

may be) that I will faithfully execute the office of Treasurer agreeable to law and according to the best of my skill and ability—so help me God.

**Office at seat of Government** SEC. 2. The Treasurer shall keep his office at the seat of government, and do and perform all the duties appertaining thereto which may be required of him by law or resolution of the General Assembly.

**To receive all public moneys** SEC. 3. Said Treasurer is hereby authorized and required to receive of the several collectors of public revenue, all taxes accruing to the State and all other public money payable into the treasury, by virtue of any act or acts of the General Assembly.

**To pay to order of comptroller** SEC. 4. It shall not be lawful for the Treasurer to pay any money on account of the public but on warrant from the comptroller of the treasury, except the salary of said comptroller; and no money shall be paid out of the public treasury, unless the law or laws under which the same may be claimed or demanded shall expressly direct and order, that the same shall be paid out of the public treasury, and the warrant showing the name of the person in whose favor drawn and the nature of the claim upon which it is founded.

**To keep accounts** SEC. 5. Said Treasurer shall keep in a book or books, true, faithful and just accounts of all the money received by him from time to time, on the respective taxes and impositions by any act or acts of Assembly; and also of all such sum and sums of money as he shall pay out of the treasury on warrants by him received and paid out, under distinct heads.

**Money not to be paid where debts are due** SEC. 6. No person or persons shall draw any money from the public treasury until all debts, dues and demands, owing by him to the State, are first liquidated and paid off.

**Of his misapplying funds** SEC. 7. If said Treasurer divert or misapply any money paid into the treasury contrary to any act or acts of Assembly, said Treasurer, for such offence, shall forfeit his office and be incapable of holding any office of trust or profit whatsoever in this State, and shall, moreover, be liable to pay double the value of any sum or sums so misapplied, to be recovered for the use of the State, by motion of the comptroller or his attorney, in any court of record in this State: *Provided*, ten days previous notice be given in writing of such motion to said Treasurer so offending.

**Governor to fill vacancy** SEC. 8. Whenever the office of Treasurer shall hereafter become vacant by death, resignation or otherwise, during the recess of the General Assembly, the Governor shall immediately proceed to fill the office of Treasurer by the appointment of some person qualified to discharge the duties of said office, who shall, before he enters upon the duties of his office, enter into bond with such securities as shall be approved of by the Governor, in the penalty prescrib-

ed by law; and he shall perform all other duties, and shall be liable to the same penalties, and shall receive the same compensation as the Treasurer who may be appointed by the General Assembly; and it shall be the duty of the comptroller of the treasury to settle the accounts of the deceased, resigned or removed Treasurer, where some person in behalf of said Treasurer may attend for the purpose of aiding in such settlement; and the comptroller having made such settlement, shall deliver over the books, papers and money belonging to the treasury, to the Treasurer so appointed, and take his receipt therefor; and the comptroller shall file in his office a statement of such settlement, together with the receipt, which shall be by him recorded in his office.

SEC. 9. The Treasurer shall exhibit to each regular session of the General Assembly an exact statement of the balance in the treasury to the credit of the State, with a summary of the receipts and payments of the treasury during the two preceding years.

SEC. 10. The Treasurer shall deposit all moneys that shall come to his hands on account of the State, within three days after receiving the same, in such bank or banks as in the opinion of the comptroller and Treasurer shall be secure, and pay the highest rate of interest to the State for such deposits; and the money so deposited shall be placed to the account of the Treasurer, and he shall only check therefor to pay the warrants of the comptroller, always making his said checks payable to the payee of warrants.

SEC. 11. The several banks where public deposits are made by the Treasurer, or any other person depositing by the directions of the Treasurer, shall transmit to the comptroller and treasurer monthly statements of the moneys which shall be received and paid by them on account of the treasury, and no money shall be drawn from any such banks unless by checks subscribed by him as Treasurer, and countersigned by the comptroller, and no money shall be paid by either of said banks on account of the treasury, except upon such checks.

SEC. 12. The Treasurer shall keep a general ledger of accounts, into which he shall post all the receipts and disbursements at his office, arranging the receipts and disbursements under the heads to which they properly belong; he shall open on the said ledger a general account of receipts and disbursements, which last mentioned account he shall compare with the books kept by the comptroller in his office, on the last day of each quarter of the fiscal year in each year, which fiscal year shall commence on the first day of October, and end on the thirtieth day of September, and after having made them correspond, shall strike the balance on the said account, showing the amount at that time

Treasurer to make statement to Gen. Assembly

To make deposits in bank

Bank to make monthly statement

Manner of keeping Leger

in the Treasury due to the State; which balance shall be carried forward on the books to the general account for the next quarter. The Treasurer shall keep accounts on the books of his office with the different banks in which the public revenue or money is deposited, on which balances shall be struck at the aforesaid periods, showing the amount in bank to the credit of the State at the end of each quarter; and he shall moreover keep a general cash account, which shall be balanced at the aforesaid periods, showing the balance in the treasury office at the end of each quarter.

To hold office 2  
years and set  
tle with present  
Treasurer

SEC. 13. The present Treasurers shall hold their office until the first day of March next, and no longer; and the Treasurer who shall be elected under the provisions of this act, shall enter upon the duties of his office on said first day of March next, and shall hold his office for the term of two years and until his successor is elected and qualified; and it shall be the duty of the comptroller of the treasury to settle the accounts with the present Treasurers, and having made such settlement, shall deliver over the books, papers and money belonging to the treasury, to the Treasurer so appointed, and take his receipt therefor; and the comptroller shall file in his office a statement of such settlement, together with the receipts, which shall be by him recorded in his office.

Salary

SEC. 14. The salary of the Treasurer of this State shall be fifteen hundred dollars per annum, payable in quarterly payments, by warrants drawn in his favor for that purpose by the comptroller, which salary shall commence upon his entering upon the duties of his office, and he shall moreover be allowed in the settlement of his accounts for his necessary expenditure for such books and stationery as by this act he is required to furnish.

Old law repealed

SEC. 15. All laws now in force authorizing the appointment of three Treasurers, and all laws coming within the purview and meaning of this act shall be and the same are hereby repealed.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 2, 1836.

## CHAPTER XXVIII.

An Act to lay off the State into Solicitorial districts, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That each judicial circuit that may be laid off in this State shall constitute a solicitorial district, and there shall be elected by joint vote of both branches of the General Assembly, one Attorney General of competent law knowledge for each, whose duty it shall be to attend the circuit courts in his district, and prosecute in behalf of the State in every case in which the State may be a party or is in anywise interested, and shall perform the same duties, have the same powers, privileges and emoluments of the present Attorneys General. Judicial circuit to be solicitorial district

SEC. 2. *Be it enacted,* That if it shall so happen that at any term of the circuit court in this State the Attorney General appointed for that district fails to attend, or in case of a vacancy in the office of Attorney General, the said court shall appoint some other attorney to attend to the business of the Attorney General for that term, whose acts in all respects shall be as good and valid as if done by the officer appointed for that purpose; and shall be entitled to the same fees, privileges and emoluments, that the proper officer would be entitled to. Absence of Att. General

SEC. 3. *Be it enacted,* That the Attornies General that may be elected under this act, shall at all times, when called upon by any of the county officers in their districts for an opinion upon any question of law relating to the duties of their office, where the State or county is interested, give the same without charging any fee therefor. Att. Gen. to give opinions in State cases without fee

SEC. 4. *Be it enacted,* That it shall be the duty of the Attorney General of the respective districts in which the supreme court is held, to attend said court and prosecute on behalf of the State, all appeals, appeals in the nature of writs of error, and writs of error taken to said court from the judgment of the circuit court, in all cases in which the State is a party. Att. Gen. to attend Sup. court

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed January 22, 1836.

## CHAPTER XXIX.

An Act to authorize the several County Courts which are now or may hereafter be established in this State, to grant the privilege of building bridges, erecting fish dams, and such other private or local improvements, as in their discretion shall be right and proper, and as shall be conformable to the 7th and 8th sections of the 11th article of the Constitution of the State of Tennessee.

Authority given to court

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several County Courts which are now or hereafter may be established in this State, shall have full power and authority upon proper application being made, (as hereinafter pointed out) to grant the privilege of erecting toll bridges and causeways across bottoms, fish traps, or direct the removal of all such fish traps and fish dams as in the opinion of the Court forms an obstruction to the navigation, mill dams, and establishing public ferries and public roads, and making such other private and local improvements within the limits of their respective counties as are contemplated by the 7th and 8th sections of the 11th article of the constitution, and to fix the term to which said benefit or privilege shall extend, to fix the toll and rate of charge which shall be allowed in all such cases, and to impose such restrictions, limitations and conditions, as in their discretion shall seem right and proper: *Provided,* that nothing in this act contained, shall authorize said County Courts to impose a greater tax or toll on the citizens of another county or State than on the citizens of the county or counties in which said improvement or improvements may be made.

May raise tax for county purposes

SEC. 2. *Be it enacted,* That the County Courts aforesaid, a majority of all the justices of the county voting in the affirmative, shall be and are hereby authorized and empowered to lay a tax on all polls and taxable property within their respective counties subject to State taxation, which tax shall be laid at the first court in each and every year, upon such principles as are established in regard to State taxation, for the building or erection of all such public bridges and causeways on public roads, as they in their discretion shall order and direct, and that said monies when collected shall be, by the collecting officer of the county, paid over to the county trustee, and be by him held and kept subject to the order of said County Court, which said order, together with the receipt of the person or persons authorized to receive the same, in the hands of the said trustee, shall be a sufficient voucher for him in his settlement with the county, for the sum or sums of money therein directed to be paid: *Provided,* that said County Court shall not lay a greater amount of tax for the aforesaid purpose in any one year, than the amount of the State tax.

SEC. 3. *Be it enacted,* That in all cases where the County Courts of this State shall direct the building of a public bridge or causeway at the expense of the county, they shall at the same term of said court (at) which said order is made, appoint three commissioners whose duty it shall be to receive propositions for the building of said bridge or bridges, causeway or causeways, clearly specifying the extent, character and description of said work, and report their proceedings to the next ensuing term of said court, which said court may thereupon receive and accept of such propositions so made as aforesaid, as to them shall seem best, and shall thereupon direct that said work shall progress under such regulations and securities as they may deem proper; and upon being notified that the same is completed, shall appoint three commissioners unconnected either by affinity or consanguinity with the contractor or contractors, for the performing and completing of said work, shall require of said commissioners appointed as aforesaid, to examine and report upon said work, and if the same shall be reported favorably of, the said court shall receive the same and make such order on the trustee of the county as shall conform to and with the contract entered into with the undertakers thereof.

Not to interrupt navigation

SEC. 4. *Be it enacted,* That no mill dam, fish trap, bridge or other improvement, shall be allowed by virtue of this act so as to interrupt or in any way injure or impair the navigation of such streams or rivers as now are or hereafter may be declared navigable within the State.

Petitioner must own the land or have written consent

SEC. 5. *Be it enacted,* That said courts shall in no case grant the liberty of erecting toll bridges, mill dams or other obstructions across any river or water course in this State, unless the party petitioning therefor, shall own the lands on both sides of said river or water course, upon which said improvement is designed to be made, or shall have the consent in writing of the owner or owners thereof, and in all such cases the said consent in writing shall be filed with the petition.

Mode of making application

SEC. 6. *Be it enacted,* That in all cases where any person or persons desire to make or erect any such toll bridge, fish trap, mill dam or other improvement, or obtain any such right or privilege as is by this act contemplated or provided for, such person or persons shall file his or their petition in the said County Court of the county where such improvement, right or privilege is intended to be made, on the first day of the term thereof, setting forth the nature and object of such application, and the said court at the next succeeding term thereof, shall hear and determine upon said application; and in all cases where the same shall be allowed or granted, the clerk of said court shall record said petition at length and the order and decree of said court so made there-

on, for which service he shall receive from the party petitioning, the sum of fifty cents for every copy sheet, and the said party so petitioning as aforesaid, shall pay all costs and charges incident to the order and decree of said court, for which execution may issue.

Public notice required  
SEC. 7. *Be it enacted*, That it shall be the duty of the said County Courts respectively, in all cases where petitions may or shall be filed under the provisions of this act, to cause notice thereof to be set up on the door of the court house of said county at the term within which said petition shall have been filed.

Bridge not allowed within a mile of another  
SEC. 8. *Be it enacted*, That the several County Courts of this State shall in no case authorize the erection or building of any toll bridge on the same stream or water course within one mile of any other toll bridge heretofore erected, or the building of which may have been authorized at the date of an application for such privilege: *Provided*, that this act shall not prohibit the County Court from granting any person or persons the privilege of building bridges within less distance than one mile from any other bridge on any road or roads that have been heretofore constructed or established.

Old grants for bridges confirmed  
SEC. 9. *Be it enacted*, That whenever the County Courts may have heretofore granted to any person or persons the privilege of building a toll bridge across any navigable stream in this State, the same is hereby confirmed and declared good; but it shall not be lawful for any person who may have obtained the grant of such privilege as aforesaid to build such bridge in such manner as in any way to obstruct the navigation of the river or stream over which said bridge may be built.

No obstruction allowed on roads  
SEC. 10. *Be it enacted*, That it shall not be lawful for any person or persons to erect any gates, bars, or other obstructions across the road leading to any toll bridge established or built under the authority of the said County Courts within one half mile of said bridge, and should any person presume to violate the provisions of this act by the stopping up or obstructing of said road as aforesaid, he shall be liable to be indicted in the Circuit Court of the county wherein said offence may have been committed, and upon conviction he shall be fined by the court.

Rights for gates may be obtained  
SEC. 11. *Be it enacted*, That if any person should desire to erect a gate across any highway running through his or her plantation, they shall first make application by petition to the County Court of the county for liberty to erect such gate, and if the same should be granted by the Court it shall be lawful for such person to erect such gate upon his own land without incurring the penalty of a violation of this act, but said gate shall not be kept fastened so as to prevent the free passage of travelers and others.

SEC. 12. *Be it enacted*, That it shall and may be lawful, and it is hereby made the duty of the County Courts of this State, and in all cases of a vacancy of a commissioner or commissioners of any turnpike road, toll bridge or of any town in this State, to fill such vacancy; and the person or persons so appointed, shall give the same bond where such are required, take the same oaths, have the same powers and be entitled to the same emoluments that his or their predecessor or predecessors were required to give, take, exercise, or were entitled to. Court to fill vacancies

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed January 28, 1836.

## CHAPTER XXX.

An Act concerning the rents and profits of school lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever the commissioners of each school tract shall not have received the rents or profits of lands assigned and laid off for the use of schools of which they are or were commissioners for the rents and profits thereof, between the passage of the acts of 1825, ch. 85, and 1831, ch. 15, sec. 10, that such rents and profits ought to be and are hereby directed to be paid by the treasurer of East or West Tennessee, as the case may be, to those entitled to receive the same. Treasurer to pay certain old rents &c

SEC. 2. *Be it enacted*, That for the purpose of ascertaining the above facts and what sum or sums ought to be paid as aforesaid, it shall be lawful for the commissioners of school lands of each tract of which they are commissioners aforesaid, to file their petition in the Circuit Court of each county where said school lands are situated, setting forth the amount of rents and profits which they claim to be entitled to during the period aforesaid, a copy of which shall be served upon the State's attorney and treasurer of East or Middle Tennessee, as the case may be, thirty days previous to the sitting of the Court where such petition is preferred, whose duty it shall be to defend the interest of the State in the matter; and it shall be the duty of the Judge of said Court at the first or any succeeding term of said Court, to hear evidence of the value of the rents and profits aforesaid and interest thereon, and after allowing the State all just credits for repairs, improvements and other ne- Authority for treasurer to pay

cessary expenses, shall give judgment accordingly, which shall be the authority to the treasurer to pay the same over to said Commissioners.

Duty of commissioner of school land

SEC. 3. *Be it enacted*, That it shall be the duty of the commissioners of school land, prosecuting any suit or suits under the provisions of this act, to show by legal evidence that the State had the actual possession by herself or agent or those acting as such: *Provided*, that nothing in this act shall be so construed as to extend to those school commissioners or those acting under them where there have been settlements made for rents and profits heretofore for said school lands.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, December 10, 1835.

### CHAPTER XXXI.

An Act to amend an act passed the 5th day of November 1833, entitled "An Act to regulate ferriages and tolls at ferries, kept on the Tennessee river, North of the North boundary line of the State of Alabama.

Tolls regulated by county courts

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the above recited act be, and the same is hereby repealed, and the rate of toll at said ferries shall be as regulated by the County Courts of the different counties, until the same is altered by said courts.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, November 11, 1835.

### CHAPTER XXXII

An Act giving further time to the purchasers and enterers of land in the Hiwassee District to obtain their grants.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the purchasers and assignees of purchasers, enterers and assignees of enterers of land in the Hiwassee District, shall have the further time of two

years to obtain their grants for the same, from and after the passage of this act: *Provided*, this act shall not extend to entries made South of the treaty line of 1819, between the United States and Cherokee tribe of Indians, as the same has by the commissioners been run.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, November, 16, 1835.

### SECTION XXXIII.

An Act to authorize the registration of grants for land emanating from the State of Kentucky between Walker's line and Matthews' line, as provided for in the compact of 1820, between this State and the State of Kentucky.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for persons <sup>Grants may be registered</sup> holding land in this State by grant from the State of Kentucky, between Walker's line and Matthews' line, as provided for in the compact of 1820, between the two States, to have their grants registered in the register's office of the county in which the land lies; and when such grants are so registered, copies thereof from the register's book shall be received in evidence in the courts of this State, subject to the same rules that copies of grants emanating from this State are received in evidence.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, December 14, 1835.

### CHAPTER XXXIV.

An Act to authorize the county courts in certain cases to order the sale of the sites and materials of jails and public prisons, and to purchase others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the justices of the several <sup>Court may change site of jail</sup> county courts in this State, a majority thereof being present, shall have full power and authority, whenever in their

opinion the site of any jail or public prison shall be unhealthy, insecure, or otherwise inconvenient in its location, to order the sale of such site, jail or prison, and the whole or such parts of the materials used in the construction of the same as they may deem necessary and proper, and to order that a more eligible, healthy or secure site be purchased, and to cause to be erected thereon, a new jail or prison better suited to secure the safety, health and comfort of prisoners.

*May levy tax*  
**SEC. 2.** *Be it enacted,* That should the moneys arising from the sales of any such jails or prisons be insufficient to effect the objects contemplated by this act, the justices of said county courts are hereby authorized to levy such tax as may be necessary to attain the same, which shall be collected in the same manner as other public taxes, and shall be applied to the purposes herein specified.

*Commissioners to be appointed*  
**SEC. 3.** *Be it enacted,* That the said justices shall have full power and authority to appoint not less than three, nor more than five commissioners, a majority of whom shall be competent to act, whose duty it shall be to make such sales and purchases, and to contract for and superintend the erection of such jails or prisons, and shall receive such reasonable compensation for their services as said justices shall allow, and said justices shall be fully authorized to make all such orders as may be necessary and proper to carry into operation the provisions of this act.

*Commissioners deed made valid*  
**SEC. 4.** *Be it enacted,* That all deeds of conveyance made by said commissioners for the premises on which any such jail or prison may have been erected, when proven or acknowledged and registered according to law, shall be effectual to vest a valid title in the purchaser of the same.

*Deed to be taken for jail lots*  
**SEC. 5.** *Be it enacted,* That deeds of conveyance shall be taken for any lot or lots which shall be purchased by said commissioners for the purposes aforesaid, to the chairman of the county court and his successors in office, in trust for the purposes aforesaid, which shall be proved or acknowledged and registered as in other cases.

*Oath required*  
**SEC. 6.** *Be it enacted,* That said commissioners, before they enter on their duties, shall take an oath faithfully to perform all the duties enjoined on them by this act.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed November 16, 1835.

## CHAPTER XXXV.

An Act to amend an act appropriating the School land in the Hiwassee District, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That when from any cause the justice or justices of the peace have failed to hold an election *Election of trustees provided for* for trustees according to said act of Assembly, in any township or fractional township in the Hiwassee district having school land therein, it shall be lawful for the justice or justices in such township or fractional township aforesaid, to open and hold an election for trustees under the same rules and regulations as prescribed by said act, at as early a period as may be convenient; and such trustees so elected, and such as may be appointed by this act, and such as have heretofore been elected pursuant to said act, shall continue to act under the same rules, regulations and liabilities prescribed by said act, until others shall be elected and qualified.

**SEC. 2.** *Be it enacted,* That Arthur H. Henley, Achilles Stepp, James Reagan, Joseph Donoho and Thomas H. Calloway, be, and they are hereby appointed, as trustees *Special trustees appointed* for the school land in the township in which they reside; and that in all cases the concurrence of any three of said trustees shall be competent to transact any business.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed January 22, 1836.

## CHAPTER XXXVI.

An Act to authorize sheriffs to convey persons arrested on a criminal charge in one county to the prison of another county for safe keeping.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That when a bill of indictment *Sheriff may remove criminal* shall have been found in any of the courts of record of this State against any person or persons for a violation of the criminal laws of this State, and the defendant or defendants in said indictment shall be arrested upon a capias issued from the court wherein said indictment shall have been found, it shall be lawful for the sheriff making said arrest, if the jail of the county wherein said arrest shall have been made is insufficient for the safe keeping of

said defendant or defendants, to convey said prisoner or prisoners to the nearest jail in this State that is sufficient for the safe keeping of said prisoner or prisoners.

*Guard may be summoned*  
 SEC. 2. *Be it enacted*, That it shall and may be lawful for such sheriff to summon a guard, not exceeding two for each prisoner, to assist in the taking of said prisoners to the jail wherein they are to be confined; and such sheriff and guard shall receive for their services the same compensation as is now allowed by law for similar services.

*Bail authorized*  
 SEC. 3. *Be it enacted*, That nothing in this act shall be so construed as to prevent the sheriff from taking bail of the defendant or defendants, where the offence is bailable, in the same manner as sheriffs are now by law authorized to take bail.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed November 30, 1835.

#### CHAPTER XXXVII.

An Act giving the further time of two years for making surveys and obtaining grants on entries made under the act of 1819, chapter 1, and the acts subsequent thereto.

*Further time given*  
 SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the further time of two years, and until the rise of the next General Assembly, be given for making surveys and obtaining grants on entries made under the act of 1819, chapter 1, and the acts subsequent thereto, made in the different land offices of this State, south and west of the congressional reservation line.

*Surveys and grants made valid*  
 SEC. 2. *Be it enacted*, That all entries made under the provisions of the acts mentioned in the first section of this act, and on which the surveys have not been made or grants obtained, within the time prescribed by law, are hereby made as good and valid as if the survey had been made and grants obtained within the time required by the existing law: *Provided*, that the rights of occupancy shall not be affected by the provisions of this act.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed December 30, 1835.

#### CHAPTER XXXVIII.

An Act to amend the existing laws on the subject of New Counties.

*No notice required*  
 SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the act of 1796 as requires six months notice to be given by the memorialists at the court house and in each captain's company in the county, of their intention to prefer a memorial describing the line or lines of such division intended to be made, be and the same is hereby repealed.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed November 13, 1835.

#### CHAPTER XXXIX.

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

*Election of Electors provided for*  
 SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the qualified voters for members of the General Assembly of this State shall meet at their respective court houses and other places appointed by law for holding elections, in each and every county, on the first Tuesday after the first Monday in November, 1836, and vote for fifteen electors of President and Vice President of the United States, as by the constitution and laws of the same they are entitled to vote; and that the sheriff or coroner, or any other person or persons authorized by law to hold elections of each and every county in this State, shall, and are hereby required, to appoint three judges for every place of voting in their respective counties, and a like number of clerks, all of whom shall be sworn to conduct said elections as herein required; and at which election, the same rules and regulations shall be observed by the several sheriffs, coroners, clerks, judges and others, and voters, as are now provided by law in electing members of the General Assembly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Duty of sheriffs*  
**SEC. 3.** *Be it enacted,* That it shall be the duty of the sheriff or coroner, or other person or persons, as the case may be, of the respective counties of this State holding elections, to meet at the court house of the county in which they reside, on the day immediately succeeding said election, and compare the votes polled for Electors as aforesaid, and make out a triplicate statement of the number of votes received by each person who may have been voted for as Elector of President and Vice President of the United States, and deposite one of the statements regularly certified by the officer holding said election in the office of the clerk of the county court, taking his receipt therefor, and depositing one copy in the Post Office, at the court house of the county where said election may be held, directed to the Governor and Secretary of State, and to direct the

other in the same way, by the next mail immediately thereafter, and take receipts of the post master for the same; and any sheriff, coroner, or other person or persons, as the case may be, failing to comply with the provisions of this act, shall forfeit and pay five hundred dollars, to be recovered by action of debt, to any person who may sue for the same before any tribunal having cognizance thereof.

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

*Duty of Governor and Secretary of State*

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

*Penalties for failure to hold elections*

**SEC. 6.** *Be it enacted,* That each Elector of President and Vice President of the United States shall, before the hour of 12 o'clock, on the day next preceding the day fixed by the law of Congress to elect a President and Vice President of the United States, give notice to the Governor that he is at the seat of Government, and ready at the proper time to perform the duties of an Elector; and the Governor shall forthwith deliver to the Electors present, a certificate of all the names of the Electors, and if on examination thereof, it shall be found that one or more of said Electors are absent, and shall fail to appear before 9 o'clock in the morning of the day of Election of President and Vice President as aforesaid, the Electors then present, shall immediately proceed to elect by ballot, in the presence of the Governor, any qualified resident citizen or citizens of the State, as the case may be, to fill such vacancy or vacancies as may have occurred through the non-attendance of one or more of the Electors.

*Duty of Electors*

**SEC. 7.** *Be it enacted,* That the Electors so elected, shall meet in the city of Nashville on the first Wednesday in December, one thousand eight hundred and thirty-six,

*To meet at Nashville and vote*



and vote for President and Vice President of the United States, and make return thereof agreeably to the laws of the United States in that case made and provided; and each Elector shall be allowed four dollars for every twenty-five miles he shall necessarily travel in going to and returning from the seat of Government, and four dollars per day whilst attending at the same as an Elector, for which the Governor may issue his warrant to the treasurer of this State.

Sixty days notice of election

SEC. 8. *Be it enacted*, That the sheriffs or coroner of each and every county in this State shall advertise, at the court house, and in each civil division in their respective counties, the day on which said election of Electors for President and Vice President shall take place, at least sixty days before the time appointed for holding said election.

Of the new counties

SEC. 9. *Be it enacted*, That the qualified voters residing within any of the new counties established at the present General Assembly, shall vote with the counties from which they are detached respectively, agreeably to the provisions of the 10th Act, Sec. 5th, of the constitution.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 19, 1836.

## CHAPTER XL.

An Act to amend and extend the act of 1825, chapter 37.

Benefit extended

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the lien given to mechanics who may construct, or in part build or construct, or furnish the materials or any part thereof, for the construction of any building in any of the towns in this State, or in the county of Davidson, by virtue of the acts of 1825, chapter 37, and the act of 1829, chapter 26, shall be, and the same is hereby extended to any mechanic or mechanics who may, after the passage of this act, construct, or in part build or construct, or furnish materials, or any part of the materials for the construction of any building in any county in this State.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed December 28, 1835.

## CHAPTER XLI.

An Act to equalize the stay of executions rendered by Justices of the Peace on all sums.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That on all judgments rendered by Justices of the Peace on any and all causes of action on the judgment, debtor entering good and sufficient security for the amount of such judgment, interests and costs, there shall be a stay on all executions of four months, and if such security be not entered, or the judgment fully paid and satisfied within two entire days after such judgment is rendered, Sundays excepted, or appeal, it shall be the duty of the justice rendering the judgment, to issue an execution for principal, interests and costs, at any time thereafter, upon the application of the judgment creditor or his agent, and where security is entered for the stay of execution as above provided, upon the expiration of such stay, the justice rendering the judgment, shall issue execution thereon for the principal, interests and costs.

SEC. 2. *Be it enacted*, That where any security for the stay of execution under this act, shall become apprehensive that by execution being delayed until the full time of the stay shall have expired, such security may be compelled to pay the judgment; such security may make and file an affidavit in writing before the justice rendering such judgment, that he is fearful and believes that if execution is further stayed upon the judgment, he will be compelled to pay the same, and thereupon, at the request of such security, each justice shall issue execution against the original judgment debtor and his security, which shall be proceeded on as in other cases: *Provided*, such judgment debtor shall have two days notice previous to filing such affidavit from the security, of his intention so to do, and of the day on which he will apply to such justice for an execution, as herein provided; and should such judgment debtor give other additional security to the acceptance of the justice for the stay of execution for the time not yet expired, the former security shall be released, and on the expiration of such stay, execution shall issue against the person or persons last entering as security, jointly with the principal debtor in such judgment.

SEC. 3. *Be it enacted*, That where any security shall be compelled to pay off the judgment of the principal debtor, for which such security is liable, the justice of the peace rendering the judgment, upon the application of such security or his or their agent, shall enter up judgment against

such principal debtor, and in favor of such security, with interest thereon, and such judgment so rendered shall not be liable to be stayed, but execution shall issue thereon at any time upon application of the judgment creditor or his agent.

When to take effect

SEC. 4. *Be it enacted*, That this act shall take effect and be applicable upon all contracts after the first day of May next.

Circuit Court of Davidson

SEC. 5. *Be it further enacted*, That the Circuit Court of Davidson county, shall be held on the second Mondays of May, September and January in each and every year, any law to the contrary passed by this General Assembly notwithstanding.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, February 22, 1836.

## CHAPTER XLII.

An Act to increase the jurisdiction of Justices of the Peace.

Justices may issue attachments

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter a justice of the peace shall have jurisdiction, power and authority to issue attachments returnable before himself, or any other justice of the peace of his county, upon all sums under one hundred dollars, where justices of the peace now have jurisdiction by warrant, under the same rules, regulations and restrictions now prescribed by law, for the government of proceedings by attachment in this State; and any justice before whom any attachment may be returned in pursuance of this act, shall have jurisdiction to try and determine the same, grant an order of sale or issue an execution as in other cases.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

## CHAPTER XLIII.

An Act more effectually to subject property in this State, belonging to non-resident debtors, to the payment of their debts due citizens of this and other States.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any person or persons, who are non-residents of this State, have any real or personal property of either a legal or equitable nature, or any choses in action within this State, or where any person or persons in this State, whether residents or not, are indebted to any person or persons who are non residents as aforesaid, and the latter named non-residents shall be indebted to any citizen of this or any other State or States, it shall be lawful for such last named creditor or creditors, without first having recovered a judgment at law, to file a bill in Chancery, to have said real or personal property, choses in action and debts attached: *Provided*, that affidavit is made by the complainant or complainants, or some one of them, that the defendant or defendants are indebted as charged in the bill, and that the defendant or defendants are non-residents; and it shall be the duty of the sheriff or other officer to attach and to take into his possession, the personal property or so much thereof as is necessary to satisfy the complainant's claim, and to levy such attachment upon the real estate of the defendants, whether the said personal or real estate be legal or equitable, which said property shall be sold to satisfy said claim in the manner hereinafter directed.

Creditors may attach property of non-residents

SEC. 2. *Be it enacted*, That when any debt or choses in action, due to any non-resident debtor, is attached as aforesaid, the person or persons who owe said debts to said non-resident, or the person in whose possession such chose in action may be, shall be made defendants to the bill, and if after the service of a copy of the bill and subpoena, they should pay or secrete the debt or effects in their hands, or purchase in any other claim or claims against such non-resident defendant, he or they shall be liable to the same extent they would have been, had they not so paid and secreted or purchased in the claims as aforesaid.

Of debts due to non-residents

SEC. 3. *Be it enacted*, That the provisions of the foregoing sections shall apply to cases of absconding, as well as non-resident debtors: *Provided*, that said bill charges that said defendant or defendants has absconded or left the State: and *provided further*, that before issuing such attachment or process contemplated by either of said sections, it shall be the duty of the Judge or Chancellor to require such bond and security, as is now required upon attachments at law.

Act to apply to absconding debtors

**SEC. 4.** *Be it enacted,* That where any attachment is ordered to issue as aforesaid, and the same is levied upon perishable property, it shall be the duty of the officer levying such attachment, to sell the same, first giving ten days notice of the time and place of sale, and it shall be his duty to make a return of his proceedings, and deposit the proceeds of the sale with the clerk and master of the court in which the bill is filed.

**SEC. 5.** *Be it enacted,* That no final decree shall be made in any case originating under this act before the second term after the bill is filed: and *provided also,* that no decree shall be rendered unless publication be made in some newspaper designated and ordered by the court, which publication shall state the names of the parties, and briefly set forth the substance of the bill, and when said decree is made as aforesaid, it shall be as binding and conclusive, so far as the property and effects attached are concerned, as if process had been executed personally upon the defendant.

**SEC. 6.** *Be it enacted,* That when said court pronounces its decree it shall order the property attached to be sold upon such terms and conditions as will be equally beneficial to both parties, or where perishable property has been sold, and the money is in court, or where debts or choses in action have been attached, the court shall render such decree as the nature of the case may require, appropriating however, the same to the satisfaction of the complainant's claim, and should the property attached be insufficient to pay the amount of the decree, an execution may issue for the balance, to be levied upon any other property in the State, or the clerk may issue a summons, garnisheeing any other debtor or debtors of said principal defendant, in the same manner and subject to the same rules that garnishments are now under by the laws of this State.

**SEC. 7.** *Be it enacted,* That debts or choses in action, whether due or not due, may be attached under this act: *Provided,* however, that the cause shall be continued on the docket, and no final decree rendered thereon, until said debt or choses in action are due and payable.

**SEC. 8.** *Be it enacted,* That where any person has or shall become bound as accommodation endorser or security, and his principal is about to remove or is removing or absconding and carrying off his property beyond the limits of this State, the provisions of this act shall apply, and upon affidavit being made to the bill, an attachment shall issue at the suit of said endorsee or security, whether the debt for which he is security be due or not: *Provided,* that if it is not due, no decree shall be made until it is due: and *provided further,* if the defendant will give bond and security to be approved of by the court, indemnifying said complainant, the attachment shall be discharged: and *provided further,*

Perishable property to be sold

Decree of second term

Publication required

Of sales

Debts may be attached

Provision for endorsers

that the clerk in vacation, may also take such bond and security, from which time the attachment shall cease to operate: and *provided also,* that the proceedings under this act shall not prevent said endorsee or security from being sued; and the money recovered from him by the creditor.

**SEC. 9.** *Be it enacted,* That any transfer, sale, assignment &c. made by any non-resident or absconding debtor, after the filing of the bill, shall, as against the complainant or complainants, be inoperative and void.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed February 15, 1836.

#### CHAPTER XLIV.

An Act to prevent the publication or circulation in this State of seditious pamphlets and papers.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That if any person shall, in this State, write, print, paint, draw or engrave, or shall aid or abet in writing, printing, painting, drawing or engraving, on paper, parchment, linen, metal or any other substance, with a view to its circulation, any paper, essay, verses, pamphlet, book, painting, drawing or engraving, calculated to excite discontent, insurrection or rebellion amongst the slaves or free persons of color, such person shall be deemed guilty of felony, and for the first offence, on conviction thereof, shall suffer confinement at hard labor in the public jail and penitentiary house of the State, for a period of not less than five nor more than ten years; and for the second offence, on conviction thereof, shall suffer confinement as aforesaid, for a period of not less than ten nor more than twenty years.

**SEC. 2.** *Be it enacted,* That if any person shall knowingly circulate, or shall aid or abet in circulating in this State, any paper, essay, verses, pamphlet, book, paintings drawing or engraving, whether written, printed, painted, drawn or engraved, on paper, parchment, linen, metal, or any other substance, and whether the same be written, printed, painted, drawn or engraved, within or out of this State, calculated to excite discontent, insurrection or rebellion amongst the slaves and free persons of color, or if any person shall have in possession with intent to circulate, any paper, essay, verses, pamphlet, book, painting, drawing or

Offence defined and its punishment

Circulation of seditious papers

engraving as aforesaid, such person shall be deemed guilty of felony, and for the first offence, on conviction thereof, shall suffer confinement at hard labor in the public jail and penitentiary house of the State, for a period of not less than five nor more than ten years; and for the second offence shall suffer confinement as aforesaid, for a period of not less than ten nor more than twenty years.

**SEC. 3.** *Be it enacted,* That if any person, by words or gestures, shall, with malicious intent, attempt to excite any slave or free person of color in this State, to insubordination, insurrection or rebellion, or shall procure any other person to attempt the same, or shall deliver any address, harangue or sermon in the presence or hearing of any slave or free person of color, or shall hold any discourse, conversation or correspondence, by words, signs and gestures, or in writing, with any slave or free person of color, calculated to excite such slave or free person of color to insubordination, insurrection or rebellion, such person shall be deemed guilty of felony, and for the first commission of any such offences, on conviction thereof, shall suffer confinement at hard labor in the public jail and penitentiary house of the State, for a period of not less than five nor more than ten years, and for the second commission of any of said offences, on conviction thereof, shall suffer confinement as aforesaid, for a period of not less than ten nor more than twenty years.

**SEC. 4.** *Be it enacted,* That all prosecutions for offences under this act, may be either by presentment or indictment; and when by indictment the same may be preferred without any person's name being endorsed thereon as prosecutor; and it shall moreover be the duty of the judges to give this act in charge to the grand jurors.

**SEC. 5.** *Be it enacted,* That this act shall take effect and be in force from the date of its passage.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, February 13, 1836.

## CHAPTER XLV.

An Act for the relief of occupants South and West of the Congressional reservation line, and North of Winchester's line, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for

the Secretary of State, as commissioner of land claims, to receive and file for adjudication until the first day of September, 1836, all certificates of interference, certificates of deficiency in boundary, all original military warrants, and all registers' certificates not heretofore adjudicated, and all claims North of the Kentucky line, and to issue warrants or certificates to the proper owner or owners thereof, and the registers shall issue duplicate warrant or warrants for all balances in their respective offices where grants have not issued thereon, who shall receive fifty cents for each certificate; also the commissioner of land claims shall receive the following fees for adjudicating: for each register's certificate of fifty acres and under, fifty cents; over fifty acres and under one hundred, seventy-five cents; for all certificates over one hundred acres and not exceeding two hundred, one dollar; for all certificates over two hundred acres, one fourth of one cent for each acre so adjudicated and certified, and he is hereby entitled to receive fifty cents for each certificate thus adjudicated, and in adjudicating the same, to be subject to the same rules and regulations in ascertaining their validity as prescribed by an act passed in the year 1825, entitled an act providing for the adjudication of certain land claims.

**SEC. 2.** *Be it enacted,* That all persons who, before and at the passage of this act, were bona fide resident occupants upon vacant and unappropriated land South and West of the Congressional reservation line, and North of Winchester's line, may have any quantity of said vacant land so as to include his, her or their improvement, not more than two hundred acres nor less than twenty-five, unless confined by lands already appropriated or prior occupant claims, to be surveyed in an oblong or square, except when he, she or they may be confined by land already appropriated or in the possession of some resident occupant, which survey so made, such occupant may have spread on the general plan of the county or district, where said land lies, and it is hereby made the duty of the different surveyors to receive such survey, and lay down the same on the general plan of his county or district.

**SEC. 3.** *Be it enacted,* That such occupant, as well those now provided for as those provided for by former acts, are hereby permitted to enter the same by warrant or certificate in preference and to the exclusion of all other persons whatever, and on the production of a good and valid warrant or certificate at any time within two years after the passage of this act to the surveyor of the county or district in which the land lies, said occupant is authorized to make in said office an entry including his, her or their improvement and occupancy of any quantity of land not exceeding two hundred acres; and all the parts of the acts of 1819, 1820,

1825, and 1827, which relate to the manner of making out and surveying occupant entries, and for preventing conflicts between the several occupants, shall be held to apply to the occupants herein provided for.

Joint entries

SEC. 4. *Be it enacted*, That it shall be lawful for the occupants hereby provided for, to make their entries jointly or severally on a warrant or certificate of any size: *Provided*, that the whole of said warrant or certificate so intended to be divided for the benefit of occupants, shall be appropriated in the same surveyor's district, and which warrants or certificates accompanied by the plat and certificate of said surveyor, it shall be the duty of the register of the Western District, to issue grants under the same rules and regulations as heretofore provided for by law.

Parts of claims

SEC. 5. *Be it enacted*, That where any occupant, under the provisions of this act, may have saved any part of his occupant claim less than by this act he is entitled to save, it shall not operate so as to defeat the right of said occupant to the balance of his, her or their claim, but the right to the balance of said occupant claim shall remain as if there had no entry been made thereon, and the said occupant shall be protected in the same manner and under the same rules and regulations as he, she or they are now protected by law.

Original lines

SEC. 6. *Be it enacted*, That the original lines made and agreed upon by any occupant holders shall be binding upon them and their assigns, and where any of the occupants herein or heretofore provided for, may have surveyed and laid down their occupancies upon the general plan of the district, the same shall be fully sufficient to enable him, her or them to obtain a grant, when the same may be entered under the provisions of this act without an additional survey, unless the occupant shall think proper to alter the lines of the same so as to make it suit a warrant of less size than the occupant survey.

Of interference

SEC. 7. *Be it enacted*, That where any person may have settled on any vacant and unappropriated land on or before the passage of this act, and may have designated his occupant claim according to the provisions of this act, it shall not be lawful for any person or persons to settle on the same, and should any other person or persons settle on the same, the first occupant or claimant may turn him out of possession by forcible entry and detainer, or by forcible detainer, before any two justices of the peace where the land lies.

Of mill sites

SEC. 8. *Be it enacted*, That all persons who by law are entitled to any reservation which has been or may hereafter be spread on the general plan in any of the surveyor's offices South and West of the Congressional reservation line, and North of Winchester's line, for the purpose of

building mills, shall be entitled to all the benefits of this act, and may enter any quantity of land not exceeding one hundred acres: *Provided*, the same does not interfere with other and older occupant claims.

SEC. 9. *Be it enacted*, That when any person owning a less quantity of granted land than two hundred acres, may have laid down on any of the general plans South and West of the Congressional reservation line, and North of Winchester's line, according to the provisions of the act of 1829, any vacant land adjoining his granted or entered land, he shall be entitled to all the privileges of a resident occupant.

SEC. 10. *Be it enacted*, That it shall be the duty of the assignees of all occupant claims to have such bond, obligation or assignment, as they may have taken from the occupants for conveying the same, proven by at least one of the subscribing witnesses thereto, before any justice of the peace of the county where the occupancy lies, who shall certify the same, which bond, obligation or assignment, so proven, the owner of the same shall file in the office of the surveyor in which the occupant claim is entered, and the different surveyors are hereby directed to make an assignment on the plat and certificate of any occupant survey made in their respective offices to the rightful assignee or assignees thereof, and the bond or assignment proven and filed as directed by this act, shall be sufficient evidence to authorize the surveyor to make assignments as aforesaid.

SEC. 11. *Be it enacted*, That it shall not be lawful for any of the surveyors South and West of the Congressional reservation line, or any of their deputies by contract or otherwise, to charge or receive for surveying and laying down on the general plan, an occupant claim under the laws of this State, more than two dollars and fifty cents for said services, and it shall be the duty of the different surveyors South and West of the Congressional line, to make out a true and correct plat and certificate for each occupant, for which services he shall be entitled to fifty cents, and should any surveyor receive any higher fee or sum of money for said services it shall be a misdemeanor in office, and on conviction thereof before any court having cognizance thereof, shall be fined not more than fifty nor less than ten dollars.

SEC. 12. *Be it enacted*, That the occupants provided for by this and all former acts, and their rightful assignees, where they may hereafter have the peaceable and quiet possession of the same for three years, shall be protected in their rights of occupancy, and no advantage shall be taken of them by reason of any informality, defect or omission in the certificate or probate of occupancy, but the said possession shall bar all and be notice against all claims or suits legal or equitable.

Grants may be issued on any certificate

SEC. 13. *Be it enacted*, That from and after the first day of September, 1836, the owner or owners of any good and valid warrant or warrants, or certificates, as well those that may be issued by this act as those issued under former acts and not heretofore satisfied, he, she or they may enter and obtain grants therefor for such quantity of land as such warrant or certificate may call for: *Provided*, the same shall be entered on vacant and unappropriated land under all the provisions of the occupant law of 1829: *And provided, also*, that in making said entry, said warrant holder does not interfere with the claim or claims of any occupant or occupants hereby or heretofore provided for, and any entry made upon an occupant without his, her or their consent in writing, the same is hereby declared to be null and void to all intents and purposes.

Offices opened

SEC. 14. *Be it enacted*, That the several surveyors' offices south and west of the Congressional reservation line shall be opened from and after the first day of September next, for the reception of entries, and the laying down on their general plans the surveys on the same; and all persons failing to present their claims and make their entries thereon on or before the first day of October, 1837, shall be forever thereafter barred, and at that time the office shall be finally and forever closed.

Surveyors' duties

SEC. 15. *Be it enacted*, That the different surveyors south and west of the Congressional reservation line shall be governed in their duties by all the provisions in the act of 1829, not inconsistent with this act.

Conflicting occupant claims

SEC. 16. *Be it enacted*, That where two or more occupants have, or shall hereafter claim, the right of occupancy to the same piece of land, and one of said occupants may have entered or may hereafter enter his or her occupant claim, or any part thereof, by a good and valid warrant or warrants as heretofore provided for by law, and where, by filing a *mandamus*, another claimant has been permitted to enter the same land, and the suit has been or may hereafter be decided in favor of the claimant so filing the *mandamus*, then, and in that case, it shall and may be lawful for the unsuccessful party to enter his or her warrant or warrants on any other occupant claim or claims belonging to said unsuccessful party, or on any vacant and unappropriated land, or may transfer the same to any other person.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed February 19, 1836.

## CHAPTER XLVI.

An Act to authorize the issuance of grants in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any warrant or warrants, upon which any entry or entries shall have been made in any of the surveyors' offices south and west of the Congressional reservation line in this State, shall be lost, mislaid or destroyed, so that the same cannot be had, and such fact shall be made satisfactorily to appear by a certified copy of the entry and survey as contained in the record books of said surveyor's office, together with the affidavit of the surveyor or owner, that said warrant or warrants are lost, mislaid or destroyed, and have been entered as aforesaid, the register is hereby authorized and required to issue a grant or grants to the party owning the same upon the production of the plat and certificate of survey, together with a copy of the entry and the affidavit of the surveyor or owner as required by this act, and the same shall be as good and effectual as if the warrant or warrants had not been so lost, mislaid, or destroyed: *Provided*, it shall be made satisfactorily to appear to the register, by the certificate of the Secretary of State, that the warrant or warrants so lost, mislaid, or destroyed, were good and valid, and that no grant has issued on the warrants as aforesaid.

Bond required

SEC. 2. *Be it enacted*, That all persons and bodies corporate, who shall make application for a grant under the provisions of this act, shall be required to give bond with good and sufficient security, payable to the Governor of the State and his successors in office, in double the amount of the value of the land intended to be granted, conditioned that said warrant is not already appropriated and laid on other land, and that the same shall not be; which bond, the register is required to take before he issues the grant, which shall be filed in the office of the Secretary of State.

Warrants previously laid

SEC. 3. *Be it enacted*, That if said warrant or warrants, or any of them, shall have been laid and appropriated on other land, each and every grant issued under the provisions of this act shall be null and void.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed, February 8, 1836.

## CHAPTER XLVII.

An Act to prohibit the drawing of Lotteries and vending Lottery Tickets.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all laws which authorize any person or body corporate or politic to draw any Lottery for any purpose whatsoever, are hereby repealed.

**SEC. 2.** *Be it enacted,* That if any person or persons shall draw, or attempt to draw a Lottery in this State, under any pretence whatever, he, she or they, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in the sum of one thousand dollars and imprisoned three months in the common jail of the county where such offence shall have been committed.

**SEC. 3.** *Be it enacted,* That if any person shall vend or attempt to vend, directly or indirectly, any Lottery Ticket in this State in any scheme to be drawn in this or any other State or country, he, she or they, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the sum of five hundred dollars and imprisoned one month in the common jail of the county where such offence shall have been committed.

**SEC. 4.** *Be it enacted,* That if any person shall print, publish, circulate or distribute any written or printed scheme for the drawing of a Lottery in this or any other State or country, he, she or they, shall be deemed guilty of the like crime, and subject to the like penalties prescribed in the third section of this act; but this shall not be so construed (as) to render Post Masters who deliver newspapers containing such schemes guilty of such offence.

**SEC. 5.** *Be it enacted,* That all laws enacted for the suppression of unlawful gaming, are declared to be in full force for the suppression of the offences specified in this act, and that no prosecutor shall be necessary in any indictment under its provisions.

**SEC. 6.** *Be it enacted,* That the solicitor, in every prosecution under the provisions of this act, shall be allowed a fee of twenty dollars, to be taxed in the bill of costs.

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

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, February 13, 1836.

## CHAPTER XLVIII.

An Act to abolish the present Surveyors' offices South and West of the Congressional Reservation line, and to establish county offices in lieu thereof.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the surveyors' offices south and west of the Congressional reservation line, (except county offices,) are hereby abolished, from and after the first day of September next; by which time, said surveyors are required to finish and close the business of their respective offices, and to leave the same, in all respects, finished and completed as required by law; and on failure, shall be liable to a fine of two hundred dollars, to be recovered by action of debt by any and every person who may be injured by such failure, and it shall not be lawful for any entries to be made in their offices after the thirty-first day of August next.

**SEC. 2.** *Be it enacted,* That in all cases where, by the 7th and 8th Sections of the Act of 1819, chap. 1, lands are required to be processioned and surveyed by said surveyors, and the same has not been done as thereby directed, it is hereby made the duty of said surveyors to proceed and perform the duties required thereby in the manner therein directed, and to return and record a plat and certificate thereof in his survey book; and if the owners or claimants thereof fail to pay said surveyors their fees therefor on the performance of said duties, the same are hereby made a lien on said land until they are paid, and said surveyors are hereby required to perform the same on or before the first day of September next, under the penalty mentioned in the first section of this act.

**SEC. 3.** *Be it enacted,* That there shall be established in each of the counties south and west of the Congressional reservation line, an office for the receiving entries on the vacant land lying in said counties.

**SEC. 4.** *Be it enacted,* That there shall be an entry taker and surveyor elected by the justices of the county courts for each of said counties, who shall hold their offices for the period of four years, and until a successor is elected and qualified as required by this act; said entry takers and surveyors shall each enter into bond with good and sufficient security in the sum of ten thousand dollars, payable to the Governor and his successors in office for the use of the State, conditioned that the said officers shall each perform the duties of their respective offices as required by law; and shall also take the following oath or affirmation, viz: I do solemnly swear, or affirm, (as the case may be) that I will well and truly perform my duty of entry taker,

or surveyor, (as the case may be) according to law, to the best of my knowledge and information: *Provided*, that the entry takers and surveyors that may be elected in the counties through which the Congressional reservation line may run, shall have the same power, and be subject to the same rules and regulations as entry takers and surveyors are south and west of the Congressional reservation line.

Election of entry takers &c.

SEC. 5. *Be it enacted*, That the said justices shall proceed to open and hold an election for said officers, at the county court, to be held for their respective counties in the month of June next.

Duties

SEC. 6. *Be it enacted*, That the said entry takers and surveyors, in the performance of their official duties, shall in all respects be governed by the same rules and regulations that the present surveyors are governed by; and for non-performance thereof, shall be liable to the same penalties.

Office at county seat. Deputies

SEC. 7. *Be it enacted*, That the said entry takers shall keep their offices at the county seats of their respective counties, and shall give due attendance thereat; and said entry taker and surveyor shall each be permitted to have one deputy, for whose official conduct they shall in all respects be liable.

Plats

SEC. 8. *Be it enacted*, That it shall be the duty of said entry takers (except the entry takers of such counties as are authorized by this act to retain the plan and books of the original surveyors' district, which, in all respects, shall supersede a county plan, or plat, or copies, of books or entries, if said original plan should represent the whole of said county, and if not, then a county plat and copies shall be made as in other cases) within three months after their election to make a fair plat of their respective counties, with the range and section lines thereon, and on which shall be correctly represented thereon, each entry, whether by warrant or occupancy, and thereon also show the vacant residuum; which plat shall be made at a scale of four hundred poles per inch, and shall also copy into a well bound book, all the entries or occupant claims in his county, and also those which are divided by those lines which separate his county from the adjoining, and for this purpose said entry taker shall have access to the various surveyors' offices without paying any fee therefor.

Compensation

SEC. 9. *Be it enacted*, That the justices of the county courts of the respective counties shall make to the said entry takers a reasonable compensation for the services required by the 8th section of this act, whenever he shall make it appear to their satisfaction, that he has faithfully performed the same; and the said entry takers shall have full power to give certified copies of said entries, grants and occupant claims, which shall be entitled to the same credit,

and be as valid, as similar copies or certificates heretofore authorized to be given by district surveyors, and the said entry takers and surveyors shall be allowed the same fees for like services, which the present surveyors are by law entitled to.

SEC. 10. *Be it enacted*, That when disputes may arise between occupants claiming the same piece of land, said entry takers shall have power to direct and compel the surveyor to proceed and settle the same in the same manner that the present surveyors are required to do, and return an accurate statement of his proceedings therein to the entry taker, together with a plat of (the) land in controversy if required by the parties.

SEC. 11. *Be it enacted*, That the said entry takers shall provide well bound books, in which they shall record all entries and surveys which may be made in their offices; for which books the justices of the county courts shall make them compensation, and said entry takers shall record all entries, and issue copies thereof to the surveyor within thirty days after the making thereof, and said surveyors shall, within sixty days thereafter, survey said entry and return a plat and certificate thereof to the entry takers, who shall forthwith record the same.

SEC. 12. *Be it enacted*, That the said entry takers shall open their respective offices for making entries, on the first day of September next.

SEC. 13. *Be it enacted*, That when an entry may be made, it shall be the duty of the entry takers immediately to place the same on the plan of his county.

SEC. 14. *Be it enacted*, That on the first day of September next, or as soon thereafter as the present surveyors may be required, it shall be their duty to deliver up all the books, records and papers, belonging to their respective offices, to the persons herein authorized to receive the same, to wit: The surveyor of the seventh district, to the entry taker of the county of Lawrence; the surveyor of the eighth district, to the entry taker of the county of Maury; the surveyor of the ninth district, to the entry taker of the county of Henderson; the surveyor of the tenth district, to the entry taker of the county of Hardeman; the surveyor of the eleventh district, to the entry taker of the county of Tipton; the surveyor of the twelfth district, to the entry taker of the county of Carroll; the surveyor of the thirteenth district, to the entry taker of the county of Gibson; and it is hereby made the duty of said entry takers carefully to file away in their respective offices the aforesaid books, records and papers, and the said entry takers respectively, shall have full power to finish and perfect any business which said surveyors, or any of them, may have left unfinished; they shall have power to give certified copies of any of



said books, records and papers, which may be read as evidence in any of the courts of justice of this State, for which they may receive the same compensation that the present surveyors are by law entitled to.

Duty of county  
surveyors

SEC. 15. *Be it enacted*, That it shall be the duty of the county surveyors herein provided for, in their respective counties, to survey all entries which may be received by the entry takers and return a plat and certificate of survey, for which service he shall be entitled to the fees allowed by law for surveying, and the entry takers shall be entitled to all other fees now belonging to the office of surveyor general.

Surveys and  
plats made un-  
lid

SEC. 16. *Be it enacted*, That from and after the first of September, 1836, all plats and certificates of surveys made and returned by the county surveyors, and recorded by the entry takers, shall be good and valid, so as to authorize grants to issue thereon as heretofore done on plats and certificates of district surveyors; and that all the duties and powers of surveyors general shall cease from and after the 31st of August, 1836, and so much of their duties as relates to receiving or recording entries, laying down on the general plan, recording plats and certificates of survey, giving copies of entries, keeping the books and general plan and papers of the office, shall be vested in the entry takers in their respective counties, and all laws now in force in relation thereto and not incompatible with this act, are still in force, and shall be observed by the entry takers and surveyors respectively on their parts.

Surveyors' du-  
ties

SEC. 17. *Be it enacted*, That it shall be the duty of the county surveyors to represent by dotted lines on the plans of their respective counties, the boundaries of their civil divisions of their respective counties as laid off under the provisions of an act passed by this General Assembly, which representation shall be based upon the report of the commissioners appointed for that purpose; and that the surveyors general now in office south and west of the Congressional reservation line, shall hold their respective offices until the first day of September next and no longer, and if any of said offices should now be, or hereafter become vacant before the first day of September next, the Governor of the State is hereby authorized to appoint a surveyor general for such district, who shall have all the powers, and be subject to the same rules, as those heretofore appointed by law.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 19, 1836.

## CHAPTER XLIX.

An Act to provide for holding elections in the different incorporated towns in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter when it shall so happen that the officers appointed by the acts of incorporation of the different incorporated towns in this State, or such as may hereafter be incorporated, shall fail to hold the different elections provided for in the several acts of incorporation, on the day designated by such acts of incorporation, it shall be lawful for the sheriff, or some acting justice of the peace of the county in which such town is situated, to hold such elections on any other day by advertising the same five days previous to said election.

SEC. 2. *Be it enacted*, That the citizens of the town of Cornersville in Giles county, be and they are hereby authorized to elect one additional justice of the peace for the convenience and benefit of the citizens of said town of Cornersville, and said justices shall be elected and commissioned in the same manner as other justices, and shall have the same authority, power and emoluments.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

## CHAPTER L.

An Act to fix the rate of interest in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all bonds, bills, notes, bills of exchange, liquidated and settled accounts, signed by the parties, shall bear interest from the time they become due, unless it shall be specially expressed that interest is not to accrue until a time specially mentioned in the said writings or securities.

SEC. 2. *Be it enacted*, That all bills, bonds and notes made payable on demand, shall be held and deemed to be due on demand made by the creditor, his agent or attorney, by suit or request, and shall bear interest accordingly; and all securities for the payment or delivery of property and all specific articles, shall bear interest as monied contracts,

that is to say, the articles shall be rated by a jury at the time they become due, and interest shall be paid by the debtor accordingly: *Provided*, nothing in this act contained shall be so construed as to prevent a justice of the peace from giving a judgment on any contract for specific articles within his jurisdiction; and all judgments entered up in any of the Courts of record in this State, or by any justice of the peace, shall bear interest until paid.

**Rate of interest** SEC. 3. *Be it enacted*, That the legal rates of interest shall be hereafter as heretofore, six per centum per annum, and at that rate for a longer or shorter period.

**Usury** SEC. 4. *Be it enacted*, That where a greater sum than that prescribed in the third section of this act is reserved, directly or indirectly, and suit is brought for the same, either in a court of record or before a magistrate, against the principal debtor, his securities or accommodation endorsers, the defendant may avoid the excess over legal interest, by a plea upon oath setting forth the amount of usury in the transaction, in case the personal representatives of such obligors or endorsers are sued, they shall only be required to swear that they have good reasons to believe and do believe that such plea of usury is true; to such plea the plaintiff may reply upon oath or the oath of the original payee; and the fact shall be decided by a jury where it is denied in the replication; if the original payee shall have died, removed out of the county, or shall refuse to make the affidavit, where the suit is brought by an endorser or holder, the plaintiff shall, on making an affidavit to that effect, and that there was no usury in the transaction to his knowledge, be allowed to file his replication without swearing to the truth of the same; and where the plaintiff is an administrator or executor, no other affidavit shall be required on filing his replication, than that he has no knowledge of there being any usury in the contract.

**On admission of usury** SEC. 5. *Be it enacted*, That where the plaintiff admits the truth of the plea of usury in his replication, or fails to file such replication with the affidavits required in the foregoing section, judgment shall be given in favor of the plaintiff for the principal and legal interest and no more; but where the plaintiff does file such replication and affidavits as are above described, then he shall recover the amount claimed, unless the defendant shall prove the usury, in which case it shall be deducted from the claim and judgment given for the balance; yet, if there are other pleas, they shall be disposed of as usual: *Provided*, that nothing in this act shall be so construed as to prevent the party from having relief in a court of equity.

**Fine for usury** SEC. 6. *Be it enacted*, That in any case where more than legal interest shall be taken, the person taking the same shall be liable to indictment or presentment, and on con-

viction, shall be fined a sum not less than the whole usurious interest so taken and received, which amount shall be ascertained by the jury trying the case: *Provided*, no fine shall be less than ten dollars; and in case the defendant shall plead guilty to the charge, or judgment go against him on a plea in abatement, a jury shall be sworn to ascertain the amount of interest received as aforesaid, for which judgment shall be entered.

**Construction of act** SEC. 7. *Be it enacted*, That nothing in this act contained, shall be so construed as in any manner to affect any charter that may heretofore have been granted by the Legislature, and that are now unexpired allowing the reserving and taking more than the legal rate of interest.

**Repeal** SEC. 8. *Be it enacted*, That all laws heretofore in force contrary to this act, be and the same are hereby repealed: *Provided*, that contracts heretofore made shall not be affected by the repeal of said laws in any way or manner.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed February 20, 1836.

## CHAPTER LI.

An Act to appoint an Attorney General for the State, and for other purposes.

**Election provided for** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected by joint vote of both Houses of the General Assembly of this State, an Attorney General for the State, who shall be elected for the term of six years, and who shall receive a salary of one thousand dollars per annum, to be paid by the treasurer of the State, out of any money not otherwise appropriated; it shall be the duty of said Attorney General to attend to all business of the State both civil and criminal in the Supreme Court; to examine and certify all bills of cost before the same shall be ordered to be paid by the State, to give to the Governor and Secretary of State, Treasurer and Comptroller when called upon, any legal advice which in the discharge of their official duties they may require of him; it shall be the duty of said Attorney General, to report the decisions of the Supreme Court under the rules, regulations and restrictions, as provided for by law, for which purpose he shall be entitled to a copy of the original opinion delivered by the court from the clerk thereof, and to attend to

any other duty which may from time to time devolve upon him.

**Disabilities** SEC. 2. *Be it enacted*, That the said Attorney General shall be under the same disabilities, restrictions and disqualifications which the attorneys and solicitors of the districts are under at this time, and be subject to be proceeded against for misdemeanors in office, in the same manner that the Judges of the courts of law and equity are now proceeded against; and it shall be a misdemeanor in office for the said Attorney General to take or receive any fee for defending any supposed offender in any of the inferior courts.

**Of costs and tax fees** SEC. 3. *Be it enacted*, That in all State cases determined in the Supreme Court, in which the cost shall be adjudged against the defendant, there shall be a State tax of ten dollars, which shall be taxed in the bill of costs, collected and accounted for to the Treasurer of the State, as other public money, and that all laws now in force and use in this State, allowing Attorneys for the State, tax fees in the Supreme Court in State cases, be and they are hereby repealed.

**Repeal** SEC. 4. *Be it enacted*, That all laws authorizing or requiring the Attorneys General for any of the districts to attend and prosecute on behalf of the State in the Supreme Court, be and the same are hereby repealed.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed February 13, 1836.

## CHAPTER LII.

An Act supplemental to an act passed the 30th of January 1836, entitled an act to authorize the several County Courts in this State to grant the privilege of building bridges, mill dams, and such other local and private improvements as are contemplated by the 7th and 8th sections of the 11th article of the Constitution of Tennessee.

**Streams and county lines** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person may desire to build a toll bridge across any river or stream that constitutes the line between two counties, and is moreover the owner of the land on both sides of the river or stream, where he may desire to build said bridge, it shall be lawful for the person desiring to build said bridge, to make application by petition, to the County Court of either county for the privilege to build said bridge in the manner pointed out in said

act, and it shall be lawful for the County Court of the county wherein such application is made to make all orders necessary in such case, and to either grant or refuse such application.

**No second application to be made** SEC. 2. *Be it enacted*, That if application be made to the court of one county for the privilege to build a toll bridge as aforesaid, which shall be refused by said court, it shall not be lawful for the court of the other county afterwards to grant the same applicant such privilege, should an application be made for that purpose.

**Written consent of owner of land required** SEC. 3. *Be it enacted*, That should the person who may wish to build a toll bridge across any river or stream which may be the line between two counties, not be the owner of the land on both sides of said river or stream, he shall make application for the privilege to build such bridge, to the court of the county wherein he may reside, and shall, before said court shall grant such privilege, produce to said court, the consent in writing of the person who may own the land on that side of the river or stream, where said bridge is to be built, not owned by the applicant, which consent in writing shall be proven by two witnesses to the same, and shall be recorded by the clerk of said court with the petition for such privilege.

**Court to regulate toll** SEC. 4. *Be it enacted*, That the court of the county wherein the grant of the privilege to build a toll bridge under the provisions of this act, shall be obtained, shall have the power to regulate the toll to be taken at said bridge, and to make all such orders, and do whatever else may be necessary for the well regulating of said bridge.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed February 20, 1836.

## CHAPTER LIII.

An Act to authorize the clerks of the courts of record in this State, to take the probate or acknowledgment of assignment of plats and certificates of survey and locations.

**County Court clerk to take acknowledgment of transfer** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the clerks of the County Courts in this State, are hereby authorized, either in or out of term time, to take the probate or acknowledgment of transfer or assignment of plats and certificates of survey or loca-

tions of land lying North and East of the Congressional reservation line, and North of Tennessee river.

To administer  
oath

SEC. 2. *Be it further enacted*, That in taking the probate of the above named transfers or assignment, it shall be the duty of the clerk taking the same, to propound the following questions upon oath to the witness or witnesses; "are you personally acquainted with — (the assignor,) did he sign, seal or acknowledge the same in your presence, and on the day it purports to be dated," and if said questions are answered in the affirmative, the clerk shall thereupon put on the back of said plat and certificate of survey or location, or some part thereof, the following certificate:

STATE OF TENNESSEE, }  
  } COUNTY.

Personally appeared before me, ——— clerk of the ——— Court for the county of ———, A and B, subscribing witnesses to the within transfer or assignment, who being first sworn, depose and say, that they are acquainted with the assignor, and that he acknowledged the same in their presence, to be his act and deed, upon the day it bears date (or state the time proven by the witnesses,) or that they saw him sign, seal and execute the same, witness my hand at office, this ——— day of ———

Duty of clerks

SEC. 3. *Be it enacted*, That where any person or persons who have executed any of the above named transfers or assignments, wish to acknowledge the same, it shall be lawful for any of said clerks to receive said acknowledgments if he is acquainted with the person wishing to make the same, but not otherwise, in which case, he shall put on said plat and certificate and location the following certificate:

STATE OF TENNESSEE, }  
  } COUNTY

Personally appeared before me, ——— clerk of ——— the within named (assignor,) with whom I am personally acquainted, and who acknowledged that he made and executed the within transfer or assignment for the purposes therein contained, witness my hand at office, this ——— day of 18 .

Of clerk's neglect of duty

SEC. 4. *Be it enacted*, That any clerk or clerks who fail or neglect to proceed in manner above described, in taking the probate or acknowledgment of any transfer or assignment mentioned in this act, or who shall put a false certificate thereon, shall be liable in an action, to pay any damage which any person or persons shall have sustained in consequence of such neglect or failure, and should such failure or neglect or other act be done corruptly and of purpose, it shall be a misdemeanor in office, for which such clerk may be removed.

SEC. 5. *Be it enacted*, That all deeds, grants, bills of sale, and all other instruments of writing required by the existing laws to be registered, shall be acknowledged or proven before the clerk of the County Court. Deeds &c. to be acknowledged before county clerk

SEC. 6. *Be it enacted*, That the clerks of the County Courts of this State, shall have exclusive authority to take the probate or acknowledgment of all deeds, grants, bills of sale, and all other instruments of writing required by the existing laws to be registered, which authority shall be exercised according to the forms and in the manner prescribed by the acts of 1831, chap. 90, and 1833, ch. 92. Exclusive authority to take probate

SEC. 7. *Be it enacted*, That said clerks are hereby required to record their proceedings under the provisions of this act, in a well bound book kept for that purpose. Clerks to record proceedings

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed January 2, 1836.

#### CHAPTER LIV.

An Act to punish the grantees and owners of turnpike roads for demanding toll improperly and contrary to law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several County Courts of this State, are hereby authorized and required to appoint three commissioners or superintendants who shall be disconnected with the owner or owners, either by consanguinity or affinity, and not interested in the profits or tolls arising from the turnpike road or bridge, who shall receive such compensation for their services as shall be allowed them by the County Court of the county wherein such services are rendered, and shall allow them to be paid by the owner or owners of such turnpike road or toll bridge, whose duty it shall be to look over the several turnpikes and toll bridges within their respective counties, and see that the same are kept in such repair as is required by law; and whenever in the opinion of said superintendants, the said turnpikes or toll bridges shall manifestly be in bad condition, a majority of said commissioners or superintendants shall have the power to open the gates of said public ways until the same shall be put in good order and condition: *Provided*, that nothing herein contained shall be so construed as to authorize the said courts to supersede the commissioners now in office, or to limit said court in appointing as many different sets of commissioners as may in their discretion be right and proper. Superintendants of turnpikes, &c. to be appointed

**SEC. 2.** *Be it enacted,* That if any grantee or owner of a turnpike road or toll bridge, or any keeper of a gate on any turnpike or toll bridge, or any other person whatever, shall demand or receive any toll, or shall close any gate, or put any other obstruction in any such turnpike road or toll bridge, for and during the time that said gates are required to be kept open by the commissioners appointed as aforesaid, he, she or they shall be guilty of a misdemeanor, and shall be liable to an indictment or presentment of a grand jury of the county where such offence may have been committed, and upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars, and may be imprisoned not more than ten days, at the discretion of the court.

**SEC. 3.** *Be it enacted,* That it shall be the duty of the several grand juries in this State, to make diligent enquiry into all violations of this act that may arise in their respective counties, and in all cases when any grand jury shall have a well grounded belief that the second section of this act has been violated, to summon any person or persons whom it is believed will establish any such offence, and make such presentment or indictment as the proof before them will warrant and require.

**SEC. 4.** *Be it enacted,* That if any grantee or owner of any turnpike road or toll gate shall fail or refuse for the space of six months at any one time to put the same in good repair, it shall be the duty of the Attorney General (upon satisfactory information being had) to issue a *scire facias* in the name of the State of Tennessee, stating the charge and complaint, and requiring the party to appear and show cause why the charter granting said turnpike road or toll bridge should not be vacated, forfeited and annulled, and if the grantee or grantees, owner or owners of such turnpike or toll bridge named in such *scire facias* should be non-resident, then and in that case, the Attorney General shall make an order of publication as in the case of non-resident defendants in Chancery, and the said courts shall proceed to hear and determine all such cases agreeable to law, and pass judgment and decree accordingly.

**SEC. 5.** *Be it enacted,* That in all cases where a turnpike road shall run through two or more counties, then and in those cases, the county containing the largest portion of said road, shall have the appointment of said commissioners.

**SEC. 6.** *Be it enacted,* That the commissioners appointed under this act shall, at the time of their appointment, take in open court the following oath, to wit: "We, A B, C D, and E F, do solemnly swear that in the execution of the duties required of us as commissioners of the turnpike roads and toll bridges, that we will do equal and impartial justice between the State or county (as the case may be)

Punishment for receiving illegal toll

Duty of grand jurors

Of refusal to repair road

Of road's extending to two or more counties

and the owner or owners, to the best of our knowledge and belief, and that we are not interested in the profits or tolls arising therefrom, *So help me God.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, February 16, 1836.

## CHAPTER LV.

An Act to prescribe certain duties to be performed by the Clerks of the several Courts in this State, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all fines, amercements, forfeitures and recoveries arising, and that may hereafter be collected pursuant to the judgment or sentence of any Court in this State, unless the same shall arise on prosecutions below the grade of petit larceny, shall be applied to the use of the State, and shall by the respective clerks be accounted for as hereinafter provided for.

**SEC. 2.** *Be it enacted,* That all fines and forfeitures, arising on prosecutions or on forfeited recognizances, that may hereafter be collected pursuant to the judgment or sentence of any court in this State, unless the same shall arise on prosecutions on petit larceny and prosecutions above the grade of petit larceny, shall be applied to the use of the county where the same may have originated, and shall by the respective clerks be accounted for as hereinafter provided for.

**SEC. 3.** *Be it enacted,* That hereafter the several clerks of the County Court, Circuit Courts, Chancery Courts and Supreme Courts, in this State, shall make out a statement of the taxes or revenue by him collected as clerk of the court, and which he is by law bound to collect, which statement shall be made for all monies they may have collected up to the first day of September in each and every year.

**SEC. 4.** *Be it enacted,* That the several clerks aforesaid, in making settlements and statements of the public money which they have collected as clerks, and which, by law, they are bound to collect, shall be governed by and perform the duties required of them by the existing laws, where the same may not have been changed or repealed.

**SEC. 5.** *Be it enacted,* That it shall be the duty of the several clerks aforesaid, on or before the first day of

Forfeitures &c. applied to use of State

If below petit larceny

Clerks to make statements

Existing laws to remain in force

Clerks to pay to treasurer and cy. trustee

October, in each and every year, to pay to the treasurer of the State, or to such other person as said treasurer may instruct him to pay the same, and to the county trustee of their respective counties, all such sum or sums of money as they or either of them may have collected up to the first day of September; and said clerk shall render unto the comptroller of the treasury and county trustee on or before the said first day of October, a statement in conformity with the laws of this State, which statement shall plainly specify what the sum may have been collected on, giving the character and number of each item.

*Clerk to be dismissed for failure of duty*

SEC. 6. *Be it enacted*, That if any clerk of either of the courts aforesaid, should fail or refuse to forward the statements, showing the amount of money collected agreeable to law, and shall fail or refuse to pay over the money by them or either of them collected as aforesaid, within the time aforesaid, it shall be considered a misdemeanor in office; and it shall be the duty of the several attorneys general in this State, at the first court after the first day of October in each and every year, to call on said clerks in their respective districts, for their receipts for the public moneys by them collected as aforesaid, and also the comptroller's receipt for the statement of moneys collected; and if said clerks should not produce the receipts when thus called on, or if said receipts should show from the date thereof, that said clerk had not complied with the requisitions of this act, it shall be the duty of the court to dismiss such clerk from office, and said court shall appoint a clerk pro tempore, as may be prescribed by law.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 15, 1836.

#### CHAPTER LVI.

An Act to authorize femes covert to act as femes sole under certain circumstances.

*Authority conferred*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall, and may be lawful, for femes covert to act in all respects as femes sole in all cases where the husband of such feme covert shall be ascertained to be insane and incapable to manage his own affairs, by the verdict of a jury, as now prescribed by law: *Provided*, that no feme covert shall be authorized to act as a feme sole, until the verdict

of the jury in such case shall have been confirmed by the county court: *Provided further*, that nothing in this act shall be so construed as to authorize such feme covert to marry again during the life of her husband.

SEC. 2. *Be it enacted*, That in all cases where the husband of any feme covert has heretofore been ascertained to be insane, by the inquisition and verdict of a jury as now prescribed by law, and which has been confirmed by the county court of any county in this State, such feme covert shall, and is hereby authorized, to act in all respects as a feme sole during the insanity of her husband, to purchase, receive and hold property, both real and personal, to contract and be contracted with, to sue and be sued, plead and be impleaded, and that such property as she may acquire by purchase or otherwise, shall not be taken or made subject to the satisfaction of the debts or contracts of her said husband.

*To continue during insanity of husband*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, February 19, 1836.

#### CHAPTER LVII.

An Act to regulate Free Negroes, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any free person of color to keep any grocery, tipping house, booth, or stall, for the purpose of vending spiritous liquors or groceries, and if any free negro in this State shall offend against the provisions of this act, he or she shall, upon conviction by indictment or presentment, pay a fine of not less than fifty dollars.

*Not to keep grocery*

SEC. 2. *Be it enacted*, That if any owner or owners of a slave, shall permit him or her to retail or sell any spiritous liquors, the owner or owners of said slave shall forfeit and pay to the use of the person who may sue for the same, not less than fifty dollars for each offence, to be recovered by warrant before any justice of the peace.

*Owner of slave liable*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

## CHAPTER LVIII.

An Act to amend the penal laws of the State.

*Temping slave to leave owner made felony* SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any person or persons, whatsoever, shall directly or indirectly tempt or persuade any slave or slaves, to leave his, her or their master or mistress' service, with an intent or design to carry him, her or them out of this State, or with the intent or design to deprive the true owner thereof, or shall harbour or conceal such slave or slaves for that intent or purpose, such person or persons shall, upon conviction thereof before any tribunal in this State having jurisdiction thereof, be adjudged guilty of felony, and shall, for every such offence, be confined in the public jail and penitentiary for a term not less than three nor more than ten years.

*Of furnishing slave with arms* Any free person who, without the consent of the owner, shall sell, loan or give to any slave, any gun, pistol, sword, or dirk, shall be guilty of a misdemeanor, and shall, on conviction by presentment or indictment, be fined not less than fifty dollars, and imprisoned not less than ten days.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 19, 1836.

## CHAPTER LIX.

An Act to authorize the taxation of costs in cases wherein persons have been bound to keep the peace.

*Person bound over liable for cost* SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases wherein any person or persons shall hereafter be arrested on a warrant to keep the peace, and shall be bound over for his appearance at court, or shall be committed to jail on such warrant, being unable or unwilling to give security for his or her appearance, it shall be the duty of the court to which such person is by law bound to appear, in all cases wherein it shall appear to the court that there was sufficient cause for binding such person over to court and to keep the peace, to render judgment against such person for all the costs that may have accrued in such cause; and if it shall appear to the court that *Not liable if discharged* there was not sufficient cause for an arrest and binding over,

or committal under such warrant, it shall then be the duty of the court to render judgment for the costs against the person at whose instance such warrant was taken out, or to order their payment by the State, at his discretion.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, February 20, 1836.

## CHAPTER LX.

An Act to provide for the recovery of debts due upon judgments destroyed by fire.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for any judgment creditor, whose judgment has been destroyed by fire *Judgments destroyed in Monroe county* in the burning of the court house in Monroe county, in 1832, and which judgments, or any part thereof, yet remain due and unpaid, to institute suit upon such judgment, and to prosecute the same to judgment in the same manner, and under the same rules, regulations and restrictions, that suits are now by law instituted and prosecuted upon lost promissory notes and bonds.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

## CHAPTER LXI.

An Act for the relief of Tax Collectors in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any sheriff or collector of the public revenue, in the settlement of his accounts with any of the Bank agents in this State, through mistake or any other cause, may have paid to such Bank agent the whole amount of the tax upon school land with which he stood chargeable upon such settlement without deducting his commission for the collection thereof, the treasurer of the State shall pay to such sheriff and collector or collec- *Overpayments to be returned*

tors, the amount so overpaid, upon such person producing to such treasurer the aggregate amount of the tax on the school land for that year, certified by the clerk of the county court together with the Bank agent's receipt, showing such overpayment.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed February 12, 1836.

### CHAPTER LXII.

An Act to amend an act passed the 13th day of September, 1806, entitled "an act to prevent citizens of other States from driving stock on the lands of the citizens of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, no person or persons <sup>Stock from other States prohibited</sup> whatsoever, being inhabitants of any other State, shall presume to drive, lead, transport, or in any manner convey any horses, cattle, hogs, or any other stock of whatsoever kind the same may be, to winter or range on the lands of any citizen of this State, under the penalty of two dollars for each head of stock so driven or conveyed, to be recovered by warrant or writ before any jurisdiction having cognizance thereof, by any person who will sue for the same, to be applied to his or her own use.

SEC. 2. *Be it enacted,* That no person or persons, <sup>Stock not to range by consent</sup> whatsoever, inhabitants of this State, shall give leave under any pretence to an inhabitant of any other State, to drive stock of any kind or description to winter or range on their land, unless he, she, or they, will keep such stock within the bounds of their own land; and in all cases of a breach of the foregoing act, the person complaining may have his or her remedy by attachment, under the same rules and regulations that govern attachments in other cases.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed, November 11, 1835.

### CHAPTER LXIII.

An Act to amend an act, entitled "an act prescribing the mode of conveying criminals to the public jail and penitentiary house established in this State, and for their government therein," passed the 25th December, 1829, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the guard which the sheriffs, <sup>Guard to be able men</sup> by the 3d and 4th sections of the above recited act, are authorized to summon to assist in conveying convicts to the penitentiary, and to prevent their rescue, shall consist of able bodied men, who shall not be under eighteen years of age.

SEC. 2. *Be it enacted,* That so much of the 20th section of the above recited act, as requires all checks given <sup>Repeal of law requiring countersign on checks</sup> by the agent and keeper of the prison for moneys he may have, as such agent and keeper, deposited in any bank, to be countersigned by an inspector before the same shall be paid by the bank, is hereby repealed; and that hereafter it shall be the duty of the inspectors of the prison to make a full settlement with the agent and keeper of his accounts at the termination of every quarter of a year.

SEC. 3. *Be it enacted,* That the 27th rule, under the 25th section of the before recited act be, and the same is hereby repealed; and that the 37th rule under said 25th section be, and is hereby likewise repealed, except so far as relates to the taking bond and security from the agent and keeper, and the deputy keeper, and except so much as relates to the oath to be taken by all the officers of the penitentiary. <sup>Part of former law repealed</sup>

SEC. 4. *Be it enacted,* That for the encouragement of <sup>Commutation of imprisonment</sup> the prisoners to conduct themselves with industry and propriety, it shall be the duty of the Governor, whenever it appears from the weekly reports of the agent and keeper that the conduct of a prisoner has been exemplary and unexceptionable for a whole month together, to commute such prisoner's term of imprisonment for any period of time not exceeding two days for each and every month that he may have so conducted himself.

SEC. 5. *Be it enacted,* That in addition to the salaries <sup>Salaries increased</sup> allowed the agent and keeper, the deputy keeper, the clerk and the assistant keepers or turnkeys, by the sixth section of the before recited act, they shall each receive the following sums, to wit: the agent and keeper, two hundred dollars, making his whole salary per year, twelve hundred dollars; the deputy keeper and clerk, each one hundred and twenty dollars, making their whole annual salary each, six hundred and twenty dollars; and the assistant keepers or turnkeys, each one hundred and twenty dollars, making

their whole annual salary, each three hundred and twenty dollars.

**SEC. 6.** *Be it enacted,* That it shall be the duty of the superintendants of the penitentiary, as soon as practicable, hereafter to cause to be erected under their inspection within the walls of said prison, a new and substantial building, suitable for a prison hospital, which shall be of such dimensions, and upon such plan, as may seem to said superintendants and the physician in the employment of the institution, best calculated to promote the health of the sick, and contribute to their safety. The expense of erecting said building shall be defrayed out of the proceeds of the labor of the convicts in said prison, and any funds derived from that source which the agent and keeper may have received, shall be subject to be appropriated in that way.

**SEC. 7.** *Be it enacted,* That if any convict or prisoner confined in the penitentiary shall violate any of the rules and regulations for the government of the penitentiary, as prescribed in an act entitled "an act prescribing the mode of conveying convicts to the public jail and penitentiary house established in this State and for their government therein," and shall render himself liable to the punishment prescribed by the fifth rule of the 25th section of said act, it shall be the duty of the agent or keeper of the penitentiary to report the same to the board of inspectors at their next monthly meeting, and said board shall thereupon enquire into the truth of the case, and if upon such inquiry, it shall be ascertained that such convict has violated any of said rules and regulations, said board shall determine the number of days such convict or prisoner shall serve at the expiration of his term for such offence; and the punishment herein prescribed, may be substituted by said board in lieu of the punishment by solitary confinement, as prescribed in the 5th rule of the 25th section of said act.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

#### CHAPTER LXIV.

An Act to provide for electing Registers for the issuing of grants in this State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the State shall continue as at present laid off, into five divisions, and in each of which

there shall be one register's office for the issuing (of) grants, and for each of said divisions there shall be elected by the joint vote of the Legislature, one register, who shall hold his office for the period of four years.

**SEC. 2.** *Be it enacted,* That the said registers shall give the same bonds and take the same oaths that the present registers are required to give and take by the existing laws.

**SEC. 3.** *Be it enacted,* That the register for East Tennessee shall keep his office at Knoxville; the register for the Hiwassee district shall keep his office at Athens; the register for the mountain district shall keep his office at Sparta; the register for the middle division shall keep his office at Nashville, and the register for the Western District shall keep his office at Jackson; that the said registers in the performance of their respective duties shall in all respects be governed by the existing laws.

**SEC. 4.** *Be it enacted,* That it shall be the duty of all persons having the record books, plats and certificates of survey and other papers or documents belonging to or in any way appertaining to the first, second and third surveyor's districts North and East of the Congressional reservation line, to deliver over to the registers of the Middle division of the State at Nashville, all such records and papers; and it is hereby made the duty of all persons having the said record books, plats and certificates of survey and other documents belonging to the fourth, fifth and sixth districts, North and East of the Congressional reservation line, to deliver the same to the register for the State at Knoxville.

**SEC. 5.** *Be it enacted,* That if any person having such record books, plats and certificates, or other papers belonging to the surveyor's offices aforesaid referred to in the second section of this act, shall fail or refuse to deliver over said records, books, plats, certificates and other papers as directed by this act, he shall be, on conviction thereof before any Circuit Court of this State, on indictment or indictments, fined in a sum not less than five hundred dollars.

**SEC. 6.** *Be it enacted,* That it shall be the duty of said registers to receive the said record books, plats, certificates and other papers, and they shall, on application of any person who may have made any entry in any of said offices to issue grants on all plats and certificates on which grants have not heretofore issued, where it may appear to his satisfaction that the same is founded on a good and valid warrant.

**SEC. 7.** *Be it enacted,* That it shall be the further duty of said registers to issue certificates to any person or persons who may claim any part or parts of warrants or certifi-



cates which may appear to be unsatisfied from the records in their respective offices and they shall be entitled to and receive from every applicant or applicants or their representatives the sum of fifty cents.

Duty of commissioner of land claims

SEC. 8. *Be it enacted*, That it shall and may be lawful for the Secretary of State, as commissioner of land claims, to receive and file for adjudication, all certificates issued as aforesaid, for the adjudication of which and all other claims he shall be entitled to the same fees as are allowed by the act of 1825, chapter 77, section 10.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 10, 1836.

#### CHAPTER LXV.

An Act to amend the penal laws of this State.

Forged passes

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any person or persons shall give or cause to be given to any slave or slaves, a forged pass or certificate purporting to be passes of freedom, or other instruments of writing for the purpose of aiding or assisting any slave or slaves in running away from his, her or their master or owner, such person or persons so offending, on conviction thereof, shall be adjudged guilty of felony, and shall be punished by confinement at hard labor in the penitentiary house of this State, for a period not less than three nor more than ten years.

Secreting runaway slave

SEC. 2. *Be it enacted*, That if any person or persons shall secrete, conceal or in any manner harbor or protect any runaway slave, knowing said slave to be a runaway, such person or persons so offending, shall, upon conviction thereof, be adjudged guilty of felony, and shall be punished by confinement at hard labor in the penitentiary house of this State, for a period not less than three nor more than ten years.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 10, 1836.

#### CHAPTER LXVI.

An Act to regulate turnpike roads, toll bridges, and to make the proprietors or keepers thereof subject to indictment as overseers of public roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, all proprietors of turnpike roads and toll bridges, or the keepers thereof, or either of them, shall be subject to be punished for permitting their roads or bridges to remain out of repair, in the same manner and under the same rules, regulations and restrictions that overseers of public roads are now subject to, according to the laws of this State.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

#### CHAPTER LXVII.

An Act to to authorize persons in certain cases to hold more than one occupant claim.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the Secretary, as commissioner of land claims, to receive and file for adjudication, all original John Armstrong warrants, under the same rules, regulations and restrictions as are prescribed by an act passed at the present session of the General Assembly, for the adjudication of land claims.

SEC. 2. *Be it enacted*, That the further time of three months from and after the first day of September next, be allowed for filing claims with the Secretary of State, for adjudication, in addition to the time allowed by an act passed at the present session of the General Assembly.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 19, 1836.

## CHAPTER LXVIII.

An Act to prescribe the degree of relationship that shall render a judicial officer incompetent to try a cause, and to provide for the special appointment of Judges in certain cases, under the 11th section of the 6th article of the constitution.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no Judge of the Supreme Court or inferior courts shall preside in any cause in the event of which he shall be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within (the) sixth degree, computing according to the civil law, or in which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties; the same degree of relationship shall disqualify a justice of the peace or jurymen; the Judges of the Supreme Court, or a majority of them, within the first week of each term of said court, at each place where the same may be holden, shall certify to the Governor or all causes upon the docket which are to be heard and determined, which said judges or either of them shall be disqualified from hearing and determining, which certificate being received by the Governor, it shall be his duty to appoint and commission the requisite number of competent men of law knowledge, for the trial and determination of said causes; the said Judges so commissioned after the oath required by the constitution is administered to them, shall take their seats and proceed to aid the supreme Judge or Judges who are competent, in hearing and deciding all the causes in said commission set forth, and such other causes as shall be certified during the same term, and they shall have in said cause, the same power and authority as the Judges of said court shall have in other causes: *Provided,* that it shall not be necessary to make such certificate when two of the Judges are competent, unless they shall fail to agree.

SECTION 2. Such special Judges shall each be allowed either in the foregoing case or that set forth in the following section of this act, for compensation, the sum of six dollars per day for the time he is employed in the discharge of the duties of a Judge, and the same for every twenty-five miles travel to and from the place of holding court, to be paid by the treasurer out of any public moneys not otherwise appropriated, to be paid on the warrant of the Comptroller.

SECTION 3. That when any of the Judges of the Supreme or Circuit Court, or either of the Chancellors shall be unable from sickness or other physical disability to attend and

Incompetency provided for

Compensation of special judges

ability of judge to attend

hold any of the courts at the time and place required by law, it shall be the duty of the Judge or Chancellor, or in case of his inability to do so, it shall be the duty of the clerk of the court in which said Judge or Chancellor presides, to certify the facts to the Governor, who shall thereupon appoint and commission some person of law knowledge, to attend and hold said courts for the despatch of public business, and such person so commissioned, shall be possessed of all the power and authority to hold said courts, to hear and determine the cause depending therein, and to take all such orders as are necessary to prepare causes for final trial in the same manner and to the same extent as the regularly commissioned Judge or Chancellor would possess were he present and holding said courts; and such person so commissioned, shall continue to hold said courts or to sit as one of the Judges thereof, until he shall be informed by the regularly commissioned Judge that he is in a condition to attend to the duties of his office, which notification it shall be the duty of said Judge to make so soon as his health may be restored, or the disposal of the business for which he was appointed, shall operate as a termination of the commission and authority of said special Judge.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, February 2, 1836.

## CHAPTER LXIX.

An Act to provide for the publication of the Laws and Journals, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall hereafter be the duty of the Secretary of State, two months at least before the commencement of each session of the General Assembly, to cause a notice to be published in some newspaper printed in this State, stating that he will, until the day of the commencement of the session, receive duplicate sealed proposals for printing and delivering at the office of the Secretary of State, the laws and joint resolutions passed at each session, and like proposals for printing and delivering the journals of both Houses of the General Assembly, and also separate sealed proposals in duplicate, for the job printing which may be required by both Houses, which no-

Secretary to advertise for proposals

tice shall be published for four weeks successively, before the commencement of the session.

Of proposals

SEC. 2. *Be it enacted*, That all proposals for printing the laws and journals, shall specify particularly the price at which the printing will be done per page and per thousand ems, for the first five hundred copies, and for every hundred copies thereafter, accompanied by a specimen of the style in which the work will be executed, and the quality of the paper to be employed, which specimen shall consist of at least four pages; and all proposals for job printing shall specify particularly the price per thousand ems for close work for the first hundred copies, and for every hundred copies thereafter, the price for open work per page for the first hundred copies printed in small pica type; each set of proposals shall be in duplicate sealed up containing specimens, with a proper endorsement denoting their contents and the name of the person making the proposals.

Duty of Secy. of State

SEC. 3. *Be it enacted*, That it shall be the duty of the Secretary of State, immediately after the meeting of the General Assembly, to deliver to the presiding officer of each house, one set of the duplicate proposals in his office, to be presented to their respective houses, and the two houses, shall by concurrent resolution, determine on the proposals for printing the laws and journals or either of them, and the person whose proposals shall be thus accepted, shall enter into bond to the State in the penalty of five thousand dollars, with such security as the Governor, or in his absence, the Secretary of State, shall approve, conditioned that he will faithfully perform his duties as printer of the laws and journals, or both as the case may be, and will execute the work according to law and the specimen exhibited by him, which shall be attached to the bond, and that he will deliver such number of copies as shall have been previously ordered by the General Assembly, to the Secretary of State, on or before a day to be in such bond named, which shall not be more than sixty days after the termination of the session, which bond shall be deposited in the office of the Secretary of State; and each house shall determine on the proposals submitted for job printing and may conclude a contract for the printing required by them without the concurrence of the other house, and take such security as they may think proper: *Provided*, that nothing herein contained shall be construed to prevent the employment of any other person than those submitting proposals as aforesaid, to print the laws or journals, or to do the job printing of either house.

Stationery and fuel

SEC. 4. *Be it enacted*, That it shall be the duty of the Secretary of State to cause a notice to be published as aforesaid, that he will also receive separate sealed proposals in duplicate for furnishing each House of the General Assembly with such stationery, fuel and other articles as may be required for the use of the General Assembly.

SEC. 5. *Be it enacted*, That if any person employed to print the laws and journals, shall fail to comply with his contract, the Governor may employ some other person to do the work, taking bond as aforesaid.

SEC. 6. *Be it enacted*, That it shall be the duty of the Comptroller of the Treasury to settle with the persons employed to print the laws and journals, and draw his warrant on the Treasurer for the amount which shall be found due according to the terms of the contract, to be paid out of the treasury.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 19, 1836.

## CHAPTER LXX.

An Act to provide for refunding money in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if at any time before the passage of this act, or if at any time after the passage of this act, any money has been or hereafter may be paid into the treasury of this State, by virtue of a judgment rendered in any of the Circuit Courts of this State, founded upon a forfeited recognizance, and such judgment has been or hereafter may be reversed upon appeal or writ of error duly prosecuted in the Supreme Court, the sum or sums of money thus paid into the treasury, shall be refunded to the party paying the same, on such judgment of forfeited recognizance, upon the production of a certified copy of the judgment of reversal in the Supreme Court, to the treasurer.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 18, 1836.

## CHAPTER LXXI.

An Act to direct the Attorney for the State to bring suit against the Union Bank of the State of Tennessee.

*Atty. Gen. to commence suit*  
**SECTION 1.** *Be it enacted, by the General Assembly of the state of Tennessee,* That it is hereby made the duty of the Attorney General for the State, forthwith to bring a suit or suits, or make a case agreed as the case in his opinion may require, against the Union Bank of the State of Tennessee, in behalf of the State for the bonus agreed by the charter to be annually paid, for the privilege of banking, and also for such dividends as the State may be entitled to on its stock in said bank, after deducting the interest which has accrued upon the bonds of the State.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

## CHAPTER LXXII.

An Act to ascertain the compensation to be allowed to the Speakers and Members of the General Assembly, and the Governor and Secretary of State.

*Speakers and members*  
**SECTION 1.** *Be it enacted, by the General Assembly of the State of Tennessee,* That the Speakers and Members of each branch of the Legislature shall hereafter be allowed as a compensation for their services, the following sums, to wit: to the speaker of each house, six dollars, and to the other members the sum of four dollars for each day during the session, and four dollars for every twenty-five miles in going to and returning from the same, to be paid out of any money in the treasury not otherwise appropriated.

*Governor and Secy. of State*  
**SEC. 2.** *Be it enacted,* That the Governor of the State shall be allowed an annual salary of two thousand dollars, and the Secretary of State shall be allowed an annual salary of eight hundred dollars, both payable quarterly out of any money in the treasury not otherwise appropriated.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 17, 1836.

## CHAPTER LXXIII.

An Act to repeal so much of the 6th section of an act passed at the present session, entitled an act to provide for the election of Governor, Representatives in Congress, Members of the General Assembly, Sheriffs, Trustees, Registers, Clerks of the Circuit and County Courts, as relates to the election of Surveyor and Entry Taker, and for other purposes.

*Repeal*  
**SECTION 1.** *Be it enacted, by the General Assembly of the State of Tennessee,* That so much of the 6th section of the above recited act as relates to the election of Surveyor and Entry Taker by the casting vote of the officer holding the election, be and the same is hereby repealed.

*Majority required*  
**SEC. 2.** *Be it enacted,* That it shall require a majority of all the justices present, to elect a Surveyor and Entry Taker, when proceeding according to the act to which this is a supplement.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 16, 1836.

## CHAPTER LXXIV.

An Act making an appropriation for the payment of the debt due from the State to the Union Bank, contracted in pursuance of a Resolution of the late Convention to revise and amend the Constitution of the State of Tennessee.

*Appropriation made*  
**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the debt contracted with the Union Bank of the State of Tennessee, for the purpose of defraying the expenses of the late Convention, be paid out of any money in the treasury not otherwise appropriated.

*Interest allowed*  
**SEC. 2.** *Be it further enacted,* That until said debt shall be discharged, the accruing interest thereon shall be paid semi-annually, out of any money in the treasury not otherwise appropriated.

*Compensation to A.M. Hughes*  
**SEC. 3.** *Be it enacted,* That Archelaus M. Hughes be, and he is hereby allowed the sum of one hundred and fifty-five dollars, as a full compensation for transcribing and comparing the balance of the Senate's Journal for the use of the Public Printer, to be paid out of any money in the treasury not otherwise appropriated: *Provided,* that before the treasurer shall pay said amount, said Hughes shall make oath that he has completed said job as above specified.

Expenses of this Gen. Ass. provided for

SEC. 4. *Be it enacted*, That the Governor and Secretary of State be authorized to issue the certificates of the State to the President, Directors & Co. of the Union Bank, for the debt due said Bank, on account of money advanced to defray the expenses of this General Assembly, redeemable at the pleasure of the State, bearing interest at six per centum per annum, payable semi-annually at the Union Bank.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed February 18, 1836.

#### CHAPTER LXXV.

An Act supplemental to an act, entitled "an act to prohibit the drawing of lotteries and vending lottery tickets," passed 13th February, 1836.

Further time to present proprietors

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any person or persons may have heretofore, under the sanction of the laws of this State, published a scheme or schemes for the drawing of a Lottery or Lotteries, said person or persons are hereby authorized to go on to vend all the tickets and draw said lottery; and they are hereby allowed until the first day of June next to complete the same, and no longer; and they are hereby exempt from all the pains and penalties prescribed in said act, to which this act is intended as a supplement.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JONATHAN WEBSTER,  
Speaker of the Senate.

Passed February 19, 1836.

#### CHAPTER LXXVI.

An Act to prescribe the mode of publishing the decisions of the Supreme Court.

Court to direct what cases shall be reported

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the reporter of the decisions of the Supreme Court shall not report at length any case, in which no other points of law are decided than such as

are settled in some other case contained in the reported decisions of the Supreme Court of this State, and in such cases, the reporter shall only state the names of the parties in such new cause, and refer to the cause by which it is governed; but the reporter shall be governed by the direction of the court in determining what cases shall be reported.

SEC. 2. *Be it enacted*, That the reporter of this State shall not publish more of the argument of counsel than the positions taken and the authorities cited and relied on.

SEC. 3. *Be it enacted*, That it shall be the duty of the reporter, immediately after the publication of each volume of said reports, to send and deliver to each clerk of the Supreme Court in each of the divisions of this State, the number of said reports that each of the divisions of the State is entitled to: the expense of the transportation of said reports to be paid by the State; and it shall be the duty of the clerk of said Supreme Court to deliver to each of the clerks of the circuit court in said division, upon application by said circuit court clerk, the number of the volumes that his county is entitled to receive, and take his receipt therefor.

SEC. 4. *Be it enacted*, That it shall be the duty of each of the clerks of the county courts that have been furnished with a copy of said reports, to deliver over the same to the clerk of the circuit court of said county, whose duty it shall be to preserve the same in his office for the use of said county.

SEC. 5. *Be it enacted*, That it shall be the duty of said reporter to furnish to the clerks of the Supreme Court, in the manner directed by the third section of this act, as many copies of said reports already published, as will be sufficient to supply the counties in each of the divisions of the State that have not heretofore been supplied with said reports, and it shall be the duty of the clerks of the Supreme Court to deliver said reports to the clerks of the circuit courts, or their order, as directed by the third section of this act.

SEC. 6. *Be it enacted*, That the counties laid off and established at the present session of this General Assembly, shall be included in the provisions of this act, and said reports now published, shall be paid for by the State.

SEC. 7. *Be it enacted*, That should said reporter fail, refuse, or neglect to furnish and deliver to said clerks, a copy of said reports as contemplated by this act, he shall forfeit and pay the sum of five hundred dollars, for the use

of the State, to be recovered by action of debt in any of the circuit courts of this State.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed, February 10, 1836.

### CHAPTER LXXVII.

An Act to prevent the abatement of civil actions.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter when any person may depart this life, by or against whom an action of detinue, or trover, or any civil action, whether the same be founded on wrongs or contracts, except actions for wrongs affecting the person or character of the plaintiff, may have commenced, it shall be lawful to renew such suit by or against the personal representative of such decedent, subject to the same rules, regulations and restrictions, that actions founded upon contract are renewed by the existing laws.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 17, 1836.

### CHAPTER LXXVIII.

An Act to amend the several acts prescribing the duties of Entry Takers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the several Entry Takers north and east of the Congressional reservation line, to record in a bound book the several entries made in their respective offices, and on failure to do so within twenty days after an entry shall be made under the provisions of the several acts of Assembly authorizing entries to be made, the Entry Taker so failing, shall forfeit the sum of fifty dollars, to be recovered by action of debt in the name of any person who will sue for the same.

SEC. 2. *Be it enacted,* That when any Entry Taker has

To record entries in a bound book

resigned, removed, or in any other manner vacated his office, <sup>When office is vacated</sup> and left therein entries unrecorded, it shall be the duty of his successor to record the same, for which he shall receive from the person owning the entry, the sum of twelve and a half cents for each entry recorded, and on failure to perform such duty, the said Entry Taker shall forfeit the like sum of fifty dollars, and to be recovered in like manner, in the name and for the use of any person who will sue for the same; *Provided, however,* the Entry Takers shall severally have the period of sixty days to perform the duties enjoined on them by the second section of this act.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 15, 1836.

### CHAPTER LXXIX.

An Act to amend an act, entitled "an act requiring the acts of a public and general nature of the General Assembly of the State to be bound," passed December 21, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the 3d section of the above recited act as requires the acts of the General Assembly to be printed with running titles, be, and the same is hereby repealed so far as relates to the acts of the present Legislature.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 13, 1836.

### CHAPTER LXXX.

An Act to amend an act, entitled "an act to allow wharffs to certain persons therein named," passed July 21, 1820.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons landing boats, rafts, or other water crafts, containing wood or loading of any description, at the landings or wharfs on the banks of any

navigable river in this State, where wharfage is now or hereafter shall be allowed by law, shall be liable to pay wharfage therefor; and that the owners or proprietors of said landings and wharfs shall have a lien upon said boats and their loading, rafts of wood and other water craft, for the payment of said wharfage fees; and any person or persons who purchase wood or other articles so landed on said wharf or landing as aforesaid, shall be liable for such wharfage fees when the same are unpaid.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 17, 1836.

#### CHAPTER LXXXI.

An Act to repeal the second, third and fourth sections of an act, entitled "an act to amend the judiciary system of the State of Tennessee," passed 15th December, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the second, third and fourth sections of the above recited act be, and the same are hereby repealed.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 13, 1836.

#### CHAPTER LXXXII.

An Act to provide for correcting mistakes in entries or locations of warrants.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the surveyors south and west of the Congressional reservation line, and north of Winchester's line, to alter any entries or location that may have been heretofore made through or by mistake in any of their offices: *Provided,* however, that in all such cases, and before the surveyor shall permit such alteration to be made, the locator shall file his affidavit, setting forth the nature of such mistake, whether occasioned

Surveyors may alter entries

by calling for a wrong course or beginning, and that by reason of such mistake, the entry does not include the land intended to be entered, and that by making the entry according to the original intention of the locator, it will not interfere with any entry or occupant claim of any other person; then, and in that case, such surveyor may make void the entry so made through mistake, and make such entry according to the intention of the locator: *and provided also,* that the grant for such land had not issued at the time that the application for such alteration was made.

SEC. 2. *Be it enacted,* That when entries may have been made according to the provisions of the first section of this act, it shall be the duty of the surveyor of such district to cause the same to be surveyed, and make out a plat and certificate of survey, on which grants shall issue as in other cases.

Grants may issue on altered entries

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 12, 1836.

#### CHAPTER LXXXIII.

An Act giving further time for surveying and obtaining grants on land north and east of the Congressional reservation line, and north of Tennessee river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the further time of fifteen months, from and after the 8th day of October, 1835, and until the rise of the first session of the next General Assembly of this State, be given for making surveys and returning plats and certificates on all entries made under the acts of 1823, chapter 49, and the acts subsequent thereto, and upon all entries founded upon good and valid warrants in the different land offices of this State, in the district of country lying north and east of the Congressional reservation line, and north of Tennessee river.

Further time given for making surveys

SEC. 2. *Be it further enacted,* That the further time of two years be given for obtaining grants upon the entries mentioned in the foregoing section of this act.

Further time for obtaining grants

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed October 24, 1835.

## CHAPTER LXXXIV.

An Act to regulate the practice in taking bond and security for the prosecution of certiorari in cases of forcible entry and detainer.

Bond for cost  
and damages  
required

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases hereafter when any person or persons shall file their petition before any circuit judge in this State, for writs of certiorari and supersedeas on the verdict and judgment of a court originally trying an action of forcible entry and detainer, or unlawful detainer, it shall be the duty of the judge, if he shall be of opinion said petition ought to be granted, to order the applicant for such writs to give bond and security to pay and satisfy all such cost and damages as shall accrue to the defendant in the petition for the wrongful prosecution of his suit.

Duty of clerks

SEC. 2. *Be it enacted*, That it shall be the duty of the clerks of the circuit court hereafter, when they shall take a bond and security for the prosecution of a suit for a forcible entry and detainer, or unlawful detainer, to take such bond conditioned to prosecute such suit with effect, or to pay and satisfy all costs and damages for the wrongful prosecution of such suit, and to pay and satisfy the defendant in damages for the wrongful detention of the premises.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

## CHAPTER LXXXV.

An Act supplemental to an act entitled "an act to extend the benefits of the first section of an act, chapter 40, passed at Nashville on the 30th December, 1829."

Construction  
of act

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions, benefits and privileges of the above recited act, shall from and after the passage of this act, be construed to allow the persons in said act mentioned, from the decision of any suit as specified in the aforesaid act, until the rise of the first session of the General Assembly happening thereafter, to pay the purchase money to the State, as provided in the said act of the 30th December 1829, chapter 40, and the act of De-

cember 19th 1831, entitled "an act to extend the benefits of the first section of an act, chapter 40, passed at Nashville on the 30th December 1829."

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

## CHAPTER LXXXVI.

An Act to provide for the transfer of law suits in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where the plaintiff and defendant both shall reside in any of the new counties laid off and established by any law passed at this General Assembly, and they shall have law suits pending in any of the old counties from whence they may have been detached, it shall be the duty of the clerks of the several County and Circuit Courts, where any such suits are pending, to make out a true and perfect transcript with all the orders that have been made in the same, and transmit the said record to the clerk of the Circuit Court for the county where the parties reside, and the Judges of the Circuit Courts are hereby directed to take cognizance, and try the suits thus transferred, in the same manner as if the same had not have been transferred.

Suits transferred  
to new  
counties

SEC. 2. *Be it enacted*, That all witnesses subpoenaed in any cause that may be transferred by the provisions of this act, shall be served with a new subpoena, which shall be binding and effectual, and all subpoenas before served to compel witnesses to attend in the old counties, shall be null and void.

New subpoenas  
to be served

SEC. 3. *Be it enacted*, That the third section of the act passed the 16th of December 1831, as prohibits the granting letters of administration where the testator or intestate shall have departed this life twenty years before the application is made, be and the same is hereby repealed, so far as it relates to infants and feme coverts, who may be entitled to distribution of the estate of said decedent; and it shall be lawful for administration to be granted at any time within thirty years from the death of said testator or intestate, to any person or persons entitled to distribution as aforesaid,

Repeal of an  
act prohibiting  
letters of ad-  
ministration



who were infants or femes covert at the time of the death of said testator or intestate.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

### CHAPTER LXXXVII.

An Act to authorize a nolle prosequi to be entered in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all suits which may hereafter be commenced against two or more defendants, it shall be lawful for the plaintiff or plaintiffs, at any time during the pendency of such suits, to enter a nolle prosequi, as to any one or more of said defendants, and proceed as to the remaining defendant or defendants, as though suit had been originally instituted against him, her or them alone.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 10, 1836.

### CHAPTER LXXXVIII.

An Act concerning navigable rivers.

Fish dams prohibited  
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any person or persons shall hereafter erect or keep up any fish dam or other obstruction so as to impede or injure the navigation of any stream declared navigable by the laws of this State, such person or persons so offending, shall be liable to indictment in the same manner that overseers of public roads are now liable to indictment.

To be given in charge  
SEC. 2. *Be it enacted,* That it shall be the duty of the Judges of the Circuit Courts in this State, to give this act

in charge to the grand juries of their respective courts at every term thereof.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

### CHAPTER LXXXIX.

An Act to repeal all laws authorizing the County Courts to make allowances to Attorney Generals.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all laws now in force and use in this State, authorizing the County Courts to make allowance to Attorney Generals for the State, be and the same are hereby repealed.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 20, 1836.

### CHAPTER XC.

An Act to provide for the payment of costs in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any person heretofore has been, or hereafter may be committed to jail upon a charge of felony in any county in this State, and the criminal so committed and charged, cannot be tried on account of lunacy or derangement, it shall be the duty of the Judge holding court in the county where such criminal may be confined, to allow the jailor's fees from term to term, under the same rules, regulations and restrictions, as are now required by law, for the payment of costs by the State in criminal cases: *Provided,* however, if any criminal may heretofore have been confined in any jail in this State on a charge of felony for a longer period than six months, it shall be the duty of the Judge holding the court in the county in which the criminal may be confined, and such criminal may not have been tried on account of lunacy or derange-

ment, to allow the jailor's fees for the whole time of such criminal's confinement, under the like rules, regulations and restrictions.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 16, 1836.

### CHAPTER XCI.

An Act making (an) appropriation of money to defray the expenses of the present General Assembly.

Allowance for members of Gen. Assembly  
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the members of the present General Assembly for the session of eighteen hundred thirty-five and thirty-six, be allowed each the sum of four dollars per day, and the like sum for every twenty-five miles in going to and returning from the seat of government, and that the Speakers of each house be allowed the sum of two dollars each per day for their services as presiding officers of the two Houses.

Sundry expenses provided for  
SEC. 2. That the clerks of each House be allowed each the sum of six dollars per day, and the door keepers each the sum of four dollars per day, and that Ephraim H. Foster, Speaker of the House of Representatives, twenty-six dollars and twenty cents for public postage; to Samuel Sea for chairs furnished the House of Representatives, ten dollars; to S. C. Earl for writing chair, seven dollars; to Hicks, Ewing & Co., for stoves, grates, fuel, four hundred and seventy-seven dollars and ninety-seven cents; to Lewis, colored free man, one hundred and forty-one dollars, for servant hire and attendance on both branches of the Legislature; to James A. Whiteside, eleven dollars and fifty-eight cents for postage on letters and returns addressed to him as chairman of the committee on common schools in the House of Representatives; to S. Nye & Co. for printing for the Senate, twelve dollars and fifty cents; to W. T. Berry for stationery furnished the Senate, the sum of three hundred and twenty dollars and eighty-six cents; to C. M. Cowardin, for work done for the Senate, one dollar; to Victor M. Campbell sixty-eight dollars for transcribing part of the journal of the Senate; to Jonathan Webster, Speaker of the Senate, eighteen dollars and thirteen cents for public postage; to Terry H. Cahal, chairman of the joint committee on finance, two dollars for public postage on clerks

returns; to William T. Berry for stationery furnished the House of Representatives, eight hundred and twenty-eight dollars and fourteen cents; to Samuel Watkins for setting grates and hearths in the Representatives chamber, eight dollars; to Caroline Lewis for washing towels, five dollars and twenty-five cents; to Graham for hauling water to the two houses, thirty-nine dollars and eighteen cents; to S. Nye & Co. for job printing for the House of Representatives, two thousand three hundred and sixty-two dollars eighty-nine cents; to Victor M. Campbell one hundred dollars for assisting as engrossing clerk in the House of Representatives; to W. Hassel Hunt & Co. fourteen hundred fifty-eight dollars and seventy cents for job printing to the Senate; to Israel McCarroll ten dollars for arranging and taking care of the furniture of the Senate chamber after the adjournment; to John J. Chandler twelve dollars for two days service as assistant clerk; to Joseph L. Dickson eighteen dollars for three days as assistant clerk.

SEC. 3. *Be it enacted,* That Samuel V. Frazier be and To S. V. Frazier he is hereby allowed the sum of four dollars for every fifteen pages of the journals of the house which he has or may hereafter copy for the public printer, to be done under the superintendance of the Secretary of State, and that the Secretary of State be allowed the sum of twenty-five dollars for superintending the same.

SEC. 4. The sum of twenty-five dollars shall be allowed to the Secretary of State, to be applied by him to For cleaning hall of H. Rep. defraying the expense of clearing up the hall of the House of Representatives, and arranging and taking proper care of the furniture of the house, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 5. *Be it enacted,* That the sum of twenty-seven For stationery and printing dollars be allowed to William T. Berry for stationery furnished since the rendition of his former bill; and the sum of three dollars and fifty-four cents to S. D. Mitchell, clerk of the house for public postage, and that the job printing for the house done since the rendition of the account of S. Nye & Co. be audited by the Comptroller, and paid on his warrant for the same out of any moneys in the treasury not otherwise appropriated.

SEC. 6. *Be it enacted,* That Luke Lea be allowed Luke Lea thirty dollars for services rendered the Senate as clerk at sundry times. .

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Passed February 22, 1836.

## RESOLUTIONS.

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### NUMBER I.

Resolution directory to the Public Printer.

*Resolved by the General Assembly of the State of Tennessee, That the Public Printer forward as soon as practicable, by mail or otherwise, to each of the clerks of this State, one copy of the public acts.*

**EPHRAIM H. FOSTER,**  
*Speaker of the House of Representatives.*  
**JONATHAN WEBSTER,**  
*Speaker of the Senate.*

Adopted February 10, 1836.

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### NUMBER II.

Resolution directory to William M. Berryhill, Bank Agent of the Bank of the State of Tennessee.

*Resolved by the General Assembly of the State of Tennessee, That William M. Berryhill, Bank Agent, pay to John H. Richardson and others on the order of the Commissioners of the internal improvement fund of Fentress county, the sum of two hundred dollars and eighty cents, the balance due said county.*

**EPHRAIM H. FOSTER,**  
*Speaker of the House of Representatives.*  
**JONATHAN WEBSTER,**  
*Speaker of the Senate.*

Adopted February 19, 1836.

## NUMBER III.

Resolution appointing Commissioners to lay off the several counties into districts of convenient size within which justices of the peace and constables shall be elected.

*Resolved by the General Assembly of the State of Tennessee,* That the following persons be appointed Commissioners to lay off and divide their respective counties into districts of convenient size, within which justices of the peace and constables shall be elected, as required by an act of the General Assembly passed at the present session thereof, to wit:

For Carter County, James Keys, Lawson White, Jeremiah Campbell, Taylor McNabb and Christian Carriger.

For Sullivan county, John R. Dulaney, Abram Gregg, N. W. Backman, Daniel Branstetter and Thomas White.

For Washington county, Nathan Shipley, James McAlister, Ebenezer Barkley, Henry King and Jacob Hartsell.

For Hawkins county, Richard Mitchell, Gabriel McCraw, John Mitchell, Orville Bradley and John Reynolds.

For Greene county, David Rice, David Jonson, Gilbert Woolsey, Richard West and William Smith.

For Jefferson county, John Rosser, Jonathan Woods, Joseph B. M. Reese, Daniel Meek and Robert McFarland, Junr.

For Campbell county, Joseph Hart, Isaac Reed, Matthew Douglass, John Kincaid and Elijah Hill.

For Grainger county, James Salling, James West, Thomas McBroom, Daniel Carmichael and William Clark.

For Anderson County, James H. Nichol, Samuel C. Young, Joseph C. Moore, William Brummet and John Garner.

For Cocke County, John F. Fowler, George Nease, William Robinson, Abraham Fine and Alexander E. Smith.

For Claiborne County, Walter Evans, James Overton, Elijah Jones, Richard F. Griffin and William Rogers.

For Sevier county, John Phariss, Micajah C. Rogers, Anthony Lawson, Samel Pickins and Enoch Underwood.

For Knox county, Jeremiah Johnson, Robert Armstrong, James Coalman, Nicholas Gibbs and John M. Havron.

For Blount county, William McTier, Spencer Henry, William Wallace, John Hackney and Samel Tullock.

For Monroe county, Wm. Bayless, Achilles Stepp, Thomas L. Toomey, John Calloway, Senr. and Jesse Cunningham.

For McMinn county, Thomas B. Love, Manuel Parkison, Robert M. Newman, Charles Matlock and David Clige.

For Roane county, Joseph Byrd, Junr. James Luckey, Daniel Wester, Amos Marney and Joel Hembree.

For Rhea county, Wm. T. Gillenwaters, William Johnson, Stephen Winton, Abraham Cox, Junr. and John D. Chatten.

For Hamilton county, Wm. Cleft, B. B. Cannon, Thomas Shirley, John Loveladey and Elisha Rogers.

For Marion county, Obediah Bean, Josiah Magby, Junr. John Mitchell, Senr. George Moore and John Bennett.

For Bledsoe county, Joseph B. McClendon, Isaac Stephens, Samuel McReynolds, Joel Wheeler, Senr. and Samuel L. Story.

For Morgan county, Alexander Ross, Garrett Hall, James Lea, Samuel Young and James Jones.

For Overton county, Valentine Matlock, Jonathan Douglass, Wm. Gore, Wm. Donelson and George Christian, Senr.

For Fentress county, Charles Ragan, Wm. Travis, Thomas Beaty, Wm. B. Richardson and Jesse Cobb.

For Jackson county, James Young, Richard F. Cook, David Griffith, David Cox and Bailey Butler.

For White county, Josph Hurd, Joseph Cummins, David L. Mitchell, John England Junr. and Samuel Johnson.

For Wilson county, — Paulding, George Williamson, George Smith, William Williams and Silas Tarver.

For Smith county, Thomas W. Duncan, John Bransford, Simon P. Hughes, David Burford and Joseph Hibbits.

For Sumner county, Daniel Montgomery, Thomas Anderson, Wm. Hall, Meredith Hodges and Jonathan Davis.

For Davidson county, Abram Demoss, Edmund Goodrich, Enoch Ensley, Gilbert G. Washington and Joseph L. Ewing.

For Warren county, Wm. McGregor, David Young, Jonathan Paris, John Brown and John Payne.

For Rutherford county, Hugh Robinson, Henry Trott Senr. Green B. Lannum, James Read and Solomon Beesly.

For Williamson county, Richard J. Hill, James W. Carson, Isaac Ivey, Michael Kinnard and John L. McEwing.

For Maury county, James Huey, Cavil B. McClain, John R. Hill, Esom B. Dooly and Powhattan Gordon.

For Franklin county, John R. Patrick, James Robeson, John W. Holder, Richmond P. Harris, and Daniel Reagle.

For Bedford county, John L. Neill, William D. Orr, William Murphee, John Neill and James H. Lyle.

For Lincoln county, David C. Cowan, James Franklin, Jesse Daniel, Asa Holland and J. P. Baxter.

For Giles county, James Patteson, Homer Rainey, John W. Boadenhamer, James White and Abel Wilson.

For Montgomery county, James Reasons, William Trotter, Isaac Dennison, J. P. Bellamy and Armstead Rogers.

For Robertson county, Andrew Stewart, Jesse Ellis, James Woodard, James Sprouse and Warren S. Payne.

For Perry county, William Wright, John Easley, Basdill Brown, Isaac Stanley and Thomas Franklin.

For Dickson county, William Hightower, Joseph Kimble, William Hogins, James W. Christian and Menon Bibb.

For Hickman county, Alfred Durdon, George Peery, John Dupriest, Jonathan Reaves and Alexander Gray, Senr.

For Humphreys county, John Thompson, Wm. McCastland, Isaac Settle, James Teas and Wm. Gass.

For Stewart county, Joseph Pinner, Abithal Wallace, Hugh McMillan, Henry L. Atkins and Ephraim Gatlin.

For Wayne county, Nathaniel Biffle, James Carr, Wm. B. Ross, Wm. B. Curtis and George Whetton.

For Lawrence county, John Wasson, Ephraim H. Massy, Robert Brashears, Hugh C. McIntyre and William McAllister.

For Hardin county, James Barnes, Jesse B. Gant, John C. Rhea, Jesse Cherry and Wm. B. Carter.

For Henry county, James C. Gainer, Crawford Bradford, Constantine Frazier, Michael Brooks, and Wm. S. Patterson.

For Gibson county, John H. Rains, John C. Gillespie, Benjamin B. Tyson, Stephen Williams and John Drewry.

For Carroll county, Stephen Eason, Levi S. Woods, Thomas S. Hamilton, Shadrach Fluellen and John Keelow.

For Madison county, James S. Lyons, David H. E. Saunders, Gale H. Kyle, John G. Chalmers and Milton Young.

For Obion county, Wm. U. Watson, Wm. Maxwell, Francis Taylor, Henry J. P. Westbrook and Norton Oaks.

For Dyer county, Edwin A. McCorkle, John P. Byrne, Alexander McCulloch, Senr. Daniel E. Parker and James Miller.

For Henderson county, John Purdy, Samuel A. Read, Eli Teague, Samuel M. Carson and Nicholas H. Darnell.

For McNairy county, Barbara Pitts, Robert Rankin, James Boyd, James Mickey and James Cambell.

For Weakley county, John M. Shultz, Martin Lawler, Wm. Ridgeway, Robert R. Gilbert and David Winston.

For Haywood county, Jesse Embry, Robert Pickens, Ebenezer Young, Lewis Green and Wm. Conner.

For Tipton county, John F. Newman, John Polk, Junr. Nat. Hunt, John McKee and James N. Smith.

For Hardeman county, Elihu C. Crisp, Ichabod C. Hensley, Thomas Shaw, Josiah Hatley and Daniel Cutberth.

For Fayette county, Daniel Johnson, Spencer Jackson, John Blackwell, Wm. Garrant and Richard B. Jarman.

For Shelby county, John D. Graham, John Ralston, Charles J. Nelson, Benjamin Boothe and John D. White.

For Lauderdale county, Joseph Whitson, Isaac M. Steel, Benjamin Porter, Wm. Calhoun and — Givens, (near Fulton.)

EPHRAIM H. FOSTER,

*Speaker of the House of Representatives.*

JONATHAN WEBSTER,

*Speaker of the Senate.*

Adopted December 11, 1835.

#### NUMBER IV.

Resolution apportioning the Acts and Journals among the several counties in this State.

*Resolved by the General Assembly of the State of Tennessee, That the following number of the Acts, and of the Journals of each House, be printed and distributed as follows, to wit:*

	Public Acts.	Local Acts.	Journals.
For the County of Anderson	24	11	11
“ Blount	34	15	15
“ Bedford	54	25	25
“ Bledsoe	24	11	11
“ Carroll	38	17	17
“ Cocke	24	11	11
“ Carter	24	11	11
“ Campbell	24	11	11
“ Claiborne	29	12	12
“ Dickson	28	12	12
“ Davidson	54	25	25
“ Dyer	20	8	8
“ Fayette	34	15	15
“ Franklin	34	15	15
“ Fentress	20	8	8
“ Greene	38	17	17
“ Gibson	34	15	15
“ Grainger	34	15	15
“ Giles	38	17	17
“ Humphreys	24	10	10
“ Haywood	28	12	12
“ Hickman	28	12	12
“ Hamilton	20	8	8
“ Hardeman	38	15	15
“ Henderson	34	15	15
“ Henry	38	17	17
“ Hawkins	38	17	17
“ Hardin	28	12	12
“ Jackson	34	15	15
“ Jefferson	34	15	15
“ Knox	38	17	17
“ Lawrence	28	12	12
“ Lincoln	54	25	25
“ Madison	38	17	17
“ Montgomery	34	15	15
“ Morgan	20	8	8
“ Maury	54	25	25
“ Marion	24	12	12

For the County of M'Minn	38	17	17
" Monroe	38	17	17
" M'Nairy	28	12	12
" Obion	20	8	8
" Overton	28	12	12
" Perry	28	12	12
" Roane	34	15	15
" Rhea	28	12	12
" Robertson	38	17	17
" Rutherford	54	25	25
" Sullivan	34	15	15
" Sevier	24	10	10
" Stewart	28	12	12
" Smith	54	25	25
" Sumner	44	20	20
" Shelby	28	12	12
" Tipton	28	12	12
" Weakley	28	12	12
" Wilson	54	25	25
" Williamson	54	25	25
" Wayne	28	12	12
" Warren	34	15	15
" Washington	38	17	17
" White	34	15	15
For eight new counties, having eight districts each	2,082	922	922
For Members Legislature and Clerks	160	64	64
To be deposited in Secretary's office for other States and Territories	104	104	104
To be deposited in same for the use of General Assembly	60		
For Judges Supreme Court 1 copy each	100	50	50
For Judges Circuit Court	3	3	
For Judges Chancery Court	12	12	
For Treasurers 1 copy each	3	3	
	2,527	1,161	1,150

*Resolved*, That the Public Printer, in printing the Public Acts, shall append to the same a copy of the Constitution of the State.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 6, 1836.

### NUMBER V.

*Resolution appointing Commissioners for the county of Hardin.*

*Resolved by the General Assembly of the State of Tennessee*, That the names of James Barnes, Jesse B. Gant, Jesse Cherry and John C. Rea, be rescinded from the resolution heretofore adopted appointing Commissioners to lay off the several counties in the State into districts, for the election of Justices of the Peace and Constables, and that Thomas W. Poindexter, William Cox, John O. Burnett and John Hanna, be appointed in their room and stead, to act as Commissioners for the county of Hardin in connection with William Carter, heretofore appointed.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 27, 1836.

### NUMBER VI.

*Resolution appointing Commissioners to lay off the county of Bradley into civil Districts*

*Resolved by the General Assembly of the State of Tennessee*, That William M. Biggs, Ezekiel Spriggs, William Smedly, Isaac W. Brazleton and Samuel Mahan, be, and they are hereby appointed Commissioners to lay off the county of Bradley into eight districts, as the civil divisions of said county, in the same manner, and under the same rules and regulations as prescribed by an act passed at the present session of the General Assembly, to lay off the counties into justices districts.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 10, 1836.

### NUMBER VII.

A Resolution requiring Thomas Cratcher, Treasurer of the State, to make demand of the President of the Union Bank of the bonus and profits arising upon the State stock in said Bank, according to the provisions of its charter.

*Resolved by the General Assembly of the State of Tennessee*, That it is hereby made the duty of Thomas Cratcher, Treasurer of the State,

to make demand of the President of the Union Bank of the State of Tennessee, of the profits which may have arisen on the stock owned by the State in said Bank; also the bonus agreed to be paid by said Bank for the privileges conferred by their charter, as well as the interest which may have arisen upon the deposits of public money authorized to be made by the Treasurer of the State in said Bank, agreeable to the provisions of the 7th and 11th sections of said act, and that he shall forthwith report the result to this General Assembly.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 16, 1836.

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NUMBER VIII.

A Resolution relating to the appointment of Commissioners to lay off the county seat of Coffee county.

*Resolved by the General Assembly of the State of Tennessee,* That in the event a majority of the Commissioners heretofore appointed to locate the town Manchester, the seat of justice for Coffee county, should die, resign, or refuse to act as the law directs, then, and in that case, it shall be the duty of William Keele, James Keele, John Banks, James Yell, William Stroud, Daniel Weser and Robert Wilson, of said county, or a majority of them, to do and perform all the duties enjoined by law on the present commissioners, relative to the town of Manchester or the county of Coffee, under the same rules and restrictions, and shall have the same compensation as the present commissioners.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 15, 1836.

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NUMBER IX.

A Resolution concerning the north boundary line of the State of Tennessee.

WHEREAS, by compact between the State of Kentucky and Tennessee, Walker's line is established as the true boundary line between said States, which line was surveyed and ascertained in 1830, by commissioners on the part of said States; and whereas, there is a portion of people settled south of Walker's line, adjoining the county of Simpson

and attached to the counties of Robertson and Sumner, and between Walker's line and a line commencing on said line on a beech at Drills creek, running south, sixty two degrees west, to a black jack on the Lexington road, thence northwardly to a certain gum tree standing on Walker's original line, who claim to be citizens of the State of Kentucky, notwithstanding they are, in fact, within the ascertained limits of the State of Tennessee, the commissioners having disregarded said offset and established Walker's line to be a direct west course from said beech to the gum, being about six miles and a half long; and whereas, the Legislature of this State passed a resolution in 1833, that the jurisdiction of this State be extended over the said described tract of country up to Walker's line, running a direct course from said beech to said gum as marked by said commissioners, and all persons within said bounds were required to obey and observe the laws of this State: And whereas, the Legislature of the State of Kentucky have failed to ratify the survey or line run by the commissioners on the part of both States in 1830, as was done by the State of Tennessee, in 1833,

*Resolved,* That the Governor of this State be requested to communicate with the Governor of the State of Kentucky, requesting him to lay the same before the Legislature of that State for the purpose of having said line ratified.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 12, 1836.

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NUMBER X.

Resolution giving instructions to the Sheriff of Davidson county.

*Resolved, by the General Assembly of the State of Tennessee,* That the sheriff of Davidson county, in holding the election at the house of Wilson Crockett, in said county, in conformity with the joint resolution passed on the 8th instant, to ascertain the sentiments of the people residing in that portion of said county proposed\* to be attached to the county of Gordon, shall only receive the votes of the qualified voters actually residing within said limits, and not of persons temporarily residing therein: *Provided, always,* that any person who may have lived and resided within said limits for six months last past, and otherwise being a qualified voter, shall be permitted to vote.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 10, 1836.

## NUMBER XI.

Resolution directory to the Executive of the State.

*Resolved by the General Assembly of the state of Tennessee, That the Executive of this State forthwith open a correspondence with the Executive of the State of Mississippi, for the purpose of ascertaining officially whether the line run by the late commissioners on the part of the two States, has ever been ratified by any act or declaration of the constituted authorities of that State, and that the said Executive, if the same has not been ratified, be requested to bring the subject matter before the consideration of the Legislature of that State at the earliest date, with a request on the part of this State to ratify the line so run, and thereby put an end to all future controversy and doubt.*

*Resolved, That the Executive of this State, report to this Legislature, such information as he may acquire in relation thereto, if the same is procured before the adjournment of this body, and if not to the next session.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 2, 1836.

## NUMBER XII.

Resolution rescinding a resolution adopted at the present session, directory to the Executive of this State.

*Resolved by the General Assembly of the State of Tennessee, That a resolution adopted at the present session of the General Assembly, requiring the Governor of the State to commence a correspondence with the Executive of the State of Mississippi, on the subject of the southern boundary line of this State, be, and the same is hereby rescinded.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 13, 1836.

## NUMBER XIII.

Resolution directory to the Secretary of State.

*Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be directed, and it is hereby made his duty, to take possession of the Hall of the House of Representatives, and the Chamber of the Senate, together with the furniture of the two Houses at the close of the present session, and that he cause the same to be carefully preserved for the use of the State.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 19, 1836.

## NUMBER XIV.

A Resolution authorizing the Governor to raise, by permission of the General Government, a regiment of volunteer mounted men, to engage in the service of the United States against the Seminole Indians.

WHEREAS, it is known to this General Assembly that the Seminole Indians have been and still are committing depredations on the frontier settlements of the Floridas, massacring men, women and children, and all who fall within their power; and whereas, in 1813 and 1814, the brave and patriotic citizens of Tennessee volunteered to protect the frontier settlers and suppress the hostile aggressions of the Indians, and the same spirit of chivalry still animating the bosoms of the people of this State: therefore,

*Resolved by the General Assembly of the State of Tennessee, That the Governor of this State be requested to authorize the raising of a volunteer regiment of mounted men to engage in the service of the United States against the Seminole Indians, should it meet the approbation of the General Government.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 13, 1836.



## NUMBER XV.

Preamble and Resolutions upon the subject of our relations with France.

WHEREAS, The Government of the United States of America had heretofore, under a system of the most despotic and arbitrary regulations of the French Government, suffered for many years the most wanton destruction of the property of her citizens; and whereas, the government and people of the United States, in tender recollection of the many invaluable services rendered to them by the French nation in times of difficulty, and whilst they were struggling for their liberty and national independence, had for a long time forbore to press any indemnification for spoliations thus committed upon the property of her citizens, and the more especially, when her ancient ally and friend was pressed by her sister nations of Europe, did the American Government forbear to urge the recognition and payment of her just claims, which at that time might have proved more than ordinarily serious to her; and whereas, after the Government of France was supposed to have recovered from the demands thus urgently pressed upon her by the different powers of Europe, when she had finally settled all those claims, the American Government in the most friendly and courteous manner, called on her for a recognition and reparation for injuries done to her seamen whilst floating on the bosom of the ocean, which call was responded to by the French Government in the most friendly and amicable manner, in the stipulation of a treaty made and entered into on the 4th day of July 1831, by which she acknowledged to be due the Government of the United States, the sum of twenty-five millions of francs, which treaty has been formally and officially ratified by France and the United States, and ever since that period, by all the departments of her Government, has acknowledged the validity of our claim and the obligation of the treaty, and has appropriated the moneys which are necessary to its execution; and whereas, by reason of the non-fulfilment of the treaty thus solemnly made, the President of the United States deemed it to be his duty, under the provisions of our Constitution, at the last session of Congress, to lay all the matters and things pertaining to said dispute between the two Governments, before that body, with such recommendations as to him seemed proper; and whereas, the Government of France has seen proper and fit to consider this act of constitutional duty on the part of the President as offensive in its terms to her good character and faith; and whereas, the Government of France has thought proper to withhold payment of the money acknowledged by her in the most solemn manner of a treaty, to be due, unless the President of the United States shall tender such an apology to France as her Government may dictate; and whereas, in the language of the President, "this pretension is rendered the more unreasonable from the fact that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition—a condition the more humiliating because it is demanded as an equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her fears rather

than her justice? She has already had it frankly and explicitly given by our Minister accredited to her Government, and his act ratified by me, and my confirmation of it officially communicated by him in his letter to the French Minister of Foreign Affairs of the 25th April 1835, and repeated by my public approval of that letter after the passage of the bill of indemnity. Does France want a degrading servile repetition of this act, in terms which she may dictate, and which will involve an acknowledgement of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American People—the dignity of the Legislature, and the firm resolves of their Executive Government forbid it."

And whereas, the President, in his special message of January 15th 1836, has recommended certain measures to the Congress of the United States now assembled, retaliatory of the course of the French Government, therefore.

1. *Resolved by the General Assembly of the State of Tennessee, That the people of the State of Tennessee can never cease to feel towards the people of France, the most lively gratitude and the sincerest good wishes for their domestic independence and happiness.*

2. *Resolved, That we value the high boon conferred upon us by the blood and treasure of our ancestors too highly to commit it to the keeping of any foreign government or people upon earth.*

3. *Resolved, That we never can submit as a nation, to have the domestic communication between the different departments of our Government made the subject of controversy with any foreign government whatever.*

4. *Resolved, That in the communication of the President of the United States to Congress, touching our affairs with France, he has done his duty, and this General Assembly can perceive nothing in the terms used by him which were not fully justified by the facts of the case.*

5. *Resolved, That this General Assembly does most cordially approve the measures recommended by the Executive of the United States in relation to our French affairs, and that it hereby offers a pledge of its faith to maintain any constitutional measures that may be necessary to defend the honor and interest of the United States in any events that have or may arise between the two Governments.*

6. *Resolved, That we approve most heartily of the sentiment used by the President in his message of December 1835, when he says, "The honor of my country shall never be stained by an apology from me for the statement of truth and the performance of duty, nor can I give any explanation of my official acts, except such as is due to integrity and justice, and consistent with the principles on which our institutions have been formed. This determination will, I am confident, be approved by my constituents; I have indeed studied their character to but little purpose, if the sum of twenty-five millions of francs will have the weight of a feather in the estimation of what appertains to their national independence, and if unhappily a different impression should at any time obtain in any quarter, they will I am sure, rally around the*

government of their choice with alacrity, and immediately silence forever the degrading imputation."

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 1836.

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NUMBER XVI.

Resolution authorizing the Governor to loan Arms.

*Resolved by the General Assembly of the State of Tennessee, That the Governor of this State shall deliver to the Captain of any company of volunteers, a number of arms sufficient for their equipment, upon the said captain satisfying him, that a company is formed consisting of at least sixty men rank and file, and are regularly organized; and also executing a bond, with good security, payable to the State, for double the value of the said arms, that the same shall be well taken care of and returned in good order, when required by the provisions of any act that may be passed at this session of the Legislature.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted December 19, 1835.

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NUMBER XVII.

Resolution appointing John Staples a Commissioner for Franklin in the room of John R. Patrick.

*Resolved by the General Assembly of the State of Tennessee, That John Staples be and he is hereby appointed a Commissioner in the room and stead of John R. Patrick, to act with the four Commissioners heretofore appointed to lay off the county of Franklin into districts for the election of Justices of the peace and Constables.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 22, 1836.

NUMBER XVIII.

Resolution continuing Dr. Troost Geologist for the State.

*Resolved by the General Assembly of the State of Tennessee, That Dr. G. Troost be continued as Geologist of the State of Tennessee, for the next two years, with the salary fixed by the law originally creating the office of Geologist for the State.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 28, 1836.

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NUMBER XIX.

Resolution authorizing the notes on hand of the Bank of the State of Tennessee to be burned.

*Resolved by the General Assembly of the State of Tennessee, That the sum of fifty-four thousand two hundred and seventy dollars and eighty-eightcents of the bills of the Bank of the State of Tennessee, payable at the principal Bank at Nashville and now on hand, be burned forthwith, in the presence of the Committee on Banks.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 28, 1836.

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NUMBER XX.

Resolutions to appoint a Joint Select Committee to investigate the accounts of Miller Francis, late treasurer of East Tennessee.

*Resolved by the General Assembly of the State of Tennessee, That a Joint Select Committee to consist of three members on the part of the Senate and five on part of the House of Representatives, be appointed to investigate the accounts of Miller Francis, late Treasurer of East Tennessee, touching his agency and duties in collecting and accounting for the moneys arising from the sale or entry of the public lands in the Hiwassee District, or that may in any manner whatever have come to his hands as Treasurer of East Tennessee, on account*

of said lands; and that said Committee ascertain the amount yet due from purchasers of land in that section of country, and from whom the same is due.

*Resolved*, That said Committee have power to send for persons, books and papers, to administer oaths to such persons or witnesses as they may cause to come before them, and to do and perform such other acts and things touching the duties herein required of them, as may be necessary to a prompt and speedy execution of their duties.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 8, 1836.

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NUMBER XXI.

Resolution appointing Thomas Jarnagin and James Pullin Commissioners for Dickson County.

*Resolved by the General Assembly of the State of Tennessee*, That Thomas Jarnagin and James Pullin, of the county of Dickson, be and they are hereby appointed Commissioners for the purpose of laying off said county into magistrates districts, in the place of Joseph Kimble and Minor Bibb, who were heretofore appointed and have refused to act.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 2, 1836.

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NUMBER XXII.

Resolution appointing Commissioners to lay off the county of Benton into justices and constables districts.

*Resolved, by the General Assembly of the State of Tennessee*, That Ephraim Perkins, G. W. S. Hudson, H. D. Browning, Amos Bruce and Nicholas Brewer be and they are hereby appointed Commissioners to lay off the county of Benton into justices and constables districts.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

NUMBER XXIII.

Resolution appointing Commissioners for the county of Coffee and the county of Cannon.

*Resolved by the General Assembly of the State of Tennessee*, That Alexander Blakely, George W. Richardson, John Hickerson, James Yell and Joel H. Webster be and they are hereby appointed Commissioners to lay off and divide the county of Coffee into districts for the election of Justices of the Peace and Constables for said county.

And that James Woods, Moses Pedigo, John C. Martin, Milton Fowler and Abraham Overall, be and the same are hereby appointed Commissioners to lay off and divide the county of Cannon into justices districts.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 28, 1836.

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NUMBER XXIV.

Resolution providing for laying off a portion of Henry county attached to the county of Benton into one civil district.

*Resolved, by the General Assembly of the State of Tennessee*, That the Commissioners appointed at the present session of the Legislature, to lay off the county of Benton into civil districts, proceed to lay off that portion of Henry county attached to the county of Benton into one justices and constables district in pursuance of an act of the present General Assembly.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted February 15, 1836.

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NUMBER XXV.

Resolution appointing a Commissioner for the county of Lawrence, and for the county of Wayne.

*Resolved by the General Assembly of the State of Tennessee*, That Richard A. Massey be appointed a Commissioner to lay off the county of Lawrence into Magistrates and Constables districts, and that William R. Curtis be appointed a Commissioner for the county of Wayne;

said Massey and Curtis having heretofore been appointed Commissioners for their respective counties by the names of Ephraim H. Massey and William B. Curtis.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 9, 1836.

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NUMBER XXVI.

A Resolution calling on the Reporter to the State for certain information.

WHEREAS, by an act of the General Assembly passed December 15th 1831, it is made the duty of the reporter of the decisions of the Supreme Court to furnish each County Court of the State with a copy of said reports gratis: therefore,

*Resolved by the General Assembly of the State of Tennessee,* That George S. Yerger Esq., Reporter of the State, be required to report to this General Assembly, which of the County Courts of this State have been furnished by him with a copy of said reports, and how many volumes, and what County Courts in the State, if any, have not been furnished with a copy of said reports, and the reason why they have not.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 16, 1836.

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NUMBER XXVII.

Resolution appointing James Blackmore one of the Commissioners to lay off Sumner county into civil districts.

*Resolved by the General Assembly of the State of Tennessee,* That James Blackmore of the county of Sumner be and he is hereby appointed a Commissioner in the place of Wm. Hall resigned, to act in conjunction with the other Commissioners of Sumner county, in laying off said county into civil districts.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 11, 1836.

NUMBER XXVIII.

Resolution appointing James A. Coffin and Samuel M. Johnson Commissioners for the Court House in Madisonville.

*Resolved by the General Assembly of the State of Tennessee,* That James A. Coffin and Samuel M. Johnson be appointed Commissioners for the Court House in the town of Madisonville, in the place of William Grant and John F. Henderson removed.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 29, 1836.

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NUMBER XXIX.

A Resolution recommending Hon. Hugh L. White for the Presidency.

WHEREAS, the people of the State of Tennessee, in 1822, in 1825, and again in 1827, animated by a sincere determination to support those cardinal doctrines and principles which had distinguished the true republican party, from the commencement of the Federal Government up to that period, and also to correct and reform those practices which appeared to be erroneous, and to constitute abuses in the policy and administration of the government, brought forward Gen. Andrew Jackson, our present distinguished Chief Magistrate, as a person qualified by his principles, energy and great popularity, to effect those objects: And whereas, among the most important of those objects were, 1st. To secure to the people the exercise of the right of suffrage, in the election of the President of the United States, independent of the influence and dictation of Caucus Nominations. 2d. To resist the establishment of the practice of electing the President of the United States according to any plan of regular succession among the great functionaries of the government. 3d. The limitation and control of Executive patronage within such safe and expedient bounds, as to secure the freedom and purity of the elective franchise against all undue official influences: And whereas, we are firmly persuaded that the principles upon which General Jackson was originally nominated and supported for the Presidency by the people of the State of Tennessee, have lost nothing of their truth or importance by the lapse of time or change of circumstances, we feel impelled by a proper regard for consistency, now, when again called upon to reconsider them in reference to the choice of a successor, to re-affirm them by a renewed and solemn declaration.

In the organization and proceedings of the late Baltimore Convention, we perceive the same violation of the spirit of the Constitution, the same tendency to a usurpation of the rights and power of the people

in the election of President, the same spirit of intrigue, the same liability in the Members to be corrupted and influenced in their course by the promise and expectation of office, which we saw in the organization and proceedings of the Congressional Caucus, in 1823, and then condemned in the most public and solemn manner: And whereas, no individual has been presented to the consideration of the American people, as a candidate for the next Presidency, whose character and political opinions afford the same guaranty for the maintenance of those principles which brought Genl. Jackson into office, and for carrying out the principal measures of his administration, and which so well accord with the political sentiments of the people of Tennessee, as set forth in this Preamble, as our fellow-citizen, Hugh Lawson White: Therefore,

*Resolved*, That Hugh Lawson White be recommended to the people of the United States, as a man eminently qualified to fill the office of President.

*Resolved*, That we approve generally of the principles and policy, both foreign and domestic, of the administration of the Federal Government, during the term of service of our present distinguished Chief Magistrate, Genl. Andrew Jackson.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

### NUMBER XXX.

A Resolution supplemental to a Resolution appointing Commissioners to lay off the several Counties of this State into districts of convenient size, within which Justices of the Peace and Constables shall be elected; adopted December 11th 1835.

*Resolved by the General Assembly of the State of Tennessee*, That so much of said resolution as appoints Stephen Winton, Abraham Cox, Junr. and John D. Chattin, Commissioners for Rhea county, be rescinded, and that James McCanse, James A. Darwin and William McDonald be appointed additional Commissioners for the County of Rhea, for the purposes in said resolution mentioned; and that, Stephen Winton, Abraham Cox, Junr. John D. Chattin, Coleman C. McReynolds and James Cowan, be appointed Commissioners for the purposes aforesaid in and for the county of Meigs.

*Resolved further*, That the Secretary of State forthwith certify a copy of this resolution to the sheriff of Rhea county, whose duty it shall be upon receipt thereof forthwith to notify the persons appointed Commissioners, in this resolution for Rhea and Meigs counties, of their appointment.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 21, 1835.

### NUMBER XXXI.

Resolution appointing William S. Mooney Commissioner for Franklin county.

*Resolved by the General Assembly of the State of Tennessee*, That William S. Mooney be, and he is hereby appointed a Commissioner in the room of John Staples, to lay off the county of Franklin into districts for the election of justices of the peace and constables.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JONATHAN WEBSTER,  
*Speaker of the Senate.*

Adopted January 28, 1836.

### *The Memorial of the General Assembly of the State of Tennessee, to the Senate and House of Representatives of the United States, in Congress assembled.*

Your memorialists represent, that in the year 1829, the sum of three thousand three hundred dollars was appropriated by the Legislature of Tennessee for the purpose of erecting a Hospital in the town of Memphis, and that at its session in 1832, the state tax on merchant's license in said town, amounting to the annual sum of about one thousand dollars, was appropriated for the support of said institution. At its present session, the Legislature has enacted a law authorizing the sale of said Hospital, and directing the proceeds to be applied to the purchase of a more eligible site than that on which it was erected, and has appropriated an additional sum of five thousand dollars for the erection of more commodious buildings, and also appropriated the contingent sum of seven hundred and fifty dollars, accruing as an annual bonus from an Insurance Company, which has been incorporated at Memphis. Should the stock of said company not be subscribed, nothing will accrue from this source.

Your memorialists represent, that Memphis is the first high and eligible site for a hospital in ascending the Mississippi river. It is situated in the southwest of Tennessee, in latitude 35 degrees 12 minutes north, and within 12 miles of the corner of the State, and 1,000 miles by water above the city of New Orleans. From its geographical position, it is destined at a day not far distant to become a city of a large population, and great commercial importance.

The erection of a Hospital at this point suitable for the relief of the worn down, sick and necessitous traveller, and such as may ease the sufferings of the dying son of misfortune and poverty, and afford him a decent burial in a strange land, is a matter which your memorialists deem well worthy the aid of the nation. It is at least one which deeply interests the whole West, and which alike concerns all the States whose

commodities and manufactures are borne on the floods of the Mississippi to the great mart of the West, comprising Pennsylvania, Virginia, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Missouri, Illinois, Indiana, Ohio, and the territory of Arkansas, and an immense region of country yet to be peopled and formed into States. In the establishment of this institution, the citizens of Tennessee have less interest than those of several of her sister States.

Your memorialists have no means of ascertaining accurately the number of persons who are engaged in navigating the Mississippi, and in travelling annually by Memphis, but they must exceed five hundred thousand. Of these, many are adventurers who are poor and seeking to better their condition, and when attacked by disease, are entirely destitute; and even among those who are blessed with ample fortunes, when seized by that fell destroyer, the cholera, by which the Lower Mississippi has been dreadfully ravaged, they find that money cannot purchase attention.

In the last season, it appears that there were cast on the shore, and left to the charity of the citizens of Memphis, no less than one hundred and forty persons, who were diseased, destitute and friendless.

The sick of various diseases—cholera, small pox, &c.—were often forced promiscuously into the same chamber, and the dying and the dead, sometimes in the same apartment, alike neglected. But your memorialists have no desire to dwell on these appalling scenes, which, they are informed, beggars the powers of description. They are happy to bear testimony to the charitable efforts of the citizens of Memphis to alleviate their sufferings; with a population not exceeding 1,700 souls, the town alone contributed in a single year, for the support of the Hospital, upwards of twenty-five hundred dollars. But their means have not been commensurate with their beneficent intentions; and your memorialists conceive, that this burden, in which the whole Union is interested, ought not to be borne by a single community, or even by one State. They therefore recommend to your honorable body the propriety and necessity of erecting and maintaining at this point, out of the common fund of the United States, an institution worthy a nation not more distinguished by the freedom of its government than the humanity of its citizens, and request an appropriation for this laudable purpose.

EPHRAIM H. FOSTER,

*Speaker of the House of Representatives.*

JONATHAN WEBSTER,

*Speaker of the Senate.*

Adopted February 22, 1836.

SECRETARY'S OFFICE. }

March 29, 1836. }

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

LUKE LEA, *Secretary of State.*

Aggregate statement, of the Revenue, received and disbursed, for the two years ending October, 1835, including the Revenue of 1833 and 1834.

RECEIPTS.	Accounts rendered against Sheriffs.	Sheriffs Commissions and Credits.	Amount paid in by Sheriffs.	County Court Clerks.	Circuit Court Clerks.	Supreme and Chancery Court Clerks.	Amount charged to Clerks.	Clerk's Commissions.	Amount paid in by Clerks.	Full amount of Judgments.	Collected on Judgments.	Balance due on Judgments.	Dividends on Bank stock.	Balance in hand of Treasurer last settlement.	Collected on Revenue due previous to 1835.	TOTAL.
Treasurer of Western District - - -	23,576 30	8,520 31	15,743 03	13,743 63	3,078 95	634 51	17,457 12	436 42	17,020 70		640 64				640 64	33,843 79
Treasurer of East Tennessee - - -	21,017 29	6,227 42	15,189 23	13,660 44	1,739 54	245 08	15,645 06	391 12	15,253 94	1,343 93	649 98	693 95	225 00		164 30	31,709 27
Treasurer of West Tennessee - - -	52,188 64	15,899 61	36,623 43	38,312 23	8,748 34	1,344 80	45,410 37	1,210 28	47,200 09	4,779 82	359 00	4,420 82	3,500 00	13,145 89	359 00	117,775 71
	96,682 83	30,687 34	67,555 69	65,716 30	13,566 87	2,229 39	81,512 55	2,037 82	79,474 73	6,123 75	1,649 62	5,114 77	3,725 00	13,145 89	1,163 94	
DISBURSEMENTS.	Legislature.	Executive.	Judiciary.	Secretary of State.	Expenses of Secretary's Office.	Solicitor's Pay.	County Commissioners of Revenue—pay,	Criminal Cct.	State Tax, paid to Counties.	Wolf's Scalps.	Miscellaneous Expenses.	Treasurer's Commissions, &c.	Amount paid Treasurer Middle Tennessee.	Taking Enumeration of 1835.	Interest on Convention Debt.	TOTAL.
Treasurer of Western District - - -			7,800 00			1,237 50	307 50	6,629 71		631 00	892 04	1,215 31	15,130 73			33,843 79
Treasurer of East Tennessee - - -			14,755 00			1,366 66	482 50	9,963 39	5,024 99	600 00	1,007 27	1,151 28	1,577 06	806 09		31,709 27
Treasurer of West Tennessee - - -	24,890 85	4,064 00	26,824 60	1,312 50	825 02	1,800 00	392 50	13,314 02		587 00	25,417 13	2,630 47			1,891 64	117,775 71
	24,890 85	4,064 00	49,379 60	1,312 50	825 02	4,404 16	1,182 50	29,907 12	5,024 99	1,818 00	27,316 44	4,997 06	16,707 79	806 09	1,891 64	

Aggregate statement of the Revenue, received and disbursed, for the two years ending October, 1835, including the Revenue of 1833 and 1834.

RECEIPTS.	Accounts rendered against Sheriffs.	Sheriffs Commissions and Credits.	Amount paid in by Sheriffs.	County Court Clerks.	Circuit Court Clerks.	Supreme and Chancery Court Clerks.	Amount charged to Clerks.	Clerk's Commissions.	Amount paid in by Clerks.	Fall amount of Judgments.	Collected on Judgments.	Balance due on Judgments.	Dividends on Bank stock.	Balance in hand of Treasurer in settlement.	Collected on Revenue due previous to 1833.	TOTAL.
Treasurer of Western District - - -	23,576 30	8,520 31	15,743 03	13,743 63	3,078 98	634 51	17,457 12	436 42	17,020 70		640 64				640 54	33,843 79
Treasurer of East Tennessee - - -	21,017 29	6,227 42	15,189 23	13,660 44	1,739 54	245 08	15,645 06	391 12	15,253 94	1,343 93	649 98	693 95	225 00		164 90	31,709 37
Treasurer of West Tennessee - - -	52,188 64	15,859 51	36,623 43	38,312 23	8,748 34	1,344 80	43,410 37	1,210 28	47,200 09	4,779 82	359 00	4,420 83	3,500 00	13,145 89	359 00	117,775 71
	96,682 83	30,687 34	67,555 69	65,716 30	13,566 87	2,229 39	81,512 55	2,037 82	79,474 73	6,123 75	1,649 62	5,114 77	3,725 00	13,145 89	1,163 94	
DISBURSEMENTS.	Legislature.	Executive.	Judiciary.	Secretary of State.	Expenses of Secretary's Office.	Solicitor's Pay.	County Commissioners of Revenue—pay.	Criminal Cost.	State Tax, paid to Counties.	Wolfs Scalps.	Miscellaneous Expenses.	Treasurer's Commissions, &c.	Amount paid Treasurer Middle Tennessee.	Taking Enumeration of 1833.	Interest on Convention Debt.	TOTAL.
Treasurer of Western District - - -			7,800 00			1,237 50	307 50	6,529 71		631 00	892 04	1,215 31	15,130 73			33,843 79
Treasurer of East Tennessee - - -			14,755 00			1,366 66	482 50	9,963 39	5,024 99	600 00	1,007 27	1,151 28	1,577 06	806 09		51,709 37
Treasurer of West Tennessee - - -	24,890 85	4,064 00	26,824 60	1,312 50	825 02	1,800 00	392 50	13,314 02		587 00	25,417 13	2,630 47			1,891 64	117,775 71
	24,890 85	4,064 00	49,379 60	1,312 50	825 02	4,404 16	1,182 50	29,907 12	5,024 99	1,818 00	27,316 44	4,997 06	16,707 79	806 09	1,891 64	



# REPORTS.

## NUMBER I.

Report of the Committee of Finance, shewing the number of days for which pay has been allowed to the Members and Officers of the H. R. twenty-first General Assembly, the number of miles travelled in coming to and returning from the seat of Government, and the whole amount of pay received by each.

NAMES OF MEMBERS.	Number of days served.	Amount.	Milage going and returning.	Amount.	Total Amount.
Josiah M. Anderson,	141	\$564	240	\$38 40	\$602 40
A. A. Anderson,	"	564	460	73 60	637 60
Jared S. Allen,	"	564	200	32 00	596 00
David Beaty,	"	564	250	40 00	604 00
Jacob M. Bewly,	"	564	520	83 20	647 20
Elijah Boddie,	"	564	50	8 00	572 00
Ferrill H. Bratcher,	"	564	400	64 00	628 00
Andrew Brown,	"	564	212	33 92	597 92
John Buchannon,	"	564	150	24 00	588 00
Micajah Bullock,	"	564	250	40 00	604 00
Brookins Campbell,	"	564	582	93 12	657 12
Thomas J. Campbell,	"	564	260	41 60	605 60
William B. Campbell,	"	564	100	16 00	580 00
Robert L. Caruthers,	"	564	60	9 60	573 60
George W. Churchwell,	"	564	400	64 00	628 00
Martin Cleveland,	"	564	460	73 60	637 60
Granville S. Crockett,	"	564	64	10 24	574 24
Alvan Cullom,	"	564	212	33 92	597 92
Thomas D. Davenport,	"	564	150	24 00	588 00
Thomas Dean,	"	564	120	19 20	583 20
Wallace Estell,	"	564	170	27 20	591 20
Gabriel Fowlkes,	"	564	100	16 00	580 00
Julian Frazier,	"	564	200	32 00	596 00
Alfred Gardner,	"	564	260	41 60	605 60
M. B. Gentry,	"	564	56	8 96	572 96
Thomas K. Gordon,	"	564	130	20 80	584 80
Joseph C. Guild,	"	564	50	8 00	572 00
John Hall,	"	564	60	9 60	573 60
Richard C. Hancock,	137	548	62	9 93	537 93

## NAMES OF MEMBERS.

NAMES OF MEMBERS.	Number of days served.	Amount.	Mileage going and returning.	Amount.	Total Amount.
West H. Humphreys,	141	\$564	260	\$41 60	\$605 60
Oryille Harrison,	"	564	248	39 68	603 68
John P. Hickman,	"	564			564 00
Fidelio Hunt,	"	564	480	76 80	640 80
Elijah Hurst,	"	564	332	53 12	617 12
Andrew Johnson	"	564	550	88 00	652 00
John M. Johnson,	"	564	280	44 80	608 80
George W. Jones,	"	564	150	24 00	588 00
Joseph A. Mabry,	"	564	350	56 00	620 00
William McClain,	"	564	100	16 00	580 00
David McKamy,	"	564	400	64 00	628 00
Andrew L. Martin,	"	564	300	48 00	612 00
John Miller,	"	564	326	52 16	616 16
Alexander Millikin,	"	564	500	80 00	644 00
John Netherland,	132	528	566	90 56	618 56
A. O. P. Nicholson,	141	564	82	13 12	577 12
Woodson Northcut,	"	564	130	20 80	584 80
William Overton,	"	564	100	16 00	580 00
Felix Parker,	"	564	280	44 80	608 80
S. C. Pavatt,	"	564	150	24 00	588 00
George R. Powell,	"	564	532	85 12	649 12
Charles Ready,	"	564	60	9 60	573 60
Lewis Reneau,	"	564	448	71 68	635 68
B. L. Ridley,	"	564	150	24 00	588 00
Henry Robertson,	"	564	152	24 32	588 32
John A. Rogers,	"	564	532	85 12	649 12
Sion Rogers,	"	564	224	35 84	599 84
Granville D. Searcy,	"	564	400	64 00	628 00
George Smith,	"	564	75	12 00	576 00
James Snodgrass,	"	564	175	28 00	592 00
Thomas Stockton,	"	564	346	55 36	619 36
James W. Strother,	"	564	354	56 64	620 64
Edward D. Tarver,	"	564	360	57 60	621 60
Jonas E. Thomas,	"	564	82	13 12	577 12
Robertson Topp,	"	564	500	80 00	644 00
William Tunnel,	"	564	360	57 60	621 60
H. L. Turney,	"	564	170	27 20	591 20
Harvey M. Watterson,	"	564	110	17 60	581 60
David West,	"	564	50	8 00	572 00
James A. Whitesides,	"	564	220	35 20	599 20
Samuel W. Williams,	"	564	622	99 52	663 52
William Williams.	"	564	160	25 60	589 60
William M. Wilson,	"	564	320	54 40	615 20
William W. Woodfolk,	"	564	125	20 00	584 00
Iredell D. Wright,	"	564	360	57 60	621 60

## NAMES OF MEMBERS.

NAMES OF MEMBERS.	Number of days served.	Amount.	Mileage going and returning.	Amount.	Total Amount.
Ephraim H. Foster, Speaker,	141	\$846			\$846 00
Stokely D. Mitchell, Principal Clerk,	"	846			846 00
Henry C. Walker, Engrossing Clerk,	"	846			846 00
Jabez G. Mitchell, Principal Door Keeper,	"	564			564 00
Pleasant M. Hornbeck, Assistant Door Keeper.	"	564			564 00

\$48,335 25

ELIJAH BODDIE, Chairman Committee Finance.  
**EPHRAIM H. FOSTER,**  
*Speaker of the House of Representatives.*  
**JONATHAN WEBSTER,**  
*Speaker of the Senate.*

## NUMBER II.

## THE STATE OF TENNESSEE, Dr.

In account current as follows, for sundry expenses incurred by the Senate of the twenty-first General Assembly of the State of Tennessee, begun and held at Nashville, on Monday the 5th day of Oct. 1835:

NAMES OF MEMBERS.	Number of miles	Amount of	Number of days	Amount per diem	Aggregate
Jona. Webster, <i>Speaker,</i>	110	\$17 60	141	\$ 564	\$ 581 60
Hugh C. Armstrong	228	36 48	141	564	600 48
Henry H. Brown	218	34 88	141	564	598 88
Terry H. Cahal	82	13 12	141	564	577 12
Wm. G. Childress	24	3 84	141	564	567 84
David Craighead			141	564	564 00
Boling Gordon	100	16 00	141	564	580 00
George Graves	400	64 00	141	564	628 00
James Gray	180	28 80	141	564	592 80
Wm. H. Henderson	350	56 00	141	564	620 00
Robert H. Hynds	460	73 60	141	564	637 60
Willie B. Johnson	100	16 00	141	564	580 00
Wm. Ledbetter	64	10 24	141	564	574 24
John D. Love	238	38 08	141	564	602 08

NAMES OF MEMBERS.	Number of miles	Amount of mileage	Number of days	Amount per diem	Aggregate
Jno. M'Gaughey	554	\$88 64	141	\$ 564	\$ 654 64
William Moore	150	24 00	141	564	588 00
Josiah F. Morford	150	24 00	141	564	588 00
Benjamin S. Motley	68	10 88	141	564	574 88
Joseph Powell	640	102 40	141	564	666 40
James H. Reagan	340	54 40	141	564	618 40
J. C. N. Robertson	356	56 96	141	564	620 96
David Rogers	450	72 00	141	564	636 00
James L. Totten	280	44 80	141	564	608 80
William Trousdale	50	8 00	141	564	572 00
Miles Vernon	300	48 00	141	564	612 00
	5892	944 72	3525	\$14,100	

Jonathan Webster, Speaker, for extra services 282 00  
Public Postage - - - - - 18 13

\$15,342 85

## OFFICERS.

William K. Hill, clerk, 92 days at \$6 per day	552 00
A. M. Hughes, do. 140 days at \$6 do.	840 00
Jas. M. Howry, do. 50 days at \$6 do.	300 00
Edmund W. Tipton, door keeper, 77 days at \$4 per day	308 00
Israel M. Carroll, do 64 days at \$4 do.	256 00
For taking care of furniture after adjournment	10 00
S. Nye & Co. for job printing	12 50
W. T. Berry for stationery	320 86
C. M. Cowardin for locks, &c.	1 00
V. M. Campbell for transcribing a part of the Senate's Journal	68 00
T. H. Cahal for public postage as chairman of the Finance committee on clerks, returns	2 00
Jno. J. Chandler for engrossing bills	12 00
Joseph L. Dickson for engrossing bills	18 00
W. Hazel Hunt & Co. for job printing for the Senate	1,458 70
Luke Lea for assisting as clerk of the Senate at different times	30 00

\$19,531 70

All of which is respectfully submitted,  
**TERRY H. CAHAL**, Chairman  
of the Committee of Finance.

**EPHRAIM H. FOSTER**,  
Speaker of the House of Representatives.  
**JONATHAN WEBSTER**,  
Speaker of the Senate.

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**LOCAL ACTS**

99

PASSED AT

**THE FIRST SESSION**

OF THE

**TWENTY-FIRST GENERAL ASSEMBLY**

OF THE

**STATE OF TENNESSEE.**

**1835--6.**

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LOCAL ACTS  
OF THE  
STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE TWENTY-FIRST  
GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD  
AT NASHVILLE, ON MONDAY THE FIFTH DAY OF OC-  
TOBER, IN THE YEAR ONE THOUSAND EIGHT HUN-  
DRED AND THIRTY-FIVE.

CHAPTER I.

An Act to incorporate the Cincinnati and Charleston Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of Established*  
*the State of Tennessee,* That for the purpose of establish-  
ing a communication by rail road between the cities of Cin-  
cinnati in the State of Ohio and Charleston in the State of  
South Carolina, through the States of Kentucky, Tennes-  
see, North Carolina and South Carolina, the formation of  
a company to be called the Cincinnati and Charleston  
Rail Road Company, is hereby authorized, which, when  
formed, shall have corporate existence in each of the States  
aforesaid.

SEC. 2. Books for subscription for sixty thousand  
shares of the capital stock of the said company of one  
hundred dollars each, shall be opened on the third Monday  
of October next, and shall be kept open for six days be-  
tween the hours of ten o'clock in the morning and four  
o'clock in the evening of each of those days, at the fol-  
lowing places, and by the following Commissioners; at  
Charleston and Columbia and at such other places in the  
State of South Carolina and by three such Commissioners  
at each of said places as the Legislature or Governor of  
said State shall appoint; at Ashville, Lincolnton, Ruther-  
ford and such other places in the State of North Carolina  
and by three such Commissioners at each of the said places  
as the Legislature or Governor of the said last mentioned

Subscriptions  
authorized

State shall designate and appoint; in the State of Tennessee at Knoxville by David A. Deadrick, David Campbell and James G. M. Ramsay; at Jonesborough by Thomas Emmerson Senr., John G. Eason and Nathan Gammon; at Dandridge by John Roper, P. J. G. Lea and Shadrack Inman; at New Market Tristram D. Knight, William Brazelton and John Chase; at Russellville by James W. Deadrick, George T. Gillaspie and Andrew Eaton; at Greenville by Alexander Williams, Thomas D. Arnold and John Dickson; at Elizabethton by David Nelson, Alfred Taylor and Robert Reeves; at Blountville by Abram Gammon, Abram McClelland and William Deery; at Kingsport by John Lynn, Griffith Rogan and Alexander Smith; at Paperville George Burkhart, Wm. Ruder and George R. Cowan; at Rogersville by John A. McKinney, Samuel Powel and Nicholas Fain; at Rutledge by Benjamin Craighhead, John Cocke and Etheldred Williams; at Tazewell by Hugh Graham, Gray Garrett and John Hunt; at Jacksborough by John E. Wheeler, David Richardson and Joseph Peterson; at Clinton by Thomas Hart, John Jarnagin and James Ross; at Maryville by Isaac Anderson, William Wallace and John Saffle; at Madisonville by John O. Cannon, James A. Coffin and James M. Greenway; at Athens by Nathaniel Smith, James Gettys and Wm. Lowry; at Kingston by Wm. McEwing, Wm. Clarke and L. W. Jordan; at Washington by Thomas McCallie, Robert N. Gillaspie and P. Long; at Pikeville by John Bridgeman, Elisha Kirkland and Samuel L. Story; at Jasper by William Rice, James Chuddin and Samuel B. Mead; at Dallas by Madison Rawlings, Benjamin B. Cannon and Samuel Igone.

At Lexington, Louisville, Frankfort, Maysville, Paris and Richmond and such other places in the State of Kentucky and by three such Commissioners at each of said places as the Legislature or the Governor of the said last mentioned State shall designate and appoint.

At Cincinnati in the State of Ohio by Daniel Drake, E. D. Mansfield and John S. Williams, and such other places and by three such Commissioners at each of said places as the Governor of the said last mentioned State may designate and appoint.

At Lawrenceburgh and such other places in the State of Indiana and by three such Commissioners in each of said places as the Governor of the last mentioned State may direct and appoint.

SEC. 3. That said Commissioners or a majority of them at each of the places aforesaid, or so as aforesaid to be designated, shall receive subscriptions for stock in the said rail road company during the times the said books are directed to be kept open, and on each share so subscribed shall demand and receive the sum of five dollars without which the subscription shall be void.

Five dollars on each share required

SEC. 4. That so soon as the time of receiving subscriptions so as aforesaid shall have expired, the said Commissioners shall respectively deposit all the money so received by them in some incorporated (bank) redeeming its notes in specie in the State where the money shall have been received, to the credit of the Cincinnati and Charleston Rail Road Company, and shall also forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, to a central commission to be composed of the following persons, David L. Swain of Ashville, Wade Hampton of Columbia, John Williams of Knoxville, Wm. Dickson of Greenville, Robert Letcher of Kentucky, who or a majority of whom shall meet at Knoxville on the first Monday in November next, ascertain the whole number of shares taken in said company and publish the same in some newspaper in each of the cities or towns of Cincinnati, Frankfort, Lawrenceburg, Knoxville, Raleigh, Columbia and Charleston, on or before the third Monday in November next, and if the number of forty thousand shares shall have been taken, on each of which there shall have been paid the sum of five dollars, the Cincinnati and Charleston Rail Road Company shall be regarded as formed, and the said central commission or a majority of them shall sign and seal four duplicate declarations to that effect, with the names of all the subscribers appended, and cause one of the said duplicates to be deposited in the office of the Secretary of State in each of the States of Kentucky, Tennessee, North Carolina and South Carolina, and thenceforth, and from the day of the closing of the books of subscription as aforesaid, the said subscribers to the stock shall form one body, politic and corporate, in deed and in law, in all the States aforesaid, by the name and for the purpose aforesaid.

Money to be deposited and notice given

SEC. 5. That in case of any of the persons forming the said central commission should not attend at Knoxville on the said first Monday in November next, or attending should refuse or be unable to act, the remaining member or members of the said central commission shall forthwith fill the vacancy, and the person or persons so appointed shall constitute a part of said commission.

Of central commission

SEC. 6. But if on closing the books aforesaid, the number of forty thousand shares shall not have been subscribed, then and in that case, said central commission by themselves or their agents may receive subscriptions from any of the States of Ohio, Indiana, Kentucky, Tennessee, North Carolina and South Carolina, and also from individuals or bodies corporate, till the number of sixty thousand shares shall have been subscribed; *Provided*, the same shall be done on or before the first day of January 1837; and when the said number of sixty thousand shares shall have been

Their duty