

NEWTON CANNON, *Governor.*

LUKE LEA, *Secretary of State,*

JONATHAN WEBSTER, *Speaker of the Senate.*

EPHRAIM H. FOSTER, *Speaker of the House of Representatives.*

ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE CALLED SESSION OF THE TWENTY-FIRST GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE, ON MONDAY THE THIRD DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-SIX.

CHAPTER I.

An Act to amend an act, entitled an act prescribing the mode of choosing Electors to vote for "President and Vice President of the United States," passed 19th February, 1836.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county of Sevier be attached to the third electoral district, and that the election for electors in said county, shall be held at the time and places and in the manner directed by the act which this is intended to amend.

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

Passed, 10th October, 1836.

CHAPTER II.

An Act to provide for the survey of the lands ceded to the United States by the Cherokee nation of Indians within the State of Tennessee, by the Treaty of the 23rd day of May 1836.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the public lands of this State, ceded Surveyor's district constituted.

by the Cherokee nation of Indians to the United States by the Treaty of the 23rd day of May 1836, shall constitute a surveyor's district, which shall be known by the name of "Ocoee District," and there shall be appointed by joint vote of the General Assembly, a Surveyor General thereof, who shall hold his office for three years and until his successor shall be appointed.

Duty of Surveyor
or General.

SEC. 2. *Be it enacted*, That it shall be the duty of the Surveyor General to engage a sufficient number of skilful surveyors as his deputies, for whose conduct in all points touching his office, he shall be responsible, whom he shall cause without delay, to run out and survey the said public lands in the manner hereinafter directed. He shall have authority to administer the necessary oaths to them, to remove them for negligence or misconduct in office, and to form such regulations for their government as may be necessary, in addition to those hereinafter prescribed for carrying this act into effect.

Survey to give
bond.

SEC. 3. *Be it enacted*, That before he enters upon the discharge of the duties of his office, he shall, before the Judge of the third circuit, enter into bond in the sum of fifty thousand dollars, with five sureties to be approved by said Judge to the Governor of the State, for the time being, and his successors in office, conditioned for the true performance of the duties of his office, which bond shall be lodged by said Judge in the office of the Secretary of State.

Of forfeiture of
bond.

SEC. 4. *Be it enacted*, That if he shall fail to comply with the conditions of said bond, the Governor for the time being, is hereby directed to cause a suit to be brought on a copy of said bond for the use of the State. And the Governor is hereby directed from time to time to assign a copy of said bond to any person or persons who may apply for the same, and who may sue on such copy, and shall be entitled to recover any damages, he, she or they may sustain by reason of a breach of the condition of such bond, which shall not be void on the first recovery.

Oath of office.

SEC. 5. *Be it enacted*, That he shall before entering on the discharge of his duties, take and subscribe before the said Judge the following oath: "I do solemnly swear that I will faithfully and correctly perform the duties of my office of Surveyor General according to the best of my skill and judgment; so help me God."

SEC. 6. *Be it enacted*, That said District shall be surveyed in the following manner, that is to say:

Mode of survey
prescribed.

1st. The Surveyor General shall establish a *Basis Line*, extending from a point on the bank of Hiwassee river, opposite the termination, on said river, of the main street in the town of Calhoun, south twenty degrees west, to the south boundary line of the State.

2nd. He shall run out the whole district on each side of the *Basis Line* into ranges six miles in width, by means of lines

run parallel to the *Basis Line*, which ranges he shall distinguish by progressive numbers, east and west of said *Basis Line*, beginning with number one on each side of said *Basis Line*.

3rd. He shall then divide the said ranges by lines running at right angles with said *Basis Line* into townships six miles square, each numbered progressively from North to South.

4th. In running the *Basis Line* he shall establish on it corners for townships at the distance of every six miles, and corners for sections at the end of every mile, and quarter section corners at the end of every half mile.

5th. The corner of each township shall be marked with progressive numbers from the beginning.

6th. Each distance of a mile shall be uniformly and distinctly marked with marks different from those of the corners.

7th. The whole of said townships shall be subdivided into sections, containing as near as practicable six hundred and forty acres each, by running through them each way parallel lines, each at the distance of one mile, and by making a corner on each of said lines, at the end of every half mile.

8th. The sections shall be numbered respectively, beginning with the number one at the North Eastern corner of the township and proceeding West and East, alternately, through the township with progressive numbers, till the thirty-six shall be completed.

9th. At each corner made as aforesaid, the surveyor shall cause to be marked on a tree or post within the section, the number of each section, and over it the number of the township and range within which such section may be, and carefully note, in his field book, the name of the corner thus marked and made.

10th. The fractional parts of townships, wherever situated, shall be divided and numbered, as is herein before directed in regard to entire townships, into quarter sections, and should there remain fractions of quarter sections, the number of acres contained in them shall be ascertained and noted in the surveyors field books.

11th. All lines shall be plainly marked and measured with chains containing two perches of sixteen and one half feet each, and said chains shall be adjusted by a standard to be kept for that purpose.

12th. The surveyor shall note in his field books the true situation of all mines, salt licks, mill seats and springs of water which shall come to his knowledge, all water courses over which the lines he runs shall pass, with the distance from the corner of the section and also the quality of the land with the distance its quality continues uniform.

13th. In each township the surveyor shall lay off and distinguish in his general plan and on his township maps, the six-

teenth section, if fit for cultivation, and if not, then the section nearest thereto, which shall be fit for cultivation, to be reserved for the use of schools, in such township forever.

14th. It shall be the duty of the surveyor general of said district, to have surveyed all the islands in the Tennessee and Hiwassee rivers within the ceded territory in the limits of Tennessee, and have them subdivided into quarter sections of one hundred and sixty acres each, or as nearly so as practicable, giving the number of acres in each fractional quarter, and shall note the same in his general field books.

Field books to be copied.

15th. The field books shall be returned to be kept and preserved by the surveyor general, who shall cause a connected plat of the whole district to be made out to be kept in his office, a copy of which he shall furnish the officer or officers who may superintend the final disposition of said land, and shall cause a descriptive plat of the whole land surveyed, on a scale of three hundred and twenty poles to the inch, to be made out and transmitted to the secretary of state, on or before the meeting of the next General Assembly. He shall also cause a fair plat of each township to be made out, together with the sections and fractional parts of sections contained in the said district, describing the subdivisions and marks of the corner, which plats shall be recorded in books to be kept for that purpose, and a copy of said plats shall be kept in his office, and at the place where said lands shall be disposed of, for the instruction of the people.

16. The surveyor shall plainly mark the basis line and the township lines, with a blaze and a chop, above and below, or all fore and aft trees and near side lines, and all sectional lines shall be plainly marked with two chops on all fore and aft trees and side lines, and shall mark 1-4 and the letter S on a stake or tree with two pointers at each corner of a quarter section on a section line.

Compensation.

17. The surveyor shall cause the whole of said district to be surveyed and the plats to be made out before the meeting of the next General Assembly.

18. The surveyor for his services, shall receive out of any money in the treasury not otherwise appropriated, the following compensation, viz: for each and every mile by him surveyed and marked as herein before required, west of the basis line, two dollars and fifty cents, and for each and every mile so surveyed and marked east of the basis line, three dollars and fifty cents.

Of gold sections

19. In surveying the said lines east of the basis line, it shall be the duty of the surveyor wherein gold may have heretofore been discovered, or may be discovered by him, or otherwise come to his knowledge, to run out and mark the sections and quarter sections into forty acre tracts, and plainly designate and lay them down on his general plan.

SEC. 7. *Be it enacted*, That the office of surveyor general of said district shall be located at Cleaveland, in the county of Bradley. Office located.

SEC. 8. *Be it enacted*, That it shall be the duty of the said surveyor general, when required by the governor, to survey one half township of land for the use of the colleges, and one half townships for the use of the academies in said district, whenever the same shall be located and selected, according to the provisions of an act entitled, "An act to settle a controversy between the colleges and academies, and the citizens south of French Broad and Holston, and west of Big Pigeon rivers, passed in 1829." *Provided*, however, that if the releases shall not have been executed by said colleges and academies, as provided by said act, previous to the time that said surveyor general shall have completed the survey of said district, then and in that case the governor shall be bound to make said survey and selection according to the lines as run by the surveyor general in surveying said district. Colleges and Academy lands.

SEC. 9. *Be it enacted*, That said surveyor general shall be allowed twenty poles in closing his township lines, and four poles in closing his sections of a mile square. Closing lines.

SEC. 10. *Be it enacted*, That nothing in this act contained shall be construed to authorize any entry or appropriation or right of occupancy of any of the lands hereby directed to be surveyed, and which were ceded by the Cherokees by the late treaty, or to extend our laws for the entry of vacant and unappropriated lands over any part of said territory, and all entries thereof shall be null and void, till the same may be authorized by the future legislation of this state, except as herein before provided. Entry and occupancy not authorized.

EPHRAIM H. FOSTER,
Speaker of the House of Representatives.

JONATHAN WEBSTER,

Passed 18th October, 1836. *Speaker of the Senate.*

CHAPTER III.

An act to secure the State of Tennessee her proportion of the surplus revenue of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the governor, comptroller, and treasurer of the State be, and they are hereby authorized and required to receive such sum or sums of money, as may be from time to time delivered to them by the secretary of the treasury of the United States, under the provisions of the act of the congress of the United States, entitled an act to regulate the deposits of the public approved on the 23rd Officers authorized to receive moneys from U. S. Treasury.

day of June, 1836. And the said governor, comptroller and treasurer are hereby authorized and required to receive said sum or sums of money, on behalf of the State on the terms contained and specified in said act of congress; and to give certificates of deposite, containing the usual and legal obligations and pledges of the faith of the State, for the safe keeping and the repayment of said sum or sums of money, when required, in conformity with the provisions of said act of congress, and in the form pointed out in the circular letter of the secretary of the treasury of the United States, and directed to the governors of the different States, and in order to carry the foregoing provisions into effect with the greater convenience:

Money to be deposited in Bank.

SEC. 2. *Be it enacted*, That the Union Bank of the State of Tennessee, and the Planters' Bank of Tennessee, shall be banks of deposite for the safe keeping of such sums of money, as may be from time to time deposited in this State, under the provisions of the said act of the congress of the United States; provided the said banks will, before receiving the same, enter into the following agreement, that is to say: If the said banks will respectively execute bonds with security to the State of Tennessee, similar in form and equal in amount, and with similar condition to the bonds executed by each of said banks to the United States of America, previous to receiving the government deposites; and if said banks will respectively agree to receive at their own charge such part of the surplus revenue of the United States, as may be apportioned to the State of Tennessee, from time to time, under the said act of the congress of the United States; and if said banks shall agree to pay in proportion to the amount of deposites made in each, to the secretary of the treasury of the United States, such sum or sums of money, as may from time to time be required of the State by the secretary of the treasury of the United States; and if the Union Bank of the State of Tennessee will agree to pay to the State interest, at the rate of six per cent. per annum, payable half-yearly, on a portion of said deposite, equal to the amount due from the State of Tennessee, to said Union Bank of the State of Tennessee, for money borrowed from said bank to defray the expenses of the convention, and a portion of the expenses of the last session of the legislature; and if said bank will agree to pay to the State interest on all other sums which it may receive under this act, at the rate of five per cent. per annum; and if the Planters' Bank of Tennessee will agree to pay the State interest on all sums which it may receive under the authority of this act, at the rate of five per cent per annum, which interest by each bank is to be paid semi-annually, at the times of declaring dividends on the stock of said banks respectively; and if each of said banks will agree to publish in some newspaper printed

in Nashville, the amount and date of every deposite by them respectively received from the treasury of the United States, under the provisions of the said act of congress and of this act, within ten days after the same has been received, and if said banks will each agree to furnish to the governor, comptroller and treasurer, from time to time, as often as they or any two of them may require, not exceeding once in a week, nor in any manner exhibiting the account of individuals with said banks, any information in the power of said banks respectively to enable said officers to report to the next session of the legislature, the condition and solvency of said banks respectively, then it shall be the duty of said governor, comptroller and treasurer, or any other two of them, to give to said banks respectively, authority from time to time to receive from the secretary of the treasury of the United States, such amount of the surplus revenue of the United States, as may be from time to time apportioned to this State, under the provisions of the said act of the congress of the United States; which said sums shall be distributed between said banks as follows, that is to say, the Union Bank of the State of Tennessee shall be entitled to receive a sum equal in amount to the debt due by the State to said bank, as is above specified, and the residue of said sum shall be divided between said banks, in proportion to the capital stock actually paid into each; provided neither of said banks shall receive an amount exceeding three fourths of its capital stock actually paid in, and said sums of money when received by said banks shall remain on deposite in the same, under the terms and conditions of the foregoing agreement, and subject to all its stipulations until the close of the next regular session of the general assembly, and until the same shall be withdrawn or otherwise disposed of by law.

SEC. 3. *And be it further enacted*, That it shall be lawful for the governor, comptroller and treasurer to enter into contracts in the name and for and in behalf of the State with the said banks, whereby said banks shall stipulate to do and perform the several duties and services required by this act.

Contracts to be made with B'ks.

SEC. 4. *And be it further enacted*, That if either of said banks shall decline to receive its proportion of the deposites on the terms aforesaid, the whole amount shall be deposited with the others agreeing to receive the whole on the terms aforesaid; and if each of said banks declines to receive the deposites aforesaid, then it shall be the duty of the governor, comptroller and the treasurer to deposite said sums of money in such other bank or banks, whether in or out of this State, as they may deem most secure, and on the best terms in their power to obtain for the State.

Provision in case Banks refuse deposite.

SEC. 5. *And be it further enacted*, That all interest which may accrue on said deposites, under the provisions of this act, shall be received by the treasurer and charged to

Appropriation of Interest.

him by the comptroller in his books, as part of the revenue of the State, and the same shall be drawn by the warrant of the comptroller, to meet all appropriations chargeable on said fund by law, and the residue shall be loaned to the Union Bank of Tennessee, according to the stipulations of the eighteenth article of the charter of said bank.

Bank at Memphis

SEC. 6. *Be it enacted*, That if the Farmers and Merchants Bank of Memphis will execute similar bonds to those required of the Union Bank of the State of Tennessee, and the Planters Bank of Tennessee, and will enter into similar stipulations and agreements in all respects with the said agents on behalf of the State, as those required of the Planters Bank of Tennessee, and will agree to receive at its own charge, a portion of the deposit money from said Union Bank and said Planters Bank, then and in that case it shall be the duty of the governor, treasurer and comptroller, to give to said Farmers' and Merchants' Bank of Memphis, authority from time to time to receive from said banks respectively a portion of said deposits, after deducting the amount on which the Union Bank of the State of Tennessee, is to pay six per cent, which amount to be received shall be in the proportion which the capital stock of said Farmers' and Merchants' bank of Memphis, be actually paid in, bears to the capital stock of the other two banks respectively.

Interest on deposits in Memphis Bank.

SEC. 7. *Be it further enacted*, That when any instalments of interest on the deposits in said Farmers' and Merchants' Bank of Memphis falls due, under the provisions of the foregoing agreement, the said bank shall transfer the same to the Union Bank of the State of Tennessee, and notify the comptroller that such interest has been so transferred, and said comptroller shall place the same in his book, and the same shall be in all respects disposed of as is specified in respect to the interest accruing in the other banks.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JONATHAN WEBSTER,

Speaker of the Senate.

Passed October 24, 1836.

CHAPTER IV.

An Act to provide for the survey of the route of the Charleston and Cincinnati Rail Road through the State of Tennessee and for other purposes.

Appropriations for surveys.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a sum not exceeding five thousand

dollars be appropriated to pay the expense of the survey of the Charleston and Cincinnati Rail Road through the State of Tennessee, to be paid out of the interest that may accrue on account of the deposits, with the banks of this State; of such sums of the surplus revenue, that may be received from the United States by this State, under the act of Congress approved the twenty-third of June, 1836, entitled an act to regulate the deposits of the public money. John Williams, Alexander E. Smith and William E. Cooke, are appointed commissioners to receive from the Treasurer of the State and disburse the sum actually required within this appropriation, and report to the legislature the fulfilment of their commission, who shall give bond with sufficient security to the Governor and his successor, for the faithful application of the money; *Provided*, that when any sum of money may be advanced by the State for the purpose of making an examination and survey for a route for any rail road or McAdamized turnpike road in which the State may be pledged to take stock, the State shall be entitled to a credit for two thirds of the sum so advanced as so much paid by her for stock in said company.

SEC. 2. *Be it enacted*, That the Governor, Comptroller and Secretary of State, or any two of them, be, and they are hereby authorized and required to employ for the State, one principal and not more than two assistant engineers, for the purpose of making the necessary examinations, reconnoissances and surveys, for any Rail Road or McAdamized Turnpike Road, that may be required when the State is interested as a stockholder in said road, or when the same may be required by the State, or when required by the president and directors of any rail road or turnpike company, incorporated by the General Assembly of this State, or where the commissioners of any rail road or turnpike company may direct, the said engineers or said commissioners may make any survey or resurvey, as far as to locate routs or make such changes, as they may deem to the interest of said companies respectively: *Provided*, however that said engineers shall not be compelled to survey the route for the Charleston and Cincinnati road through this State, except application be first made to the Governor by the commissioners appointed by the first section of this act for that purpose.

Appropriation to survey route for central rail road.

SEC. 3. *Be it enacted*, That the sum of fifteen thousand dollars be, and the same is hereby appropriated, to be paid out of the interest that may accrue upon the deposits aforesaid in said banks to execute said surveys, but they shall first survey a route for a rail road from the most eligible point on the Mississippi river, as near the centre of the State as practicable, to run through the centre of the State, as near as practicable to the Tennessee river; and from thence for a McAdamized turnpike and rail road the most eligible route near the centre of the State to terminate on the Virginia line.

Report to be made. SEC. 4. *Be it enacted*, That said examinations and surveys shall be made by the engineers that may be employed as aforesaid for the State, and they shall examine said route for said roads, and make an estimate of the cost of constructing the same, or each of them, and report to the next General Assembly, on or before the first day of November eighteen hundred and thirty-seven.

Compensation for surveyors. SEC. 5. *Be it enacted*, That said engineers shall receive such compensation for their services as may be agreed upon by the Governor, Comptroller and Secretary, or any two of them.

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

Passed, 25th October, 1836.

CHAPTER V.

An Act making an appropriation of money to defray the expenses of the second session of the twenty-first General Assembly of the State of Tennessee.

Compensation to members and speakers. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the members of the present General Assembly for the called session of eighteen hundred 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.

To other officers and for contingencies. SEC. 2. That the Clerks of the two Houses be allowed each the sum of six dollars per day, and the doorkeepers each the sum of four dollars per day. To John Austin for making desk and for repairs of Secretaries office as a committee room for the legislature, the sum of ninety-three dollars and seventy-five cents, and to McCombs and Robinson the sum of four hundred and forty-two dollars and sixty-one cents, for sundries in preparing the Senate Chamber and the Hall of the House of Representatives, and purchasing furniture for the use of the General Assembly. To W. Hasell Hunt & Co. three hundred sixty-one dollars and thirty-one cents for job printing to the Senate. To W. T. Berry eighty dollars and forty-six cents for stationery furnished to the Senate. To Wilson and Prichard sixteen dollars and fifty-four cents for candles furnished the Senate; ditto, furnished the House of Representatives thirty dollars ninety-six cents. To John Corbett for wood furnished both Houses forty-eight dollars. To W. T. Berry for stationery furnished the House of Re-

presentatives, two hundred and one dollars and seventy-five cents. To Lewis (colored man) for furnishing both Houses with water and extra services forty-one dollars and fifteen cents. To Israel McCarroll for services in fitting up Senate Chamber and taking care of furniture after adjournment fifteen dollars, and to Jabez G. Mitchell, Doorkeeper of the House for similar services in the House of Representatives, the sum of twenty-five dollars. To Stokely D. Mitchell for transcribing the Journal of the House of Representatives, seventy-five dollars. To the Secretary of State for the performance of the duties enjoined on him by a resolution adopted at the present session, respecting the two Houses and their furniture, the sum of thirty-five dollars: also, the further sum of twenty-five dollars for comparing the copies of the Journals of the two Houses and superintending the printing thereof. To S. Nye & Co. for job printing for the House of Representatives, the sum of one hundred and sixty-four dollars and ninety-eight cents.

SEC. 3. *Be it further enacted*, That the sum of fifty dollars be allowed to Archelaus M. Hughes for transcribing the Journal of the Senate of the present General Assembly. *For A. M. Hughes.*

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

Passed, 25th October, 1836.

RESOLUTIONS.

NUMBER I.

A Resolution in relation to the Southern boundary line between this State and the State of Mississippi.

1. *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 Executive, if the same has not been ratified, be requested to bring the subject matter to the consideration of the legislature of that State at the earliest date, with a request on the part of this State, that the line ascertained by the commissioners be ratified, and thereby put an end to all future doubt and controversy.

2. *Resolved further,* 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 of the legislature.

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

Adopted, 14th October, 1836.

NUMBER II.

Resolutions, relating to the publication and distribution of the Acts and Journals of the called session of the General Assembly, 1836.

Resolved by the General Assembly of the State of Tennessee, That the following number of the Acts and of the Journals of each House at the present session of the General Assembly, be printed and distributed, (to wit :)

For the county of Anderson one copy of the Acts to each justice of the peace, one to each clerk, one to each sheriff, and two copys of the Journal of each House for each civil district

For the county of Blount	37	30
Bledsoe	28	22
Bedford	46	40
Bradley	20	16
Benton	20	16
Carroll	40	34
Cocke	26	22
Carter	23	20
Campbell	26	22
Claibourne	29	24
Coffee	24	20
Cannon	36	32
Dickson	29	24
Davidson	55	50
Dyer	20	16
Fayette	35	30
Franklin	35	30
Fentress	20	16
Greene	39	34
Gibson	35	30
Grainger	34	30
Giles	41	34
Humphreys	24	20
Haywood	29	24
Hickman	28	24
Hamilton	20	16
Hardeman	39	30
Henderson	35	30
Henry	39	34
Hawkins	39	34
Hardin	29	24
Jackson	34	30
Jefferson	35	30
Johnson	20	16
Knox	39	34
Lawrence	28	24
Lincoln	55	50
Lauderdale	20	16
Madison	39	34
Montgomery	35	30
Morgan	20	16
Maury	55	50
Marion	27	24
McMinn	38	34
Monroe	39	34
McNairy	28	24
Meigs	20	16

Marshall	23	16
Obion	30	16
Overton	29	24
Perry	28	24
Roane	35	30
Rhea	28	24
Robertson	38	34
Rutherford	55	50
Sullivan	34	30
Sevier	24	20
Stewart	28	24
Smith	55	50
Sumner	45	40
Shelby	29	24
Tipton	28	24
Weakley	29	24
Wilson	55	50
Williamson	55	50
Wayne	28	24
Warren	35	30
Washington	39	34
White	34	30
For members of legislature and four clerks	104	104
To be deposited in Secretary's office for other states } and territories	60	
To be deposited in same for use General Assembly	100	50
For judges of supreme court, 1 copy each	3	
For chancellors, one copy each	3	
For judges of circuit court, one copy each	12	
For treasurer and comptroller, one copy each	2	
For superintendant common schools, one copy	1	

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Resolved, That the Public and Private Acts passed at the present session of the General Assembly be published together, and form one volume and be bound as the Public Acts of the last session.

EPHRAIM H. FOSTER.

Speaker of the House of Representatives.

JONATHAN WEBSTER,

Speaker of the Senate.

Adopted, 21st October, 1836.

NUMBER III.

A Resolution providing for a Mineralogical survey and examination of the Ocoee District.

Resolved by the General Assembly of the State of Tennessee, That Doct. Gerard Troost, Geologist of the State, be requested to make a mineralogical survey and examination of that portion of the State, lying within the

bounds lately ceded by the Cherokee nation of Indians to the United States, and that he report the result of his labors to the next General Assembly.

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

Adopted, 24th October, 1836.

NUMBER IV.

Resolution directory to the Public Printer.

Resolved by the General Assembly of the State of Tennessee, That the public printer, in printing the acts of this session, shall append to the same a copy of the message of the governor, without the documents referred to in said message.

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

Adopted October 25, 1836.

NUMBER V.

A 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 of 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 State, and that he also take an inventory thereof, to be filed in his office and furnish a copy to the comptroller.

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

Adopted, October 25, 1836.

NUMBER VI.

Memorial of the General Assembly of the State of Tennessee to the Congress of the United States.

Your memorialists would respectively represent, that during the pre-

sent year, three several calls have been made upon the citizens of Tennessee, by the proclamation of their governor, to enter into the service of the United States as volunteers. The first and third of these calls were made under requisitions of Major General Edmond P. Gaines, and the second by that of the secretary of war. Under every call, more than twice the number actually required, promptly enrolled, organized and prepared themselves for the service. For the circumstances under which the several proclamations were issued, the number of their patriotic citizens who volunteered under them, and the manner in which they were disappointed and unexpectedly rejected, your memorialists would refer to the several communications made by Governor Cannon to them, during their present session, with the accompanying documents herewith transmitted. The message of the 8th of October, exhibits the numbers that volunteered, organized and reported under the different calls. But many of the companies reported under every proclamation, and are therefore thrice counted. There were, however, a number of companies made up, but failed to report themselves to the executive, on account of understanding that the requisitions were filled, who incurred heavy expenses in equipping for the service. This class are not enumerated in the message, but are, in the opinion of your memorialists, entitled to the favorable consideration of congress. It will be seen that many of the companies reported were mustered into service and immediately discharged; others were detained a short time in the service and then ordered home or discharged.

Your memorialists would further represent, that the said volunteers incurred considerable losses, both of time and money, and made many sacrifices in preparing and qualifying themselves for the efficient service of their country. Many of them gave up their crops, others lost their employments, others again entered into heavy responsibilities for those who were unable to supply themselves with horses, equipage, &c. and all have sustained considerable damage. Though there is no existing law of congress providing for such cases, yet your memorialists will not allow themselves to doubt that congress will, without hesitation, make special provision for the ample reward of such patriotic devotion to our common country, and such almost unexampled readiness to meet the dangers of war and climate, at the call of their government, which has been in this instance evinced by our fellow citizens. It need not be suggested to a congress of the United States, that not only justice and equity, but the highest considerations of public policy require that that spirit of patriotism which has been so signally displayed by the volunteers on this occasion should be fostered and encouraged. It would also be unnecessary to remind you, that Tennesseans have never been backward in encountering perils, and braving every danger when required by their government. It will be seen in this instance, that they were ready, nay eager, to exchange the quiet and comforts of home, for the dangers and hardships of the campaign; to quit their own salubrious climate, where they were blessed with health, and peace and plenty, and encounter all the hazards of throwing themselves upon a southern or western frontier, in that season of the year too, when disease assumes its most malignant forms. It will also be remembered, that there was nothing selfish in this

movement, for they were not in any instance threatened by danger within their own borders, but it was to rescue their countrymen at a distance, from the horrors of an Indian war, that they were so ready to sacrifice their means, desert their homes, and shed their best blood, if necessary.

They would also bring to your view and consideration the disbursements made by the executive of their State, out of his own means, in defraying the necessary expenses of organizing and mounting said troops in some instances, for in other and many cases they defrayed their own expenses. The executive staff were also engaged for a considerable time in their respective offices, and are entitled to compensation. But for a full understanding of the extent and nature of their advancement and services, reference is here made to the message of the governor on that subject.

Your memorialists consider it only necessary to bring the cases of their volunteer constituents to your consideration. They ask nothing at your hands but a just and equitable remuneration for actual losses and sacrifices incurred in proposing to serve their country, under a reasonable expectation that they would be received, and that their services were required. Any method that the wisdom and justice of congress may devise to answer this end, either by a certain number of months extra monthly, *per diem*, and commutation pay, or otherwise will be satisfactory to them. They ask nothing in the nature of bounty and would accept no gratuity, but only demand a fair recompence for expenses and losses. This they feel assured the congress of the United States will not deny them. They therefore submit their cases with full confidence to the consideration of your honorable body.

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

Adopted, October 25th, 1836.

A Resolution directory to the Governor.

Resolved by the General Assembly of the State of Tennessee, That the governor be requested to prepare and transmit to the president of the senate, and speaker of the house of representatives of the congress of the United States, each to be laid before their respective houses, a fair copy of the memorial to congress, on the subject of the Tennessee Volunteers, together with the messages and documents therein referred to, as soon as may be necessary for the action of congress at their next session.

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

Adopted, October 26, 1836.

GOVERNOR'S MESSAGE.

Fellow-Citizens of the Senate,

and of the House of Representatives:

By the ninth Section of the third Article of the Constitution of our State, it is provided that, "the Governor may on extraordinary occasions convene the General Assembly by proclamation, and shall state to them when assembled, the purposes for which they shall have been convened; but they shall enter on no Legislative business except that for which they were specially called together." The power hereby conferred on the Executive is regarded as among the most responsible and delicate of his official trusts; and as this is the first time the General Assembly have been convened by virtue of its exercise since the incorporation of the foregoing clause into our fundamental law, I feel a deep solicitude that nothing shall be done calculated, in the least, to defeat its salutary and important provisions. It is couched in language particularly explicit, and highly restrictive both upon the Executive and the Legislature.

Since the adjournment of your last session, events which could not then be anticipated, have transpired, of such a character as to justify, it is presumed, in the opinion of all, the Convention of the General Assembly at this time; and I shall now proceed, in compliance with the requisitions of the constitution, to state to you, succinctly, the purposes for which you have been convened.

An appropriation to defray, in part, the expense of making the necessary examinations and surveys, in order to ascertain the most eligible route through our State, for the contemplated Louisville, Cincinnati and Charleston Rail Road," is a subject again recommended to your favorable consideration. It is a measure which appeals strongly to our State pride, and in which I consider our character as somewhat involved. I had the honor of urging its adoption at your last session, in my Message of the 25th of January; to which, for a more full expression of my views in relation to *this grand enterprise*, I beg leave, respectfully, to refer to you.

By reference to the late act of Assembly, entitled "An Act, prescribing the mode of choosing Electors to vote for President and Vice President of the United States," it will be perceived that the county of Sevier is not included in any of the electoral districts thereby established. It will be necessary for you to supply this unintentional omission, in order that the citizens of that county may not be deprived of their inestimable right of suffrage in the ensuing Presidential election.

At an early day of your last session, a Resolution was adopted, requiring the Executive of this State to open a correspondence with the Governor of Mississippi, in relation to the disputed boundary between the two States. For reasons which were then considered sufficient, but since proved to be unfounded, that Resolution was rescinded. Both

States are now claiming jurisdiction over the territory, lying between Thompson's & Winchester's lines, and the evils resulting from this state of things are of such a character as to require a speedy remedy. I trust you will give this subject the consideration its importance and delicacy demand, and that efficient provisions may be made for the amicable and final settlement of this perplexing question.

I herewith transmit, for your consideration, a copy of the Treaty between the United States and the Cherokee Nation, which was ratified on the 23rd. day of May last; to the end, that such measures may be taken in relation thereto, as its provisions and the interest of the State, your wisdom, seem to require.

Your attention is particularly invited to the situation of that portion of our citizens who tendered their services under the several calls for volunteers which were made during the last summer, and who were not received, or discharged, without compensation for the sacrifices and expenses to which they were subjected. They have hitherto been paid nothing by the general government, although it has been repeatedly promised that a disbursing officer would be sent here long since with the necessary funds for that purpose. The only remuneration they have received has been afforded by the executive, out of funds obtained on his individual responsibility, and that of his friends; and the liabilities thus incurred, involving to some extent, a portion of the volunteers themselves, it will be necessary in a short time to meet. Documents now in my possession, which will be laid before you if desired, abundantly prove, that I have, in no instance whatever, complied with any requisition without the express authority of the President of the United States; nor have our citizens failed to respond to every call in the most prompt and patriotic manner.

The act of Congress, entitled "an act to regulate the deposits of the public money," approved the twenty-third day of June eighteen hundred and thirty six, a copy of which is, also, herewith transmitted, presents another subject demanding legislative action during your present session. The reception and judicious investment of such sum or sums of money as may, from time to time, be apportioned to our state under the provisions of said act, must be regarded by all as a matter of paramount importance; and I have the fullest confidence, that you will devote to it your most mature deliberation.

When in a former communication, I had the honor of calling your attention to the subject of a distribution of the surplus revenue among the States, it was not anticipated that an act for that purpose would be passed at so early a period. The adoption of the measure so opportunely for the best interests of our state, is to me a source of the liveliest gratification. Its happy influence in stimulating us to increased and vigorous exertions in the prosecution of our systems of Education and Internal Improvement, must be extensively beneficial to the whole community.

There is a variety of other subjects generally of a local nature, which I have been urged to bring to your notice in this communication; but as those already enumerated constitute "the purposes for which you have been convened," and as I cannot submit others without a violation,

in my judgment, of both the letter and spirit of the constitution, I trust those particularly interested will acquiesce in the course which I feel myself constrained by the most solemn obligations to pursue. While the changes recently made in our constitution and laws have been, in their general operation, of eminent public utility, the trivial inconveniences and burdens necessarily incident thereto, should be cheerfully borne.

Since the rise of your last session, writs of election have been issued to fill the vacancies occasioned by the resignations of Messrs. M'Gaughey, Morford, Cahal, Trousdale, Totten and Henderson, of the Senate, and of Messrs. Neatherland, Hancock, Allen, Campbell and Guild, of the House of Representatives: their several successors, I presume, will appear, produce their credentials and take their seats accordingly.

At no period have the Representatives of the people of Tennessee been assembled, when the aspect of our State presented brighter evidences of public prosperity and individual happiness. Salubrity of climate and the temperate habits of our citizens have secured to them the enjoyment of general good health; the husbandman is liberally rewarded for his toils, in the abundant products of a grateful soil, and the skill and industry of all, in whatever department of labour employed, are stimulated and encouraged by the most ample remuneration.

For these favors we are indebted to that benign Being who is "the giver of every good and perfect gift," and while we pay to him the tribute of our grateful homage, let us invoke his blessing upon every future effort calculated to promote the welfare of our beloved country.

NEWTON CANNON,

Executive Department,
Nashville, October 3, 1836.

REPORTS.

NUMBER I.

The Committee of Finance report the following account, exhibiting the expences incurred by the State at the Called Session of the Twenty-first General Assembly, begun and held at Nashville, 3rd day of October, 1836.

NAMES OF THE MEMBERS.	Number of miles each Member travelled to and from.	Amount of mileage.	Number of days each member charges.	Amount of per diem pay to each member.	Aggregate amount to which each member is entitled.
Jonathan Webster, Speaker	110	\$17 60	24	144	\$161 60
Hugh C. Armstrong	228	36 48	24	96	132 48
Orville Bradley	560	89 60	24	96	185 60
Henry H. Brown	218	34 88	24	96	130 84
William G. Childress	24	3 84	24	96	99 84
David Craighead			24	96	96 00
Bolling Gordon	100	16 00	24	96	112 00
George Graves	400	64 00	24	96	160 00
James Gray	180	28 80	24	96	124 80
Robert H. Hynds	460	73 60	24	96	169 60
Willie B. Johnson	100	16 00	24	96	112 00
William Ledbetter	64	10 24	24	96	106 24
John D. Love	238	38 08	24	96	134 08
Andrew J. Marchbanks	142	22 72	24	96	118 72
William B. Miller	300	48 00	22	88	136 00
William Moore	150	24 00	24	96	120 00
David Moore	180	28 80	24	96	124 80
Benjamin T. Mottley	68	10 88	24	96	106 88
Joseph Powel	640	102 60	24	96	198 40
James H. Reagan	340	54 40	24	96	150 40
J. C. N. Robertson	356	56 96	24	96	152 96
David Rodgers	450	72 00	24	96	168 00
Williamson Smith	86	13 76	24	96	109 76
Miles Vernon	300	48 00	24	96	144 00
Charles Watkins	46	7 36	24	96	103 36
	5740	\$918 40	600	\$2448	\$3358 40

OFFICERS.

A. M. Hughes, Clerk, 24 days, at \$6 per day,	\$144 00
James M. Howry, do. 24 do. do.	144 00
Israel M'Carroll, Door-keeper, 24 days, at \$4 per day,	96 00
W. Hazel Hunt, for Job Printing for the Senate,	361 54
W. T. Berry, for Stationery furnished the Senate,	90 46
Israel M'Carroll, for taking care of furniture, &c.	15 00
Wilson and Pritchard, for Candles,	16 54
John Corbett, for Wood furnished both houses, eight cords,	48 00
Lewis, colored man, for furnishing both houses with water, &c.	41 15
	<hr/>
	\$4304 86

All of which is respectfully submitted,

W. G. CHILDRESS, Chairman.

October 25, 1836.

NUMBER II.

Report of the Committee of Finance, showing the number of days for which pay has been allowed to the members and officers of the House of Representatives, second session of the 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.	Mileage going and returning.	Amount	Total amount.
Josiah M. Anderson	21	\$84	240	\$38 40	\$122 40
A. A. Anderson	24	96	460	73 60	169 60
David Beaty	24	96	250	40 10	136 00
Jacob M. Bewly	24	96	520	83 20	179 20
Elijah Boddie	24	96	50	8 00	104 00
Terrell H. Bracher	24	96	400	64 00	160 00
Andrew Brown	24	96	212	33 92	129 92
John Buchanon	24	96	150	24 00	120 00
Micajah Bullock	24	96	250	40 00	136 00
Brookins Campbell	24	96	582	93 12	189 12
Thomas J. Campbell	24	96	260	41 60	137 60
Robert L. Caruthers	24	96	60	9 60	105 60
George W. Churchwell	24	96	400	64 00	160 00

NAMES OF MEMBERS.	Number of days served.	Amount.	Mileage going and returning.	Amount.	Total amount.
Martin Cleaveland	24	\$96	460	\$73 60	\$169 60
Granville S. Crockett	24	96	64	10 24	106 24
Alvan Cullom	24	96	212	33 92	129 92
Thomas D. Davenport	24	96	150	24 00	120 00
Thomas Dean	24	96	120	19 20	115 20
Elkanah R. Dulany	24	96	640	102 40	198 40
Wallace Estell	24	96	170	27 20	123 20
Gabriel Fowlkes	24	96	100	16 00	112 00
Alfred Gardner	24	96	260	41 60	137 60
M. P. Gentry	24	96	56	8 96	104 96
Thomas K. Gordon	24	96	130	20 80	116 80
John Hall	24	96	60	9 60	105 60
Orville Harrison	24	96	248	39 68	135 68
John P. Hickman	16	64			64 00
James Hogan jr.	24	96	36	5 76	101 76
West H. Humphreys	24	96	260	57 60	153 60
Fideleo S. Hunt	24	96	480	76 80	172 80
Elijah Hurst	24	96	332	53 12	149 12
Andrew Johnston	24	96	550	88 00	184 00
John M. Johnston	24	96	280	44 80	140 80
George W. Jones	24	96	150	24 00	120 00
Joseph A. Mabry	24	96	350	56 00	152 00
William McClain	24	96	100	16 00	112 00
David McKamy	24	96	400	64 00	160 00
Andrew L. Martin	23	92	300	48 00	144 00
John Miller	24	96	326	52 16	148 16
Alexander Millikan	24	96	500	80 00	176 00
Charles Morgan	24	96	66	10 56	106 56
A. O. P. Nicholson	24	96	82	13 12	109 12
Woodson Northcut	24	96	130	20 80	116 80
William Overton	24	96	100	16 00	112 00
William Owen	24	96	100	16 00	112 00
Felix Parker	24	96	280	44 80	140 80
S. C. Pavatt	20	80	150	24 00	104 00
George R. Powell	24	96	532	85 12	181 12
Charles Ready	24	96	60	9 60	105 60
Lewis Reneau	24	96	448	71 68	167 68
B. L. Ridley	24	96	150	24 00	120 00
Henry Robertson	24	96	152	24 32	120 32
John A. Rogers	24	96	532	85 12	181 12
Sion Rogers	24	96	224	35 84	131 84
Granville D. Searcy	24	96	400	64 00	160 00
George Smith	24	96	75	12 00	108 00
James Snodgrass	24	96	175	28 00	124 00

NAMES OF MEMBERS.	Number of days served.	Amount.	Mileage going and returning.	Amount.	Total amount.
Lewis P. Speece	24	\$96	200	\$32 00	\$128 00
Thomas Stockton	24	96	346	55 36	151 36
James W. Strother	18	72	354	56 54	128 64
Edward D. Tarver	24	96	360	57 60	153 60
Jonas E. Thomas	24	96	82	13 12	109 12
Robertson Topp	24	96	500	80 00	176 00
William Tunnell	24	96	360	57 60	153 60
H. L. Turney	24	96	170	27 20	123 20
Harvey M. Watterson	24	96	110	17 60	113 60
David West	24	96	50	8 00	104 00
James A. Whiteside	24	96	220	35 20	131 20
Samuel W. Williams	24	96	622	99 52	195 52
William Williams	24	96	160	25 60	121 60
William M. Wilson	24	96	320	54 40	150 40
William W. Woodfolk	24	96	125	20 00	116 00
Iredel D. Wright	24	96	360	57 60	153 60
E. H. Foster, Speaker	24	144			144 00
S. D. Mitchell					
Principal Clerk	24	144			144 00
Henry C. Walker					
Engrossing Clerk	15	90			90 00
Victor M. Campbell					
Engrossing Clerk	9	54			54 00
Jabez G. Mitchell					
Principal Doorkeeper	24	96			96 00
Pleasant M. Hornbeck					
Assistant Doorkeeper	24	96			96 00

ELIJAH BODDIE, *Chairman.*

SECRETARY'S OFFICE, }

Octo 31, 1816. }

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

LUKE LEA, *Secretary of State.*

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