it enacted,* That the bonds of matrimony now existing and heretofore entered into, by and between Nancy Bratcher, formerly Nancy Adams of the county of Warren, and William Bratcher, be, and the same are hereby wholly dissolved.

Sec. 4. *Be it enacted,* That the said Nancy Bratcher shall hereafter be called and known by the name of Nancy Adams.

James Fentress,
Speaker of the House of Representatives,
H. Weakley,
Speaker of the Senate,

July 14, 1820.

CHAP. 24.

AN ACT for the relief of Samuel Polk and others. WHEREAS it is satisfactorily made appear to this General Assembly, that on the 15th and 16th days of June, 1820. Samuel Polk made application to the commissioners office for the adjudication of North Carolina land claims, and received from the said commissioners, the following land warrants which had been

Preamble.

previously filed in the said office by the said Samuel for adjudication, and which had been adjudged by the said commissioners to be "valid." That the said Samuel Polk, has paid the fees of adjudication; and that on his return from Nashville, on the 17th of June, 1820, his saddle bags containing divers valuable papers and among others the said warrants were by accident lost, (to wit:) one warrant issued from John Armstrong's office to Thomas Polk, son of Ezekiel Polk, No. 1952, for 500 acres, dated 30th November, 1784: one warrant issued from John Armstrong's office to Samuel Polk, No. 1953, for 500 acres, dated 30th November, 1784: one warrant issued from John Armstrong's office to William Polk, son of Ezekiel Polk, No. 1954 for 500 acres, dated November 30th, 1784: one warrant issued from John Armstrong's office to John Polk Junr. son of Ezekiel Polk, No. 1955, for 500 acres, dated November 30th, 1784: one warrant issued from John Armstrong's office to Ezekiel Polk, No. 1960 for 500 acres, dated Nov. 30 h 1784: one warrant issued from John Armstrong's office to Abner Alexander, and since transferred by assignment to Ezekiel Polk, No. 1954, for 500 acres, dated November 30th, 1784: one warrant issued from John Armstrong's office to John Tate, No. 1964 for 540 acres, dated November 30th, 1784: one warrant issued from John Armstrong's office to Ezekiel Polk, No. 1967 for 640 acres, dated November 30th, 1784: one warrant issued from John Armstrong's office to Adlai Osborne and since transferred by assignment to John Tate, No. 1969 for 400 acres, dated November 30th, 1784: one warrant issued from John Armstrong's office to Adlai Osborne, and since transferred by assignment to Ezekiel Polk, No. 1974 for 500 acres, dated November 30th, 1784: one warrant issued from John Armstrong's office to Adlai Osborne, and since transferred by assignment to Ezekiel and Samuel Polk, No. 1972 for 500 acres, dated Nov. 30th, 1784: one warrant issued from John Armstrong's office to Adlai Osborne, and since transferred by assignment to John Tate, No. 1973 for 500 acres, dated November 30th, 1784: one warrant issued from John Armstrong's office to David M'Rec, and since transferred by assignment to James Walker and Samuel Polk, No. 1975 for 640 acres, dated November 30th, 1784: one warrant issued from John Armstrong's office to David M'Rec, and since transferred to Samuel Polk, No. 1976 for 500 acres, dated Nov. 30th, 1784: one warrant issued from John Arm-

strong's office to William Barnett, jun'r. and since transferred by assignment to William Leetch and Samuel Polk, No. 1979 for 500 acres and dated November 30th, 1784 : one warrant issued from John Armstrong's office to Ezekiel Polk, and since transferred by assignment to Samuel Polk, No. 1983 for 500 acres, dated November 30th, 1784 : one warrant issued from John Armstrong's office to William Polk, and since transferred by assignment to Samuel Polk, No. 1985 for 300 acres, dated November 30th, 1784 : one warrant issued from John Armstrong's office to Ezekiel Polk, No. 1990 for 840 acres, dated November 30th, 1784 : one warrant issued from John Armstrong's office to Adlai Osborne, since transferred to Ezekiel and Samuel Polk, No. 2003 for 2500 acres, dated November 30th, 1784 : one warrant issued from John Armstrong's office to Lambert Clayton, and since transferred by assignment to John Tate, No. 2236 for 640 acres, dated November 30th, 1784 : one warrant issued from John Armstrong's office to Adlai Osborne, and since transferred by assignment to Thomas M'Neal, No. 1874 for 500, dated November 30th, 1784 : one warrant issued by the commissioners of West Tennessee to John Pryor, and since transferred by assignment to James Walker, No. 121 for 249 1/2 acres, dated November 8th, 1808 : one warrant issued by the Register of West Tennessee to John Childress, and since transferred by assignment to Samuel Polk, No. 1502 for 300 acres, dated May 1st, 1815 : one warrant issued by the commissioners of West Tennessee to Robert W. Smith, and since transferred to Moses A. Locke 73 acres, and Wm. Leetch 750 acres No. 937 for 823 acres, dated 4th September 1816 : one warrant issued by the Register of West Tennessee to Samuel Polk, No. 2558 for 150 acres, dated 21st December, 1816 : one warrant issued by the Register of West Tennessee to George Mitchell, and since transferred by assignment to Samuel Polk, No. 2925 for 54 acres, dated May 7th, 1818 : one warrant issued by the Register of West Tennessee to Thomas and Ezekiel Polk, and since transferred by assignment to Samuel Polk, No. 2480 for 400 acres, dated 4th September, 1816 : one warrant issued by the Register of West Tennessee to Thomas and Ezekiel Polk, and since transferred by assignment to Samuel Polk, No. 2481 for 527, dated 4th September, 1816 : one warrant issued by the Register of East Tennessee to John Cawan, and since transferred by assignment to James K. Polk, Jun. No. 1316 for

200 acres, dated 2d September, 1819 : one warrant issued by the Register of West Tennessee to Robert Lore, and since transferred by assignment to Samuel Polk, No. 2458 for 230 acres, dated August 28th, 1816 : one warrant issued by the Register of West Tennessee to Andrew Cathey, and since transferred by assignment to Samuel Polk and James Leetch, No. 1280 for 97 1/2 acres, dated October 8th, 1812 : one duplicate military warrant issued by ——— to John Carter, Jun. and since transferred by assignment to Green Pryor, No. 236 for 440 acres, dated May 30th, 1817 : one warrant issued by the Register of West Tennessee to Thomas and Ezekiel Polk, and since transferred by assignment to Ezekiel Polk, No. 2476 for 200 acres, dated 4th September, 1816 : one warrant issued by the Register of West Tennessee to Thomas and Ezekiel Polk, No. 2683 for 140 acres, dated 4th September, 1816, one warrant issued by the Register of West Tennessee to Thomas and Ezekiel Polk, and since transferred by assignment to Thomas M'Neal, No. 2479 for 400 acres, dated 4th September, 1816 : all of which warrants being by casualty lost and their respective owners about to be greatly injured in consequence thereof : therefore :

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the commissioners for the adjudication of North Carolina land claims, be, and given, they are hereby authorised and directed to issue to the respective owners of the said warrants as stated in the above preamble, warrants of the same sizes, having first taken bond with approved security from the said Samuel Polk, payable to the Governor for the time being and his successors in office, in the penal sum of fifty thousand dollars, conditioned that the warrants already issued have not, nor shall not, be assigned by their respective owners to others, which bond when taken, shall be deposited in the office of the Secretary of State.*

Sec. 2. *Be it enacted, That the warrants already issued and enumerated in the above preamble, be, and lost declared void. they are hereby declared null and void to all intents and purposes, as though the same had never been issued, and no entry, survey or grant shall be made, or issue thereon.*

Sec. 3. *Be it enacted, That when the said duplicate warrants or certificates shall be issued by the said commissioners to their respective owners, they shall have the same validity as other genuine war-*

warrants, nor shall any additional costs or tax be paid thereon.

WARRANTS
ISSUE TO
JACOB TIPTON

Sec. 4. *Be it enacted*, That the commissioners for the adjudication of North Carolina land claims, be, and they are hereby directed to issue to the heirs of Jacob Tipton, deceased, a duplicate land warrant for two hundred acres upon their surrendering a grant or a certified copy thereof, issued by the state of North Carolina to Jacob Tipton, deceased, of No. 449 dated the 20th day of September, 1787 for 200 acres, to be cancelled and vacated: Provided that said grant is founded on a good and valid warrant, and that no other grant ever issued thereon.

James Fantress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 13th, 1820.

CHAP. 25.

AN ACT authorizing Madison M'Laurine, of Overton county, to open a turnpike road.

Turnpike
road author-
ized.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Madison M'Laurine, of Overton county, is hereby authorized to open, and keep in repair, a turnpike road from the Pilot knob, near Joseph Batis' in the county of Overton, to the Kentucky line, near captain Elliotts, for the space of ten years from and after the establishment thereof; which road when by the situation of the county over which it is to pass will permit, shall be cut eighteen feet wide, clear of stumps, roots, stones, and other obstructions, and if there be any creek or creeks, Obel's river and Wolf river excepted, or any swamp or swamps, said creeks and swamps shall be sufficiently bridged and causewayed, and where the nature of the ground is such, that it cannot be causewayed over said swamps at a greater width, it shall be at least twelve feet wide, clear of all obstructions.

Commis-
sioners ap-
pointed and
their duty.

Sec. 2. *Be it enacted*, That it shall be the duty of Valentine Matlock and Lewis Huddleston, who are hereby appointed commissioners of said road, to examine and view said road once in three months at least, and oftener if they should receive satisfactory proof, upon the oath of any person, that the same is out of repair; and if at any time said commissioners

shall find said road not in the repair contemplated by this act, it shall be their duty to open the toll gate thereof, and keep the same open so long, as said road remains out of repair, and until the proprietor notifies said commissioners, that said road is again in repair, contemplated by this act, on receiving such notice, it shall be their duty to view and examine said road, and should it be found in repair, said gate shall again be shut for exacting toll, and should the proprietor directly or indirectly receive any toll at said gate, while the same is set open, and until it is shut by said commissioner or commissioners, he shall forfeit and pay the sum of ten dollars, to be recovered by action of debt, before any justice of the peace in this state, in the name of the person, who will sue for the same; and should said commissioners from their own view find that said road has been out of repair two months at any one time, it shall be their duty to make report thereof, under their hands and seals, to the county court of Overton, if it should be six months before the stated session of the General Assembly, and when said court shall receive said reports, they shall order said report to be recorded; and it shall be the duty of the clerks to transmit a certified copy thereof to the next general assembly; and if the road should remain out of repair two months at any one time within six months before the setting of the general assembly, said commissioners shall make their report directly to the general assembly.

Sec. 3. *Be it enacted*, That the proprietor shall give bond and sufficient security to the governor for the time being, and his successors in office, in the sum of five thousand dollars, conditioned for the true and faithful performance of all the duties enjoined by this act; which bond shall be lodged in the Secretary's office. And the legislature may direct the Attorney General for the district, to commence suit against said proprietor in any court, which may be most convenient to said proprietor, whenever satisfactory proof by the report of the commissioners should be given, that said road has been at any one time two months out of repair.

Proprietor
to give bond

Sec. 4. *Be it enacted*, That when said proprietor shall notify said commissioners, that said road is out of repair, completed and fit for use, they shall proceed to examine said road, and if in their opinion the road is in the order contemplated by this act, they shall then give said proprietor licence, under their hands and seals, to keep a toll gate at any place on said

road, which he, the said proprietor shall designate.

Proprietors liable to damage. Sec. 5. *Be it enacted*, That if any part of said road shall be out of repair, at any time after it is received by said commissioners, and by reason of which any person or persons shall sustain damage either in person or property, he, she or they may sustain an action on the case for the amount of any damage sustained, in any court of record, having cognizance thereof, against said proprietor, and shall recover full damages therefor.

Compensation to commissioners. Sec. 6. *Be it enacted*, That said commissioners shall receive the sum of two dollars per day, each, to be paid by the said proprietor, and before they shall proceed to the duties of their appointment, said commissioners shall before some justice of the peace, in Overton county, take and subscribe the following oath, to wit, I A. B. do solemnly swear or affirm, as the case may be, that I will truly and impartially view and examine the road as contemplated by this act without prejudice or partiality, to the best of my skill and judgment, so help me God, and when they shall make said review they shall make report to Overton county court thereof.

Rates of toll. Sec. 7. *Be it enacted*, That said proprietor shall have a right to exact the following rate of toll at his gate, (to wit:) for each four wheeled carriage of burthen with its load and driver, if drawn by four or more horses, mules or oxen, one dollar, if by less than four, seventy-five cents; for each two wheeled carriage of burthen, if drawn by two horses, mules or oxen, fifty cents, if drawn by one, thirty-seven and one half cents; for each two wheeled carriage of pleasure, with its passengers and driver, if drawn by a team of two, seventy-five cents, and if drawn by one, fifty cents; for a man and horse or mule, twelve and one half cents; for each head horse, mule or ass, not in a drove, six and one fourth cents, if in a drove, three cents; for each slave six and one fourth cents; for each head of cattle or hogs two cents; for each head of sheep, one cent.

Penalty on evading gate. Sec. 8. *Be it enacted*, That if any person shall forcibly or secretly pass said gate to avoid the payment of the toll, prescribed by this act, such person or persons shall forfeit and pay twenty-five dollars to said proprietor, to be recovered before any justice of the peace in this state.

Oath of proprietor. Sec. 9. *Be it enacted*, That the proprietor, or his agent, of said gate, shall before he proceeds to the duties thereof, take and subscribe the following oath be-

fore some Justice of the Peace, (to wit:) I — do solemnly swear, that I will collect the toll authorized by law to be taken at the gate, which I have been appointed to keep, and no more, so help me God.

Sec. 10. *Be it enacted*, That nothing herein contained, shall be so construed as to compel the citizens of the county to pay toll, when passing said gate on their ordinary business, except when going out of the county.

Sec. 10. *Be it enacted*, That said commissioners Citizens of may, if they shall believe it necessary, prescribe from county to county, such alterations in the aforesaid road, as may conduce to the public benefit, which alterations the proprietor is hereby bound to carry into execution.

Sec. 11. *Be it enacted*, That said proprietor may establish a toll gate on any point on said road, that he may think proper.

Sec. 12. *Be it enacted*, That George Dawson, of the County of White, is hereby appointed commissioner of the Cumberland Turnpike road, and John W. Simpson's turnpike road, in the room and stead of William Glenn, resigned; and he shall be bound to the same duties, privileges, and capacities in all respects, as his predecessor, with the same compensation, &c.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

July 15th, 1890.

CHAP. 28.

AN ACT to prolong the time of holding the county courts of Rutherford county.

Sec. 1. *Be it enacted*, by the General Assembly of the state of Tennessee, That the courts of pleas and quarter sessions for the county of Rutherford, at their March and September sessions, in each and every year, shall be opened and held at the court-house in the town of Murfreesborough, on the 2d Monday in March and September, and shall continue from day to day for three weeks, unless the suits in said court shall be sooner tried or concluded.

Sec. 2. *Be it enacted*, That all writs and other process made returnable to the March and September sessions of said court, shall be made returnable to the

Second Monday in said months, and all writs and other process made returnable to the June and December sessions of said court, shall be made returnable to the third Monday's in said months, as heretofore, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 13th, 1820.

CHAP. 27.

AN ACT to authorise the sheriff of Hickman county, to advertise lands in some newspaper printed in Nashville.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sheriff of Hickman county, be, and he is hereby authorised and required to advertise in some paper printed at Nashville, all lands by him to be advertised and sold, either by execution or for taxes; any law, usage or custom to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 1th, 1820.

CHAP. 28.

AN ACT for the relief of the owners of property in the town of Williamsburg.

WHEREAS the seat of Justice of Jackson county has been removed from the town of Williamsburg, and a great number of the inhabitants removed therefrom; and whereas the lots are owned principally by the citizens of said county of Jackson, who are oppressed with the taxes accruing on the lots in said town, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the owners or holders of the lots in the town of Williamsburg, in Jackson county, be hereafter exempted from the payment of the state and county taxes which town lots are subject to, a-

precable to the laws of this state, and that it shall not be the duty of the Justices of the Peace, or persons appointed to receive lists of property for taxation in Jackson county, to list the same for taxation; provided nevertheless that nothing herein contained, shall be so construed as to release the lots from the taxes imposed on the same, for the year 1820, nor to release them from taxes, as other lands are taxed.

Sec. 2. *Be it enacted,* That this act shall take effect, and be in force, from and after the first day of January next.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

July 17th, 1820.

CHAP. 29.

AN ACT for the relief of the persons therein mentioned.

WHEREAS, it is represented, and appears that certain persons have had their certificate, or duplicate land warrants so injured, and defaced, as that they are likely to lose the benefit of them, therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the owners, or claimants of such certificates, or duplicates, as may by time or accident have been, or may be so much injured, or defaced, as to endanger the loss thereof, by the owner or claimant, such owner, or claimant may obtain from the Register of West Tennessee, or from the commissioners of land claims, who have in possession of the records thereof, as the case may be, a certified copy of such duplicate or certificate land warrant, together with a copy of such indorsements, as may be thereon, which certified copy of such duplicate, or certificate, shall be as good and available to such owner or claimant, as the original duplicate or certificate, would have been, and no more so; *Provided,* that such original duplicate, or certificate land warrant, shall first be delivered to said Register or commissioners, as the case may be, to be cancelled, and preserved among the records; *And provided also,* that said Register or commissioners, as the case may be, shall be fully satisfied that such duplicates or certificates are genuine; *Provided,* that if the indorsements on a duplicate No-

111, for one hundred and twenty acres, issued to Andrew M. Lusk, by the commissioner of East Tennessee, shall be so much defaced, or injured, as not to be legible, the said commissioners of land claims may issue a duplicate thereof, and indorse, that Samuel Terry is entitled to make an entry thereon in his own name, and procure a grant; provided nothing herein contained shall be construed as to defeat, or injure the right or claim of any other person to said duplicate.

James Fentress,

Speaker of the house of Representatives,

R. Weakley,

Speaker of the Senate.

July 18, 1820.

CHAP. 50.

AN ACT to provide for holding the elections therein named.

WHEREAS it may happen, that the sheriff of the incorporated towns within this state, may fail to hold an election for Mayor and Aldermen on the day required by the act of incorporation, by reason whereof no election can be legally holden, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when it shall hereafter happen, that the sheriff of any county, within which the county town is incorporated, shall fail to hold an election on the day designated by the act of incorporation, it shall be lawful for such sheriff to hold such election on any other day, by advertising the same five days previous to said election.

James Fentress,

Speaker of the House of Representatives,

R. Weakley,

Speaker of the Senate.

July 18, 1820.

CHAP. 51.

AN ACT for the benefit of Aaron Crowson and John Smith and those claiming under them.

WHEREAS, by an act of the General Assembly of the state of Tennessee, passed the 17th day of November, 1819, the Surveyor General of the

Highwasse District, was authorized to hear proof and when satisfied therewith, to lay down certain occupant claims north of Little Tennessee river, and whereas the said surveyor general, hath heard the proofs of Aaron Crowson and John Smith, and been satisfied therewith—Therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Aaron Crowson and John Smith, or those rightfully claiming under them, shall be entitled to receive grants from this state for the several tracts of land by them claimed, agreeable to their plats and certificates of survey, under the same rules, regulations and restrictions which have heretofore been adopted, for the lands south of French Broad and Holston, and west of Bigpigeon rivers; any law to the contrary notwithstanding.

James Fentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 17, 1820.

CHAP. 52.

AN ACT for the relief of Henry Holmes.

WHEREAS, it is represented to this general assembly, that on the 30th of October, 1783, Curtis Ivey made an entry in John Armstrongs Office for 1500 acres of land, by No. 1124, upon which a warrant issued, on the 24th of June, 1784, and the consideration money fairly paid thereon; and whereas it is represented that said Ivey departed this life, leaving Thomas R. Ivy his only heir at law, who has regularly transferred and assigned over the said entry and warrant to Henry Holmes, and that no grant has ever issued thereon, and that the said warrant is lost, mislaid or destroyed; therefore:

Sec. 1 *Be it enacted, by the General Assembly of the state of Tennessee,* That the board of commissioners for the adjudication of North Carolina land claims, be, and they are hereby authorized and directed, to issue a duplicate of said warrant to the benefit of Henry Holmes: provided said commissioners shall be satisfied that no grant has ever issued on said warrant or a duplicate thereof, and that the consideration money has been paid; and provided also that

they shall be satisfied that said Holmes is lawfully entitled to said warrant by proper assignments.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 18, 1820.

CHAP. 33.

AN ACT for the relief of Josiah Dixon.

WHEREAS, it appears to this general assembly, that Josiah Dixon on the 17th of June, 1818, obtained a certificate from the Register's office for west Tennessee, being part of original warrant for two thousand nine hundred and seventy-five acres, No. 643, and which said certificate, as appears by the oath of said Dixon, was lost; for remedy whereof:

Register to issue certificate.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Register of west Tennessee is hereby authorised to issue another certificate for twenty acres to Josiah Dixon, which shall be as good, and valid to authorise the said Dixon, to enter and obtain land upon it, as if it was on the original certificate.

Original certificate declared void.

Sec. 2. *Be enacted,* That the original certificate for twenty acres, issued as aforesaid, is hereby declared to be void to all intents and purposes, and no surveyor in this state shall make an entry thereon, nor shall the register make out, or the governor sign, or the secretary countersign any grant, founded thereon; any law to the contrary notwithstanding.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate,
July 18th, 1820.

CHAP. 34.

AN ACT to authorise the commissioners for the adjudication of North Carolina land claims, to adjudicate the claim of Joseph Branch, to grant No. 855, for five thousand acres, and to grant No. 857,

and to issue duplicates, as in case of land taken by better title.

Sec. 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That the commissioners for the adjudication of North Carolina land claims, be authorised to examine grant No. 855, for five thousand acres, issued by the State of North Carolina to William Branch, on the 16th of November, 1790, and on its appearing satisfactorily to said commissioners, that said grant issued on a good and valid warrant, not previously satisfied, and that said Joseph Branch is entitled thereto by good and valid mesne conveyance, or descent, to issue a duplicate to said Joseph Branch, for the number of acres called for in said grant, or so much thereof as remains, deducting from the whole amount, the amount of any duplicates that may heretofore have issued.

To examine grant No. 857.

Sec. 2. *Be it enacted,* That the commissioners aforesaid, are authorised to examine grant, No. 837, for five thousand acres, issued by the State of North Carolina, to John Branch on the 17th November, 1790, and on its appearing that said grant is founded on a good and valid warrant, and that said Joseph Branch is entitled thereto by descent or purchase, and that no other grant is founded on said warrant, to issue a duplicate for four thousand six hundred and twenty-five acres, the residue thereof, having been sold to Joel Dillard, the said Joseph Branch surrendering said grants to the said commissioners to be cancelled.

James Fentress,
Speaker of the House of Representatives,
H. Weakley,
Speaker of the Senate.

July 19th, 1820.

CHAP. 35.

AN ACT for the relief of Stephen Roach.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Stephen Roach may make entry in the eight Surveyor General's Office of this state, on a certificate issued October 31st, 1811, by David M'Garock, Register of West Tennessee, for two hundred and eighty five and two third acres, No. 717, as part of a military warrant, issued to Abraham Sheppard, No. 3550, dated the second day

of February, 1786, for twenty five hundred and seventy one acres, any law, usage, or custom to the contrary notwithstanding: *Provided* nevertheless, that said certificate shall, upon adjudication, be found valid by the board of Commissioners: And *provided* also, that nothing herein contained shall prejudice the right or claim of any other person to said certificate.

Sec. 2. *Be it enacted*, That it shall be the duty of said Commissioners of land claims to adjudicate said certificate, and if found to be genuine and ungranted, to pronounce the same valid.

James Fentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 19, 1820.

CHAP. 36.

AN ACT to incorporate the inhabitants of the town of Kingston, in the county of Roane, and for other purposes.

Kingston incorporated.
Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the town of Kingston, in the county of Roane, and the inhabitants thereof, are hereby constituted a body politic, and corporate, by the name and style of the mayor and aldermen of the town of Kingston, under the same rules, regulations, restrictions and privileges of the town of Murfreesborough, in the county of Rutherford.

former laws repealed.
Sec. 2. *Be it enacted*, That all laws, and parts of laws, heretofore passed for the regulation of said town, be, and the same are hereby repealed.

Sheriff to hold election for Aldermen.
Sec. 3. *Be it enacted*, That the sheriff of Roane county shall hold an election at the Court House in the town of Kingston, on the first Monday in January next, and on the same day in each succeeding year, for the purpose of electing seven persons to act as aldermen for the said town of Kingston.

Dover incorporated.
Sec. 4. *Be it enacted*, That the town of Dover, in the county of Stewart, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name and style of the mayor and aldermen of the town of Dover, under the same rules, regulations, restrictions and privileges which are designated for the government of the corporation of the town

of Springfield, in this state, by an act passed at Murfreesborough, on the 23d day of October, 1819.

Sec. 5. *Be it enacted*, That the sheriff of Stewart county shall hold an election at the Court House in the town of Dover, on the first Monday of January next, and on the same day in each succeeding year, for the purpose of electing seven persons to act as aldermen for the said town of Dover, and that Hosea H. League, Ephraim B. Davidson, Henry L. Hall, Called Bayless, William Hally, William Williams, and Henry King, be, and they are hereby appointed, and may act as a board of aldermen, for the said town of Dover, until aldermen are duly elected under the provisions of this act.

James Fentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 19, 1820.

CHAP. 37.

AN ACT to authorize George Gordon to erect a dam across the north sluce of Nolichucky River.

WHEREAS, it is represented to the General Assembly, that the navigation of the north sluce of Nolichucky River, near George Gordon's mill, would be much improved for the safe passage of boats in ascending and descending the same, by authorising a dam to be built across the north sluce of said river, therefore:

George Gordon authorized to build a dam.
Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*. That George Gordon be, and he is hereby authorized to build a dam across the north sluce of Nolichucky River, near his paper mill, on said river, in such a manner as to facilitate and improve the navigation of the south sluce of said river.

Sec. 2. *Be it enacted*, That the said George Gordon be, and he is hereby authorized to build a good and sufficient bridge across the said north sluce of the River Nolichucky, on the top of the dam, and also to extend the said bridge across the south sluce of said river, in such a manner as not to impede boats in passing up and down said north sluce.

Proprietor liable for damages.
Sec. 3. *Be it enacted*, That if the said George Gordon, in erecting said dam or bridge across said river, should in any manner impede the passage of boats,

or injure any ford on said river, any person or persons sustaining any injury therefrom, shall be entitled to recover from the said George Gordon such damages as he or they may have sustained, before any tribunal having cognizance thereof.

Proprietor
to receive
toll.

Sec. 4. Be it enacted, That when the said George Gordon shall have finished the said bridge, and shall have the same in good and sufficient repair, he shall be entitled to demand and receive the same rates of toll as are by law given to the proprietors of the bridge across the north fork of Holston River, and shall be enabled to recover the same in the same way.

James Pentras,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 19, 1820.

CHAP. 38.

AN ACT for the benefit of William B. Gorham,

Sec. 1. Be it enacted, by the General Assembly of the State of Tennessee, That three or more of the commissioners of the town of Springfield, in the county of Robertson be, and they are hereby authorized to convey to William B. Gorham, so much of the common schools of the said town, not interfering with streets or highways, and including his tan-yard and improvements, as are embraced by the original agreement with said commissioners and each conveyance, which made shall be good and valid in law.

JAMES PENTRAS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

July 10, 1820.

CHAP. 39.

AN ACT for the benefit of Warner L. Brainin.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Warner L. Brainin, be, and he is hereby authorized to hawk and peddle and to sell spirituous liquors in the county of Bedford, without paying any tax for a licence for that purpose; provided, the said Warner L. Brainin before he proceeds

to hawk and peddle, or sell spirituous liquors, shall apply to the clerk of Bedford county, and take and subscribe the following oath or affirmation, to-wit: Warner L. Brainin, do solemnly swear or affirm, as the case may be, that I will not directly, nor indirectly, vend or sell, the goods or liquors of any other person, but that the articles by me intended to be sold and vendid, are my own right and property; nor will I privilege or authorize any person to hawk and peddle, or sell liquors in any parish, for their use under the provisions of this act, so help me God, upon such oath being taken, the said clerk is hereby required to issue a licence to said Warner L. Brainin as contemplated by this act.

James Pentras,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 10th, 1820.

CHAP. 40.

AN ACT to allow wharriage to certain persons therein named.

WHEREAS, it appears to this general assembly, that the owners of the upper Ferry, near Nashville, have at much expense and trouble prepared a landing on the south side of the river, at the said ferry for boats, rafts and other water craft, to land with convenience and safety, and it is understood that some persons have pretended that there is no obligation on such as land their boats, &c. thereat, and make use of the property and labour of said owners; to pay therefor according to the customary price, and to do away all doubts.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That each person who shall land his boat, raft or other water craft at the landing of said upper ferry, near Nashville, he and shall be bound to pay the wharrier therefor, each sum for each landing, as has been customarily charged and paid therefor, hereunto which sum the boat or boat to remain at said landing, or to be removed therefrom, and unladen, (to wit) small boats four dollars each, Rates of Barges two dollars each, Keels one dollar each, wharriage.

Raise one dollar each; and all small crafts fifty cents each, that shall come there to load and unload.

John C. M'Lemore authorized to receive fees for certain copies, &c.
 Sec. 2. Be it enacted, That John C. M'Lemore shall be entitled to receive the following fees for copies, &c. from certain books, from which he is authorized to issue copies, by an act entitled an "act to authorize copies from certain books to be read in evidence," (to-wit) for each certified copy of a grant from said books, the sum of one dollar; for a certificate shewing upon what warrant a grant was founded together with the names of the surveyor and chain carriers, where no copy of a grant is required, the sum of twenty-five cents; and for each search in said books, where no copy is required, the sum of twenty-five cents; any provision in said act, to the contrary notwithstanding.

James Fontress,
 Speaker of the House of Representatives.
 R. Weakley,
 Speaker of the Senate.

July 21, 1820.

CHAP. 41.

AN ACT for the relief of Samuel F. Bittock.
 WHEREAS, it is represented to this General Assembly, that Samuel F. Bittock, of Williamson county, in consequence of sickness bodily infirmity, is unable to provide a living for himself.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the said Samuel F. Bittock be, and he is hereby permitted to hawk, peddle, sell, and exchange goods, wares, and merchandize, within the county of Williamson, without paying any tax for a license therefor.

Samuel F. Bittock authorized to peddle.

Sec. 2. Be it enacted, That the said Samuel F. Bittock, before he shall be permitted to hawk, peddle, sell and exchange goods, wares and merchandize, shall first apply to the clerk of some county court in this state, and take and subscribe an oath, that he will not hawk, peddle, sell, or exchange any goods, wares and merchandize, as agent, or factor, for the benefit of any other person or persons, but that the goods, wares and merchandize, which he may sell and dispose of by virtue of this act, shall be upon his own account, and for his own benefit. Whereupon such clerk shall issue a license to said person to hawk,

Samuel F. Bittock take oath.

peddle, sell and exchange, goods, wares and merchandize within the county of Williamson without paying any tax for the same.

James Fontress,
 Speaker of the House of Representatives.
 R. Weakley,
 Speaker of the Senate.

July 21, 1820.

CHAP. 42.

AN ACT for the relief of William Young.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the Register of East Tennessee, be, and he is hereby directed to issue to William Young a duplicate land warrant for thirty acres, it being the residue of a warrant issued by the Commissioners for East Tennessee to the heirs of Robert Young, on which the Register of East Tennessee issued a certificate of No. 1124, to John Young and William Young, for 260 acres, dated the 6th day of June, 1820.

James Fontress,
 Speaker of the House of Representatives.
 R. Weakley,
 Speaker of the Senate.

July 21, 1820.

CHAP. 43.

AN ACT making compensation to the persons therein named.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That either of the Treasurers of this state is hereby authorized and required to pay to Francis A. Ramsey, Henry Weakley and John Brown, the sum of four dollars for each and every day by them necessarily employed in making searches and examinations in the different Register's offices, to enable them to make out the report submitted to the last General Assembly, together with the further sum of four dollars for every twenty five miles by them travelled to and from said offices.

Treasurer authorized to pay.

Sec. 2. Be it enacted, That the receipts of said

Receipts of
Commission-
ers to be
good vouch-
ers for treas-
urers.

Commissioners shall be good vouchers to either of said Treasurers in the settlement of his accounts: Provided however, that if any of said Commissioners has already been paid for searches in the Register's office in this state, he shall not be entitled to the benefit of this act, but the receipts of said Commissioners heretofore given, shall be good vouchers to either of said Treasurers in the settlement of his accounts: Provided said Commissioners will make out their account as to the number of days they were necessarily employed in said business, and the number of miles they travelled to and from said offices, and make oath to the correctness of said account.

James Featress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

Passed July 21st, 1810.

CHAP. 44.

AN ACT for the relief of Samuel Matherrell, of Wilson county.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the Commissioners for the adjudication of North Carolina land claims, be, and they are hereby authorised, and required to issue a duplicate land warrant or certificate, to Samuel Matherrell, upon plat and certificate No. 2245, contained in file No. 29, as taken by John Overton, Esquire, late agent to North Carolina, upon his surrendering the same, provided it is adjudged valid, and that no grant has ever issued upon the same warrant, or for so much thereof, as may appear to be covered by any interfering claim, upon his producing before said Commissioners a legal Surveyor's certificate, representing the same, notwithstanding a part thereof may be younger titles; any law to the contrary notwithstanding.

James Featress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

Passed July 21, 1820.

47
CHAP. 45.

AN ACT prescribing the duty of the Justices of the county of Washington, in a certain case therein mentioned.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be, and hereby is made the duty of the Justices of the peace for the county of Washington or a majority of them, at their April sessions next, after the passing of this act, to proceed to lay a tax in compliance with the provisions of an act of the general assembly, entitled "an act, to authorise the county court of Washington to lay a tax for the purpose of building a court-house, prison and stocks, in the town of Jonesborough and for other purposes," passed at Murfreesboro' October 12, 1819.

James Featress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 21, 1820.

CHAP. 46.

AN ACT for the relief of Philip Hoodenpyle. WHEREAS it has been represented to this General Assembly, that Philip Hoodenpyle, who was the undertaker to build the Court House in the town of Pikeville, has performed certain work about said building that was not specified, nor contemplated, in the contract between said Hoodenpyle and the Commissioners—therefore;

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the county court of Blount are hereby authorized to settle with said Hoodenpyle, for such extra work as he may have done, and lay a tax on the taxable polls and property in said county, which shall not exceed the state tax, for the purpose of paying the same. Provided a majority of the acting Justices be present, which tax shall be collected by the sheriff or collector, and paid over to said Hoodenpyle.

James Featress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 22, 1820.

AN ACT to appoint additional Trustees for Maury Academy, in the county of Jefferson.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Robert M'Farland and Shadrack Inman be, and they are hereby appointed additional Trustees for Maury Academy, in the county of Jefferson.

Sec. 2. *Be it enacted,* That the above named trustees be, and they are hereby vested with the same powers and privileges, subject to the same rules, regulations and restrictions, as the several trustees heretofore appointed for said Academy.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 21, 1870.



AN ACT to provide for establishing a new Court House in the county of Morgan.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the sheriff of Morgan county is hereby required, on the second Thursday and Friday in September next, to open and hold an election at all the places now appointed by law for holding elections in said county, when and where, all persons entitled to vote for Governor, members of Congress, and members of the General Assembly, shall be permitted to vote for such place as may be put in nomination for the seat of Justice in said county, which election shall be conducted under the directions of said sheriff and a sufficient number of inspectors to be appointed by the county court for that purpose, and be conducted under the same rules, regulations and restrictions, as other general elections in this state, and if, upon counting out the votes, and properly comparing them, it shall appear that any one place put in nomination, shall have a majority of the whole number of votes given in at said elections, the place having said majority shall thereafter be considered as the seat of Justice for Morgan county.

Sec. 2. *Be it enacted,* That when it shall appear by

Sheriff to hold elections.

Persons entitled to vote

the result of said election, that a majority of the people are in favour of moving the seat of Justice, the commissioners hereinafter mentioned shall select an eligible situation as near the place voted for as practicable, for a county town, first having obtained from the person or persons who may own the acite selected and voted for, a good and sufficient legal title for as much land as to them may be deemed requisite for that purpose, and it shall be the duty of the Commissioners to have the lots and improvements of those who have purchased lots at the place where the seat of Justice is now held, valued at a fair price by persons to be by them appointed, which valuation shall be by them paid to such purchasers out of the proceeds of the sale of the lots, to be sold out at the place to which the seat of Justice shall be removed.

Sec. 3. *Be it enacted,* That when the town shall be laid off in half acre lots, the commissioners shall advertise the same in the newspapers printed in Knoxville, specifying the time and place for the sale of said lots, which advertisement shall be at least thirty days before the day of sale, and they shall proceed to sell said lots upon twelve months credit, taking bond with good and sufficient security, and thereupon make deeds in fee simple to the purchasers.

Sec. 4. *Be it enacted,* That it shall be the duty of said commissioners, or a majority of them, to contract with some suitable person or persons, to build a Court House, prison and stocks, at the acite selected and laid off for the seat of Justice, and the monies arising from said sales, after paying for the land purchased, shall be appropriated to the expenses in erecting said public buildings, and if the money arising from the sale of the lots aforesaid, be insufficient to pay for the land and public buildings, it shall and may be lawful for the county court of Morgan, a majority of the acting Justices being present, to lay a county tax on taxable property not exceeding the state tax, which may be continued from year to year, until a sum is raised sufficient to answer the purposes intended; And the tax aforesaid, shall be collected at the time, and in the same manner other public dues are collected, and in case of default in collecting or accounting for said tax to the commissioners, the sheriff, for such his default, may be proceeded against by motion and judgment, before the county court, as in other cases of default.

Sec. 5. *Be it enacted,* That before the commissioners shall proceed to discharge the duties assigned them,

Commissioners to advertise.

To contract for building court house, prison, &c.

To enter in to book.

They shall enter into bond with the Governor and his successors, in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of their appointment, to be filed with the clerk of the county court, and be by him recorded.

Commissioners appointed

Sec. 6. *Be it enacted*, That Philip Pryor, Ezekiel Philpot, John M. Davis, Benjamin Hagler, and Joseph Englan, shall be, and they are hereby appointed commissioners to carry this act into effect, and a majority of them shall at all times be competent to transact any business, or perform any duty imposed upon them as commissioners.

Name of the Town.

Sec. 7. *Be it enacted*, That when said town is laid off and established, it shall be known by the name of Montgomery, and as soon as the court house shall be erected and received by said Commissioners, the Justices for the county court of Morgan, shall adjourn said court and all proceedings to said town of Montgomery, and from thenceforth it shall be the seat of Justice for Morgan county.

How to proceed in case of death or resignation.

Sec. 8. *Be it enacted*, That in case of the death, resignation, or refusal to act of any one or more of the commissioners herein named, it shall and may be lawful for the balance of said commissioners to elect one or more by ballot, so as to complete the number of commissioners hereby appointed, and the commissioners thus elected, shall have the same powers and privileges with the commissioners by this act appointed.

One Commissioner to be chairman

Sec. 9. *Be it enacted*, That said commissioners shall appoint one of their body as chairman, in whose name all notes, bonds, &c. shall be taken, and in whose name all suits may be instituted on the notes, bonds, &c. and for their services as by this act directed, said commissioners shall be entitled to such compensation, as may be allowed by the county court of Morgan.

James Fentress,
Speaker of the House of Representatives,
H. Weakley,
Speaker of the Senate.

July 22, 1820.

CHAP. 49.

AN ACT to authorize Jacob Holland, David Cunningham, Arnet Shields, Christopher Winters, Robert

Shields of Carson's Cove, John Pierce and their associates to open and establish a turnpike road.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jacob Holland, David Cunningham, Arnet Shields, Christopher Winters, Robert Shields, of Carson's Cove, and John Pierce, are

Turnpike road authors, trustee

hereby authorized to open and keep in repair for twenty years, a turnpike road, commencing in Sevier county, at Davises old Iron works on Little river, and extending to the North Carolina line on the Smoky mountain, in the most direct course to Bear town or the Tuckey meigey river, in Haywood county, North Carolina: which road where the situation of the country will permit, shall be cut eighteen feet wide, clear of stumps or other obstructions, and where the road has to be causewayed, and the nature of the ground is such that it cannot be extended, it shall be at least twelve feet wide, clear of stumps, roots, or other obstructions, and if there should be any creek, or creeks, that from their nature should require it, there shall be good and substantial bridges built; and if there are any swamps, over which said road may be taken, it shall be the duty of the proprietors of said road, to causeway said swamps at least twelve feet wide, clear of logs or other obstructions.

Sec. 2. *Be it enacted*, That said road shall always be kept in repair, and if it shall be permitted to be, and remain out of repair, for one month at any one time after the road is opened and established by the commissioners hereafter appointed by this act, said commissioners shall immediately make report to the county court of Sevier county, if it shall be six months before the session of the legislature; and when said court receive said report, they shall order it to be recorded, and said commissioners shall also proceed to open said turnpike gate, and keep the same open until the said road shall be by them adjudged to be in good and sufficient order; they may then grant licence unto their hands and seals to said proprietors to shut such gate for the purpose of exacting toll; and if said proprietors shall directly, or indirectly exact, take, or receive, any toll during the time said commissioners set said gate open, said proprietors shall forfeit and pay for every such offence, the sum of thirty dollars, to be recovered before any justice of the peace in this state, by any person that will sue for the same; and if the road shall be permitted to be and remain out of repair two months at any one time within six months before the session of the Legislature, the said

Commissioners to make report to county court on roads being out of repair.

commissioners shall, after setting open said gate, report the same to the next General Assembly, whose duty it shall be, to appoint a new proprietor or proprietors, as the case may be, and he or they when so appointed shall be entitled to receive all toll rated to this act, and shall be bound to do the same duties, under the same regulations, restrictions and penalties as are prescribed by this act, for the original proprietors to do and perform.

Proprietors to give bond and security Sec. 3. *Be it enacted*, That the proprietors shall give bond with sufficient security, in the sum of two thousand dollars, to the Governor, for the time being and his successors in office, conditioned for the true and faithful performance of all the duties enjoined on them by this act, which bond shall be lodged in the clerk's office of the county of Sevier; and the legislature may direct the attorney general for the district wherein said proprietors live, to commence suit against said proprietors on said bond, if satisfactory proof either by the commissioners or otherwise, should be given to them that said road has been out of repair two months, at any one time.

Commissioners appointed. Sec. 4. *Be it enacted*, That Allen Bryan and Elijah Rogers, of Sevier county, and Samuel Davison of Blount county, shall be, and they are hereby appointed commissioners, whose duty it shall be, when called on by said proprietors, to proceed to view and examine said road, and if in their opinion it is in the order contemplated by this act, they shall proceed to commission said proprietors, to keep a toll gate on the most convenient part of said road; and shall be entitled to receive the following toll, to wit: for each waggon and team, one dollar; each four wheeled pleasure carriage, one dollar and fifty cents; each two wheeled pleasure carriage, sixty two and a half cents; man and horse or mule, twelve and a half cents; loose horse or mule in a drove, three cents; loose horse or mule not in a drove, six and a fourth cents; each head of cattle, two cents; each head of hogs or sheep, one cent; each waggon drawn by two horses fifty cents; each cart and driver, thirty seven and a half cents.

To take oath. Sec. 5. *Be it enacted*, That the commissioners appointed by this act, shall, before they enter upon the duties of their appointment, take and subscribe the following oath, to wit: "I do solemnly swear that I will well and truly perform the duties enjoined on me by this act, according to the best of my skill and abilities,—so help me God." And said commissioners

shall be entitled to receive at the rate of two dollars per day each, for every day they may be necessarily engaged in performing the duties enjoined on them by this act, to be paid by the proprietors.

Sec. 6. *Be it enacted*, That if any part of said road that be out of repair at any time after it is received by the commissioners, unless when the gate is set open by said commissioners, and by reason of which any person or persons shall sustain any damage either in person or property, he, she, or they, may have and sustain an action on the case against said proprietors.

Proprietor may be sued for damages

Sec. 7. *Be it enacted*, That if any person or persons shall pass by said gate, or within a mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence the sum of twenty five dollars to the proprietors, to be recovered by action of debt before any Justice of the peace in this state.

Forfeiture on persons passing gate without paying toll.

Sec. 8. *Be it enacted*, That the mail stage, or mail on horseback, shall pass the gate free from paying toll, but that the passengers in the mail stage shall each pay twelve and one half cents.

Mail stage and mail on horse back to pass with out paying.

James Fentress,
Speaker of the House of Representatives.

H. Weakley,
Speaker of the Senate.

July 22, 1820.

CHAP. 50.

AN ACT authorising the county court of Overton to employ some suitable person to transcribe, and make a suitable index to the records of the county court and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Overton, at the proper expense of said county, are hereby authorised to employ some skillful person to transcribe all the records of Overton county court, which were recorded in pasteboard covers, and such other parts of the records, as they may deem necessary for their better preservation, into well bound books, by them to be provided for that purpose; and also to make a suitable and proper index to said books: provided nevertheless, the county court of Overton, may select such time, or so make their contract with the clerk

county court of Overton to have records transcribed.

And superintendants as not to compel said county to lay any tax for that purpose in the years 1821 or 1822, unless they can do so without oppressing the people.

county court to appoint three persons to superintend transcribing
Sec. 2. *Be it enacted*, That the county court of Overton shall appoint three persons, well qualified for that purpose, who shall act as superintendants to said transcribing; and who before they enter into the duties of their appointment, shall take and subscribe the following oath, to wit: "I, A. B. do solemnly swear, or affirm, that I will well and truly, to the best of my ability, discharge the duties of superintending the transcribing the records of Overton county, and that I will carefully compare the transcript with the original, and see that there is no alteration thereof, so help me God." And the clerk who shall be appointed by said court to transcribe the same, before he shall enter upon the duties of his appointment, shall take and subscribe the following oath, to wit: "I, A. B. do solemnly swear, or affirm, that I will well and truly do and perform all the duties enjoined on me to the best of my skill and ability, so help me God."

Clerk and Superintendants to make return.
Sec. 3. *Be it enacted*, That when the duties hereby enjoined upon said superintendants and clerk, shall be performed, they shall make a return of said transcripts to the clerk's office of the county court of Overton, as well as the original record; and both shall be kept and preserved by said clerk, and in all cases the transcript shall be used to every intent and purpose that the original record could be made use of, for any purpose whatsoever: *Provided nevertheless*, nothing herein contained, shall be so construed as to prevent any person from using the original, when it may appear that there was a mistake in transcribing the same.

Allowance to clerk and superintendants.
Sec. 4. *Be it enacted*, That the county court of Overton shall make said clerk and superintendants such allowance out of their county funds as they may think proper.

Records not to be made better or worse than they are at this time.
Sec. 5. *Be it enacted*, That nothing herein contained shall be so construed as to make said records either better or worse than they are at this time; but if any of them have been forged, embezzled or vacated, the same remedy shall remain to any party or parties aggrieved, as though this act had never passed.

Sec. 6. *Be it enacted*, That the county court of Jackson is hereby authorized to have the records, or such part of them as are likely to become lost or de-

stroyed, transcribed under the same rules, regulations and restrictions as are pointed out in this act for transcribing the records of Overton county.

James Pentecost,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 22, 1829.

CHAP. 51.

AN ACT for the relief of James Holland.
WHEREAS, it appears that an entry was made on the 28th day of October, 1783, in John Armstrong's office, for five thousand acres of land, in the name of John Holland; and whereas, it also appears that the commissioners of West Tennessee only adjudged the warrant founded on said entry as valid for four thousand one hundred and eleven acres, because it did not appear that the whole consideration had been paid; and whereas, James Holland, to whom said entry had been assigned, has proffered some testimony to this Legislature for the purpose of proving that the whole of said consideration had been paid, which testimony has not been deemed satisfactory by the Legislature; and whereas, it is suggested by said James Holland, that he can produce additional and satisfactory evidence to the board of commissioners—therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if the said James shall produce to the board of commissioners for the adjudication of North Carolina land claims, satisfactory evidence, in addition to the testimony adduced to this legislature, that the whole of the consideration has been paid into said Armstrong's office, on said entry, then said board is authorized and empowered to issue to said James Holland a duplicate for the residue of said entry.

And whereas, it appears that the register of West Tennessee committed an error as to the date of the entry of five thousand acres, and the adjudged warrant of said entry in a grant of two thousand five hundred and fifty eight acres, issued to James Holland, on the second of September, 1816, for

Preamble,

Commissioners to issue duplicate,

twenty five hundred and fifty eight acres, stating in said grant that the entry was made on the 28th of November, 1815. And whereas, the date of said entry in Armstrong's office, is the 28th of October, 1783—therefore:

Sec. 2. *Be it enacted*, That the register of West Tennessee be directed and required to correct the error in said grant, by inserting the true date of said entry.

James Pentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate,

July 22, 1820.

CHAP. 52.

AN ACT to repeal an act entitled "an act authorizing a separate election in Jackson county."

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That a law passed at Nashville on the eleventh day of October, in the year eighteen hundred and thirteen, authorising a separate election in Jackson county, at David Johnson's, be, and the same is hereby repealed.

James Pentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate,

July 22, 1820.

CHAP. 53.

AN ACT for the benefit of Spencer E. Gibson. WHEREAS, it is represented to this General Assembly, that Spencer E. Gibson, of the county of Washington, has at great expence erected valuable water works, on the Nollichucky river, near the utmost point of navigation, and that extending to said Gibson the liberty of erecting a dam across said river, would much tend to the utility of said works; wherefore:

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the said Spencer E. Gibson be, and he is hereby authorised to erect, and keep up

a dam on said River of such height and description, as may best answer said object; Provided that the said Gibson shall make or cause to be made, in the main channel of said river, a suitable slope in said dam, so as to admit of the safe passage of boats in descending said river.

JAMES PENTRESS,
Speaker of the House of Representatives
R. WEAKLEY,
Speaker of the Senate.

July 22, 1820.

CHAP. 54.

AN ACT to extend the town of Carthage, in the county of Smith.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the lots of ground sold by John Stump, adjoining the town of Carthage, on the north and west of the main street thereof, and all those sold by Nathaniel W. Williams, adjoining said town, on the north and east of said main street, of the size and description of the original lots of said town, be, and they are hereby declared to be embraced within the boundaries of said town, with all the privileges and capacities, and subject to the same rules and regulations precisely as other lots and holders of lots enjoy, and are subject to in all respects whatsoever.

James Pentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

Passed July 22, 1820.

CHAP. 55.

AN ACT to amend an act, passed on the 27th day of October, 1819, entitled "an act to authorise James Bruce to build a mill dam on Duck River, and for other purposes."

WHEREAS, by the said act James Bruce was authorised to build a mill dam across Duck River, about three miles below the fishing ford, upon certain

conditions: And whereas, it is represented to this General Assembly, that said Bruce is about to build his dam only about three-fourths of a mile below the said fishing ford of Duck River, in such a situation as that the great road leading from Nashville to Fayetteville, will be obstructed by the pond raised by said dam—therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if the said James Bruce, or any other person shall obstruct said road or any other public road crossing Duck river, at or near said fishing ford, by building such dam, he shall be liable to indictment for each and every day such obstruction shall continue, and shall moreover be liable to pay to each and every person who shall be stopped or impeded in travelling said road or roads, the sum of fifty dollars, which may be recovered before any Justice of the Peace or Court having cognizance thereof, so often as any such stoppage, impediment or obstruction shall occur.

And whereas, it is represented to this General Assembly, that William Neely, late of Davidson county, hath abandoned his home and family for the space of more than fourteen years, and is now in the state of South Carolina, if alive, and that during that time, it is believed, he has been measurably in a state of insanity, as no reasonable cause can be assigned why or wherefore he hath so abandoned, &c. as all his friends and family are not able to assign any other cause than the one above stated. And whereas, said William Neely is possessed of some real property, which it becomes necessary to attend to, for the benefit and support of his family; therefore:

Sec. 2. *Be it enacted,* That Eneas Walker, of Davidson county, be, and he is hereby appointed agent to take charge of the state of the said William Neely, both real and personal, and shall have full power to manage the same in such way as shall be most beneficial for the family and heirs of the said William Neely, in all respects whatever.

Sec. 3. *Be it enacted,* That the said Eneas Walker shall, before entering on the duties of his appointment, as agent aforesaid, give a bond with good and sufficient security, payable to the chairman of the county court of Davidson, in the penal sum of five thousand dollars, conditioned for his true and faithful performance of his duties as agent aforesaid, which bond shall be filed in the clerk's office of said county,

Penalty on any person obstructing public road.

Agent appointed.

E. Walker to give bond and security.

and be subject to be sued on by those injured as often as the case may require, and shall not become void on the first recovery.

James Pentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 22, 1820.

CHAP. 56.

AN ACT to lay off and establish a separate election in the county of White.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That a precinct election is hereby authorized and established at the house of Thomas Ellison in the county of White, under the same rules, regulations and restrictions, that other general elections are required by law to be holden; and the return of the votes taken at said precinct election, shall be made on the day succeeding the days of election, to the sheriff in the town of Sparta, to be by him compared as in other cases of precinct elections.

Sec. 2. *Be it enacted,* That said election shall be conducted under the provisions of the 25th section of an act of the General Assembly passed in 1819, establishing precinct elections.

James Pentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 24, 1820.

CHAP. 57.

AN ACT to provide for the obtainment of titles to lots, in the town of Leesburg.

WHEREAS, it is represented to this General Assembly, that sundry persons have purchased lots in the town of Leesburgh, county of Washington, and have paid the consideration money, and by reason of the law, establishing said town, requiring a majority of said commissioners to join in executing titles, many of whom are dead, the respective claimants cannot procure titles; for remedy whereof:

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the survivor or survivors of said commissioners shall have full power to do, and perform all acts, and deeds, which were by the law establishing said town, confided to a majority, whose official acts shall be valid both in law and equity, where ever a majority could legally have acted.

James Pentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 22, 1820.

CHAP. 58.

AN ACT to authorize William Wall to keep the clerk's office of the county of Morgan at his own house.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That William Wall, Esquire, clerk of the court of pleas and quarter-sessions for the county of Morgan be, and he is hereby authorized to keep his said office at his own house in said county, until otherwise provided for by law; any law, usage, or custom to the contrary notwithstanding.

James Pentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 22, 1820.

CHAP. 59.

AN ACT to establish a town on the lands of Gideon Thompson, in the county of Rutherford.

WHEREAS, it is represented to this General Assembly, that the public convenience will be promoted by establishing a town on the lands of Gideon Thompson, in the county of Rutherford; Therefore:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That a town shall be, and is hereby established on the lands of Gideon Thompson, in the county of Rutherford, to include such lots, streets, lanes and alleys, as have been heretofore laid off, or

may hereafter be laid off, by the said Gideon Thompson or under his direction, and the said town shall be called and known by the name of Milton.

James Pentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 24, 1820.

CHAP. 60.

AN ACT for the relief of Benjamin M'Collock and William Hill.

WHEREAS, a grant issued by the State of North Carolina to Aquilla Sugg, dated the 17th day of January 1789, No. 891, for six hundred and forty acres which has been conveyed by said Aquilla Sugg to Benjamin M'Collock; and whereas a suit was instituted by the said Benjamin M'Collock, to recover the land, which the locator and surveyor swore was the land entered and surveyed for said grant; and whereas it appears to the general assembly that the said Benjamin after having a full and fair trial upon the merits of said cause, the same was recovered from him by an adverse claim; for remedy whereof:

Preamble.

Sec. 1. Be it enacted, by the General Assembly of the state of Tennessee, That the commissioners for the adjudication of North Carolina land claims, be, and Commissioners they are hereby directed to examine said grant, No. 891, dated the 17th day of January, 1789, issued to Aquilla Sugg, for six hundred and forty acres, and if they are satisfied that the same is a good and genuine claim, and that no other grant has issued on the warrant; and if they are further satisfied that the said Aquilla Sugg has regularly conveyed all his right to said tract of land to the said Benjamin M'Collock, it shall be their duty, and they are hereby directed to issue to the said Benjamin M'Collock, a duplicate warrant or certificate for six hundred and forty acres, which shall authorize the said Benjamin M'Collock to enter, and procure a grant thereof, upon any vacant and unappropriated land in this state. Provided the said Benjamin M'Collock surrenders said grant, No. 890; or a copy thereof to said commissioners to be vacated.

WHEREAS, grant No. 182 issued by the state of North Carolina to William Hill, and situated on Elk river has been taken by a better title, as determined by the circuit court of the United States for the district of West Tennessee; therefore.

To examine grant No. 182

Sec. 1. *Be it enacted*, That the commissioners for the adjudication of North Carolina land claims be authorised and required to examine the said grant No. 182, for 2,500 acres of land, and on its appearing satisfactorily to them that the original warrant on which the said grant issued was a good and genuine warrant, they shall issue to the heirs of said William Hill, a certificate for 2,500 acres, to be appropriated as other good and valid warrants; *Provided* it shall also appear to the said commissioners that no other grant has ever issued thereon; and that the said original grant shall be delivered to the commissioners aforesaid to be cancelled.

James Fentress,
Speaker of the House of Representatives.

R. Weakley,
Speaker of the Senate.

July 24th, 1820.

CHAP. 61.

AN ACT to compel owners of Mill Dams on little Pigeon river in Sevier county to put slopes therein.

Persons authorized to make slopes in mill dams

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Spencer Clark and James Cannon, Elizabeth Thomas, Flayle Nichols and Andrew Lawson, on the East and West forks of Little Pigeon river, shall on or before the first day of November 1821, make slopes in their mill dams at least eighteen feet wide, and obstruct the same in such a manner as to admit a free and safe passage of empty boats, and other water craft in descending the said river, and the said slopes to be kept open at the season of the year that fish ascend.

Proprietors to pay damages

Sec. 2. *Be it enacted*, That Spencer Clark, James Cannon, Elizabeth Thomas, Flayle Nichols and Andrew Lawson, or their successors, shall be subject to pay all damages occasioned to any empty boat, or other water craft, in passing said slopes, which damages together with all costs, shall be recovered by the owner of the property sustaining the damage,

in any court having cognizance thereof; provided, such damage is occasioned in consequence of such passage not being made, and constructed in such a way as to comply with the requisitions of the first section of this act.

Sec. 3. *Be it enacted*, That the said Spencer Clark, James Cannon, Elizabeth Thomas, Flayle Nichols and Andrew Lawson, or their successors, shall keep the slopes in good repair, and in case of failure thereof, they shall pay the sum of five dollars per day, to the owner or owners, of each boat, or other water craft, so detained by reason thereof. Forfeiture.

Sec. 4. *Be it enacted*, That any person or persons who may hereafter raise a mill dam or dams, on either the east or west fork of Little Pigeon river, above the town of Sevierville, and below Isaac Love's forge dam, on the west fork, or Robert Sheld's on the east fork shall make a slope through the same, of the description pointed out in the first section of this act, under the same rules, regulations, restrictions and penalties, as are prescribed for Spencer Clark, James Cannon, Elizabeth Thomas, Flayle Nichols and Andrew Lawson. Slopes how to be made.

Sec. 5. *Be it enacted*, That Isaac Love and Robert Shields, and those who may hereafter erect, or may hereafter erect any dam or dams, across either of the forks of little Pigeon river, shall build suitable and convenient slopes in said rivers, for the ascent and descent of fish, which shall be kept open at such seasons of the year, as fish ascend. To be made for the ascent and descent of fish.

James Fentress,
Speaker of the House of Representatives,
R. Weakley,
Speaker of the Senate.

July 24, 1820.

CHAP. 62.

AN ACT for the relief of Walter Robinson.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Walter Robinson of the county of Jackson, be, and he is hereby authorised to hawk and peddle in the counties of Smith and Jackson, without obtaining a license therefor; *Provided* always that the said Walter Robinson, before hawking and peddling, shall before the county court clerk of Jackson or Smith counties, take an oath that he

will not sell, barter or dispose of, in the line of his business under the provisions of this act, the goods, wares or merchandise, of any other person, but that the goods, wares and merchandise, to be by him sold are his own proper goods and chattles.

James Pentress,
Speaker of the house of Representatives.

R. Weakley,
Speaker of the Senate.

July 24, 1820.

CHAP. 63.

AN ACT to authorize the sheriff of Giles county to hold an election for aldermen for the town of Pulaski, and for other purposes.

Sherrif of Giles to hold election.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sheriff of the county of Giles, shall hold an election at the court-house, in the town of Pulaski, on the third Saturday in August next, for the purpose of electing seven persons to serve as aldermen of the corporation of said town of Pulaski, until the second Saturday of January, in the year 1821, under the same rules, regulations, and restrictions and with the same powers as if they had been elected on the first Saturday in January, 1820, agreebly to an act entitled "an act to incorporate the inhabitants of the town of Pulaski, in the county of Giles," passed at Murfreesboro' November 8th, 1819.

Former act repealed.
Sec. 2. *Be it enacted,* That so much of an act entitled "an act to empower the county court of Giles to appoint commissioners for the purposes therein named, and for other purposes," passed at Murfreesboro' 29th November, 1819, as requires the monies, found to be due from the commissioners appointed to lay off the town of Pulaski, to be paid into the hands of the county trustees for the benefit of the county of Giles, be, and the same is hereby repealed.

Money collected to whom to be paid.
Sec. 3. *Be it enacted,* That what ever sum or sums said commissioners may be found in arrears, and whether the same be voluntarily paid over, or endorsed agreebly to the provision of said recited act, the same shall be paid into the hands of the mayor and aldermen, of the town of Pulaski, for the use and benefit of said town.

Sec. 4. *Be it enacted,* That the said monies, when

to be received by the mayor and Aldermen, shall be disposed of by them in the following manner, to wit: to be disposed of the repairing of the court-house in said town, and to furnish the same with one or two stoves, at their discretion, also to enclosing the same with posts and railing, or in such other manner, as they may think proper, they shall also dispose of so much of the said monies, as shall be necessary to the repairing of the prison and stocks of said county of Giles, after these things are done, if any balance of said monies shall remain, the said mayor and aldermen shall appropriate the same, or so much thereof, as may be necessary to the building of a market house in and for said town, and to the improvement of the streets thereof.

Sec. 5. *Be it enacted,* That if there should not be a sufficiency of said monies for all of the aforesaid purposes, then, and in that case said mayor and aldermen shall appropriate the same in the order, in which the same are above enumerated.

How to proceed if there is not money enough.

James Pentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 24, 1820.

CHAP. 64.

AN ACT for the relief of the heirs of Jacob Castleman, deceased.

WHEREAS it is represented to this general assembly, that a grant issued from the state of North Carolina, to Jacob Castleman for six hundred and forty acres of land, in Davidson county, which interferes with the tract that was reserved for public use, including Stoners lick; and in as much as the commissioners for the adjudication of North Carolina land claims entertain doubts whether they have the power to place the reservation upon the same footing with a grant, for the purpose of enabling the owner of a conflicting claim to obtain a duplicate warrant; therefore:

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the said commissioners be, and they are hereby authorised and directed to consider the reservation right, as standing upon the same footing as a grant, so far as to enable the heirs of said Jacob Castleman to obtain a duplicate warrant

for the interference, under the same rules, regulations and restrictions, as are provided in cases of interfering grants.

James Fentress,
Speaker of the House of Representatives.
R. Wenkley,
Speaker of the Senate.

July 24, 1820,

CHAP. 65.

AN ACT for the relief of John and Andrew Townsend and for other purposes.

WHEREAS it is represented to this General Assembly, that Lawson Henderson of the state of North Carolina, transferred a plat and certificate of survey for one hundred acres of land, to John and Andrew Townsend, lying in the county of White, being the land whereon John and Andrew Townsend now lives, but which said transfer by the laws now in force cannot be proved, because there are no subscribing witnesses thereto, living in this state, for remedy whereof—

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That upon the hand writing of the said Lawson Henderson to said transfer being proved, in some court of record in this state, and certified as required in other cases, the register of West Tennessee be, and he is hereby required, to issue to the said John and Andrew Townsend a grant therefor.

And whereas, it is represented to this General Assembly, that John Scoggins, of White county, lost from his possession a land warrant for four hundred acres, the number and date not known—for remedy whereof:

Sec. 2. *Be it enacted,* That the commissioners for the adjudication of North Carolina land claims, upon satisfactory proof being made to them, by the said Scoggins, that he was entitled to the benefit of a four hundred acre land warrant, which was adjudicated valid, and that he never sold, or transferred, nor in any wise appropriated the same to his use, the same having been transferred to said Scoggins by Nathaniel Taylor. On this and such other proof, as said Scoggins may be able to make, it is hereby required and made the duty of said commissioners, to issue a duplicate warrant to the said John Scoggins

Commissioners to issue duplicate warrant to John Scoggins.

Register of W. Tennessee to issue grant.

for four hundred acres; which shall authorize said Scoggins or his assignee to obtain a grant thereon, and on the issuance of such duplicate, the original, in the hands of any person either by assignment, finding, or otherwise, shall be void, and of no effect; Provided the said John Scoggins, before the issuance of such duplicate, shall enter into bond with approved security, in the sum of one thousand dollars, payable to the Governor for the time being and his successors in office, conditioned to indemnify the state against such lost warrant; and provided nevertheless, no grant has been issued on said lost warrant.

WHEREAS, it is represented to this General Assembly, that two large surveys and grants lie in the counties of Claiborne and Campbell, in the fork of Powell and Clinch rivers, including all the lands for near thirty miles up said rivers; and whereas there are a number of younger grants included in said large surveys: and whereas, an actual survey of these large grants cannot be effected with ruinous expense to the claimants—for remedy whereof:

Sec. 3. *Be it enacted,* That it shall and may be lawful for every person or persons, who may have any younger grants included within the above two large surveys, or those claiming under such grants, to present such younger grants, or a copy thereof, to the commissioners for the adjudication of North Carolina land claims, and upon producing to said commissioners a sworn certificate from some sworn surveyor in Claiborne county, that they are well acquainted with the boundaries of said two large surveys, and with the boundaries of such younger grant, and that such younger grant, or a part thereof, in the case may be, is included within the boundaries of either of said large grants; it shall be the duty of said commissioners to adjudge such younger grants, and if they are satisfied they are founded upon good and genuine warrants, and that no other grant has ever issued on such warrants, they are hereby directed to issue to such applicant a duplicate warrant or certificate, for such quantity of land such applicant may be entitled to; and provided said younger grantees shall make satisfactory proof that they have been dispossessed by due course of law.

Preamble.

How to pass younger grants are included in the two large surveys.

James Fentress,
Speaker of the House of Representatives,
R. Wenkley,
Speaker of the Senate.

July 28, 1820.

AN ACT to repeal part of an act entitled "an act to incorporate the Ironpike Companies therein mentioned," passed October 8th, 1819.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the above recited act as requires the Kings Creek Company to open and keep in repair that part of the road described in the above recited act, which lies between the residence of John Jack, on Little Richland Creek, and Lewis Morgan, at the foot of Walker's Ridge, be, and the same is hereby repealed.

James Feuniss

Speaker of the House of Representatives.

H. Wackley,

Speaker of the Senate.

July 24, 1830.

CHAP. 67.

AN ACT for the relief of Woodson P. White.

WHEREAS, It is represented to this General Assembly that Woodson P. White, deputy surveyor of the third surveyor's district, did make a number of surveys in said district, and was afterwards taken sick, which prevented him from making out and returning the plats within the time prescribed by law—for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the surveyor general of the third district be, and he is hereby authorized to receive the plats and certificates of surveys made by Woodson P. White, at any time; provided the surveys were made within the time prescribed by law, any law to the contrary notwithstanding.

Sec. 2. *Be it enacted,* That the surveyors of the seventh and eighth districts shall make their surveys according to the provisions of the twenty eighth section of the land law of 1819, except where surveys are bounded by the district lines; any law passed at this session to the contrary notwithstanding.

James Hendriss,

Speaker of the House of Representatives.

R. Wackley,

Speaker of the Senate.

July 24, 1830.

AN ACT to make legal the judicial acts of James Norvell, an acting Justice of the Peace at Bedford county.

WHEREAS, doubt has arisen as to the facts whether the commission of James of the Peace under which James Norvell, of Bedford county, acts, was actually intended for him; and whereas, the said Norvell has been qualified as a Justice of the Peace under such a commission from the sixth and seventh, said Norvell has for two or three years acted under said commission, and has done an extensive business as such; and whereas, as much injustice is now felt on account of such doubts—for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all the judicial acts of the said James Norvell, be, and the same are hereby made legal and binding as the acts of other Justices in this state; and that the Governor of this state, issue a commission constituting the said James Norvell a Justice of the Peace of Bedford county.

James Hendriss,

Speaker of the House of Representatives.

R. Wackley,

Speaker of the Senate.

July 24, 1830.

CHAP. 69.

AN ACT for the relief of Matthew Heavens, or his legal representatives.

WHEREAS It is represented to this General Assembly, by the certificate of William Hill, Secretary of the state of North Carolina, bearing date March 3d, 1829, that no grant has ever issued for the military service of Matthew Heavens, a private soldier in the Continental line of said state, on warrant No. 1093, for six hundred and forty acres; and whereas, it doth further appear, that the board of commissioners, which were appointed in the year 1808, in pursuance of the authority vested in the name of Tennessee, by the said state of North Carolina and the said States, authorizing this state to issue grants, and perfect titles to land

G.

claims within the limits of this state, north and east of the Congressional line. It doth also appear that the said commissioners adjudged said military land warrant No. 1098, issued to the said Matthew Hearon for six hundred and forty acres, invalid,—for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the said Matthew Hearon, or his heirs or assigns, or the assigns of his legal representatives, or either of them are hereby authorized to lay said warrant before the present board of commissioners for the adjudication of North Carolina land claims, which commissioners are hereby authorized, and required to re-adjudicate said military land warrant No. 1098, for six hundred and forty acres, issued to Matthew Hearon, for his military services, as a soldier aforesaid, and to hear and examine any evidence that may be adduced; and if it shall appear to said board, that said warrant is a good and valid warrant, and that no grant hath ever issued thereon, or a duplicate thereof, then and in that case the said commissioners shall issue a duplicate to the legal owner of said warrant, as in other cases.

James Pentress,

Speaker of the House of Representatives,

R. Weakley,

Speaker of the Senate,

July 24th, 1820.

CHAP. 70.

AN ACT for the relief of Edward Butler.
WHEREAS, it appears to this General Assembly, that the county court of Davidson county, purchased a tract of land on White's creek, in said county, containing about one hundred and seventy acres, for the purpose of establishing a poor house thereon; and whereas, said tract of land was afterwards sold by order of said court, and purchased by Stump and Cox, who have well secured the payment of the consideration money, and have said tract of land to Edward Butler, and directed in writing said land to be conveyed to said Butler; and inasmuch as no person is by law authorized to make said conveyance—for remedy whereof:

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

court of Davidson be, and he is hereby authorized and required, to convey said tract of land to said Edward Butler, and his deed of conveyance shall be good and effectual in law, to transfer the title possessed by said county court to said tract of land; provided however that such conveyance shall not be made without an order of the county court of Davidson to that effect being first made, a majority of all the acting justices being present—and provided also, that the purchase money has been paid.

James Pentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 25, 1820.

CHAP. 71.

AN ACT to authorize Thomas Coleman to build a mill on Duck river.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Thomas Coleman be, and he is hereby authorized to build a mill on his own land on the north side of Duck river, and to put the same in operation by making a levy, or dam up the river, from the bayou on which his mill is building, to the first island above it, so as to convey the water running on the north side of the island, into his bayou; provided, that three fourths of the river, including the main channel be not obstructed, by the said levy or dam, or the navigation thereof injured.

James Pentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

Passed July 25, 1820.

CHAP. 72.

AN ACT for the relief of Edward Scott.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of East Tennessee be, and he is hereby authorized to pay Edward Scott the sum of three hundred and eighty

three dollars thirty and one third cents, as compensation for office rent, to be paid and provided from the year 1808 to the year 1813, during which time said Edward Scott acted as Register of the land office for East Tennessee; and the receipt of said Edward Scott shall be a good voucher for said Treasurer in the settlement of his accounts.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 24, 1820.

CHAP. 73.

AN ACT to prevent obstructing the navigation of Sandy and Forked Deers.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the obstruction of the river Sandy, running on the west side of Tennessee river, by the erection of a mill dam or otherwise across the main channel, at any point between its mouth and the upper end of the Chickasaw reservation, is hereby declared to be a misdemeanor, subjecting the offender to prosecution, and on conviction, said offender shall be fined in a sum not exceeding two thousand dollars.

Sec. 2. *Be it enacted,* That the Forked Deer river, and the different forks thereof, shall be kept open and free for navigation, and clear of any obstruction to the highest point of navigation, under the penalties enjoined by the first section of this act.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

July 25, 1820.

CHAP. 74.

AN ACT to authorize Joseph Rentfro to build a mill dam on Watauga River, in Carter county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joseph Rentfro of Carter county, be, and he is hereby authorized to build a

mill dam on Watauga River, adjoining his own land: provided he does not obstruct the principal boating channel thereby: any law to the contrary notwithstanding.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 24, 1820.

CHAP. 75.

AN ACT for the relief of Henry Logan.
WHEREAS, It has been made appear to this General Assembly, that Henry Logan is entitled to the residue of an occupant claim, a part of which has been granted by this state, under the act of Assembly of 1810, to which residue the Indian title was then not extinguished—therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Surveyor General of the Hiwassee District be, and he is hereby authorized and required to lay off for Henry Logan, the residue of his occupant claim, adjoining that part already granted; and that the register of East Tennessee is hereby required to issue a grant for the same, under the same rules, regulations and restrictions applicable to other occupants south of French Broad and Holston, and between the rivers Big Pigeon and Tennessee; and the said Logan is bound to pay the same sum per acre, and in the same manner that other occupants in that tract of country are bound to pay by law, any law to the contrary notwithstanding: *Provided always,* that nothing in this act shall be so construed as to effect the just claim of any other person whatever.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 23, 1820.

CHAP. 76.

AN ACT for the relief of William Brank.
WHEREAS it is represented to this General Assembly

bly that Robert Brank was one of the guards to the commissioners for running out the bounds of the military district, and therefor entitled to three hundred and twenty acres of land, and made such entry of land in Samuel Barton's entry book by No. 395—and whereas, it is represented that said Robert purchased of Henry Hollis, who was also entitled to his guard right, and entered in said Samuel Barton's book by No. 508, and whereas, it is represented that the survey for said Robert on entry No. 395, was made in his absence shortly after to Kentucky, on his own entry in his own right, and by mistake the warrant of said Robert as assignee of said Henry Hollis was returned therewith and the grant issued thereon; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That on its being made satisfactorily appear to the commissioners for the adjudication of North Carolina land claims that Robert Branks was entitled to a guard right for his own services, and to a guard right in right of Henry Hollis, and that he has received but one three hundred and twenty acre grant for both his entries No. 395 in his own right, on No. 508 in right of Hollis, to issue him a land warrant for three hundred and twenty acres to be entered and granted on any vacant and unappropriated land which may be liable to appropriation in this state, the said Robert Brank surrendering to said commissioners to be cancelled the warrant on said entry No. 395.

James Pentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 25, 1820.

CHAP. 77.

AN ACT to authorize the county court of Roane county to sell the jail in the town of Kingston, and for other purposes.

Jail in Kings-
ton to be
sold.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the county court of Roane county, a majority of the acting justices being present, may at their discretion direct the jail of said county in the town of Kingston to be sold by the sheriff of

said county to the highest bidder for cash, or on a credit, as to them may seem right; first giving twenty days notice of such sale, taking care to have the proceeds of the sale thereof well secured to be applied as hereafter directed.

Sec. 2. *Be it enacted*, That should a majority of New jail to be built. the acting justices deem it expedient, they may at their discretion by themselves or commissioners by them to be appointed, let to the lowest bidder the building of a new jail in the town of Kingston, on such plan and of such materials as to the said court or commissioners may seem right, first giving three months notice of the time and place of letting the same, in the Knoxville Register, printed in Knoxville.

Sec. 3. *Be it enacted*, That should a majority of the acting justices of said county decide in favour of building a new jail in the town of Kingston, they may at their discretion lay a tax on each item of taxable property in the bounds of said county, from year to year, not exceeding the state tax, for the purpose of paying for said jail, which tax shall be collected by the sheriff of said county, and accounted for as other public taxes are, after first applying the proceeds of the sale of the old jail.

James Pentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 24, 1820.

CHAP. 78.

AN ACT for the relief of the heirs of William Blackmore, deceased.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the heirs of William Blackmore, deceased, late of Rutherford county, be, and emore, dead they are hereby authorized by themselves and their guardian or guardians, to divide and lay off a certain tract of land in said county of Rutherford, of five hundred and ninety acres, as that, when the same is equally divided, as to quantity by lot, that those of the said heirs who shall obtain the most valuable lots, shall pay to those of the said heirs who obtain lots of less value, such sum of money as will make the lot of less value of equal value with the lot of greater value. Estate of Wm. Blackmore, deceased to be divided

Sec. 2. *Be it enacted*, That the said heirs before

Heirs to enter into making of such division shall reciprocally by themselves and their guardians enter into mutual bonds to stand to, and abide by such division and valuation as shall be made by commissioners to be appointed by Rutherford county court, as now directed by law, and when such valuation and division is made, the said heirs and each and every of them, shall secure by themselves or their guardians the payment of the difference of valuation one to another within a time to be agreed upon by said heirs and guardians, and good security shall be given for the said payment.

James Pentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 25, 1820.

CHAP. 79.

AN ACT to provide for a certain land claim therein mentioned.

WHEREAS, it has been made appear to this General Assembly, that certificate No. 56, for fifty acres of land, issued by Edward Scott, register of East Tennessee, was deposited in the office of the first surveyor's district, and that the said certificate has, since the 27th day of January, 1819, been mislaid in said office, so that the same cannot be found; and whereas, it also appears, that the right in said certificate is vested in Joseph M' Minn, by assignment, therefore, and to afford relief in that behalf:

Register of E. Tenn. to issue duplicate.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the register of East Tennessee be, and he is hereby authorized to issue to Joseph M' Minn a duplicate of said certificate No. 56, for fifty acres of land; *Provided* it shall appear that no grant has already issued thereon.

Original certificate to be null & void.

Sec. 2. *Be it enacted*, That the said original certificate, mislaid, as aforesaid, is hereby declared to be null and void to all intents and purposes; no entry, survey or grant shall be thereupon made or issued, and the duplicate hereby authorized, shall be of the same validity as other genuine warrants or certificates in this state.

Sec. 3. *Be it enacted*, That the register of West

Tennessee is hereby authorized to issue to Daniel Cherry a grant on that part of warrant No. 2003, which the said register issued a certificate for to William Gilham, without any assignment from said Cherry, or any authority from him.

Sec. 4. *Be it enacted*, That neither the register of East nor West Tennessee, shall issue any grant on a certificate No. 2369, issued by the register of West Tennessee to said William Gilham, being part of said warrant number 2003.

James Pentress,

Speaker of the House of Representatives.

R. Weakley,

Speaker of the Senate.

July 25, 1820.

CHAP. 80.

AN ACT to prevent the sheriff of Stewart county from selling certain lands therein mentioned.

WHEREAS it is represented to this General Assembly, that James Mallory, sheriff and collector of the state and county tax, for Stewart county, has reported to the court of said county that the tax remains due and unpaid, upon all the land granted and surveyed by the authority of the state of North Carolina, south and west of Tennessee, and east of the Mississippi river, for the year 1819—And upon said report, the court of Stewart county, proceeded to enter up judgment against said land, for the double tax, pretended to be due thereon, with all cost, and that the said lands have been advertised for sale, to commence some time the ensuing fall; and whereas it is manifest to this General Assembly, that no title can be made or given by said sheriff by virtue of said sale, to any person or persons who may become the purchaser or purchasers of any of said land, for want of authority in the said sheriff, to make said report, or the court to render up judgment against any of said lands; and as innocent persons may be induced to purchase at said sale, and thereby create a field of litigation—for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall not be lawful for the sheriff of Stewart county to sell any land lying south and west of the Tennessee, and east of the Mississippi

rivers, for any tax imagined to be due, and owing, on said land for the year 1819, or any cost that may have accrued in consequence of any report of the same, or judgment and advertisement thereon; any thing to the contrary notwithstanding.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 25, 1820.

CHAP. 81.

AN ACT to alter the name of John Sullivan, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That John Sullivan, the reputed son of the late John Philips, of Davidson county, deceased, be hereafter called and known by the name of John Philips.

Sec. 2. *Be it enacted,* That the name of James Nail and Mary Nail, legitimate children of James Swanson, of Williamson county, be, and the same are hereby changed to that of James Swanson and Mary Swanson, and they are hereby enabled to inherit in the same manner as if they had been born in lawful wedlock.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 26, 1820.

CHAP. 82.

AN ACT for the relief of Wooton Harris.

W. Harris
authorised
to retail spi-
rituous li-
quors.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Wooton Harris of Hickman county, is hereby authorised and empowered to sell and retail spirituous liquors in the bounds of said county, without the payment of any state, county, or corporation tax; any law, usage or custom to the contrary notwithstanding.

John Shan-
uan, ditto.

Sec. 2. *Be it enacted,* That John Shannon of Robertson county, is hereby authorised to retail spiri-

tuous liquors in the county of Robertson, without paying any license, either to state, county or corporation for such privilege.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 25, 1820.

CHAP. 83.

AN ACT to alter and extend certain turnpike roads therein named.

WHEREAS, it appears to this General Assembly, that the road laid out by the commissioners appointed (by the General Assembly, the 19th day of November, 1817,) from Bledsoe and Warren counties to lay off a road up the mountain from Pikeville to M'Minnville, beginning at the widow Henson's, is of very little utility, by reason of a better way; and whereas, the county court of Bledsoe, at their May sessions 1820, disannulled the said road; and whereas it is oppressive to the proprietors to work on two roads leading to one and the same point—therefore:

Preamble;

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That from and after the passage of this act, it shall be the duty of the proprietors of the road across the mountain from Pikeville to M'Minnville, to work the road beginning at the foot of the mountain, between Pikeville and Philip Hoodenpyle, sen'r. and from thence along the said mountain side to where it forms a junction with the old road upon the mountain, and that they be exempted from working from the junction to the foot of the mountain as laid off by the commissioners; and whereas, James and Luke Standifer were authorized to open a turnpike road, commencing on the east bank of Battle creek, in Marion county, running west across Cumberland mountain; and whereas, it would conduce to the public good to have the said road further extended—therefore:

Proprietors
to work road

Sec. 2. *Be it enacted,* That the said James and Luke Standifer, be allowed to extend said road south east to where George Lowry formerly lived, and to keep said the same in repair agreeably to said act, under the

Proprietors
to extend
road.

name privileges and restrictions, and to have the same toll as contemplated by said act.

Commissioner appointed. *Sec. 3. Be it enacted, That John Bowers of Franklin county, be appointed a commissioner, to act in place of Matthew Harby, resigned.*

Ditto.

Sec. 4. Be it enacted, That Abraham Thomas, of Bladsoe county, be appointed a commissioner, to act in place of Isaac Stephens, resigned.

James Fentress,
Speaker of the House of Representatives.

R. Weakley,
Speaker of the Senate.

July 26, 1820.

CHAP. 84.

AN ACT to establish the town of Royallport, in the county of Bedford, on Duck river.

Town heretofore laid off established.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That a town heretofore laid off on the land of Joseph Royall, Richard H. Royall, and others, be and the same is hereby established agreeable to the plan of the said town.

Name of the town.

Sec. 2. Be it enacted, That the name of the said town shall be Royallport.

Same tax on lots as in other towns.

Sec. 3. Be it enacted, That the lots in the said town which have been, or which may hereafter be sold, shall be liable to the same tax that is imposed on lots of other towns of this state.

Commissioners appointed, and their duty.

Sec. 4. Be it enacted, That John L. Wood, Ezekiel Cherry, Clement Baldwin, and Joseph B. Wallace, be, and they are hereby appointed commissioners of the said town of Royallport, and said commissioners or a majority of them, shall have full power and authority to adopt such rules, and pass such bye laws for the regulation of said town, not inconsistent with the laws and constitution of this state, as in their opinion will be useful and right: provided said commissioners before entering on the duties assigned them by this act, shall respectively take an oath, faithfully to discharge the duties of their appointment: provided the alteration of the name of this town from Jackson to Royallport, shall not effect the rights of any persons, so as to prevent a recovery of the purchase money,

ney, for the sale of the lots laid off and sold in the said town of Royallport.

James Fentress,
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 26, 1820.

CHAP. 85.

AN ACT to provide for the payment of the Members, Clerks, and Door Keepers of this General Assembly, and to defray the necessary contingent expenses thereof:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That each member shall receive the sum of four dollars for each day he has attended this General Assembly, and a like sum for every twenty five miles travelling to and from the same. Compensation of members.

Sec. 2. Be it enacted, That the Speaker of the Senate and the Speaker of the House of Representatives, shall each receive five dollars per day for each and every day they may have attended this General Assembly. Of Speakers etc.

Sec. 3. Be it enacted, That the Clerks of this General Assembly, both principal and assistant, shall each receive six dollars for each day they may have attended the same, and the principal clerk of the Senate, the sum of forty six dollars and seventy five cents for stationary, and the principal clerk of the House of Representatives, the sum of one hundred and one dollars for stationary furnished the present session. Of Clerks

Sec. 4. Be it enacted, That the Door Keepers be each allowed the sum of four dollars for each day they may have attended, and to Christopher Brooks for candles, the sum of twelve dollars. Of Door Keepers.

Sec. 5. Be it enacted, That James M'Dowel, assistant door keeper, be allowed for services this session, the sum of four dollars per day for each day he may have attended this General Assembly. Of Assistant door keepers.

Sec. 6. Be it enacted, That the Treasurer of West Tennessee be, and he is hereby directed to pay to James M'Dowel the sum of thirty two dollars eighty seven and a half cents, twenty five dollars of which is allowed him for keeping and preserving the tables and chairs for the use of this General Assembly, from Treasurer of W. Tenn. M'Dowel.

the stated session of 1819, until the stated session of 1820, the remaining seven dollars and eighty seven and a half cents, is allowed him for repairing the court house for the reception of a general court martial, convened at Murfreesborough on the first Monday of June, 1820, and the receipt of the said James M'Dowel shall be a sufficient voucher for him in the settlement of his accounts.

Allowance to J. Haskell Sec. 6. *Be it enacted*, That Joshua Haskill be allowed the sum of forty eight dollars, rent for his house, used for the office of the Secretary of state, from the 31st December, 1819, to the first of May, 1820, and that John M'Yer be allowed thirty six dollars for the use of his house for a like purpose, from the said 1st of May to the 1st August, 1820.

To A. C. Sublett. Sec. 7. *Be it enacted*, That A. C. Sublett be allowed the sum of thirty dollars, for riding express to deliver writs of election to the sheriff of Davidson, Robertson, Montgomery, Stewart, Humphreys, Dickson, Hickman, Wayne, and Williamson counties in May last.

To G. A. A. and A. C. Sublett. Sec. 8. *Be it enacted*, That the Treasurer of West Tennessee be required, on application, to pay to G. A. and A. C. Sublett, public printers to the state, the sum of one hundred and twelve dollars and fifty cents, for printing done for this General Assembly.

To R. Smith. Sec. 9. *Be it enacted*, That Robert Smith be allowed four dollars for the use of a servant that waited on the general court martial.

To Daniel Graham. Sec. 10. *Be it enacted*, That either of the Treasurers of this state pay to Daniel Graham, Secretary of state, the sum of seventy eight dollars and twenty cents, the amount by him advanced in procuring a transcript of military and John Armstrong warrants from North Carolina, as directed by an act of the last General Assembly.

To Public Printer. Sec. 11. *Be it enacted*, That there be allowed to the public printer, the sum of seventy five dollars, as compensation for distributing the acts of Congress, as directed by the last session, to be paid by the treasurer of West Tennessee, upon his producing a certificate from the secretary of state, that the receipts are filed in his office, in conformity with said resolution of last session.

To Sam. H. Laughlin. Sec. 12. *Be it enacted*, That Samuel H. Laughlin be allowed the sum of twenty five dollars for certain services rendered this General Assembly, in engrossing bills and recording sundry documents.

Sec. 13. *Be it enacted*, That the treasurer of West

Tennessee pay John Bright, door keeper, ten dollars To J. Bright for certain extra services.

James Pentress,
Speaker of the House of Representatives.
R. Weakley,

Speaker of the Senate.

Passed July 31, 1820.

CHAP. 86.

AN ACT supplemental to an act, passed in the year 1819, appointing commissioners for the town of Shelbyville.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners, now acting for the town of Shelbyville, in Bedford county, be, and they are hereby empowered to execute deeds of conveyance for any lots situated in said town, for which, titles have not been heretofore executed, and the deeds executed by the commissioners now acting and in office, and their successors, shall convey the legal estate in said lots as fully and absolutely to the purchaser, or purchasers, as if they were signed by all the commissioners originally appointed for said town, said commissioners shall also have power, and they are hereby authorized finally to adjust and wind up all business relative to said town, which has not been finally acted on by the commissioners heretofore appointed.

James Pentress
Speaker of the House of Representatives.
R. Weakley,
Speaker of the Senate.

July 26, 1820.

CHAP. 87.

AN ACT to establish a town at the lower side of the mouth of Red river, in the county of Montgomery, by the name of the town of Cumberland.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Cumberland in the county of Montgomery, be, and the same is hereby established as a town, according to the plan heretofore laid out by the proprietors thereof.

Trustees appointed. **Sec. 2. Be it enacted,** That Frederick W. Hewitt, Thomas W. Atkinson, Peter Hugh Barr and Patrick H. Darby, or any three of them be authorized to act as trustees of said town, to make such bye-laws and regulations, as may be necessary for the regulation thereof.

To keep record. **Sec. 3. Be it enacted,** That they shall have a clerk, and keep a record of their proceedings, and if any one of them should die, or refuse to act, any three of them may be authorized to appoint others in their places, and make a record of such appointments.

James Fentress,
 Speaker of the House of Representatives
 R. Weakley,
 Speaker of the Senate.
 July 26, 1820.

CHAP. 88.

AN ACT for the benefit of Arthur B. Campbell.
Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, be, and he is hereby required to receive from Arthur B. Campbell the instalments on eight acres of land in the District south of French Broad and Holston, being part of the tract now owned by William Wallace, of Blount county, without being responsible for the instalments on the said original tract of land.

JAMES FENTRESS,
 Speaker of the House of Representatives
 R. WEAKLEY,
 Speaker of the Senate.
 Passed July 26, 1820.

CHAP. 89.

AN ACT to alter the times of holding the courts therein mentioned.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the county court of Sevier shall, after the first day of October next, commence on the first Monday of September, December, March and June.

Sec. 2. Be it enacted, That all persons under recognizance, to appear at the aforesaid court, and persons that are subpoenaed or shall hereafter be subpoenaed to attend as witnesses at said court, shall be bound to attend at the time when said court shall be holden, and all process returnable to said court, shall be returned on the first day of the term of said court, and the same shall be as valid as if the time of holding said court had not been altered.

Sec. 3. Be it enacted, That the court of pleas and quarter sessions for the county of Lawrence, shall hereafter commence on the first Monday of January; April, July, and October, and that the circuit court of the county of Giles, shall hereafter commence on the first Monday of February and August, and that all persons bound by recognizance to appear at either of said courts, and all persons under subpoena, or that shall be hereafter subpoenaed to attend as witnesses to either of said courts, shall and they are hereby bound to attend at the time said courts shall be respectively held, and all process returnable to either of said courts shall be returned on the first day of said terms of said courts, and the same shall be as good and effectual in law as if said courts were not altered.

WHEREAS, it is made appear to this General Assembly that suits have been commenced by the commissioners for the town of Sevierville in the county of Sevier, against divers persons, for breaches of the laws of said town, which suits are founded on warrants issued by a justice of the peace, and by appeal have made their way into the county court of said county, and that three of said commissioners are justices of quorum for said county of Sevier, and being nominal plaintiffs in said suits, renders it impossible to try the same, as other justices refuse to sit in said causes, for remedy whereof:

Sec. 4. Be it enacted, That the said suits may be tried by justices who are not of the quorum, and that their decision in said suits shall be as good and effectual to all intents and purposes as if the same had been tried by justices of the quorum, and that it shall be the duty of any three justices who are not related to any of the parties by affinity or consanguinity to attend upon application of the sheriff of said county, and sit upon and try said causes, who shall be entitled to the same pay and emoluments that said three justices of quorum would be allowed if they had sat in said cause, any thing to the reverse notwithstanding.