

CHAPTER CCLXXIX.

AN ACT providing for the sale of a certain section of land therein named.

Preamble.

WHEREAS it has been represented to this General Assembly, that the surveyor general for the Hiwassee district in surveying the lands of said district, surveyed and marked on the general plan, a section of 640 acres, as a reservation to Andrew Miller's heirs, contrary to the true intent and meaning of the treaties allowing reservations to the heads of indian families—Therefore,

Duty of the Treasurer of E. Tennessee.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the treasurer of East Tennessee, be, and he is hereby directed to sell to the highest bidder, by quarter sections, the said section of six hundred and forty acres, marked and laid down on the general plan of the Hiwassee district as a reservation to Andrew Miller, or to the heirs of said Andrew, commencing at the north east quarter of said section: Provided, that neither of said quarter sections, of said section shall be sold at a price less than three dollars per acre, paid in hand, and it shall be the duty of the treasurer aforesaid to give forty days notice of the time and place of selling said land in the Knoxville Register.

Compensation of.

SEC. 2. *Be it enacted,* That the treasurer aforesaid shall expose said land to sale at Athens, and shall receive the same compensation per day, for each and every day necessarily concerned therein, as he was allowed at the sales of the Hiwassee lands.

State not to be responsible to purchasers.

SEC. 3. *Be it enacted,* That the State of Tennessee, shall not be responsible to the purchaser or purchasers for the purchase money, or any part thereof, in the event that the title of the said heirs of Andrew Miller, or any other person or persons whatever, shall prevail to said reservation, and the purchaser shall purchase the same at his own risk; and the treasurer is hereby directed to receive in payment for said lands, the notes of the bank of the State of Tennessee, the notes of the Knoxville bank and its branches, and such other notes as are at par with them.

Treasurer to sell in 6 months

SEC. . *Be it enacted,* That it shall be the duty of the treasurer aforesaid, to advertise and sell as pro-

vided in this act, within six months from and after the passage hereof.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 11, 1830.

CHAPTER CCLXXX.

AN ACT establishing the Hatchie turnpike.

WHEREAS from the present flourishing condition of the Western District of the State of Tennessee, it is deemed expedient and beneficial to the public to establish a turnpike and bridge, across the Big Hatchie river and its bottom between Brownsville and Covington—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the citizens of the counties of Haywood and Tipton, in the Western District of Tennessee, and other persons willing to engage in the same, to erect a turnpike causeway across the overflowed lands and other places, on both sides of the Hatchie river, and also a bridge across the said river, at such place as the company hereinafter incorporated shall designate, between the said towns of Brownsville and Covington, being in the counties of Haywood and Tipton, and also proper bridges, causeways or turnpikes, across all sluighs, overflowed ponds, within the above described limits; and also to remove all and every obstruction, from and in the said causeway, turnpike and bridge, in a direction aforesaid, from the town of Brownsville in Haywood county, to the town of Covington in Tipton county, and subject to the restrictions hereinafter contained.

SEC. 2. *Be it enacted,* That for the sake of the ease and convenience of the citizens of the state aforesaid, and for other persons, and that they may not be subjected to any taxation for which they may not possibly enjoy equivalent benefits, so much of the overflow of the bottom of the said Hatchie river, as may be requisite, and other parts of the counties

aforesaid, in manner as mentioned in the first section of this act, in a direction from Brownsville to Covington aforesaid, shall be causewayed and turnpiked, and a bridge erected across the said Hatchie river in conjunction with the said turnpike and causeway, by the citizens of the said counties or any other persons willing to engage in the same, by subscription or otherwise in the manner hereinafter prescribed.

SEC. 3. *Be it enacted,* That the capital of said company shall not exceed fifty thousand dollars, divided into five hundred shares, of one hundred dollars each, to be subscribed and paid for by individuals, companies or corporations, as hereinafter specified.

Capital of the Company.

SEC. 4. *Be it enacted,* That subscriptions for the said fifty thousand dollars, shall be opened at Covington aforesaid, under the superintendance of Edmund Booker, Samuel A. Holmes and William Harper; and at Brownsville Haywood county, under the superintendance of Richard Nixon, sen'r. Hiram Bradford and — Flowers, and shall continue open for thirty days after the passing of this act, and shall be then closed, but shall be again opened at the discretion of the directors; and also that the sum of five dollars shall be paid at the time of subscribing upon each and every share, and the remaining ninety-five dollars, shall be paid at such time and in such proportion as the president and directors hereinafter mentioned shall direct; and in default of which said payments, the sums by him, her or them, previously paid in at the time of subscribing, shall be forfeited, for the sole use and benefit of the company aforesaid, and to be appropriated to the erection or improvement, of the said turnpike, causeway and bridge afore mentioned.

When and where books to be opened.

SEC. 5. *Be it enacted,* That the subscribers to the said turnpike and all such persons as they may permit to associate with them for the purposes aforesaid, shall be and are hereby created a body corporate and politic in fact, in and by the name and style of the "Big Hatchie turnpike and bridge company," and by that name they and their successors shall be, and are made capable to buy, receive and possess, real and personal property, and to sell, alien and demise, and dispose of the same, and shall have continual succession; and shall be capable in

Company incorporated— their privileges.

law or equity, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and also to ordain and establish, and put in execution such bye-laws and ordinances, and regulations, as shall from time to time seem necessary, for the government of said company, not contrary to the constitution and laws of this state, or of the United States.

SEC. 6. *Be it enacted,* That a general meeting of the stockholders of said company, shall be held at Covington, within thirty days after the first day of January 1830, at which meeting shall be elected nine directors for the purpose of conducting the affairs of said company, and shall serve until the first Monday in January 1831, and until their successors in office shall be appointed, and they shall immediately elect one from their own body to be president, who shall be the principal agent under their direction, and contract for conducting the affairs of said company; and an annual election for directors shall be held at Covington or at such place as the board may from time to time adjourn to, on the first Monday in January in each and every year thence succeeding; and also at said annual meeting an election shall be held for a secretary to the company, who shall also be secretary to the board of directors, to be elected at the same time, and in the same manner as the directors, that is to say, the election shall be by ballot, and that each stockholder, be entitled to give one vote for each share he may own, as far as five shares and no more; and in case of unavoidable absence said votes may be given by proxy.

Meeting of Stockholders at Covington to elect Directors.

SEC. 7. *Be it enacted,* That the directors shall elect one of the stockholders of said company residing in either of the counties aforesaid, treasurer, who shall serve twelve months from the day of his election, and until another election is made; he shall keep the books of the company, which shall at all times be open for the inspection of the directors, and shall exhibit a fair and correct statement of its receipts and expenditures; he shall collect of the subscribers the instalments which may become due, and transmit all other business of that office; before he commences the duties of his office, he shall enter into bond with sufficient security, in such sum as the board of directors may require, conditioned for the

Directors to elect a Treasurer.

faithful discharge of the duties thereof; which bond may be put in suit by the president and directors, for any misconduct in the discharge of those duties.

SEC. 8. *Be it enacted*, That five directors shall constitute a board, and shall have full power to manage all the concerns of the company, in such manner as shall appear most conducive to its interests; and they shall report at each annual meeting of the company, all the transactions of the preceding year, relative to the business thereof; each director and the secretary shall be a stockholder, and resident in one of the counties aforesaid, and when he or they shall cease to be stockholders or residents as aforesaid, they shall no longer exercise the duties of directors or secretary—vacancies in the board of secretaryship, shall be immediately filled by the remaining directors, until the succeeding annual meeting.

SEC. 9. *Be it enacted*, That the said company shall have a seal, which they may alter or renew at pleasure, which shall be lodged in the hands of such officer or officers as they may direct, by which they shall be known, and which seal when attached to any obligation or contracts, or other instrument, shall be good and sufficient evidence against them in any court of law.

SEC. 10. *Be it enacted*, That the directors of the company, whenever they deem it expedient shall have full power and authority to enter into any contract or contracts for the erection of said turnpike, causeway and bridge.

SEC. 11. *Be it enacted*, That Blackman Coleman, is hereby appointed commissioner to superintend said turnpike road and bridge, and see that the same is kept in good repair, and if, at any time it shall be found to be out of repair, then said commissioner shall set the gate open, and keep the same open until the same shall be put in good repair, and the company shall be further liable for any special damage which may be sustained by any individual, by reason of said road and bridge being and remaining out of repair.

SEC. 12. *Be it enacted*, That the same rate of toll which is allowed at the Jackson turnpike gate shall be allowed and taken on the Hatchie turnpike gate, to be paid at such place or places upon the said turnpike, causeway and bridge, and to such person

Power and authority of the Directors.

To have a common seal.

May make contracts.

Blackman Coleman appointed a commissioner.

Rates of toll.

as may be authorized to receive the same by the company.

SEC. 13. *Be it enacted*, That it shall be lawful for the said turnpike and bridge company, to erect one toll gate and a house upon the said turnpike, causeway and bridge, for the purpose of collecting the toll as aforesaid.

SEC. 14. *Be it enacted*, That if any holder or holders of a share or shares in the stock of said company, shall be desirous of selling said stock, it shall be lawful for him, her or them so to do, and the person or persons purchasing the same, on producing such evidence of purchase to the secretary, as shall be required by the laws of the company, shall be enrolled as members of said company, and shall be thereafter entitled to all the rights, privileges and immunities of original subscribers; Provided always, that no person desirous of making such sale, shall so do, unless having first offered the said share or shares for sale to the board of directors, for the use of said company, at such price or prices as he, she or they may be enabled to procure from other persons.

SEC. 15. *Be it enacted*, That it shall be lawful for the board of directors to purchase any share or shares of the stock of the company, which may be offered to them according to the provisions of the 14th section. The said purchase to be for the sole use and benefit of the company, and also to dispose of the same at any subsequent period as the interest of the company may require.

SEC. 16. *Be it enacted*, That no transfer shall be made of any share, except upon the books of the company, and no share shall be transferred by any stockholder who is indebted to the company, until such debt be paid, and any share or shares belonging to a stockholder, shall be always held liable for the payment of any debt that may be due the company by such stockholder, and may be sold by the directors in such manner and under such regulations as they may establish.

SEC. 17. *Be it enacted*, That the directors of said company shall have power and authority to appoint such other officers and servants, as may be deemed necessary, and to make a reasonable allowance for their services.

SEC. 18. *Be it enacted*, That the said turnpike and bridge company, are hereby authorized to appoint

One toll gate allowed.

Transfer of stock.

Directors may purchase stock for the use of the company.

Conditions of transferring stock.

Directors to appoint officers and servants.

Persons may be appointed to receive subscriptions.

a suitable person or persons, at such places as they may think proper, for the purpose of receiving subscriptions or donations in addition to the funds to be raised, for the purpose aforesaid, under such rules and regulations as they may establish.

Duty of the Directors.

SEC. 19. *Be it enacted*, That the directors of said company, are hereby authorized and directed to lay out the money or property raised by subscription, donation or otherwise, in the most economical and judicious manner for the accomplishment of the turnpike, causeway, bridges, &c. aforesaid.

Of suits aga'st the company.

SEC. 20. *Be it enacted*, That where any suit or other process shall be issued against the company, it shall be the duty of the officer to whom it shall be directed, to serve the same on the president, or in case of his absence, on any two of the directors, which service shall be by exhibition of said process personally to him or them, or by delivering a written notice of said process being issued against them, and in no other manner or way whatsoever.

Of contracts by the Directors.

SEC. 21. *Be it enacted*, That all contracts and engagements entered into by the board of directors shall be signed by the president and countersigned by the treasurer, and in all contracts and engagements thus entered into, it shall be expressly understood, that the capital stock of said company alone shall be liable for the payment, and in no instance shall individual property be liable for them.

Name & style of the company.

SEC. 22. *Be it enacted*, That all suits in which the said company may be interested, shall be instituted and defended in the name of the president and directors of "the Big Hatchie Turnpike and Bridge Company."

Act to continue in force fifty years.

SEC. 23. *Be it enacted*, That this act shall be and continue in force from and after the passing thereof, and after the completion of the said turnpike and bridge, for the term of fifty five years.

When to commence receiving toll.

SEC. 24. *Be it enacted*, That so soon as the company hereby incorporated, shall have completed the bridge over the main Hatchie river, they shall be entitled to demand and receive half of the rates of toll herein granted.

Privileges of the Proprietors of the Gates.

SEC. 25. *Be it enacted*, That the proprietors of the turnpike gates in the Western District, may have the liberty of retailing spirits at their respective gates, by paying the same sums as are or may be prescribed by law, for tavern keepers or other

persons, who may be by any general law, allowed to retail spirits without keeping a tavern; Provided he or they, shall first enter into bond and good security, to keep good order, and shall moreover, take the oath prescribed for tavern keepers, for the prevention of gaming, and upon complying with the foregoing conditions, the court of the county wherein said gate may be situated, shall grant a license accordingly.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 11, 1830.

CHAPTER CCLXXXI.

AN ACT to amend the first section of an act entitled "an act for the relief of Jeremiah Lillard and others" passed 12th December 1827.

WHEREAS it is represented to this General Assembly, that the term of the circuit court of Monroe county, at which the said Jeremiah Lillard was authorized to avail himself of the provisions of said act, had expired before the said Jeremiah Lillard was informed of the passage of said law, whereby he has been totally deprived of the benefit thereof—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jeremiah Lillard of Monroe county, be, and he is hereby authorized to avail himself of the next, or any subsequent term of the circuit court of Monroe county, of all the benefits and advantages intended to be extended to him by the first section of an act entitled "an act for the relief of Jeremiah Lillard and others," passed December 12, 1827.

SEC. 2. *Be it enacted*, That Ann Carroll, of Davidson county, be, and she is hereby authorized to file her petition at the present circuit court of Davidson county, or any succeeding term of said court for a divorce, and if she shall make it appear to the satisfaction of the Judge, that her husband Nathaniel

Relief extended to Jeremiah Lillard.

Ann Carroll of Davidson county.

Carroll, has for more than five years last past, abandoned her, and has wholly failed to administer any thing towards her and her child's support, and has removed himself for several years past from the state, and from common report has intermarried with another woman, then the said Judge shall dissolve the marriage contract now existing between the parties.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 11, 1830.

CHAPTER CCLXXXII.

AN ACT to declare the middle fork of the Forked Deer river navigable and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the middle fork of the Forked Deer river, is hereby declared to be navigable from its mouth up to the mouth of Spring creek in Madison county, on said river, and all persons who have or hereafter may build any kind of mills, or dams for other machinery, or any other purpose, shall make or construct a lock or sluice in said dam, and a slope sufficient for the ascending and descending of all descriptions of water crafts that may navigate said stream, and all bridges over said stream, where it is declared to be navigable, shall be built sufficiently high to permit the aforesaid boats and water crafts to pass under the same without molestation or interruption.*

SEC. 2. *Be it enacted, That those of the commissioners of navigation for the rivers in the Western District, as are designated for the Forked Deer river, are hereby authorized to apportion the funds raised in Madison county, for the purpose of navigation to the south and middle fork, in proportion to the extent and population of each river, as the commissioners in their discretion may think proper.*

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 12, 1830.

Declared navigable.

Duty of the commissioners of navigation.

CHAPTER CCLXXXIII.

AN ACT to authorize Nicholas T. Perkins of Williamson county to sell or dispose of a certain tract of land belonging to the heirs of Charles Perkins, dec'd.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That Nicholas T. Perkins of Williamson county, as guardian for the minor heirs of Charles Perkins deceased, formerly of the town of Pulaski, in Giles county, be, and he is hereby authorized as guardian for the heirs aforesaid, to sell and dispose of in such manner and on such terms as he may deem most advantageous to the interests of the heirs aforesaid, a tract of land formerly owned by the said Charles Perkins deceased, near, or adjoining the town of Pulaski aforesaid, containing two hundred and fifty acres or thereabouts, and any deed or title he may make to the purchaser or purchasers of the same, shall be deemed good and valid in law or equity, any law to the contrary notwithstanding.*

SEC. 2. *Be it enacted, That the heirs or representatives of Robert Rivers deceased, with the assent of the widow, are hereby authorized to sell the plantation on which he lived, and appropriate the proceeds according to the directions of the will of the said Robert Rivers.*

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 12, 1830.

CHAPTER CCLXXXIV.

AN ACT to divorce Rosanna Smith from her husband Ulyses G. Smith and others.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That Rosanna Smith of Knox county, may file her petition in the circuit court of Knox county, and if, at the first, or any subsequent term, and if she shall prove by facts, or a well grounded presumption, that Ulyses G. Smith, to whom she was married, was either married before or since*

Rosanna Smith to file petition.

Authority granted.

Same privilege to the heirs of Robert Rivers

his intermarriage with her, said court shall divorce her from said Ulyses G. Smith, any law to the contrary notwithstanding.

SEC. 2. *Be it enacted*, That the judge of the circuit court of Carter county, shall take cognizance of the application for a divorce of Sarah Cook, of Carter county, from her husband John Cook, and if it shall be made to appear to said court, that the said John Cook, has illtreated his said wife, so as to render her situation and condition uncomfortable or that he has been guilty of adultery, or that he has absented himself from said wife; then the said court shall dissolve the bonds of matrimony now existing, and said Sarah Cook shall thereafter go in the name of Sarah Burns, her maiden name.

Sarah Cook.

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 12, 1830.

CHAPTER CCLXXXV.

AN ACT for the relief of Robert Gamble.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of East Tennessee, be, and he hereby is authorized and directed to refund to Robert Gamble the sum of two hundred and sixty three dollars with legal interest thereon, on it being made satisfactorily to appear that said Gamble has actually paid the said two hundred and sixty three dollars into the treasury, for and on account of one hundred and thirty one and one half acres of land, purchased at the Hiwassee land sales, being a part of the north east and south east quarter section, of section eighteen, and part of the north west quarter of section twenty, in fractional township three, and range four, west of the meridian—which said several parcels of land was interfered with by a reservation, granted by the treaties of 1817 and 1819 to John Miller a Cherokee reservee, and recovered from the said Gamble in an action of ejectment, John Miller lessee vs. said Gamble, in the circuit court of Knox county; Provided however, that if

the said Gamble is indebted to the state, on account of the purchase of other lands, the said treasurer is authorized to enter a credit on the certificate or certificates as the case may be, on which the said Gamble is so indebted, for the said two hundred and sixty three dollars with interest aforesaid.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 12, 1830.

CHAPTER CCLXXXVI.

AN ACT prescribing the times of holding regimental musters in Bedford county and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the militia of Bedford county, shall compose the twenty eighth, forty seventh, fifty fourth, one hundred and second, one hundred and third and one hundred and ninth regiments, and shall hold a regimental muster annually, as follows, to wit: the forty seventh regiment shall hold a regimental muster on the first Wednesday in October the one hundred and second regiment, shall hold a regimental muster on the first Thursday after the first Wednesday in October; the one hundred and third regiment, shall hold a regimental muster on the first Friday after the first Wednesday in October; the twenty eighth regiment, shall hold a regimental muster on the second Wednesday in October; the fifty fourth regiment, shall hold a regimental muster on the first Thursday after the second Wednesday in October; the one hundred and ninth regiment, shall hold a regimental muster on the first Friday after the second Wednesday in October annually.

Militia of Bedford county—
what regiments
to compose.

SEC. 2. *Be it enacted*, That the commissioned and staff officers of the several regiments of infantry in the sixth brigade, shall meet at the place of holding their regimental musters, at eleven o'clock, on the day immediately preceding the regimental muster, armed with a good rifle or smooth bored gun, and dressed in the uniform prescribed by law, for the

Officers of the
Sixth Brigade.

purpose of being trained and instructed in their duty by the adjutant of the regiment, or such other person as the commanding officer present may direct, and the senior officer present shall call the roll or order the adjutant to call it, and note down all delinquents and make report thereof to the next regimental courtmartial.

SEC. 3. *Be it enacted*, That the twenty sixth regiment of infantry, shall hold a regimental muster on the third Friday in October annually, and that so much of an act passed the 14th day of December, 1827, as requires the same to be held on the first Wednesday after the second Monday in October, be and the same is hereby repealed.

Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 12, 1830.

CHAPTER CCLXXXVII.

AN ACT appointing commissioners to superintend the building a jail in the county of Stewart.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George Petty, Emanuel James, Christopher Clements, John Scarbrough, Thomas Bayless, Alexander B. Outlaw, William Williams, Jacob Sirock and John Richards, be, and they are hereby appointed commissioners, who, or a majority of them, are vested with full power and authority to contract with suitable workmen to build a jail in the town of Dover in the county of Stewart, upon such plan as may seem to them most advisable.

SEC. 2. *Be it enacted*, That the county court of the aforesaid county of Stewart, a majority, or nine of the acting Justices being present, shall have full power and authority from time to time to call for and appropriate to the building of the Jail aforesaid, any funds in the hands of the trustee of the county aforesaid, in such manner as the said commissioners may direct, until the whole expenses of the building aforesaid shall be discharged, and shall also

make a reasonable allowance to the commissioners for their services.

SEC. 3. *Be it enacted*, That in case of death or refusal to act, or removal of the foregoing commissioners to a number less than three, or in the estimation of the county court, to a number not competent to act, then and in that case the said court shall have full power by appointment, to fill such vacancy.

SEC. 4. *Be it enacted*, That when the said jail is completed, the said commissioners shall report the same, and their proceedings to the next county court of the said county of Stewart, of which a record shall be made, whereupon the said court shall assume the control and management of said jail to the use and benefit of said county of Stewart.

SEC. 5. *Be it enacted*, That Spencer Buford, John Swainey, Gabrel Buford and Lawrence Bryan, be, and they are hereby appointed and constituted a body politic and corporate, to be known and called the West Harpeth turnpike company, with all the powers and privileges granted to the Franklin turnpike company and subject to the same rules and regulations.

SEC. 6. *Be it enacted*, said company shall and may mark, clear out and turnpike the main road leading from Franklin, Williamson county, to Columbia, Maury county, commencing at the town of Franklin and terminating at West Harpeth river in the county of Williamson, in the same way and manner, and under the same rules and regulations that the Franklin turnpike company are to mark, clear out and turnpike the road from Nashville in Davidson county to Franklin in Williamson county.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
January 12, 1830. Speaker of the Senate.

CHAPTER CCLXXXVIII.

AN ACT to establish a public ferry on the Nolichucky river.

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

State of Tennessee, That it shall and may be lawful for the county court of Washington county, to appoint some suitable person or persons to establish and keep a ferry on Nolichucky river, at or near what is called Waddle's or the deep ford, and it shall be the duty, further of the county court, to fix the rates of toll which are to govern the keeper of said ferry.

Speaker of the House of Representatives.
JOEL WALKER,
 Speaker of the Senate.

January 12, 1830.

CHAPTER CCLXXXIX.

AN ACT to fix the time of holding regimental musters.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter the hundredth regiment, shall hold a regimental muster on the third Saturday in October annually, and shall be attached to the second brigade of Tennessee militia.

Sec. 2. Be it enacted, That the 24th regiment of militia being in Montgomery county, hold their regimental muster on the first Saturday after the second Monday in October in each year.

Sec. 3. Be it enacted, That the one hundredth and first regiment of militia, hold their regimental muster on the first Saturday October, in each year.

Speaker of the House of Representatives.
JOEL WALKER,
 Speaker of the Senate.

January 11, 1830.

CHAPTER CCXC.

AN ACT for the relief of Meriman Jones of Hardeman county.

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

State of Tennessee, That so much of entry No. 2261, in the tenth surveyors district, for fifty acres in the name of Meriman Jones, as is taken by an entry in the name of Isaac Sanders, is hereby declared to be vacated and the commissioner of West Tennessee shall issue to said Meriman Jones, a certificate warrant for the amount so taken.

Speaker of the House of Representatives.
JOEL WALKER,
 Speaker of the Senate.

January 12, 1830.

CHAPTER CCXCI.

AN ACT for the benefit of Greenwood Paine and others.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of West Tennessee pay to Greenwood Paine, the sum of twenty one dollars, and to John Corbet twenty dollars, for their travelling expenses in conveying John York a prisoner from the county of Davidson to the jail of White county, and their receipts shall be a good voucher in the hand of said treasurer in the settlement of his accounts.

Speaker of the House of Representatives.
JOEL WALKER,
 Speaker of the Senate.

January 12, 1830.

CHAPTER CCXCII.

AN ACT for the relief of certain persons therein named.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the agent of school lands in and for the county of Lincoln, is hereby authorized and required to pay William B. Benge, George Blackemore, Moses Hall, Larry Eppes, G. W. L. Lincoln t'y.

Duty of the Agent of the school lands in Lincoln t'y.

Edmiston, William McClellan, and Thomas M'Ferrin the sum of three hundred dollars, out of any monies which he the said agent may have in his hands arising from the rents and profits of said school lands.

Of the county courts of Warren and Franklin.

SEC. 2. *Be it enacted*, That the county courts of Warren and Franklin counties, be, and they are hereby authorized to make an allowance to the commissioners of school lands, in their respective counties, for all expenses incurred in prosecuting or defending suits in relation to school lands, to be paid out of the rents of the lands lying in each county, and the persons appointed to receive school rents, are hereby authorized to pay such allowances, if he shall deem them reasonable.

Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 12, 1830.

CHAPTER CCXCIII.

AN ACT for the relief of John Chapman of Tipton county.

Be it enacted by the General Assembly of the State of Tennessee, That John Chapman, a lame man in Tipton county, is hereby authorized to hawk and peddle in the ninth Congressional district, without paying license therefor, any law to the contrary notwithstanding.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

CHAPTER CCXCIV.

AN ACT explanatory of an act entitled "an act for the relief of Jesse Mayfield of M'Ninn county."

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

State of Tennessee, That the treasurer of East Tennessee, in passing to the credit of Jesse Mayfield the sum specified in the above recited act, on the quarter section of land in the aforesaid act mentioned, shall add thereto, the sum of 25 per cent, so that the sum credited, shall be nine hundred and forty one dollars and fifty cents; placing the said Jesse Mayfield in obtaining the credit as specified in the above recited act, in an equal condition with the purchasers of land in the Hiwassee district as contemplated by the provisions of the act of the General Assembly, passed in the year 1825, allowing a discount of 25 per cent, upon prompt payment, on or before the — day of — 1827.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

CHAPTER CCXCV.

AN ACT for the relief of the widow and legal heirs and representatives of Charles Gamble, deceased.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of East Tennessee, be, and hereby is directed to refund to the executor or administrator, as the case may be, of Charles Gamble, deceased, two hundred and sixty dollars, with legal interest thereon, from the fourth day of October 1824, the amount paid said treasurer for the south west quarter of section twenty three, third fractional township, and fourth range, west of the meridian, in the Hiwassee district, which said quarter section of land was recovered from said widow and legal representatives of said decedant in the circuit court of Knox county, at August term of 1828, in an action of ejectment, Lewis Ross lessee vs. Isaac Clement and Samuel Gamble, guardian of the heirs of Charles Gamble deceased, as part of a reservation, granted to said Ross, a Cherokee Indian reservee by the treaties of 1817 and 1819; and it shall also be the duty of said treasurer, to refund to the executor or administrator of said decedent, the fur-

ther sum of seventy three dollars sixteen and two third cents, the amount of costs, paid in said suit, as appears by the certificate of the clerk of said court.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 13, 1830.

CHAPTER CCXCVI.

AN ACT for the benefit of the infantry company to be denominated the Rutherford Rangers, and to amend a part of the charter of the Bank of the State of Tennessee.

Privileges of.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the volunteer company, to be denominated the Rutherford Rangers in the county of Rutherford, shall not be compelled to attend battalion and regimental musters or courts martial in said county.

Persons becoming members of.

SEC. 2. *Be it enacted,* That any person subject to military duty in Rutherford county, shall be authorized, if received to become a member of the Rutherford Rangers, and upon the production of certificate of the captain of the Rutherford Rangers, that such militiaman has been admitted a member of said company, he shall thereafter be exempt from militia duty in the company or regiment in which he may reside, so long as he remains a member of said company.

May assess & collect fines.

SEC. 3. *Be it enacted,* That the Rutherford Rangers, may assess and collect fines under their own constitution and bye-laws, and such fines when collected, shall be applied by said company, in any way they may think proper; Provided no militia company shall be reduced below the number of forty-five rank and file by enrolment in such volunteer company.

Maury Blues.

SEC. 4. *Be it enacted,* That the "Maury Blues" of Maury county, shall be entitled to all the rights and privileges guaranteed to the "Rutherford Rangers" with the exception of the first section of this act; and shall be authorized to receive any person

as a member of said company, subject to military duty in the 46th and 108th regiments; Provided no militia company in either of said regiments, shall be reduced below fifty-two rank and file.

Number of officers allowed.

SEC. 5. *Be it enacted,* That the "Rutherford Rangers," and "Maury Blues" may elect three Lieutenants, four Sergeants, and four Corporals, as officers for their respective companies.

East Tennessee Highlanders.

SEC. 6. *Be it enacted,* That the volunteer company of infantry in the 12th regiment of Tennessee militia, known and distinguished by the name of the *East Tennessee Highlanders*, shall not be compelled to attend regimental musters, or courts martial in said regiment, but in lieu thereof, shall be, and are hereby required to attend and hold company muster in Maryville in Blount county, on the third Saturday of November in each and every year.

Rights and privileges of.

SEC. 7. *Be it enacted,* That said company of *East Tennessee Highlanders*, shall be entitled to all the rights and privileges, that are in this act, secured to the volunteer company of Rutherford Rangers in the county of Rutherford.

Directors of the Bank of the State at the Branch.

SEC. 8. *Be it enacted,* That six directors shall be appointed only, for the principal bank of the State of Tennessee, and four for the branch bank at Knoxville, any law to the contrary notwithstanding.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER.

Speaker of the Senate.

January 13, 1830.

CHAPTER CCXCVII.

AN ACT to change the name of the county seat in Monroe county.

Name changed.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the name of the county seat of Monroe county, be and the same is hereby changed from the name of Tellico to the name of Madisonville and that said town of Tellico, be hereafter known and distinguished by the name of Madisonville, and that all writs, mesne process, and other legal proceedings made returnable to the several

courts at the county seat in said county, under the name of Tellico, shall be as good and valid to all intents and purposes as if the same were made returnable to said courts at said town under the name of Madisonville.

Augustine
Shepherd may
lay off a town.

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

State tax of
Davidson c'ty.

SEC. 3. *Be it enacted*, That the amount of state tax which may belong to the county of Davidson by virtue of an act passed at the present session of the Legislature "entitled an act to appropriate one half of the state taxes to county purposes," be, and the same is hereby directed to be paid over by the proper person to the commissioners of the new court house in Nashville, to be by them appropriated in finishing said building.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

CHAPTER CCXCVIII.

AN ACT to prescribe the manner of holding elections to elect members of the General Assembly, members of Congress, and Electors, to elect the President and Vice President of the United States in the county of Knox.

Manner of hold-
ing the elec-
tions.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Justices of the Peace of each captain's company in the county of Knox, to attend at their company muster ground, on the days appointed to hold elections for Governor, members of the General Assembly, and members of Congress, and elections to elect Electors, to vote for President and Vice President of the United States; and open and hold said elections in the following manner, to wit: they shall appoint three men of said company of good moral character, as judges or inspectors, and two suitable persons as

clerks, and administer an oath to them, faithfully to perform their respective duties, as judges and clerks, in conducting said elections, agreeable to the constitution and laws of this state, and it shall be the duty of said Justices of the Peace, after opening said elections, to receive the tickets in presence of the clerks and judges, and put them into a box, prepared by them for that purpose, in the same manner that sheriffs are now directed to do by law.

SEC. 2. *Be it enacted*, That said elections shall be opened at twelve o'clock, and closed at five, as near as may be, on the first day of said elections, and the tickets, that are given in on the first day, shall immediately after the polls are closed, be counted in presence of the inspectors and clerks, and such of the voters, as choose to attend, and a correct list shall be kept by the clerks, of the number of the votes given in for each candidate, as well as a list of the voters, until the second day of the election, when the polls shall be opened by said Justices at ten o'clock, A. M. and kept open until two o'clock, P. M. at which time, the polls shall be closed, and the votes counted out, and said Justices shall certify, the state of the polls for both days added together, under their hands and seals, and shall make out duplicate certificates, and shall direct one to the sheriff of the county, and keep one themselves, and said Justices or either of them, shall immediately on the last day of the election, after the votes are counted and certificates made out, carry up said certificate together with the names of the voters, or cause it to be done, to the sheriff of said county, whose it shall be to examine and compare said certificates and lists and make report of the persons elected agreeable to the laws now in force in such cases.

Opening the
polls, counting
tickets, &c.

SEC. 3. *Be it enacted*, That if any person should wish to vote in any company in which he does not reside, before he shall be entitled to vote, it shall be the duty of the Justice of the Peace attending said election, to cause said person to take an oath, (if the Judges should suspect fraud was intended) that he has not voted at any other place in said county, nor will he vote at any other place in said county, during the present election, and if any person living in any other county should offer to vote by virtue of a freehold, before he shall be entitled to a vote, he shall take an oath, that he has not voted at

Oath to be taken
if required

any other place in said county, or any other county, for the same persons be then offers to vote for, nor will he vote for the same persons during the said election; Provided, that if said judges are satisfied that no fraud is intended by said voters, they need not lay any of the restrictions of this section on them.

SEC. 4. *Be it enacted*, That if only one Justice of the Peace should attend any of said elections, he shall all the powers and privileges, and be subject to the same duties in opening and holding said elections, as if both were present, and if it should so happen that any company should be without a Justice of the Peace, it shall be the duty of the county court immediately preceding said election, to appoint some Justice of the Peace of some other company to attend and hold such elections, who shall have all the powers and privileges, and be subject to the same duties as if he lived in said company.

SEC. 5. *Be it enacted*, That if any person should vote at any of the elections held by virtue of this act, such person not being entitled to a vote by the constitution and laws of this state, such person shall be subject to all the penalties prescribed by law for giving in illegal votes at elections.

SEC. 6. *Be it enacted*, That all laws coming within the purview and meaning of this act, are hereby repealed, and this act shall be in force from and after the first day of March next.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 13, 1830.

CHAPTER CCXCIX.

AN ACT for the relief of Elbert Williams of Wilson county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Elbert Williams of Wilson county, be, and he is hereby authorized to hawk and peddle in the Congressional district, in which he lives without taking out any license or paying any thing for the same; Provided he shall take an oath

One justice of the peace sufficient to hold the elections.

Persons voting who are not entitled.

Repealing clause.

that he will not use this privilege for the benefit of any other persons than himself and family.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 13, 1830.

CHAPTER CCC.

AN ACT for the relief of the purchasers, the legal representatives and the assignees of the purchasers of the lands lying within the bounds of the reserve claimed and sued for by Mouse Paine in the Hiwassee District.

WHEREAS William Horde and others, purchased at the Hiwassee land sales 640 acres of land, for which they have respectively made payment to the state, either partial or entire, for which 640 acres of land, Mouse Paine has brought suit and recovered against the claimants under the state, in the circuit court of Knox county, but which suit is still pending by writ of error in the supreme court at Knoxville, but is believed from the report of the agent for the state, is like to be lost—For remedy whereof,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in the event the suit now pending in the supreme court at Knoxville, on the claim of Mouse Paine for a reservation in the Hiwassee district, is finally decided in said court against the purchasers under the state at the Hiwassee land sale, then and in that case it shall be the duty of the treasurer of East Tennessee, to pay over to such purchasers under the state their assignees or legal representatives, the amount that shall appear from the books of the register and treasurer of East Tennessee to have been respectively paid by them and each of them, according to their several purchases together with legal interest thereon, from the date of such payment, till their repayment, and receipts of such purchasers, their legal repre-

Relief provided.

representatives or assignees, shall be good vouchers for said treasurer in the settlement of his accounts.

Sec. 2. *Be it enacted*, That it shall be the duty of the surveyor general of the Hiwassee district, in the event Mouse Paine recovers in said suit to run out Mouse Paine's reservee and make a correct plat of the lands of the purchasers interfered with by said reservee, at the expense of the said purchasers under the state, and set forth therein the amount taken from each purchaser, and said plat shall be evidence to the treasurer of the extent of the claim of each of such purchasers.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

CHAPTER CCCL.

AN ACT to incorporate the Williamsport Library company.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Gerard T. Greenfield, Samuel Porter, Bowling Gordon, David Crawford, James G. Smith, and James Foggy, be, and they are hereby made and constituted a body politic and incorporate, known and designated by the name of the Williamsport Library company, with power to sue and be sued, plead and be impleaded, to purchase and convey property, and to have a corporate seal.

Sec. 2. *Be it enacted*, That the persons holding stock and having interest in said company, shall upon the first Monday of January 1831, and each and every year thereafter, at Williamsport, in the county of Maury, elect five directors out of the members of said company, who shall act as such for twelve months, and said directors, when elected, shall, out of their body, appoint a president and clerk, which clerk shall keep a record of all the proceedings of said company, and the persons nominated in the first section of this act, shall be and act as directors of said company until January 1831.

Sec. 3. *Be it enacted*, That said company shall have the same power and privileges, which, by law are given to the Nashville Library company.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

CHAPTER CCCII.

AN ACT authorising the county courts of Greene and Washington to appoint commissioners to superintend the clearing out fish traps and dams in Nolichucky river.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That should it hereafter appear by satisfactory proof being made to the county courts of Washington and Greene county, or either of them, that the navigation of Nolichucky river is obstructed by fish traps and dams, it shall and may be lawful for each of said courts to appoint three commissioners, whose duty it shall be to examine said river in their respective counties, and where it shall appear to the satisfaction of said commissioners that the navigation is obstructed by fish traps and dams, they shall give twenty days notice to the person or persons owning such traps and dams, to remove them, and any person or persons failing to comply with such notice, it shall be the duty of said commissioners to collect a sufficient number of hands to remove such obstructions, and any expense incurred by such removal shall be charged to the person owning such trap or traps, dam or dams, a true bill of which shall be made out and sworn to, at least by one of said commissioners, and shall be recovered in the same way other actions of debt of the same grade are recoverable by law.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

Duty of the
Surveyor Gen.
of the Hiwassee
District.

Company in-
corporated.

Directors to
be elected.

CHAPTER CCCIII.

AN ACT to keep in repair the ford road in Hawkins and Sullivan counties..

Declared a
public high-
way.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the old road known by the name of the Ford road, near Frederick A. Ross's bridge, in Hawkins county, is hereby declared to be a public highway of the second class.

Overseers to
be appointed.

SEC. 2. *Be it enacted,* That the justices of the peace in the counties of Hawkins and Sullivan, shall at the first county court after the first day of January next appoint suitable persons as overseers over said road, and shall apportion to each overseer a sufficient number of hands to keep said road in good repair as the law directs.

Subject to in-
dictment.

SEC. 3. *Be it enacted,* That if said road shall remain out of repair for the space of fifteen days at any one time, said overseer or overseers shall be subject to indictment in the county or circuit courts of said county or counties, as the case may be, and on conviction, shall be subject to the same fine as other overseers are liable to by law; and it shall be the duty of the solicitor general of the first and second solicitorial district in this state, to give this act in charge to the grand juries of the respective counties of Sullivan and Hawkins, to be recovered as other fines in similar cases, and one half to the use and benefit of the informer or prosecutor as the case may be.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

CHAPTER CCCIV.

AN ACT to divorce Sarah Brewington from her husband James Brewington.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the bonds of matrimony heretofore entered into and now existing between

Sarah Brewington of the county of Jefferson, and her husband James Brewington, be and the same are hereby dissolved.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 14, 1830.

CHAPTER CCV.

AN ACT to amend an act entitled an act to establish academies in the several counties in this state, and the amendments and other acts relating to the same.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James Park, Joseph C. Strong, James Campbell, James H. Cowan, William Swawn, John Hilsman, Hugh Brown, Lewis Cox, Doc. James G. M. Ramsey and Spencer Jarnagin, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Hamden Sidney academy in the county of Knox. Hamden Sidney Academy incorporated.

SEC. 2. *Be it enacted,* That the trustees of the academy and their successors, by the name aforesaid, shall be capable in law or equity, to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods or chattels which have been, or shall be given or devised to, or purchased by them for the use of said academy, and to sell and dispose of the same in such manner as to them shall seem most advantageous for said academy. Privileges of the Trustees.

SEC. 3. *Be it enacted,* That said trustees, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity. May sue and be sued.

SEC. 4. *Be it enacted,* That they shall have power to appoint a president, secretary and treasurer of said board. May appoint officers.

SEC. 5. *Be it enacted,* That five trustees shall constitute a board to determine any matter relative to the establishment, government, support or interest of the academy, but no real estate belonging to it shall Five to constitute a board.

be disposed of without the concurrence of the majority of all the trustees.

Sec. 6. Be it enacted, That the trustees shall have two stated sessions of their board in each year, commencing respectively on the first Saturday of October and first Saturday of April; at the stated sessions, every appropriation of money shall be made.

Sec. 7. Be it enacted, That the trustees shall have power from time to time, at their stated sessions, to ordain such bye-laws, rules and regulations as they shall judge necessary for the good government of the academy, not contrary to the laws of this state and the United States.

Sec. 8. Be it enacted, That they shall have power to employ instructors and other persons necessary for conducting the business of the institution.

Sec. 9. Be it enacted, That when in the opinion of any two trustees a called session may be necessary for conducting the ordinary affairs and business of the academy, notice shall be given as may be convenient to the trustees in the immediate vicinity of the academy.

Sec. 10. Be it enacted, That it shall be the duty of the secretary to keep a record of all their proceedings in a bound book, furnished by the board of trustees, and all other duties appertaining to his office, and at each stated session, shall read the minutes of the preceding stated session and of each subsequent adjourned or called session.

Sec. 11. Be it enacted, That the treasurer shall give bond and security for such sum as the board of trustees shall direct, payable to them and their successors, conditioned for the faithful discharge of the trust reposed in him; he shall pay or deliver the money, property or whatever may be in his hands belonging to the academy, to the order of the board, and shall render an account and settle with the board at each of their stated sessions.

Sec. 12. Be it enacted, That upon the death, resignation, refusal to accept, removal from the county or other legal disability of any of the trustees hereby, or which may hereafter be appointed, the vacancy thereby occasioned shall be supplied by the next or any succeeding county court after such vacancy may occur.

Sec. 13. Be it enacted, That the trustees appointed by this act, shall have right to the possession of

(To have two stated sessions annually.

May enact bye-laws.

Employ instructors.

Called sessions of the Trustees.

Duty of the Secretary.

Treasurer to give bond and security.

County court to fill vacancies among the Trustees.

all the property, money, &c. and the records of the academy, that may be in the possession of the trustees heretofore acting.

Sec. 14. Be it enacted, That all laws and parts of laws heretofore passed upon this subject, are hereby repealed.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
January 14, 1830. Speaker of the Senate.

[The following act passed in 1819, was never before published. It is now published pursuant to the directions of an act passed at the late session of the Legislature.—PUBLIC PRINTER.]

CHAPTER CCVLI.

AN ACT to establish the seat of justice of Marion county.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That David Oats, Burgess Matthews, William Stephens, Alexander Kelly, David Miller, William Stone and William King, be, and they are hereby appointed commissioners, who, or a majority of them, shall as soon as may be, select and fix on a place as near the centre of the county of Marion, as an eligible scite can be procured, for a court house, prison and stocks, for the use of said county of Marion, and after agreeing on the place, the said commissioners shall proceed to purchase, or otherwise procure, not less than forty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warranty, on which they shall cause a town to be laid off, with necessary streets and alleys, reserving not less than one acre of ground, as near the centre as may be, on which the court house, prison and stocks shall be erected, which town shall be known by the name of Jasper.

Sec. 2. Be it further enacted, That when the town shall be thus laid off, the aforesaid commissioners are further required to advertise for sale to the highest bidder, in some newspaper printed in Knoxville, and three of the most public places in said county of Ma-

Power of the Trustees appointed by this act.

Repealing clause.

Commissioners appointed to lay off the town.

Directions for selling the lots.

tion, on a credit of twelve months, giving sixty days previous notice, and shall take bonds with sufficient security to themselves and their successors in office, for the purchase money arising from the sale of said lots, and shall make titles to the purchasers in fee simple.

For erecting public buildings.

SEC. 3. *Be it enacted*, That it shall be the further duty of the said commissioners, to contract with suitable workmen to build a court house, prison and stocks, and the monies arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for said court house, prison and stocks.

County court authorized to lay a tax.

SEC. 4. *Be it enacted*, That should the money arising from the sale of said lots, prove insufficient to pay for said public buildings, then, and in that case, a majority of the acting Justices of the said county of Marion being present, shall in term time, have power, and are hereby authorized to lay an additional county tax, not exceeding twelve and one half cents on each hundred acres of land liable to taxation; twelve and one half cents on each white poll; twenty five cents on each black poll; one dollar on each stud horse kept for mares; twenty five cents on each town lot, and five dollars on each peddler, hawker, or merchant; the said tax shall be laid from year to year, until a sufficient sum shall be collected to pay for said public buildings, and shall be collected by the collector of public taxes, on the same per centas other county taxes, and the said collector shall pay over the same, when collected to the aforesaid commissioners, and shall be, by them applied towards paying for the said public buildings, and whose receipts shall be allowed in the settlement of the said collectors accounts.

Commissioners to give bond and security.

SEC. 5. *Be it enacted*, That the said commissioners before entering on the duties of their appointment, shall enter into bond with sufficient security, payable to the Governor for the time being and his successors in office, in the sum of three thousand dollars, for the faithful discharge of their duty, as herein expressed; which bond shall be attested by, and lodged in the office of the clerk of the county court of said county of Marion.

SEC. 6. *Be it enacted*, That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the county court of Marion

county, a just and fair statement of all the monies by them received, as well as those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable compensation for their services; Provided, a majority of the acting Justices of said county are present, when such allowance is made; and provided also, that the said county court of Marion, shall have power, and are hereby authorized to call on said commissioners for a statement of their proceedings, before the said public buildings are completed; but such call, by, and from the said court, shall not be oftener than once in each year.

To render an account to the county court.

SEC. 7. *Be it enacted*, That when the court house hereby authorized to be erected, shall be finished, the said commissioners shall certify the same to the county court of Marion, who, thereupon, shall adjourn the several courts of said county to the town of Jasper, and all writs, subpoenas and other process made returnable to the present court house of Marion county, shall be returned to the said town of Jasper, and shall be as good and as available in law as if originally made returnable to the said town of Jasper.

To certify the completion of the court house.

SEC. 8. *Be it enacted*, That the said commissioners before entering on the duties of their appointment, shall take an oath before some Justice of the Peace for Marion county, well and truly, faithfully and impartially to discharge all such duties as shall be incumbent on them to do and perform, as commissioners aforesaid.

To take oath.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 30, 1819.

CHAPTER CCCVII.

AN ACT to provide for the payment of the Members, Clerks and Door Keepers of the present 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 the Speaker of the Senate and the Speaker of the House of Representatives, each be allowed the sum of five dollars for each day they may attend this session, and the sum of four dollars for each twenty five miles they may travel to and from the same.

Sec. 2. Be it enacted, That the members of the General Assembly, be allowed each, the sum of four dollars per day, for each day they may attend this session, and the like sum for each twenty five miles they may travel to and from the same.

Sec. 3. Be it enacted, That the clerks, both principal and assistant, be allowed the sum of six dollars per day for each day they may attend this session.

Sec. 4. Be it enacted, That the door keepers, both principal and assistant, be allowed the sum of four dollars for each day they may attend this session.

Sec. 5. Be it enacted, That the treasurer of West Tennessee pay Daniel Graham, one hundred and twenty five dollars, the office rent for the secretary's office, for the year 1829, and like sum for the same purpose during the year 1828.—To Robertson and Elliott, the sum of eight hundred and thirty seven dollars and eighty seven and a half cents, for stationary furnished this General Assembly.—To Richard C. Napier, the sum of one hundred and six dollars, for stoves, &c. furnished this General Assembly.—To Crocket, Park & Co. the sum of one hundred and forty six dollars and ninety seven cents for sundry articles furnished this General Assembly. To William Garner, the sum of thirty five dollars eighty seven and a half cents, for tables, &c. furnished this General Assembly.—To Thomas J. Foster, the sum of two hundred and forty dollars, for fire wood furnished this General Assembly.—To Jacob P. Chase, the sum of two hundred and fifty dollars, for services rendered in preparing for the press, Haywood's and Cobbs revisal.—To James A. Whiteside, the sum of two hundred and fifty dollars, for services rendered in preparing for the press Haywood's and Cobbs revisal, and the sum of one hundred and fifty dollars, for preparing the acts of the present session of this General Assembly.—To Jesse L. Smith, the sum of twenty two dollars, for stove pipes, &c. for this General Assembly.—To James M'Dowel, thirty seven dollars and fifty cents for removing the public furniture, and keeping the

same, and his attention previous to the meeting of this General Assembly.—To John Austin, the sum of eight dollars fifty cents, for work done during the present session in preparing barracading bar of Senate chamber, &c.—To Joel Walker, Speaker of the Senate, the sum of three dollars thirty eight cents being the amount of postage charged to him during the present session.—To Cornelius Slater, thirty dollars for extra services as door keeper, and to Daniel Graham the sum of forty three dollars for Isaac hauling water for the use of this General Assembly. To Allen A. Hall, printer to the Senate, the sum of six hundred and fifty two dollars and thirty three cents, for printing done during the present session. To John S. Simpson, printer to the House of Representatives, the sum of five hundred sixty nine dollars and thirty two cents for printing done for the House of Representatives during the present session.—To Benjamin F. Herndon, the sum of two hundred dollars, for copying the Journals of the Senate, for the printer, agreeable to a resolution of the Senate, adopted on the 16th November 1829, and for other services. To William K. Hill, clerk of the court of Impeachment on the trial of Judge Nathaniel W. Williams, and on the trial of Judge Joshua Haskell the sum of one hundred and twenty dollars.—To Joel Webster, the sum of one hundred and fifty dollars, for services rendered as an assistant clerk to the engrossing clerk to the Senate, and that the receipts of the before named persons, shall be a sufficient voucher in the hands of the treasurer in the settlement of his accounts.—To James A. Whiteside and Jacob P. Chase, the sum of fifty dollars each, for services rendered by them as assistants clerks to the House of Representatives during the present session, whose receipts shall be a good voucher in the settlement of his accounts.—To William M. Berryhill, the sum of two hundred dollars, for services rendered to the committee on banks during the present session, and his receipt shall be a good voucher in the settlement of his accounts.—To Gideon J. Pillow, the sum of one hundred dollars, for services by him rendered this General Assembly in preparing a book of forms, to be appended to Haywood's and Cobbs revisal of the laws of Tennessee, having been employed to perform said service by the committee on said revisal.—To Jeffrey Lockleer, the sum of one

hundred dollars for his services in attendance on both houses of this General Assembly.—To James M'Dowell, ten dollars, it being the amount paid by him to Isaac, a man of color, for furnishing firewood for the stoves of the House of Representatives.—To James M'Dowell, twenty five dollars for his services in collecting and taking care of the public furniture after the rise of this General Assembly.—To Benjamin Reynolds, twenty five dollars for his services as sergeant at arms before the committee on banks.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 14, 1830.

RESOLUTIONS.

NUMBER I.

A Resolution referring warrant No. 2795, to the commissioner for adjudication.

Resolved by the General Assembly of the State of Tennessee, That the commissioner of land claims issue to the heirs of Thomas Rogers or their legal assignee a duplicate of warrant No. 2795, which was issued to said heirs on a Carter entry by the commissioner of East Tennessee on the 26th day of January 1809, for 100 acres; Provided the said heirs or their assignees shall surrender the original, which is mutilated and in part destroyed in order that the same may be wholly cancelled and deposited in the commissioners office, and provided also that the same be good and genuine.

EPHRAIM H. FOSTER

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

November 21, 1829.

NUMBER II.

Resolution referring grant No. 17667, to the commissioner for adjudication.

Resolved by the General Assembly of the State of Tennessee, That grant No. 17667, for 50 acres to Jonathan Hays, be referred to the commissioner for adjudication.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

November 10, 1829.

NUMBER III.

A Resolution providing for the adjudication of grant No. 1326.

Resolved by the General Assembly of the State of Tennessee, That grant No. 1326, which issued on a service right warrant on the 4th day of February 1795, for 640 acres, be referred to the commissioner for adjudication and if it shall appear that the land called for lies wholly or in part south of French Broad and Holston, and that no other grant has issued on the same warrant, he shall issue a certificate as in other cases.

Resolved, That grant No. — for 640 acres, in the name of William M'Kraw, and grant No. — for 500 acres in the name of John Beeler, be referred to the commissioner for adjudication, and if it shall appear that the land called for lies wholly or in part, south of French Broad and Holston, and that no other grant has issued on said warrant, he shall issue a certificate as in other cases.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

October 30, 1829.

NUMBER IV.

Resolution referring entry No. 12180, to the commissioner for adjudication.

Resolved by the General Assembly of the State of Tennessee, That the commissioner of West Tennessee, is hereby directed to adjudicate entry No. 12180, for 90 acres of land, in the 2d surveyors district, and if it shall satisfactorily appear that the same has been made on a good and valid warrant, which has in no other way been appropriated, and that the same has been taken by older and better title, he shall issue a certificate for the same, or so much as shall be so taken to the enterer or his assignee, which certificate when issued, shall be located south and west of the Congressional reservation line.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

November 10, 1829.

Resolved by the General Assembly of the State of Tennessee, That the commissioner of West Tennessee, is hereby directed to adjudicate the entry No. 12180, for 90 acres of land, in the 2d surveyors district, and if it shall satisfactorily appear that the same has been made on a good and valid warrant, which has in no other way been appropriated, and that the same has been taken by older and better title, he shall issue a certificate for the same, or so much as shall be so taken to the enterer or his assignee, which certificate when issued, shall be located south and west of the Congressional reservation line.

October 30, 1829.

A Resolution providing for the adjudication of grant No. 1326.

Resolved by the General Assembly of the State of Tennessee, That the commissioner of West Tennessee, is hereby directed to adjudicate the entry No. 12180, for 90 acres of land, in the 2d surveyors district, and if it shall satisfactorily appear that the same has been made on a good and valid warrant, which has in no other way been appropriated, and that the same has been taken by older and better title, he shall issue a certificate for the same, or so much as shall be so taken to the enterer or his assignee, which certificate when issued, shall be located south and west of the Congressional reservation line.

October 30, 1829.

A Resolution providing for the adjudication of grant No. 1326.

land river at the Harpeth Shoals, are of serious consideration in a national point of view, and but for the interposition of a state of things not to be expected in the ordinary course of events, would have deprived the commanding general of a most important arm of defence at the memorable siege of New Orleans during the late war; and whereas it seems to be the correct policy of the general government, from the measures now in progress at the grand chain in the Ohio river, to prevent the recurrence of like difficulties in all future emergencies of military defence; and whereas the plan would be wholly incomplete, and the system inoperative without a removal of the obstructions referred to—Therefore,

Resolved by the General Assembly of the State of Tennessee, That the President of the United States be respectfully asked, to make an order on the secretary of war, to cause to be detailed from the engineer department, a skillful officer to examine into the most practicable mode of removing the obstructions to navigation at the Harpeth Shoals, and that said officer be charged to report particularly the probable expense of effecting such removal to the width of two hundred and fifty feet, and of two hundred feet, severally.

Resolved, That our Senators and in Congress be instructed, and our Representatives requested, to use all proper and respectful means to procure an appropriation sufficient to secure an object so important to the future military operations of our common country and so desirable to the Western States.

Resolved, That the Governor transmit one copy of the foregoing preamble and resolutions, to the president of the United States, one copy to the war department, and that he cause to be delivered, one copy to each of our senators and representatives in Congress.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

November 24, 1829.

NUMBER VIII.

A resolution directory to the surveyor of the 13th district.

Resolved by the General Assembly of the State of Tennessee, That John B. Hogg, principal surveyor of the 13th district, be, and he is hereby required to permit an entry No. 831, for sixty and

three fourth acres, which appears to have been made within the bounds of grant No. 59, for 5000 acres, to be made void; and that the surveyors south and west of the Congressional reservation line shall receive an entry on said warrant on any unappropriated land in their district, not in the possession of an occupant.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

November 12, 1829.

NUMBER IX.

A Resolution authorizing a land warrant to issue to James Douglass.

Resolved by the General Assembly of the State of Tennessee, That the register of West Tennessee, be authorized to issue on warrant No. 3794, for 640 acres to James Douglass any remnant of said warrant unsatisfied or unappropriated; and when issued, the commissioner is hereby authorized to adjudicate as in other cases; and that the same be located south and West of the reservation line.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

November 12, 1829.

NUMBER X.

A Resolution referring warrant No. 1964, for 400 acres granted to George Bean, and grant No. — for 1000 acres, in the name of John Sevier, to the commissioner for adjudication.

Resolved by the General Assembly of the State of Tennessee, That warrant No. 1934 for 400 acres granted to George Bean, and grant No. — for 1000 acres in the name of John Sevier, be referred to the commissioner for adjudication, and if the same or any part thereof, be taken by older and better title the commissioner shall issue to the respective claimants, certificates for

so much as is taken by interference; Provided the said grants are founded on good and valid warrants.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

November 17, 1829.

NUMBER XI.

Resolution requiring the register of West Tennessee to issue a grant to William Woods for 640 acres.

Resolved by the General Assembly of the State of Tennessee, That the register of West Tennessee, be, and he is hereby authorized and required to issue a grant to William Woods, upon his producing a plat and certificate of survey from the 12th surveyors district, for six hundred and forty acres, founded on military warrant No. 5025, issued to the heirs of Thomas Fentor, and transferred to said William Woods; Provided however, that the same has not been heretofore granted.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

November 14, 1829.

NUMBER XII.

To the Senate and House of Representatives of the United States in Congress assembled.

The Memorial of the Legislature of the State of Tennessee, humbly represents, that the citizens of Tennessee are strongly impressed with the great necessity of opening a communication between the waters of the Tennessee river, and those falling into the Mobile Bay, either by a suitable canal or rail road, at some eligible point between said waters. The Legislature would beg leave to state to your honorable body, that the communication proposed, would not only be of high and almost incalculable advantage to the states of Tennessee and Alabama: but of vast importance to the whole Union, in a political, commercial and military point of view.

The State of Tennessee, rich in her natural resources, with a population of many hundred thousands of industrious and enterprising inhabitants, possessed of a fertile soil, and salubrious climate, capable of producing all the variety of products of the first importance, abounding with Iron Ore, and other metals of less utility, and numerous and admirable water power, capable of being usefully employed to every species of manufactory, with inexhaustible mountains of stone or pit coal to support the same, is by geographical position, located in the interior of the Union, hundreds of miles from the seaboard—cut off from an intercourse with the Atlantic States, by the almost insuperable range of the Appalachian mountains—and though blessed with a few beautiful and majestic rivers, yet they are so much obstructed by natural barriers, as only to admit of perilous outlets for the exports of the state, at the time of considerable freshets. The Muscle Shoals with other obstructions in the Tennessee river, and its tributary streams; and the Harpeth Shoals, with other impediments in the Cumberland river, has greatly embarrassed, and almost deprived the state of the commercial advantages apparently due to the industry of her inhabitants, and the rich products of her soil. The state of Tennessee is therefore, compelled to apply to the aid of art, to acquire what nature has denied her. But with all the energies and resources capable of being employed by the state, they will be found inadequate it is feared, to ameliorate the internal commercial condition of the state, without having any thing to employ towards opening a suitable outlet for the surplus products of the industrious and enterprising.

Alabama a younger sister of Tennessee on the south, is in a great degree laboring under the same embarrassment having but a small skirt of territory bordering on the Gulf of Mexico, with but one commercial outlet through the Mobile Bay, except the circuitous and dangerous course of the Tennessee river, through the Muscle Shoals. Alabama has a variety of soil and climate, which renders her capable of producing numerous commodities from the cultivation of the earth, that are forbidden by nature, to the kind and fruitful soil of Tennessee, west Virginia, and the western section of North Carolina and Georgia, whose inhabitants most always mainly depend upon the outlets aforesaid, for the transportation to the seaboard of their surplus products. The peculiar situation of Tennessee and Alabama, renders their society and commercial intercourse more necessary to each other, than any other two states of the Union. The flour and other breadstuffs of Tennessee are much needed by the inhabitants of south Alabama, while the sugars and other products of south Alabama, are much wanted by the inhabitants of Tennessee, and the eastern section thereof, par-

ticularly. A barter and commutation of commodities will take place of great value, provided an intercommunication can be established between the two states, which the Legislature believe can be effected by either a canal or rail road, at no very great expense; but inconsiderable as the expense might be to the United States, yet it would fall with great weight upon the states of Tennessee and Alabama, both of which are comparatively in a state of infancy, and without resources competent to establish any thing like a system of internal improvement, within their own limits. The above facts it is hoped will clearly demonstrate the commercial necessity of a union of the waters of the Tennessee river and Mobile Bay, in one or the other of the modes proposed.

If the United States should ever be again invaded by a foreign foe, the south west border of her territory would be in greater danger from the incursion of the enemy, than almost any other part of the Union, because it is the most vulnerable, and least capable of being effectually defended by any species of fortification, other than the dauntless breasts of her freemen.

The states of Louisiana, Mississippi, Alabama, and the territory of Florida, are thinly inhabited, and from many causes in a great degree will remain so, totally incapable of defending the great extent of their vulnerable coast—To whom then must the eyes of the Union be turned, in such an emergency, will it not be to the hardy and daring sons of Tennessee and Kentucky, who have heretofore so nobly faced the foe—Should the enemy indicate an attack on Mobile or Pensacola, in the present situation of affairs, it would be next to impossible to defend them, because it would exhaust more than half the period assigned to the campaign to arrive at the point of action, with a fatigued and dispirited army, wholly incapable of acting efficiently.

But, make the contemplated communication and remove a few obstructions in the streams below, and an army of many thousands, with their provisions, camp equipage and other munitions of war, may be transported on the bosom of the water to the point of destination from the place of rendezvous in less than one month, firm, healthy and capable of the performance of their arduous duties.

This short view, it is believed by the legislature will be sufficient to prove the great importance of the contemplated communication in a military point of view.

It will be conceded by all, it is presumed, that every highway either by land or water, uniting any two or more states, is of high political importance to all the states of the Union—They operate as so many ligaments to unite and bind the Union of the states in indissoluble bonds of friendship and good neighborhood—The inhabitants of each become acquainted personally,

and join in feeling, friendship, and sympathy for each other—They become as they should be, as the children of one great family, willing to alleviate the wants and distresses, rather than heap oppression and misery upon each other—They learn to bear and forbear much; break down those local barriers resulting from sectional prejudices and be enabled to keep that spirit of compromise by which the Union of the states was effected.—Therefore the Legislature believe that it should be the policy of Congress to appropriate such portion of the unappropriated funds of the nation from time to time, as can be conveniently spared from the treasury upon roads and canals, of a purely national character, where the same can be done without an infraction of the constitution.—The Legislature believe the contemplated communication to be of such national importance as to require the early attention and care of the Congress of the United States, and as they can perceive no constitutional objection to the interposition of Congress, at the request of Tennessee and Alabama, they hope the importance of the measure will be a sufficient argument to induce your honorable body to make such an appropriation as will be sufficient to authorize the Secretary of War to send a corps of Engineers at an early day to examine and survey a suitable route, and ascertain the expense of making a canal or rail road as shall be thought best, and also to authorize the secretary of the treasury to subscribe for such a number of shares of stock in any companies or corporations erected by the authority of the Legislatures of Tennessee and Alabama, for the purpose of making such canal or rail road as shall be equal to the expense of making and completing the same, under such rules and regulations as Congress shall prescribe.

Resolved, That the Governor forward as early as practicable, one copy of this memorial to each member in Congress from this state.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

NUMBER XIII.

A Resolution relating to the devise of Mason Lee, late of the state of South Carolina.

Resolved by the General Assembly of the State of Tennessee, That

the Governory be, and he is hereby authorized to adopt such measures and proceedings, as he may deem proper and expedient in order to secure or obtain the benefit of the devise of Mason Lee, late of the State of South Carolina, made to the State of Tennessee.

EPHRAIM H. FOSTER
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

December 26, 1829.

NUMBER XIV.

Resolution relative to the bank of the State of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the committee on the Bank of the State of Tennessee, be instructed to examine into the vaults of the principal Bank at Nashville, and report from actual observation the real condition of said Bank, the amount of money on hand, the amount of capital, and what this capital has produced to the state during the last two years, as well as the expense that has attended the same, with such other information as may be deemed necessary by said committee.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

December 30, 1829.

NUMBER XV.

Resolution referring grants No. 273, 1819 and No. 854, to the commissioner of land claims for adjudication.

Resolved by the General Assembly of the State of Tennessee, That grant No. 273, granted by North Carolina to Robert King for 200 acres, grant No. 1819, for 600 acres, granted to Nathaniel Lyons, and grant No. 854, for 640 acres, granted to Michael Montgomery and Henry Rowan by North Carolina, be referred to the commissioner of land claims for adjudication, and if said grants are interfered with by older and better claims, the commissioner issue to the proper claimants certificates for such in-

terferences; Provided said grants are founded on good and valid warrants, and that no other grants ever issued thereon.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

December 12, 1829.

NUMBER XVI.

Resolution requiring the register of West Tennessee to issue a grant to the heirs of Henry Rhodes upon certain conditions.

Resolved by the General Assembly of the State of Tennessee, That the register of West Tennessee, is hereby authorized and required to issue a grant to the heirs of Henry Rhodes, for 640 acres so soon as he shall be presented with authenticated copies of military warrant No. 3286, issued to said heirs, together with the plat and certificate founded thereon; Provided however, said register shall be satisfied that the originals are lost or destroyed.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

December 31, 1829.

NUMBER XVII.

A Resolution directing the commissioner to issue a certificate to John Cowan.

Resolved by the General Assembly of the State of Tennessee, The commissioner of land claims be directed to issue to John Cowan a certificate for forty acres of land, if it shall appear to him that in issuing a warrant heretofore to said Cowan, on warrant No. 1965, from John Armstrong's office, so much of said warrant was unappropriated, and still remains unsatisfied and that said warrant is good and valid.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 9, 1830.

NUMBER XVIII.

Resolution directing the register of East and West Tennessee to issue certificate warrants on certain conditions.

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the register of East or West Tennessee to issue certificate warrants or certificates, as may remain unsatisfied in their offices; Provided the applicant makes satisfactory proof to the register, that the said fractional parts applied for did not stand located on the 22d day of November 1823; upon such certificates being issued by either of the registers aforesaid, it shall be the duty of the commissioner to adjudicate such certificate, on its being presented to him for that purpose, and the party interested may locate the same south and west of the Congressional reservation line and west of Tennessee river.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 2, 1830.

NUMBER XIX.

A Resolution relative to the United States Bank.

WHEREAS the charter of the United States Bank, will expire in the year 1836; and whereas it is believed that the stockholders in said bank will attempt to procure a re-charter of that institution; and whereas it is believed by this General Assembly, that it is not consistent with sound policy to extend the charter of said bank—Therefore,

Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives requested to vote against re-chartering the Bank of the United States, if any attempt should be made in Congress for that purpose before the next session of the General Assembly of this state.

Resolved, That the preamble and resolution be printed with the acts, so that the good people of this state may be informed thereof, and furnish their Representatives in the next General Assembly with whatever instructions their interest may require upon this important subject, and that the Secretary of State

furnish a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

NUMBER XX.

A Resolution directory to the clerks of the circuit courts in this state.

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the clerks of the circuit courts within this state, to report within the first week of the next session of the General Assembly, the number of suits which have been docketed at each term of said court for five years last past, and shall remark opposite each case, the disposition which was made of each case at each term of the circuit court, of which they are clerk, whether at a special or the regular terms of said courts; it shall also be stated by said clerk what Judge held each term of said court, the day on which the Judge attended, and the number of days which the court set at each term thereof.

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

January 2, 1830.

NUMBER XXI.

Resolutions relative to state turnpike road.

THE State of Tennessee has it in contemplation to make a state turnpike road on the M Adam plan, from the Virginia line to the Mississippi river, provided she can obtain the adequate funds. The General Assembly believe that if the United States will take stock, or make a donation to turnpike companies formed by the states, a national road can be made.—They believe that this is the only manner by which a national road can be made, where aid is to be given by the General Government, consistent with the sovereignty of the states and the legitimate powers of the United States—Therefore,

Resolved by the General Assembly of the State of Tennessee, That our Senators and Representatives in Congress, be requested to obtain a half a million of dollars, to be vested in the state turn-pike company, from the United States.

Resolved, that the State of Virginia be invited to meet the views of the State of Tennessee as aforesaid, and to make a road, national in its character, through the state of Virginia.

Resolved, That the Governor be requested to transmit a copy of this preamble and resolutions to our delegation in Congress and to the Executive of Virginia.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 14, 1830.

NUMBER XXII.

Resolution requiring the commissioner to re-adjudicate certificate warrant No. 4649 for 100 acres.

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the Secretary of State, acting as commissioner for the adjudication of land claims, to receive on file and re-adjudicate certificate warrant No. 4649, issued by the register of West Tennessee, for 100 acres; Provided it shall appear to the satisfaction of said commissioner that said warrant is good and valid and that the entry made thereon is interfered with by an older and better title.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 2, 1830.

NUMBER XXIII.

Resolution referring grant No. 1431, to the commissioner for adjudication.

Resolved by the General Assembly of the State of Tennessee, That if in adjudicating grant No. 1431 to John Cowan for 200 acres, it shall be manifest to the commissioner from the face of the

grant that the same is for an island in French Broad river, and that the whole of said island is taken by the grant No. 816, to Andrew Lewis, which is of better title, it shall be the duty of the commissioner to issue a certificate for the same, without the plat of the surveyor; Provided the same shall be regular and formal in every other respect.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate

January 4, 1830.

NUMBER XXIV.

A Resolution appointing James A. Whiteside to superintend the printing Haywood and Cobbs revision of the laws of the State of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That James A. Whiteside, be and he is hereby appointed to superintend the printing and publishing of Haywood and Cobbs revision.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 11, 1830.

NUMBER XXV.

A Resolution referring certain subjects to the Judges of the Supreme court for their decision.

WHEREAS doubts exists as to the power of the state, to sell and dispose of the school tracts of land in this state, agreeable to an act passed for that purpose on the 6th day of December 1825—Therefore,

Resolved by the General Assembly of the State of Tennessee, That this subject shall, and hereby is referred to the Supreme court of this state, and said court is hereby directed and required to examine the subject thoroughly, and report their opinion thereon, to the next General Assembly, and no further measures

shall be taken in regard to the sale or rents of said lands by the state until the opinion of said court can be had relative to said lands.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 14, 1830.

NUMBER XXVI.

A Resolution directory to the register of West Tennessee.

WHEREAS a mistake was made in passing the act of 1826, page 128, entitled an act for the relief of Robert Craig, by calling for the 7th instead of the 11th district—Therefore,

Resolved, That the register of West Tennessee, issue the grant to Robert Craig, and name the proper district therein in the same, as if said mistake had not have happened.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

NUMBER XXVII

A Resolution to provide for the relief of Abraham M'Gee.

Resolved by the General Assembly of the State of Tennessee, That the Register of the Western District, be, and he is hereby authorized to issue to Abraham M'Gee, a certificate for thirteen and threefourth acres of land warrant, it being part of a grant No. 1129, for fifty acres, granted to the said M'Gee by the State of Tennessee, lying in the ninth surveyors district, taken by the interference of grant No. 838, in the name of John S. Harmon, for two hundred and thirty acres, and that the commissioners appointed to adjudicate land warrants, be authorized to adjudicate the same as in other similar cases.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 13, 1830.

NUMBER XXVIII.

A Resolution appointing Samuel G. Smith and William B. Carter to examine the Agents and Entry Takers offices.

Resolved by the General Assembly of the State of Tennessee, That Samuel G. Smith, be, and he is hereby appointed, to examine all the Agencies and Entry Takers offices throughout West Tennessee, and the Western District, and to settle with each Agent and county Entry Taker, and to make a full report thereon to the Governor, so soon as such examination is completed; and also to the bank of the State of Tennessee.—And that William B. Carter, make a like examination and report for East Tennessee.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives,
JOEL WALKER,
Speaker of the Senate.

January 14, 1830.

NUMBER XXIX.

A Resolution directory to surveyor of the 8th district, to alter entry No. 1331, in the name of John Johnson.

Resolved by the General Assembly of the State of Tennessee, That the surveyor of the 8th district, be directed to so alter an entry in the name of John Johnson, No. 1331, for ten acres, so as to begin ninety four poles east of the south east corner of a fifty acre entry, No. 583, instead of fifty poles east; provided said alteration does not interfere with the just claims of any other persons.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives,
JOEL WALKER,
Speaker of the Senate.

January 11, 1830.

NUMBER XXX.

Resolution directory to the treasurer of East Tennessee.

Resolved by the General Assembly of the State of Tennessee, That

the treasurer of East Tennessee, is hereby directed to report to the next stated session of the General Assembly, the amount of money received and paid over to the Cashier of the Branch of the Bank of the State at Knoxville, for the debt owing the state from the purchasers, and enterers, separately, of land in the Hiwassee district, up to that time, and what sum is then yet due and owing from said debtors.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 11, 1830.

NUMBER XXXI.

A Resolution directing the Secretary of State to issue a certificate to the heirs of Patrick Murphey on military warrant No. 370.

WHEREAS it is represented that military land warrant No. 370 for one thousand acres, issued by the state of North Carolina to Patrick Murphey, has been lost, and cannot be found by his heirs—Therefore,

Resolved by the General Assembly of the State of Tennessee, That the commissioner of land claims, be, and he is hereby authorized to issue a warrant or certificate to the heirs of said Murphey for said one thousand acres; Provided, he shall be satisfied that said warrant has not been heretofore granted or appropriated and that the same is good and valid.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives,
JOEL WALKER,
Speaker of the Senate.

January 11, 1830.

NUMBER XXXII.

A Resolution directing the attorney general of the 7th district to dismiss certain suits therein named.

Resolved by the General Assembly of the State of Tennessee, That the suits now depending in the circuit and supreme courts in the county of Davidson against the President and Directors of the

State Bank of Tennessee, and against Benjamin W. Hayward, Dyer Pearl, Yeatman and Wood, Harlow Hinkshaw and Robert Buchanan, be dismissed with the consent and under the direction of the attorney general of the 7th district; Provided, That said defendants shall pay all costs; and provided that they pay to said attorney general, a reasonable fee for his services in prosecuting said suits; and provided further, that said defendants shall avail themselves of the provisions of this resolution during the next session of the Supreme court.

Resolved, That said attorney general forthwith dismiss the suit against the President and Directors of the State Bank without charging any fee.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.
JOEL WALKER,
Speaker of the Senate.

January 11, 1830.

Convention entered into between the States of Kentucky and Tennessee, on the 2nd February 1830.

The States of Kentucky and Tennessee, desirous of terminating the controversy which has so long subsisted between said states in relation to their common boundary, and of restoring the most perfect good understanding and harmony between them, have, for that purpose appointed their respective commissioners, that is to say, the State of Kentucky on her part has appointed John J. Crittenden and Robert Trimble; and the State of Tennessee on her part has appointed Felix Grundy and William L. Brown, who after a reciprocal communication of their respective powers, have agreed upon the following articles and stipulations:

Articles 1st. The line of boundary and separation between the States of Kentucky and Tennessee shall be as follows, to wit: The line run by the Virginia commissioners in the years seventeen hundred and seventy-eight, and seventeen hundred and eighty, commonly called Walker's line, as the same is now reputed, understood and acted upon by the said states, their respective officers and citizens, from the south eastern corner of Kentucky to the Tennessee river, thence with and up said river to the point where the line of Alexander and Mansell, run by them in the last year, under the authority of an act of the Legislature of Kentucky, entitled "an act to run the boundary line between this state and Tennessee, part of the Tennessee river, approved February 8th 1819," would cross said river,

and thence with the said line of Alexander and Munsell to the termination thereof, on the Mississippi river, below New Madrid.

ARTICLE 2d. It is agreed and understood that from the point where Walker's line strikes the Tennessee river, to the point where Alexander and Munsell would cross the same, the said Tennessee river shall be the common boundary of said states, and subject to their common use and concurrent jurisdiction. Any island or islands in that part of the river Tennessee, which forms the common boundary between the two states shall be within the exclusive jurisdiction of the state of Kentucky; but any appropriations thereof by individuals heretofore made, under the laws of North Carolina or Tennessee shall be valid.

ARTICLE 3d. Whenever the Governor either state shall deem it expedient to have the boundary between the two states, which is east of the Tennessee river, or any part thereof, run and plainly marked, he shall cause a notification thereof to be communicated to the Governor of the other state, and thereupon with all convenient despatch, two surveyors shall be appointed for that purpose, one by the Governor of each state, and the surveyors so appointed shall have power to employ a competent number of chain carriers and assistants; and they shall ascertain, survey and mark said line plainly and durably, having due respect to the provisions of the first article hereof;—and it shall be the duty of said surveyors to make out and sign duplicate plats and reports of their surveys and proceedings, to be communicated by each surveyor, to the Governor of his respective state, to be deposited and preserved in the office of Secretary of state, for a testimony and memorial of the boundary between said states;—and all cost and expence that may be incurred under the provisions of this article, and in surveying and marking said boundary line shall be paid by said states jointly, and equally.

ARTICLE 4th. The claims to lands lying west of the Tennessee river, and north of Alexander's and Munsell's line derived from North Carolina or Tennessee, shall be considered null and void; and claims to lands lying south of said line and west of Tennessee river, derived from Virginia or Kentucky, shall in like manner be considered null and void.

ARTICLE 5th. All lands now vacant and unappropriated, by any person or persons claiming to hold under the states of North Carolina or Tennessee, east of the Tennessee river, and north of the parallel of latitude 36 degrees 30 minutes north, shall be the property of, and subject to the disposition of the state of Kentucky, which state may make all laws necessary and proper, for disposing of and granting said lands, or any part thereof; and may by herself or officers do any acts necessary

and proper for carrying the foregoing provisions of this article into effect; and any grant or grants she may make therefor, or any part thereof, shall be received in evidence in all the courts of law or equity in the State of Tennessee, and be available to the party deriving title under the same; and the land referred to in this article shall not be subject to taxation by the State of Tennessee for five years, except so far as the same may in the mean time be appropriated by individuals.

ARTICLE 6th. Claims to land east of the Tennessee river between Walker's line, and the latitude of thirty-six degrees thirty minutes north, derived from the state of Virginia in consideration of military services, shall not be prejudiced in any respect by the establishment of Walker's line, but such claims shall be considered as rightfully entered or granted; and the claimants may enter upon said lands, or assert their rights in the courts of justice without prejudice by lapse of time, or from any statute of limitations, for any period prior to the settlement of the boundary between the two states; saving however to the holders and occupants of conflicting claims, if any there be, the right of shewing such entries or grants to be invalid, and of no effect, or that they have paramount and superior titles to the land covered by such Virginia claims.

ARTICLE 7th. All private rights and interests of lands between Walker's line, from the Cumberland river, near the mouth of Oby's river, to the south eastern corner of Kentucky, at the point where the boundary line between Virginia and Kentucky intersected Walker's line on the Cumberland mountain, and the parallel of thirty-six degrees thirty minutes north latitude, heretofore, derived from Virginia, North Carolina, Kentucky or Tennessee, shall be considered as rightfully emanating from either of those states; and the states of Kentucky and Tennessee reserve to themselves respectively, the power of carrying into grant, claims not yet perfected; and in case of conflicting claims (if any there be) the validity of each claim shall be tested by the laws of the state from which it emanated, and the contest shall be decided as if each state respectively, had possessed the jurisdiction and soil, and full power and right to authorize the location, survey or grant according to her own rules and regulations.

ARTICLE 8th. It is agreed that the foregoing articles shall receive the most liberal construction for effecting the objects contemplated; and should any disagreement arise as to the interpretation, or in the execution thereof, two citizens of the United States, but residents of neither Kentucky nor Tennessee shall be selected, one by the executive of each state, with power to choose an umpire in case of disagreement, whose decision shall be final on all points to them submitted.

ARTICLE 9th. Should any farther Legislative acts be requisite to effectuate the foregoing articles and stipulations, the faith of the two states is hereby pledged, that they will unite in making in such provisions, and respectively pass such laws as may be necessary to carry the same into full and complete effect.

ARTICLE 10th. The foregoing articles and stipulations, if ratified by the Legislature of Kentucky during their present session, shall forever be obligatory and binding on both states, and take effect from this day.

In faith whereof, we, the respective commissioners, have signed these articles, and have hereunto affixed our seals.—Done in duplicate, at Frankfort, the second day of February, one thousand eight hundred and twenty.

JOHN J. CRITTENDEN, (SEAL.)

ROBERT TRIMBLE, (SEAL.)

FELIX GRUNDY, (SEAL.)

WILL. L. BROWN, (SEAL.)

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I have carefully examined the foregoing acts and resolutions, and find them to be the true copies of the originals now on file in my office.

DANIEL GRAHAM,

March 27, 1830.

Secretary of State.

ERRATUM.—In the 85th Chapter of the Public Acts, Section 2, the last word of the fifth line, for *twenty*, read *seventy*.

[*Note by the Printer.*—The originals have been closely adhered to. Chapter 93 of the Public Acts, and Chapters 284, 286, 288, 289, 290, 291, and 292, of the Private Acts, do not contain the signature of the Speaker of the House of Representatives, and were printed accordingly.]