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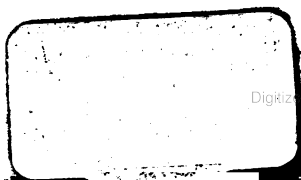
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PUBLIC ACTS

PASSED AT

THE FIRST SESSION

OF THE

TWENTIETH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE.

1833.

PUBLISHED BY AUTHORITY.

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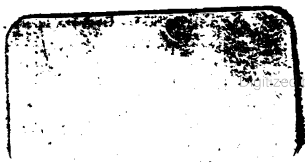
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PUBLIC ACTS
OF THE
STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE TWENTIETH GENERAL ASSEMBLY,
WHICH WAS BEGUN AND HELD AT NASHVILLE, ON MONDAY THE
SIXTEENTH DAY OF SEPTEMBER, IN THE YEAR ONE THOU-
SAND EIGHT HUNDRED AND THIRTY-THREE.

WILLIAM CARROLL, Governor; SAM G. SMITH, Secretary of
State; DAVID BURFORD, Speaker of the Senate; F. W. HU-
LING, Speaker of the House of Representatives.

CHAPTER I.

An Act changing the time of holding the Supreme Court at Sparta, and
for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the 7th section of an act of eighteen hundred and thirty-two, chapter 21, be, and the same is hereby, repealed; and that the next term of the Supreme Court at Sparta, be held on the first Monday in December, eighteen hundred and thirty-three; and that said court be holden on the first Monday in August, in each succeeding year. Repealing clause.

SEC. 2. *Be it enacted,* That all process, records and proceedings, shall be filed accordingly, without prejudice to the parties. Returns.

SEC. 3. *Be it enacted,* That all appeals from any court of Smith county to the Supreme Court, shall be taken to the court held at Sparta, and that this act be in full force from the day of its passage. Of appeals from Smith county.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed September 24, 1833.

CHAPTER II.

An Act to amend the act of 1827, chapter 20, entitled an act more amply to provide for the poor.

Be it enacted by the General Assembly of the State of Tennessee, That where any person or persons shall hereafter die, leaving a wife, or a wife and children, or absconds and leaves his family, that then, and in that case, the articles and property now exempt, or which may hereafter be exempt by law from execution sale, shall and may be set apart for the use of the widow, or wife, in the same manner, and to the same extent, that said property is now exempt from execution where the husband is living.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed September 25, 1833.

CHAPTER III.

An Act more effectually to prevent the owners of steam boats and stages from carrying off slaves, without the knowledge or consent of the owners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, no stage contractor or driver, or owner, or captain of any steam boat or other water craft, shall receive and carry from any place in this State, to any other place, either in or out of the State, any black or coloured person, unless said coloured person shall produce the certificate of the clerk of the court of the county from which said stage or steam boat is about to depart; which certificate shall be under the seal of said court, stating that the said clerk has known said coloured person, and that he or she is free, or has generally been reputed to be free, or that it has been proved to him by respectable witnesses known to him, (whom he is hereby authorised to swear,) that said coloured person is free, or generally reputed so; or if said coloured person be actually a slave, then and in that case a verbal or written authority from the owner or owners, shall be sufficient.

SEC. 2. *Be it enacted by the authority aforesaid,* That when any stage contractor or driver, or owner or captain of any steam boat or other water craft, or any other person or persons, shall violate the provisions of the first section of this act, then, and in that case, they, or either of them, shall be subject to indictment or presentment, without a prosecutor thereto, in the county or the circuit court of the county in which

Clerk to give certificate of freedom.

Authority of slave owner.

Penalty

said colored person was so received in any of said stages or steam boats; and upon conviction thereof shall be fined in a sum not less than two nor more than five hundred dollars, and be imprisoned not less than three nor more than six months; and moreover, shall be liable to an action of trover at the suit of the owner or owners of any slave or slaves so received and carried without the aforesaid permission.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed September 25, 1833.

CHAPTER IV.

An Act to establish a precinct election at the house of Robert Huddleston, in Grainger county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a precinct election be established at the house of Robert Huddleston, in Grainger county, to vote for Governor, members to Congress, members to the State Legislature, for Convention, and Electors to vote for President and Vice President of the United States.

Grainger
county.

SEC. 2. *Be it enacted,* That in the county of Williamson there shall be and is hereby established a precinct election for Governor, members to Congress, members to the State Legislature and for Convention, at the dwelling house of Ephraim Brown, on the plantation upon which he now lives—and that the sheriff of the county of Williamson, shall hold elections at the said place in the same way and manner and under the same rules and regulations that elections are and have been holden in said county, at other precinct elections.

Wilson county.

SEC. 3. *Be it enacted,* That an additional precinct election or place for holding the general State elections, and for President and Vice President of the United States, be and the same is hereby established at the house of Dennis Dozier, in Davidson county.

Davidson
county.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed October 1, 1833.

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CHAPTER XIII.

An Act to establish precinct elections in the counties of Lincoln, Smith and Warren.

Be it enacted by the General Assembly of the State of Tennessee, That a precinct election be established at Stone's store, on the west fork of Norris's creek in the county of Lincoln, to vote for Governor, members to Congress, members to the State Legislature and Convention, and for electors to vote for President and Vice President of the United States; and at the house of Daniel Bratton, in the county of Smith; and at the house of John Pendleton, in Warren county.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate,

Passed October 14, 1833.

CHAPTER XIV.

An Act to remove the Supreme Court of errors and appeals for the fifth Judicial Circuit, now holden at Reynoldsburg, to the court house in the town of Centreville, in the county of Hickman, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Supreme Court of Errors and Appeals for the fifth Judicial Circuit now holden in the town of Reynoldsburg, shall hereafter be holden in the court house in the town of Centreville in the county of Hickman. And it is hereby made the duty of the clerk of said Supreme Court, as soon as one shall be appointed, and after the passage of this act, to remove or cause to be done, the records, books and papers of his office to the town of Centreville in said county of Hickman, and all business determinable in, and returnable to the Supreme Court at Reynoldsburg, shall hereafter be returned to, and determined in the Supreme Court at Centreville.

Sec. 2. *Be it enacted,* That hereafter, all causes and suits which have originated, or may hereafter originate in the counties of Lawrence, Wayne, Hardin, Humphreys, Hickman and Perry, upon which an appeal to the Supreme Court may be taken, shall be taken to, and tried in, the Supreme Court at Centreville, and that such business as has originated or may originate, and be appealed upon in the counties of Maury, Giles and Dickson, may at the option of the party or parties appealing, be taken to the Supreme Court at Nashville or Centreville, as he, she, or they may deem advisable.

Court to be removed to Centreville.

Appeals from Lawrence, Wayne &c.

SEC. 3. *Be it enacted*, That it shall be, and is hereby made the duty of the judges of the Supreme Court of Errors and Appeals, to hold said Supreme Court in the town of Centreville on the first Monday in June, in each and every year. When holden.

SEC. 4. *Be it enacted*, That the law heretofore passed establishing a Supreme Court of Errors and Appeals at Reynoldsburg, be, and the same is hereby repealed. Repealing clause.

F. W. HULING,
Speaker of the House of Representatives.

D. BURFORD,
Speaker of the Senate.

Passed October 15, 1833.

CHAPTER XV.

An Act to authorise publication in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That if in any suit, in any court of equity, any defendant or defendants, against whom any subpoena or other process shall issue, shall not cause his, her or their appearance to be entered on such process, within such time, and in such manner, as according to the rules of the court the same ought to have been entered, in case such process had been duly served, and an affidavit shall be made to the satisfaction of said court, that the place of residence of such defendant or defendants is unknown to the plaintiff, and that such plaintiff, after diligent enquiry, cannot discover the place of residence of such defendant or defendants, then, and in such case, the court out of which such process issued, shall make an order, directing and appointing such defendant to appear at a certain day therein to be named, which said order shall, within sixty days after such order made, be inserted in some Gazette, published within the State, for so long a time as the court may order and direct; and if the defendant or defendants do not appear within the time specified by such order, or within such further time as the court shall appoint, then on proof made of such publication, the plaintiff's bill shall be taken *pro confesso*, and such other proceedings had thereon, as are directed in an act passed in 1787, chapter 22, section 1.

F. W. HULING,
Speaker of the House of Representatives.

D. BURFORD,
Speaker of the Senate.

Passed October 18, 1833.

CHAPTER XVI.

An Act to extend the laws and jurisdiction of this State to her southern limits.

Jurisdiction given to the counties of this State.

Attached to various counties.

Be it enacted by the General Assembly of the State of Tennessee, That the laws and jurisdiction of the State of Tennessee, be, and hereby are extended to the southern limits of the State, over that tract of country now in the occupancy of the Cherokee Indians; and that the courts of this State shall have cognizance of all crimes and misdemeanors committed, and all contracts made, and of all persons residing within the limits of the said territory, and shall hear and determine the same, in such manner and upon such terms as the laws and usages of said State now do, or may hereafter prescribe: and, for the greater convenience of the citizens and people residing in that tract of country, the county of Marion, in addition to its present limits, shall commence at the point where the line dividing the States of Alabama and Tennessee, commences on the bank of the Tennessee river, running thence along said line to the dividing line between Georgia and Tennessee, to the extreme height of the Raccoon mountain, thence along the extreme height of said mountain to the Tennessee river opposite the mouth of Suck Creek; the county of Hamilton, in addition to its present limits, shall commence at the extreme height of the Raccoon mountain, at the point where the Marion county line terminates, running thence along the line dividing the States of Georgia and Tennessee, until it crosses the White Oak mountain, continuing thence five miles to a point on said line and there terminating; thence running so as to strike the White Oak mountain two miles above Robinson's Gap, through which Wolf river creek runs, thence to the extreme height of said mountain; thence along the extreme height of said mountain to the Blythe ferry road at the place now occupied by Wilson Evans; thence along said road towards the Tennessee river, within two miles of William Blythe's; thence such a course to the Tennessee river as will leave William Blythe's plantation on the north side of said line, and strike the Tennessee river opposite the Rhea county line on the north bank of said river. The county of Rhea, in addition to its present limits, shall commence at the point where the county of Hamilton terminates on the bank of the Tennessee river, as provided in this act, running thence along said line to the house now occupied by Wilson Evans'; thence a direct line to a point on the Hiwassee river, opposite to the first large ridge above the mouth of Price's creek. The county of McMinn, in addition to its present limits, shall commence at the point on the south bank of Hiwassee river, where the Rhea county line terminates; thence along said

line, until it strikes the Hamilton county line at Wilson Evans'; thence along said line to the White Oak mountain; thence along the extreme height of said mountain and the Hamilton county line entire, until it strikes the five mile point of Hamilton county line, on the dividing line between the States of Georgia and Tennessee; thence along said line until it strikes a point opposite to the line dividing Monroe and McMinn counties; thence a direct line to the division line between the said counties of Monroe and McMinn; and that all the balance of said territory shall be attached to, and included in the county of Monroe, in addition to its present limits. And it is hereby made the duty of the Surveyor General of the Hiwassee district to run and mark the several county lines as designated by this act. *Provided*, however, nothing in this act contained, shall be construed to authorise or allow any tax to be levied upon any native Cherokee residing within the limits of said tract of country at the passage of this act, or to work on roads, or to perform militia duty therein; and *provided further*, That the native Cherokees residing within the limits of said tract of country, shall be secured and protected in the free and unmolested enjoyment of their improvements and all personal property, according to the customs and usages of said Cherokee Indians, and to enforce their rights touching the same, in and before the courts of the State of Tennessee, or the inferior tribunals of said State, as the matters in controversy may rightfully give jurisdiction: and *provided also*, nothing in this act contained, shall be construed to interfere with or invalidate the marriage customs of the said Cherokee Indians.

Provided, nevertheless, such of the native Cherokees who may heretofore have had the rights of citizenship extended to them, or who may hereafter have the rights of citizenship extended to them by any law or laws of the State of Tennessee, shall be subject to all the duties, and liable to all the public dues, that other citizens of the State of Tennessee are subject or liable to, as is or may be provided by the laws of the said State of Tennessee.

Provided, always, Nothing hereing contained, shall be construed to authorise the courts of this State to take jurisdiction of any criminal offence committed within the territory aforesaid, by any Cherokee Indian residing therein, except for murder, rape and larceny. And the usages and customs of said Cherokee Indians in all other respects are hereby allowed them, within the territory over which, by this act, the jurisdiction of this State is extended, until such time as it may be deemed necessary and proper further to abridge or abrogate them: saving always from the benefits and privileges of this exception, such of the native Cherokee Indians as have had, or may have the rights of

citizenship extended to them by any law of the State of Tennessee.

Proviso.

Provided, Nothing in this act contained, shall be construed to authorise any white man to settle within the limits of the lands in this State now within the occupancy of the Cherokee Indians, and over which it is the object of this act to extend the laws: and *provided*, That nothing in this act contained shall be construed to invalidate any law or treaty of the United States, made in pursuance of the constitution thereof.

Proviso.

Provided also, That nothing in this act contained, shall be construed to authorise any entry or appropriation or occupancy of any of the lands contained within the limits of the country now in possession of the Cherokees, or to extend our laws for the entry of vacant and unappropriated lands over any part of said country.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD.

Speaker of the Senate.

Passed November 8, 1833.

CHAPTER XVII.

An Act to compel enterers of land in certain cases to have their entries surveyed.

Notice to be given.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for any subsequent enterer of land made under the act of 1823, and the various acts passed subsequently thereto, authorising the entering of vacant and unappropriated land north and east of the Congressional Reservation line, to give or cause to be given, sixty days notice in writing to the first enterer, or to his, her or their agent, and in case the enterer resides out of the county, then, and in that case, it shall be the duty of the subsequent enterer to give public notice for three successive weeks in some newspaper printed in this State, or serve written notice, at his election, that he, she, or they must proceed to have his, her or their entry surveyed in that time, so that the subsequent enterer can have surveyed his entry with certainty.

On failure to survey.

SEC. 2. *Be it enacted*, That in case the first enterer shall fail, neglect or refuse to have his, her or their entry surveyed within sixty days after receiving said notice, or after publication made, or notice given as aforesaid, then, and in that case, it shall and may be lawful for the subsequent enterer to proceed to have his, her or their entry surveyed according to law.

SEC. 3. *Be it further enacted,* That it shall not be lawful for the first enterer to interfere in making his survey afterwards with the survey of the subsequent enterer; and any interference so made shall be null and void: *Provided,* the subsequent enterer shall have his, her or their entry surveyed within thirty days after the expiration of the sixty days notice given to the first enterer as aforesaid; and in case the subsequent enterer shall fail, refuse or neglect to have his, her or their entry surveyed within the thirty days as aforesaid, then, and in that case, the provisions of this act shall be null and void, to the said subsequent enterer as aforesaid.

Interference
prohibited.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed October 18, 1833.

CHAPTER XVIII.

An Act to prevent frauds and hardships in the issuance of *scire facias*.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall not be lawful for any of the several clerks of any court of record in this State, to issue any *scire facias* upon any record of said court, upon the application of any person other than the party of record or his attorney, unless such application be in writing signed by such applicant, which writing it shall be the duty of said clerk to file and preserve as other papers which are required by law to be preserved in his office.

Issuance of
scire facias.

SEC. 2. *Be it enacted,* That in any case where *scire facias* shall issue upon the application of any person other than the party of record, or his attorney, according to the provisions of the first section of this act, it shall be the duty of the clerk issuing the same, to endorse on the back of said *scire facias* the name of the person who has thus applied for the same; and it shall be the duty of the court before whom any suit by *scire facias* may be determined, in case the same be dismissed or otherwise decided against the plaintiff therein, to give judgment for costs against the applicant so endorsed by the clerk as the applicant for the same.

Duty of clerk.

SEC. 3. *Be it enacted,* That if any clerk in this State shall fail to comply with the provisions of this act, judgment shall be rendered against him for the costs of said *scire facias* suit, in case judgment be against the plaintiff therein.

Clerk liable.

SEC. 4. *Be it enacted,* That if any clerk shall falsely and fraudulently indorse the name of any person upon any

Penalty for
false endorse-
ment.

writ of *scire facias* by him issued, under the provisions of this act, as the applicant for said writ, he shall be guilty of a misdemeanor in office, and be punished accordingly, and moreover liable to the action of such person for damages.

When to take effect.

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

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed October 30, 1833.

CHAPTER XIX.

An Act to regulate ferriages and toll at ferries kept on the Tennessee river north of the north boundary line of the State of Alabama.

Rate of ferriage.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following shall be the rate of toll taken by each ferry keeper on the Tennessee river below the State line of Alabama, to wit: from the first day of June till the first day of December, for each wagon and four horses or oxen, or upwards, and driver, fifty cents; for each wagon and three horses and driver, thirty seven and a half cents; for each wagon and two horses and driver, twenty five cents; for each cart and two or three oxen, twenty five cents; for each dearborn wagon and two horses, thirty seven and a half cents; for each dearborn wagon and one horse, twenty five cents; for each man and horse, twelve and a half cents; for each led horse, or horse in a drove, five cents; for each head of cattle in a drove or by a moving family, three cents; for each head of hogs, sheep or goats, two cents; for each footman, six cents.

Rate of ferriage.

SEC. 2. *Be it enacted*, That from the first day of December, till the first day of June, each ferry keeper on the Tennessee river aforesaid, may take and receive double the amount of ferriage specified in this act; and if any ferry keeper shall violate this act, the person aggrieved may recover the sum of twenty five dollars, from every person so violating, on proof being made thereof before a justice in an action of debt, subject however to an appeal as in other cases.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 5, 1833.

CHAPTER XX.

An Act to prevent the levy of executions on standing crops, or the sale of the same before they are matured.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of January next, it shall not be lawful for any sheriff, coroner, or constable to levy an execution on any crop growing or attached to the freehold, before the 15th day of November next, after such crop is matured.

Growing crops not to be levied on before the 15th Nov.

SEC. 2. *Be it enacted*, That the purchaser of any standing crop levied on and sold after the 15th day of November, as aforesaid, shall be vested with the same rights and interest in such crop, that the person or persons had, whose title such purchaser under execution, has bought, and no more or other: *Provided, always*, That nothing in this act contained, shall be construed to deprive landlords of any lien on such crops for rent, or of any means of securing or obtaining the same, to which by law they are now entitled.

Purchasers of standing crops.

SEC. 3. *Be it enacted*, That nothing in this act contained, shall be construed to prevent the levy of an attachment or execution on a standing crop at any time: *Provided*, the owner thereof has absconded, and left the country: *Provided, also*, nothing in this act contained, shall be construed to repeal any law, or any part thereof, exempting certain articles of property from execution.

Attachment allowed.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed October 28, 1833.

CHAPTER XXI.

An Act to change the time of holding the courts therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit court for the county of Fentress, shall hereafter be held on the fourth Mondays of February and August, and the circuit court for the county of Overton, on the first Mondays of March and September; and all process, recognizances and other proceedings, shall be returnable accordingly, and no proceeding, writ or recognizance shall abate, by reason of this act.

Fentress and Overton counties.

SEC. 2. *Be it enacted*, That the term of the chancery court at Franklin, which, by the law, is to commence upon the first Monday in November, 1833, shall be, and is here-

Chancery court at Franklin.

by postponed to the first Monday of January next; and that all process returnable to the said November term, shall stand and be returnable to the said January term, and that all orders, decrees and proceedings had and made at the January term, shall be as good and valid as if made at the November term: *Provided, nevertheless,* That after the said January term, 1834, the regular times of holding said court, shall be upon the first Mondays of May and November, as is by the law now appointed.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 2, 1833.

CHAPTER XXII.

An Act for the benefit of revolutionary pensioners in this State.

Exempted from
paying certain
fees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of an act passed December 6, 1831, page 15, as allows clerks of the different courts of this State, fifty cents for certifying and attaching the county seal to powers of attorney given by any of the revolutionary pensioners of this State, to any person or persons whatever, for the purpose of authorising said person or persons to draw or receive his or their pension at any time for the benefit of said pensioner, be and the same is hereby repealed.

Duty of clerks.

SEC. 2. *Be it enacted,* That it shall be the duty of the different clerks in this State, on application of any pensioner or his or her agent or attorney of his county, for a certificate and seal of the county on any power of attorney authorising said person to draw or receive said pension for the benefit of said pensioner, to certify the same without fee or reward, and on failure or refusal to do so, it shall be deemed and considered a misdemeanor in office, and punished accordingly: *Provided, nevertheless,* That this act shall not be so construed as to extend to any person except revolutionary pensioners.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 8, 1833.

CHAPTER XXIII.

An Act for the benefit of sheriffs in this State.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for any sheriff in this State, when he may find the same necessary, to appoint one additional deputy to the number heretofore allowed by law.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Passed October 18, 1833.

Speaker of the Senate.

CHAPTER XXIV.

An Act in addition to an act incorporating the Franklin and Columbia Turnpike company.

Be it enacted by the General Assembly of the State of Tennessee, That the commissioners appointed by the act passed 18th November, 1831, to designate the route which said turnpike road shall run, be, and they are hereby directed to carry said road through the town of Spring Hill, in Maury county.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed October 22, 1833.

CHAPTER XXV.

An Act to authorise persons to have land set apart for the erection of mills.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any person or persons may wish to build a mill on any of the waters in the counties of Hickman, Lawrence, Wayne, Hardin, and McNairy, or in any other county lying west of the Tennessee river, provided no nuisance may be created by said mill, on any of the vacant land in said counties, they are entitled to have located and laid down on the general plan of any of the surveyor's districts south and west of the congressional reservation line, and west of the Tennessee river, any quantity of acres not exceeding twenty-five, and shall be entitled to the same benefits as other occupants of said counties: *Provided,* the same does not interfere with any other resident occupant, and provided that the person or persons erect a mill in two years from the time the same is

Authority granted.

put on the general plan of either of said districts, and provided also, that said entry or entries is not made south of Winchester's line, and provided also, that said land is not fit for cultivation.

Oath to be taken.

SEC. 2. *Be it enacted*, That the location and survey, with the oath of the person wishing to enter the same, taken before some justice of the peace in the county where the entry is intended to be made, shall be sufficient authority for either of the surveyors to lay the same down on the general plan of their districts.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 12, 1833.

CHAPTER XXVI.

An Act to incorporate the Western Rail Road Company.

Commissioners appointed to open books.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Lancaster, Allen Deberry, James Caruthers, Joseph H. Talbot, Jeremiah P. Horton, John Trigg, John G. Chalmers, James Elrod, Dr. Joseph Jones, Francis S. Coxe, Matthew Picket, Benjamin Parsons, George W. Hockley, Nathaniel Potter, Granville D. Searcy, Charles Tucker, F. A. Young, Washington L. Hannum, Albert G. Hunter, John H. Ball, Granville Lewis, Edmond P. Gaines, Pitser Miller and Francis Shoemaker, be, and are hereby, appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the western rail road company hereby incorporated, and they, or a majority of them, may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice by advertisement for at least three successive weeks in the newspapers printed at Jackson and Nashville, of the times and places of opening the same. Upon the first opening of said books, they shall be kept open for at least ten days, (Sundays excepted,) from ten o'clock in the forenoon to four o'clock in the afternoon; and if at the expiration of that time, such subscription to the capital stock of said company, as is necessary to its incorporation, shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be re-opened for subscriptions at the town of Jackson and elsewhere, from time to time, for the space of three years, after the passage of this act, or until the sum

necessary to the incorporation of the company shall be subscribed; and if any of the said commissioners shall die, resign or refuse to act during the continuance of the duties devolved upon them by this act, another may be appointed in his stead by the remaining commissioners, or a majority of them.

Sec. 2. *Be it enacted,* That the capital stock of said company, shall be five hundred thousand dollars, in shares of one hundred dollars each, which shares may be subscribed for by any corporation or individuals. So soon as two thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby, declared to be incorporated into a company and body corporate, by the name of "The Western Rail Road Company," and by that name, shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as the same shall be necessary, for the purposes hereinafter expressed, and shall have succession in and for the term of ninety-nine years: and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at their pleasure, and shall have and exercise all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act.

Capital stock—
company incor-
porated—their
powers and au-
thorities.

Sec. 3. *Be it enacted.* That if more than five thousand shares shall be subscribed to the capital stock of said company, the said commissioners, or a majority of them, shall reduce the subscriptions to five thousand shares, by striking off from the highest subscriptions in succession, until the subscriptions are reduced to five thousand shares, or all subscriptions to one share each; and if there still be an excess, then lots shall be drawn by the commissioners to determine who are excluded: *Provided,* the stock may be increased to cover the over-subscription, not to exceed one million of dollars in the whole.

Subscriptions
to be scaled in
case of excess.

Sec. 4. *Be it enacted,* That there shall be paid on each share subscribed, (but not until two thousand shares shall have been subscribed,) such sum as the president and directors hereinafter named, or a majority of them, may direct, and in such instalments not exceeding one third of the subscriptions in any one year: *Provided,* no payment shall be demanded until at least thirty days notice shall have been given by the said president and directors of the company, in some newspaper printed in Nashville and Jackson, of the time and place of payment; and if any subscriber shall fail or neglect to pay any instalment, or part of said subscription thus demanded, for thirty days next after the same shall be due and payable, the stock on which it is demanded, together with the amount paid in,

Payment of
stock—notice
of to be given.

shall be forfeited to the company, and may be sold by said president and directors for the benefit of said company; but said president and directors may remit such forfeiture on such terms as they may deem proper, or they may waive such forfeiture, and sue or warrant the stockholders for the instalment due before the expiration of said thirty days, which if he fail to pay eventually, after judgment the stock and what may be paid upon the same shall be forfeited.

Limitation.

SEC. 5. *Be it enacted,* That if the subscription of two thousand shares, herein made necessary for the incorporation of said company, shall not be obtained in five years from and after the passage of this act, the same, and all subscriptions under it, shall be null and void, except that the commissioners may collect so much on each share subscribed as will make up a sum equal to the expenses of opening the books, and other expenses incident to obtaining subscriptions.

Election of
President and
Directors.

SEC. 6. *Be it enacted,* That at the expiration of the ten days for which the books are first opened, if two thousand shares of said capital stock shall have been subscribed, or if not, as soon thereafter as the same shall have been subscribed, if within five years from and after the passage of this act, the said commissioners, or a majority of them, shall call a general meeting of the subscribers at the town of Jackson, of which they shall give at least twenty days notice in the newspapers printed in Jackson and Nashville; and at such meeting, the commissioners shall lay the subscription book before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, shall elect thirteen directors, by ballot, to manage the affairs of said company; and said directors, or a majority of them, shall elect a president of said company from amongst said directors, and allow such compensation for his services as they may deem just. That in said election, and in all others where a vote of the stockholders of said company is taken, each stockholder shall be allowed one vote for every share owned by it, him, her or them, and shall have the privilege of voting by proxy. The commissioners aforesaid, or any three of them, shall be judges of the first election of directors, and none but a stockholder shall be eligible as president or director.

President and
Directors to be
elected annual-
ly.

SEC. 7. *Be it enacted,* That to continue the succession of the president and directors of said company, thirteen directors shall be chosen annually, on the first Monday in October in every year, at the town of Jackson, by the stockholders. The directors or a majority of them, shall have power to appoint judges of elections. The president of the board of directors shall be elected each year, within three days after the board is organized. If any vacancy shall occur by the death, resignation or refusal to act, of any president or director, before the year for which he

electd has expired, a person to fill such vacancy for the residue of the year, may be appointed by the president and directors of said company, or a majority of them, and the president and directors shall hold and exercise their offices until a new election of directors, and until they are organized and have elected their president. All elections which are by this act, or by the by-laws of said corporation, to be made on a particular day, if not made on such day or time, may be made at any time within thirty days thereafter, and notice given.

SEC. 8. *Be it enacted,* That a general meeting of the stockholders, shall be annually held at the time and place appointed for the election of president and directors; and a general meeting may be called at any time during the interval between said annual meetings by the president and directors, or a majority of them, or by the stockholders owning at least one third of the whole of the stock subscribed, upon giving at least thirty days notice in the newspapers aforesaid, of the time and place of holding the same. When the meeting is called by the stockholders, such notice shall specify the object of the call. If at such called meeting a majority of the votes upon the stock subscribed, are not represented in person or by proxy, the meeting shall be adjourned from day to day, not exceeding three days, and if within said three days, a majority of votes do not attend, the meeting shall be dissolved.

Annual meeting of the stockholders to be holden.

SEC. 9. *Be it enacted,* That at the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company, that at any called meeting of the stockholders, a majority of the votes present may require a similar statement from the president and directors, whose duty it shall be to furnish it when thus required; and at all regular meetings of the stockholders, called or annual, a majority of the whole votes upon the stock subscribed, may remove from office any president or director, and appoint another in his stead.

Statement of the affairs to be exhibited.

SEC. 10. *Be it enacted,* That every president and director, before he acts as such, shall, before so ne judge or justice of the peace, take an oath that he will well and truly discharge the duties of such office to the best of his skill and ability.

Officers to take oath.

SEC. 11. *Be it enacted,* That if any of the five thousand shares shall remain unsubscribed for after the organization of said company, the president and directors, or a majority of them, shall have power to open books and receive subscriptions for any of the stock which may remain unsold, or sell or dispose of the same, for the benefit of the company, for any sum not under the par value, and the purchasers

President and Directors may open books.

and subscribers of such stock shall have all the powers, rights and privileges of original subscribers, and shall be subject to the same regulations.

May appoint
Cashier and
other officers.

SEC. 12. *Be it enacted,* That said president and directors shall have power to appoint a cashier, and all such officers, engineers, agents or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure, and may fix the salary or compensation to such cashier, engineers, officers and agents, or servants, in the employ of said company, and to determine by their by-laws the manner of adjusting and settling all accounts against the company; and also the manner, effect and evidence of transfers of stock in said company; and they, or a majority of them, shall have power to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect: *Provided,* said by-laws shall not be contrary to the constitution of the United States and the constitution of this State, or any of the provisions of this act or laws of this State.

Capital stock
may be increas-
ed.

SEC. 13. *Be it enacted,* That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors, or a majority of them, from time to time to increase said capital stock, by an addition of so many shares as they may deem necessary, not exceeding in amount one million of dollars, for which they may, at their option, cause subscriptions to be received, giving notice in the manner herein before prescribed; the purchasers of which stock shall stand on the footing of original stockholders.

Description and
location of the
road - power of
the directors.

SEC. 14. *Be it enacted,* That the president and directors or said company shall, and they are hereby vested with all the powers and rights necessary for the construction and repair of a rail road from the town of Jackson, in the county of Madison, the most practicable route to the Mississippi river, the ground over which said road is to lie, and the point of intersection of the Mississippi river, shall be determined by the president and directors of said company. The said road shall have as many tracks as may be deemed necessary by said president and directors, but shall not be more than two hundred feet wide, to which width the company may purchase land and cause the same to be condemned for the use of said road, or any less width, as the president and directors may deem expedient; and they may cause to be made or contract with others for the making of said road, or any part of it; and they or their agents, or those with whom they may contract for making any part of said road, or their agents, may enter upon and use and excavate any land which may be laid out for the

site of said road, or the erection of warehouses, stables, mechanic's shops, or other works necessary to said road, or useful in the construction or repair thereof, or its works. They may fix scales and weights, build bridges, lay rails, and may use any earth, timber, gravel, stone, or other material which may be wanted for the construction or repair of any part of said road, and may construct and acquire all necessary cars, wagons and carriages for transportation on said road, by horse or steam power, and all necessary apparatus appertaining to the same.

Sec. 15. *Be it enacted*, That whenever it shall become necessary, after said road is laid out, to subject the lands of individuals over which said road is laid out to the use of said company, and if the right of soil of the owner cannot be had by gift or purchase, it shall be lawful for the president and directors, their agents, contractors, laborers and servants, to enter upon such lands and proceed in the opening and constructing of said rail road through the same; the pendency of any proceeding in court, or before assessors or valuers, to ascertain the damages that will be sustained by the owner or proprietor of said land by reason of opening said road, shall in no manner hinder or delay the progress of said work; and no order shall be made, nor shall any injunction be awarded by any judge or court to stay or delay the progress of said work, the true intent and meaning of this act being, that all injury that may be done to any land without the consent of the owners or proprietors thereof, by the opening and constructing the rail road through the same, over and above the advantages of the road to the owners and proprietors of the lands, shall be fully and completely compensated for in damages when ascertained, so that the work may not be delayed by law suits.

Lands of individuals subjected to the use of the road.

Sec. 16. *Be it enacted*, That the president and directors of said company, their officers, servants and agents, shall have full power and authority to enter upon all lands and tenements through which they may judge it necessary to make said road, and lay out the same according to their pleasure, so that neither the dwelling house, yard, garden or curtilage be invaded without the consent of the owner or proprietor thereof: and if the company and owner cannot agree as to the value of the land, and the owner will not convey it in fee, either party may apply to the county court of the county where the land lies, by giving five days notice if the owner of the land reside in the county, and twenty days notice if he reside in any other county in the State, and by advertising in some newspaper printed at Jackson, if he resides out of the State or be a body corporate, to appoint valuers to condemn the land for the use of said road. And the court shall appoint five disinter-

Of valuing the land thus subjected—commissioners to be appointed for that purpose.

ted freeholders of said county, and who shall be sworn justly and impartially to value the land, who shall ascertain what damage the owner will sustain, if any, by the location of said road over his land, always taking into consideration the benefit the road will be [to] the owner, and the tendency said road will have to increase the value of the land; and said five freeholders, any three of whom concurring, shall report to said court so soon as practicable the damages, if any; and if none are sustained, they shall report the fact, which report, if unexcepted to, shall be recorded; and if any damages are assessed, the money shall be paid into court by the company. The fee simple of land so valued as aforesaid, shall vest in said company: the description of the land and the report of the valuers shall be made a record of, and when registered, shall have the effect of a deed of conveyance in fee to the company: *Provided, however,* That where infants or persons non compos are the owners of the land, the guardian shall be notified of said proceeding in court; and if there be no regular guardian, said court shall appoint some person well qualified to defend and protect the interest of such infant or person non compos.

Proviso.

Company may take materials for constructing said road.

SEC. 17. *Be it enacted,* That the president and directors, for the purpose of making said road, or repairing the same after it shall have been made, shall be at liberty, by themselves, their officers, agents or servants, to enter upon any adjacent land, and to cut, quarry, dig, take and carry away therefrom, any timber, stone, gravel or earth, which may be necessary, provided they shall not, without the consent of the owner, cut down any fruit tree, or trees preserved in any enclosure for shade or ornament, or take away any materials constituting any part of a fence or building. For all which materials under the authority of this act, and for all incidental injuries done to grounds, woods, enclosures or crops in carrying them away, the said company shall make to the owner a fair and reasonable compensation; and if the parties cannot agree upon the price, it shall be ascertained by three impartial freeholders to be appointed by a justice of the peace at the application of either party, the opposite party having three days notice of the application to the justice; the three freeholders shall be sworn to do impartial justice between the parties; their award shall be returned to the justice, and shall stand as awards stand made by order of court, upon the rights of the parties, upon which the justice may issue execution against the company, if within his jurisdiction, to wit, one hundred dollars, if over this sum, he shall certify the proceedings to the next county court, to be proceeded upon as an award made by order of said court: *Provided,* either party shall have power to have the proceedings corrected by writ of

of *certiorari*, and not by appeal either from the justice or the county court. If the proceedings be quashed, the court may appoint other valuers, and cause justice to be done as by this act contemplated, before and by order of the court quashing said proceedings.

SEC. 18. *Be it enacted*, That should said rail road pass over vacant and unappropriated lands, said company shall have the exclusive right of entering the land over which said road may be laid out, not exceeding two hundred feet in width, for the space of five years from the first of January next; and the surveyors general of the district through which said road may be laid out, shall not receive any entry within said period of five years, for the benefit of any other person or persons than said company, under the penalty of five thousand dollars, to be recovered by action of debt, in any court having cognizance thereof, at the suit of said corporation; and any entry made contrary to this act, shall be void: *Provided*, said company shall notify said surveyors general of the rout of said rail road, and have the same designated upon the general plans of said districts.

May enter vacant land on the route.

Surveyors not to permit other entries within five years.

SEC. 19. *Be it enacted*, That said rail road company shall have power to acquire and own as common stock of said company, lands near to and connected with said road, on which to erect warehouses, stables, and other buildings for the purpose of constructing said road, and keeping it in repair, and for the convenience of transportation and places of deposit, which improvements they are hereby authorised to construct. If the company cannot agree with the owners of the land necessary for the above purpose, they may have it condemned in the same manner as the land over which the road laid out may be condemned by the 16th section of this act: *Provided*, not more than five acres shall be taken at any one place, except by agreement with the owners.

May own lands to erect buildings.

SEC. 20. *Be it enacted*, That the whole stock and property of said company, real, personal and mixed, and the issues, profits and proceeds thereof, shall be holden in law, and are hereby declared to be personal property, and the same shall be governed by the rules and laws governing personal property in all cases: and the said property, and the profits arising therefrom, shall be vested in the respective share holders, their heirs and executors, administrators, and assigns, in the proportion of their respective shares, forever.

Stock declared personal property.

SEC. 21. *Be it enacted*, That whenever it shall become necessary, in the construction of said road, to cross or intersect any public road, now or hereafter established by law, it shall be the duty of said company, so to construct

Not to obstruct other roads in crossing.

said road across said public road, as not to impede the passage or transportation of persons or property along the same.

SEC. 22. *Be it enacted,* That where it shall be necessary to pass through the improved land of any individual, it shall be the duty of said company to provide such individual a proper and suitable wagon way across said rail road, from one part of his or her land to the other, if the same shall be required by the said owner, at the time the route of said rail road shall be determined on; but the owner of such land, may at any time after said rail road shall be opened and completed, construct and make such wagon way across the same, at his or her own expense, under the supervision and direction of said company.

To erect wagon way across the road.

May extend road

SEC. 23. *Be it enacted,* That said company are authorised at any time hereafter to extend said rail road, if they should think it expedient, or establish and erect lateral branches or forks of said rail road, extending to any other place or places in the Western District of Tennessee, under the same rules, regulations and with the same privileges and immunities in this act contained.

To commence within five years and complete road in ten.

SEC. 24. *Be it enacted,* That if the said company shall not begin the rail road contemplated by this act, within five years from the passage of this act, and complete the main branch of the same within ten years thereafter, the interest of said [company] in said road shall be forfeited and cease, and also all right to take tolls.

When to commence transportation.

SEC. 25. *Be it enacted,* That so soon as a section of five miles of said road shall be completed, and as often thereafter as the like length of any section shall be completed, the president and directors may transport all persons, produce and commodities, such person or persons, or owners of such produce or commodities, first paying to said company, or their authorised agent or servant for such purpose, the toll that may be demanded for such purpose.

Of dividends.

SEC. 26. *Be it enacted,* That after said rail road shall be completed, the president and directors shall semi-annually declare and make such dividend of net profits from the tolls herein granted, as may be advisable, to be divided amongst the proprietors of the stock of said company, in proportion to their respective shares.

Protected against injury.

SEC. 27. *Be it enacted,* That if any person shall willfully, by any means injure, impair or destroy any part of said road, constructed by and under this act, or any of the necessary works, buildings, machines, wagons, vehicles or carriages, such person shall be subject to be indicted, and on conviction, shall be fined and imprisoned at the discretion of the court and jury; and moreover, liable to an action for damages at the suit of said company, in any court having cognizance thereof.

Sec. 28. *Be it enacted,* That said company shall be authorised to charge the following tolls, to wit: For every **Tolls.** passenger, with not exceeding one hundred pounds of baggage, not exceeding six cents per mile; for every one hundred pounds of goods, wares, merchandize or produce, and commodities of every description, not exceeding one half a cent per mile.

Sec. 29. *Be it enacted,* That the boards of internal improvement for any of the counties in this State, are hereby authorised, if they think proper, to vest the internal improvement money of such counties, in the stock created by this act, under the same rules, regulations and restrictions as other stockholders.

Boards of Internal improvement may invest funds in road.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 14, 1833.

CHAPTER XXVII.

An Act giving further time for surveying entries and obtaining grants thereon.

Be it enacted by the General Assembly of the State of Tennessee, That the further time of two years from and after the 10th day of October, 1833, be allowed to make surveys, return plats and certificates and obtain grants on all entries founded upon good and valid warrants, north and east of the congressional reservation line.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 7, 1833.

CHAPTER XXVIII.

An Act to authorise the Militia in the county of Warren to vote at the several precincts in said county, for the election of field officers.

Be it enacted by the General Assembly of the State of Tennessee, That each regiment of militia in the county of Warren, from and after the passage of this act, shall be, and hereby are, authorised to vote for field officers at the several precincts in their respective regiments, at which other elections are authorised by law to be held; and the act authorising and directing said elections to be held at the different battalion muster grounds in said regiments of

militia, be, and the same is hereby, repealed: *Provided, however,* said elections shall only be continued one day in each regiment, and the polls compared on the ensuing day at the regimental muster ground of each regiment.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 4, 1833.

CHAPTER XXIX.

At Act for the benefit of the sheriffs of this State.

Be it enacted by the General Assembly of the State of Tennessee, That the oath required to be taken by the several sheriffs of this State, before the keeper of the penitentiary or State prison, may hereafter be taken and subscribed to, before any judge or justice of the peace in this State, which shall be as good and valid as if taken before said keeper, any law to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 8, 1833.

CHAPTER XXX.

An Act authorizing deputy clerks to issue commissions to take depositions.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for the deputy clerks of the courts of this State, to have the same power to issue commissions to take depositions in or out of term time, in as full and ample manner and under the same rules, regulations and restrictions as the principal clerks of said courts now have, any law, usage or custom to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 4, 1833.

CHAPTER XXXI.

An Act to establish a precinct election at Holman's store, in the county of Lincoln,

Be it enacted by the General Assembly of the State of Tennessee, That a precinct election be, and is hereby, established in the county of Lincoln, at Holman's store, for the purpose of holding elections for President and Vice President of the United States, Governor for the State of Tennessee, members to congress, members to the State legislature, and members to the convention.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 7, 1833.

CHAPTER XXXII.

An Act to explain the act of 1819, ch. 51, taxing shows.

Be it enacted by the General Assembly of the State of Tennessee, That said act shall not be so construed as to prevent artists who execute pieces of paintings in this State, from exhibiting the same, and receiving pay therefor, without obtaining a license for that purpose.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Passed November 8, 1833. *Speaker of the Senate,*

CHAPTER XXXIII.

An Act to change the next December term of Bedford circuit court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the next term of the circuit court for the county of Bedford, which now by law is required to be opened and held on the first Monday of December next, be postponed to the fourth Monday of December next, and opened and holden on that day, and kept open until the business of said court be completed. Time.

SEC. 2. *Be it enacted,* That all process returnable to the first Monday of December, be returnable to the fourth Monday of said month, and the several recognizances entered into for appearances, &c. shall extend to the fourth Monday of said month, and shall have the same effect, and be of the same force, as though they had Of process.

been originally made to expire in a term to commence on the said fourth Monday of December.

SEC. 3. *Be it enacted*, That the change hereby made, is only to extend to the December [term] next.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 12, 1833.

CHAPTER XXXIV.

An Act to establish the Planters Bank of Tennessee.

Bank established—Commissioners to open books at Nashville and other places.

SECTION I. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established a bank at Nashville, the capital stock of which shall be two millions of dollars, and shall be divided into shares of one hundred dollars each; and books for subscription thereof shall be opened on the first day of January, 1834, at the following places to wit:

At Nashville under the superintendence of Francis B. Fogg, Sam G. Smith, Andrew Hynes, H. Petway, M. D. Cooper, James Erwin, Jos. Vault, John Williams, Wm. M. Berryhill, E. H. Foster, Thomas Washington, George Crockett, J. P. Clark, John Shelby, and Foster G. Crutcher.

At Columbia, under the superintendence of James Walker, Wm. McNeill, J. B. Groves, D. P. Frierson, E. W. Dale, and J. R. Plummer.

At Carthage, under the superintendence of Robert Allen, Jonathan Pickett, David Burford, Simon P. Hughs, and Andrew Allison.

At Winchester, under the superintendence of Jas. Campbell, Wm. Knox, Mark Hutchins, James Robinson, and Hopkins L. Turney.

At Athens, under the superintendence of Nathaniel Smith, Onslow G. Murrell, James H. Fyffe, Jas. S. Bridges, Charles F. Keith, R. J. Meigs, David Claig, and John Crawford.

At Greeneville, under the superintendence of Valentine Sevier, John Dixon, Joseph Cutler, George Jones, and Wm. Dixon.

At Lebanon, under the superintendence of George W. Mabry, Joseph Johnson, Pauldin Anderson, Geo. H. Bullard, Robert L. Caruthers, and John S. Topp.

At Lexington, under the superintendence of Geo. Martin, James E. Jordan, Micajah Bullock, Gladen Goren, and William Mitchell.

At Knoxville, under the superintendence of Solomon D. Jacobs, Drury P. Armstrong, James Park, Robert King, James H. Cowan, Donald McIntosh, William C. Mynatt, David Bell, James G. M. Ramsey, and Michael Shetterly.

At Paris, under the superintendence of James Cowan, Thomas Crawford, John Cooney, N. Crockett, and John Gibbs.

At Dresden, under the superintendence of John Ferrell, Alfred Gardner, James Moran, A. M. Hughs, and Dennis Cochran.

At Huntingdon, under the superintendence of Robert Murray, Ennis Ury, John Crockett, and John McKernon.

At Trenton, under the superintendence of Moses Woodfin, Thomas Fite, James L. Totten, Thomas J. Caruthers, John H. Crisp, and H. D. Nelson.

At Dyersburgh, under the superintendence of Alex. McCulloch, sen. Aquilla Alexander, W. L. Mitchell, and Sperial Hall.

At Troy, under the superintendence of Benjamin Totten, James H. Davis, Andrew Harris, and John B. Hubbard.

At Perryville, under the superintendence of Curry Pettygrove, Jared S. Allen, James Dougherty, and Jacob Johnson.

At Reynoldsburg, under the superintendence of Thomas K. Wyly, Wm. H. Miller, Thomas B. Hudson, Henry H. Marable, Robert Rochell, and Edmond F. Willis.

At Dover, under the superintendence of Henry L. Atkins, William Williams, James Lee, C. C. Clements, and Cullen Bayless.

At Fayetteville, under the superintendence of Wm. Dye, F. L. Kincannon, William F. Mason, Samuel Roseborough, Matthew Martin, A. T. Nicks, R. H. C. Bagley, Wm. Bonner, Joseph Long, Ira McKinney, and Allen C. McEwen.

At Pulaski, under the superintendence of Nathaniel G. Nye, Samuel Kercheval, John K. Yerger, John M. Bell, Andrew M. Ballentine, Geo. W. Martin, Joseph C. Rhea, Isaac Mason, Jefferson Oliver, E. M. Massey, and Robert B. Harney.

At Savannah, under the superintendence of Lewis H. Broyles, James Erwin, John Houston, James Scott, and Orvill Harrison.

At Purdy, under the superintendence of John T. Burtwell, Maclin Cross, and William S. Wisdom.

At Lawrenceburg, under the superintendence of Martin Gaither, A. W. Bumpass, Thomas D. Davenport, Franklin Buchannon, William McKnight, Jr. D. H. Stockton, and Joshua Bowdry.

At Summerville, under the superintendence of John

Brown, Wm. S. Gray, R. A. Parker, Asbury Crenshaw, and John Cooper.

At McMinnville, under the superintendence of Broomfield L. Ridley, A. J. Marchbanks, William White, John Cain, Joel Mabry, and Alex'r Shields.

At Centreville, under the superintendence of Robert Charter, Henry Nixon, Robert Shegog, Eli B. Hornbeak, John Philips, and Millington Easley.

At Sparta, under the superintendence of John Jett, Wayman Leftwick, William Glenn, James H. Jenkins, and Nathan Haggard.

At Rutledge, under the superintendence of Benjamin Craighead, Hugh Houston, William E. Cocke, Robert Massengill, Luke Lea, Jr. Pleasant S. Cocke, and David Barton.

In the town of Clarksville, under the superintendence of Charles Minor, John H. Poston, James McClure, James B. Reynolds, Andrew Vance, and Wm. F. Gray.

In the town of Charlotte, under the superintendence of John Montgomery, George Smith, John C. Collier, John C. Napier, Benj. A. Collier, and Wm. Hightower.

In the town of Springfield, under the superintendence of Richard Cheatham, George C. Conrad, Tho. Farmer, Thornton H. Cook, and William Seal.

At Jonesborough, under the superintendence of Nathan Gammon, John Green, William K. Blair, and Samuel G. Chester.

At Blountville, under the superintendence of Wm. Deery, Samuel Rhea, David Shaver, and E. R. Dulany.

At Elizabethton, under the superintendence of A. M. Carter, David Nelson, Hiram Daily, and Robert W. Powell.

At Shelbyville, under the superintendence of James Deery, Thomas Davis, John Eakin, K. L. Anderson, and William Gilchrist.

At Murfreesborough, under the superintendence of Charles Ready, George A. Sublett, Bennett Smith, Wm. R. Rucker, and Marmon Spence.

At Bolivar, under the superintendence of Ezekiel P. McNeal, Walker Berry, John C. McKean, and Littleton Johnson.

At Rogersville, under the superintendence of Nicholas Fain, Charles Coffin, Dicks Alexander, Wm. Simpson, and Stockley D. Mitchell.

At Gallatin, under the superintendence of George Crockett, Daniel Saffarrans, John H. Turner, A. D. Bugg, and James A. Blackmore.

At Waynesborough, under the superintendence of James C. Alderson, Thomas M. East, and Robert Robinson.

In the town of Franklin, under the superintendence of

Samuel Crockett, William G. Dickinson, William Manney, William Johnson, Erastus T. Collins, Michael Doyle, and Thomas Parks—

And any three of said commissioners shall be sufficient to perform the duties of their appointments; and they shall keep the books open for subscription at least ten days, and the amount of the share or shares so subscribed, shall be paid for in gold or silver, as follows, that is to say, five dollars upon each share, to the proper commissioners, at the time of subscribing; five dollars on each share, to the proper commissioners, on the first Monday of March next, and ninety dollars to the directors of the bank, for the time being, in such instalments as they may from time to time require: *Provided*, that if a larger amount than two millions be subscribed, the excess shall be deducted from the largest subscriptions, in such manner that no subscription shall be reduced while any one remains larger; and if the full amount of two millions should not be subscribed during the time at which the books for subscription are authorised to be kept open, then it shall be lawful for the directors of the Planters Bank to cause books to be opened at Nashville, at such time or times as they may think proper, for the subscription of the balance of said capital stock.

Subscription
and payment
of stock.

Sec. 2. *Be it enacted*, That the subscribers to said bank, their successors and assigns, shall be, and they are hereby, created a body corporate and politic, in law and in fact, by the name and style of the Planters Bank of Tennessee, and shall so continue until the first day of January, 1863, and no longer; and by the name and style aforesaid, they shall be, and are hereby, made able and capable in law, to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of what kind, nature or quality soever, to an amount not exceeding in the whole, two millions of dollars, exclusive of the capital stock aforesaid; and the same to sell, alien, devise, grant or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record or any other place whatever; and also, to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government and management of said corporation, not being contrary to the constitution and laws of this State or of the United States; and generally to do and execute all acts, matters and things, which a corporation or body politic in law, may and can lawfully execute.

Company in-
corporated—
name and styl
—privileges

Duty of commissioners.

SEC. 3. *Be it enacted,* That as soon as the subscriptions shall be closed at Knoxville, and the other places mentioned in this act, the commissioners appointed at those places, shall respectively transmit and deliver to the commissioners appointed in Nashville, a list of the several subscribers at said places, together with the full amount of subscription money by the commissioners received as aforesaid, for which amount the receipt in writing of said commissioners in Nashville, or a majority of them, shall be sufficient acquittance and discharge to the persons respectively paying the same. But if on examination of the books, the whole amount shall not have been subscribed, said books shall be continued open at such times and places as the directors shall think proper, until the same shall be subscribed for.

Officers of the Bank.

SEC. 4. *Be it enacted,* That for the due administration of the affairs of said bank, there shall be eleven directors, citizens of this State, who shall be elected annually, at the banking house in Nashville, on the first Monday in March, by the stockholders; and the directors at their first meeting after each election, shall appoint one of their body President of said bank; and, provided, that if at any time it should so happen that an election of directors should not be made, upon any day, when, in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful at any other time to make such election, within thirty days thereafter, in such manner as shall have been regulated by the laws or ordinances of said corporation; and in case of the death, resignation, or removal from the State of any director, his place shall be filled by the remaining directors, or a majority of them, until the next general election.

President and directors may appoint clerks.

SEC. 5. *Be it enacted,* That the directors for the time being, shall have power to appoint such officers, clerks and servants under them as shall be necessary for executing and transacting the business of said corporation, and to allow them such compensation for their services as shall be reasonable; and shall be capable of exercising all such other powers and authorities, for the well governing and ordering the affairs of said corporation, as shall be prescribed and provided by the by-laws, regulations and ordinances of the same.

Election of directors.

SEC. 6. *Be it enacted,* That if five thousand shares of the capital stock of said bank shall have been subscribed by the first of March, 1834, an election shall be held for directors, the commissioners appointed in Nashville giving thirty days notice in the Nashville newspapers, who shall proceed forthwith to organize said bank, and continue in office until the next stated election, and until a new board

shall be formed; said election to be held by said commissioners at Nashville.

SEC. 7. *Be it enacted*, That the board of common school commissioners, or the county courts having the charge of the common school funds in any of the counties in this State, who have not availed themselves of the authority granted to them to invest their funds in the stock of the Union Bank of the State of Tennessee, or trustees of any academy, be, and they are hereby, authorised to subscribe in the Planters Bank to the full amount of the funds which they may have on hand at the time of subscribing; and said school commissioners or county courts, or trustees of academies, as the case may be, shall, at the time of subscribing for stock as aforesaid, pay to the commissioners the full amount of the stock so by them subscribed; and if at the time of making subscription as aforesaid, all the funds belonging to the schools or academies, shall not be in the hands of said commissioners, or county courts, or trustees of academies, then it shall be lawful for them, and it shall be their duty, at any subsequent times, when they may collect the funds, to subscribe for stock in the Planters Bank to the full amount of the funds then in their possession; and said stock so subscribed shall be in addition to the capital stock of the Planters Bank, as provided in the first section of this act.

Common school boards may subscribe stock.

SEC. 8. *Be it enacted*, That the following shall constitute the fundamental articles of said corporation.

Articles of corporation.

ARTICLE I. All stockholders owning ten shares and under, shall be entitled to one vote, and the owners of more than ten shares shall be entitled to one vote for every ten shares, so that the whole amount of votes of any one stockholder, shall not exceed thirty; no vote shall be given by proxy, unless such proxy shall have been appointed one month before the election; provided, that no director shall receive or vote as proxy for any stockholder; and provided also, that no person shall be authorised or empowered to vote as proxy for any stockholder, unless such stockholder shall first have taken an oath before some magistrate that he is *bona fide* owner of the shares; and provided also, that no person or person, in whose name stock has been subscribed, or to whom it has been transferred, and who holds it in trust for a shareholder, shall be entitled to vote for directors, where the stock owned by his *cestui que trust* in his own name, will allow him thirty votes; but where the stock of the *cestui que trust*, standing in his own name, is not sufficient to allow him thirty votes, then, and in that case, his trustee shall be entitled to vote any number of votes authorised by his stock, provided, the number of votes when added to the *cestui que trust*, does not exceed thirty; and the com-

Manner of voting for directors.

missioners or judge of the election, are hereby authorised to examine on oath, any person offering to vote, as to whether he is the *bona fide* holder of the stock or not.

Qualifications
of electors.

ART. II. None but a stockholder, being a citizen of the State of Tennessee, shall be eligible as a director, and no director in any other bank in this or any other State, or partner in trade of such director, nor two or more persons trading in partnership at the same time, shall be eligible to serve as a director.

Compensation
of President.

ART. III. No director shall be entitled to any emolument, unless the same shall be allowed by the stockholders at a general meeting; but the directors for the time being, shall have power to make such compensation to the President of the bank for his attendance at the bank, and superintending its concerns, as shall to them seem reasonable.

Five directors
to constitute a
board.

ART. IV. Not less than five directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case a President *pro tem.* may be appointed by the directors present.

General meet-
ing of stockhol-
ders may be
called,

ART. V. A number of stockholders, not less than ten, holding at least 500 shares, shall have power at any time to call a general meeting of the stockholders, as shall also a majority of the directors, for purposes relative to the institution, giving at least six weeks notice in two newspapers of general circulation, specifying the object of such meeting.

Cashier to give
bond.

ART. VI. The cashier of the bank hereby established, shall execute his obligation, with good security, payable to the president and directors of said bank, and their successors in office, for the faithful performance of his duty as cashier, with such covenants, and in such penalty as such president and directors shall deem requisite; and said president and directors shall have full power to require like bond and security from any other of the officers, with like conditions and covenants.

Real estate
owned by the
bank.

ART. VII. The lands, tenements and hereditaments, which it may be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate accommodation for the transaction of its business, and such as have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales upon judgments or decrees rendered in favor of said bank.

Transfer and
assignment of
stock.

ART. VIII. The stock of said bank shall be assignable and transferable only on the books of said bank, according to such rules and restrictions as shall be prescribed by the president and directors; and it is hereby expressly provided,

that any stockholder who shall transfer all his, her or their stock in said corporation, shall immediately cease to be a member of said company, and that any person or persons who shall accept a transfer of any share or stock in the said bank, shall thereupon become a member or members of said corporation.

ART. IX. All bills, bonds, notes and every contract or engagement on behalf of the company, shall be signed by the President, and countersigned by the Cashier, and the funds of the company shall in no wise be held responsible for any contract or engagement, unless the same shall be executed as aforesaid.

Contracts to be signed by cashier.

ART. X. The bills obligatory and of credit, under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, as promissory notes are now transferable; and the assignee or assignees thereof, shall be able to bring or maintain an action thereon, in his, her or their names; and bills or notes issued by order of said corporation, signed by the President, and countersigned by the Cashier thereof, promising the payment of money to any person or persons, his or their order, or the bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same, in like manner, and with like effect as promissory notes now are, and those payable to bearer shall be negotiable and transferable by delivery thereof only; and all bills or notes, whether under seal or otherwise, at any time discounted by said corporation, shall be, and they are hereby, placed upon the same footing as foreign bills of exchange, so that the like remedy shall be had for the recovery thereof against the drawer or drawers, maker or makers, endorser or endorsers thereof, and with like effect, except so far as relates to damages.

Bills assignable by endorsement

ART. XI. The said corporation shall not directly or indirectly demand, take or receive by way of discount, or for interest, a greater sum or sums, than the following rates, that is to say, for all paper discounted at said bank, not having more than ninety-three days, (including days of grace,) to run until due and payable, shall be discounted at six per cent. per annum; over ninety days, and under six months and three days, (including days of grace) until due and payable, not more than at the rate of seven per cent. per annum; and for all paper discounted having more than six months and three days, (including days of grace,) to run before due and payable, not more than at the rate of eight per cent. per annum; and said corporation shall not under any pretence discount any paper which does not fall due within twelve months and three days, including days of grace, from the time when such paper may be offered for discount;—provided, this article shall not be so construed,

Rate of discount.

as to prevent said bank from demanding and receiving a reasonable premium for exchange, in addition to the interest on bills or notes payable at a point beyond the limits of this State.

Accommodation of stockholders.

ART. XII. No stockholder in said bank shall be entitled to any other or greater accommodation in said bank, by pledge of his stock, than any other individual not a stockholder.

Dividends to be declared half yearly.

ART. XIII. Half yearly dividends shall be made of so much of the profits as shall appear to the directors advisable; and once in every year, at the meeting to be annually held for the election of directors, there shall be exhibited an exact and particular statement of the general accounts of said corporation; and if any stockholder shall be in default, or shall have failed to pay any sum or sums, by him, her or them subscribed, the party failing shall forfeit all payments previously made to the bank, together with any dividend which may have accrued, should the board of directors so direct.

Of suspension of payment.

ART. XIV. The said corporation shall not at any time suspend, or refuse payment of any of the notes, bills or obligations thereof, nor of any money received on deposit in said bank, when demanded by the holder, or depositor, at the place where the same is made payable, in gold or silver; and in case of such refusal, the holder of such note, bill or obligation, or the person or persons entitled to receive such money deposited as aforesaid, shall be respectively entitled to interest from the time of such demand and refusal, at the rate of ten per cent. per annum, until paid.

Bonus.

SEC. 9. *Be it enacted,* That in consideration of the privileges granted by this charter, the bank agrees to pay to the State annually, one half of one per cent. on the amount of the capital stock paid in by the stockholders.

Size of bills.

SEC. 10. *Be it enacted,* That the bills which it shall be lawful for such corporation to issue, shall not be for a less sum than five dollars.

Minutes to be kept.

SEC. 11. *Be it enacted,* That the directors shall keep fair and regular minutes of their proceedings, and on any question where one director shall require it, the yeas and nays of the directors voting shall be duly entered.

Issuance of bills.

SEC. 12. *Be it enacted,* That said bank may issue bills or notes payable on demand at the bank in Nashville; and also at such banks of respectable standing, in any other State in the Union, as the board of directors may deem expedient and proper.

Annual statement.

SEC. 13. *Be it enacted,* That it shall be the duty of said corporation to keep a book, in which a statement at the end of every year shall be entered of the amount of capital stock, the amount of real estate, the amount of funds upon hand, and the amount of debts due said bank, and also the

amount of notes, bills or obligations, due from said bank, and the amount of money upon deposit, which book shall be opened for the inspection of any stockholder who wishes to examine the same.

SEC. 14. *Be it enacted*, That it shall be lawful for any one or more of the directors of said bank to examine and inspect the books and accounts of said bank at any time, whether the board of directors be in session or not.

Examination of books.

SEC. 15. *Be it enacted*, That the bills and notes issued by this bank, payable either at the bank in Nashville or at any other bank in the United States, shall in no case exceed one hundred per cent. above the amount of the capital stock paid in.

Amount of paper issued.

SEC. 16. *Be it enacted*, That if the cashier or any other of the officers, agents or servants of said corporation, shall embezzle, and without authority from the President and Directors of said bank, appropriate any of the funds of said corporation to his own use, with intent to cheat and defraud the president, directors and company of said bank, or shall fail to make correct entries, or shall make false entries upon the books of said bank, with intent to defraud said bank, or any other person whatsoever, said officer, agent or servant, of said bank, shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State, for a period of not less than five nor more than twenty years.

Embezzlement of funds by cashier, &c.

SEC. 17. *Be it enacted*, That whenever the legislature may be of opinion that the charter of the corporation hereby granted, shall have been violated, and that the same has been forfeited, it may be lawful, by joint resolution, to direct a *scire facias* to issue from the supreme court of errors and appeals, in the name of the State of Tennessee, calling upon said corporation to shew cause why the charter hereby granted shall not be declared forfeited; and the service of said *scire facias* upon the president or any two of the directors, shall be deemed a sufficient service upon said corporation, and it shall be lawful for said court, and they shall have full power, upon the return of the *scire facias* being made known, to examine into the truth of such alleged violation, and if such violation be made to appear, then to pronounce and adjudge that the said charter is forfeited and annulled: *Provided, however*, that the said *scire facias* shall specify with precision the nature of the complaint, and grounds upon which the forfeiture is claimed; and every issue of fact, which may be found between the State and said corporation, shall be tried by a jury to be empanelled by said court for that purpose.

Of proceedings for violation of charter.

SEC. 18. *Be it enacted*, That if at any time it shall be made appear by *scire facias*, or any other judicial proce-

Responsibility of directors.

dings, in any of the courts in this State, that the said corporation shall have violated this charter, by exceeding the amount of issues herein authorised to be made, or by extending, or giving to stockholders discounts, or other banking accommodations, by virtue of their stock, beyond what is given to others not being stockholders, then, and in either of the above cases, the directors voting for, or who have sanctioned such violations of their charter, shall be responsible in their private property for any loss or damage which may be sustained by any person in consequence of such violation; and in case the property real and personal of such directors, may not be sufficient to compensate for the injuries which may have thus been sustained by note-holders or others, then, and in that case the stockholders shall be liable in their property, both real and personal, to an amount equal to the stock by them respectively held, to make up such deficiency: *Provided, however,* that said individual liability shall not be enforced, against either director or stockholder, so long as said bank shall continue to redeem its notes or pay its debts at its usual place of doing business, nor until judgment shall have been regularly obtained against said bank, and execution shall have been duly returned unsatisfied, and that no property of said corporation can be found to satisfy the same.

Obligation of
cashier and
other officers.

SEC. 19. *Be it enacted,* That the obligation required in the eighth section of this act, to be taken from the Cashier and other officers of said bank, shall be placed in the hands of the President of the bank, and shall be good and sufficient in law or equity to enable said bank to recover of and from said cashier, or other officer, and their securities, all sums of money which may come to their hands in the discharge of their official duties, and for any default, neglect, fraud or failure on part of said officers, suits may be brought on said bond or bonds, obligation or obligations, from time to time, and recoveries thereon had for all sums due on account of any default, neglect, fraud or delinquency on part of said cashier or other officer, without regard to the amount of any penalty that may be mentioned in said bonds or obligations.

Appropriation
of bonus.

SEC. 20. *Be it enacted,* That the bonus agreed to be paid by the Planters Bank to the State, shall be received annually as it falls due, by the Treasurer of Middle Tennessee, and the same is hereby appropriated to the common schools; and it shall be the duty of said Treasurer annually to divide the same among the counties in this State according to free white population: *Provided,* that if at the expiration of three years from the time the bank goes into operation, the whole stock shall not have been paid in, that the bonus shall be calculated upon two millions of dollars.

Sec. 21. *Be it enacted,* That so soon as two hundred thousand dollars of stock shall be subscribed and paid in, and said corporation shall be organized, it shall be the duty of the president and directors to establish a branch of said bank at Pulaski, in Giles county, for the purposes of discount and deposite, and upon the same terms, and in the same manner as shall be practised at the principal bank, and to commit the management of said branch and the making of said discounts, to persons to be chosen as herein after directed.

Branch at Pulaski.

Sec. 22. *Be it enacted,* That at the time the board of directors of the Planters Bank shall determine to establish said branch as above required, it shall be their duty forthwith to appoint twelve directors to manage the affairs of that branch, citizens of this State, eight of whom shall reside in Giles county, five of whom shall constitute a quorum to do business, and said directors shall choose from among themselves the President; and the said board of directors shall be subject to all such rules and regulations as may be adopted by the mother bank for the government of said branch, not inconsistent with the provisions of this charter, or contrary to law; and said board of directors of the mother bank shall appoint a cashier for said branch, and said cashier shall give such bond and security as shall be required by the directors of said Planters Bank; and said board of directors of said branch shall have full power, and it is hereby made their duty, to fill all vacancies which may occur in their own body, by death, removal or resignation.

President, Directors and Cashier of bank.

Sec. 23. *Be it enacted,* That the said Planters Bank may issue bills or notes, payable on demand at said branch, as the board of directors may deem expedient and proper.

Notes payable at.

Sec. 24. *Be it enacted,* That it shall be lawful for any one or more of said principal bank, or said branch directors, to examine and inspect the books and accounts of said bank and of said branch, of which he or they may be directors, whether the board of directors to which he or they may respectively belong, be in session or not, and it shall be lawful for the president, or one or more of the directors of the principal bank, to examine and inspect the books and accounts of said branch at any time.

Books and accounts to be inspected.

Sec. 25. *Be it enacted,* That if it should be found at any period after the expiration of two years from the establishment of said branch, that said branch shall have yielded no profit to the stockholders of said Planters Bank, the directors of the mother bank, with the concurrence of a majority of the directors of said branch, may wind up the concerns of said branch and take in the fund.

May be wound up.

Sec. 26. *Be it enacted,* That a branch of said Planters Bank shall be established at Athens, in McMinn county,

Branch at Athens.

at the same time, and under the same rules, regulations and restrictions for its government as are herein prescribed for the government of the branch at Pulaski; and that said president and directors be, and they are hereby, authorised and empowered under this charter, to locate a branch at Paris, in the county of Henry, if they think proper to do so: *Provided*, that nothing herein contained shall prevent any future legislature from establishing a branch of said bank in the Mountain District.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 15, 1833.

CHAPTER XXXV.

An Act for the benefit of Mechanica.

Lien given on
boats.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever a debt shall be contracted by the master, owner, agent or consignee of any steam or keel boat, within this State, by and on account of any work done, or materials [or] articles furnished for, or towards the building, repairing, fitting, furnishing, or equipping such steam or keel boat, or for wages due to the hands of said steam or keel boat, such debt shall be a lien upon such steam or keel boat, her tackle and furniture: *Provided*, that suit be commenced within three months from the time said work is finished, or said materials or articles are furnished, or said wages fall due.

Process of col-
lecting.

SEC. 2. *Be it enacted,* That any person to whom such debt so contracted as aforesaid, is due, [may] make application to any justice of the peace or judge of the circuit or chancery court, in the county in which said steam or keel boat shall then be, for a warrant to enforce said debt, and to collect the amount thereof, which application shall be in writing, and shall specify, 1st. by whom said debt was contracted, and for what steam or keel boat it was contracted; 2d. the items composing such debt; and 3d. it shall be verified upon oath by the creditor or the person applying in his behalf, stating, that the sum claimed in such account is justly due; and the justice or judge shall thereupon issue a warrant to the sheriff of the county, commanding him to attach, seize and safely keep such steam boat, her tackle and furniture, until security is given as herein provided for, or the debt paid, which warrant shall be returned to the county or circuit court of said county for trial before a jury: *Provided*, that where the

amount of debt does not exceed fifty dollars, it shall be returned and tried before any magistrate of said county, subject to an appeal from his judgment as in other cases.

SEC. 3. *Be it enacted*, That it shall be the duty of said sheriff to retain possession of said steam or keel boat, after he has seized the same, until the termination of the suit, unless bond and security thereon is given, payable to the plaintiff, in a penalty of double the amount of the debt claimed, conditioned to abide by, and perform the judgment of the court, if it is rendered in favor of the plaintiff or plaintiffs, which bond shall be returned with the warrant.

Duty of sheriff

SEC. 4. *Be it enacted*, That said suit shall always be in the name of the creditor or creditors, against the owners, or some one of them, of said steam or keel boat; and when the proceedings are returned to the county or circuit court, if they do not appear at the return term and plead, or when the warrant is returned and triable before a magistrate, if they do not appear, judgment by default shall be entered, as in ordinary cases.

Suit in the name of creditors.

SEC. 5. *Be it enacted*, That any two or more creditors may join in the warrant as plaintiffs; and where any creditor has not joined, he may at any time join before the trial of the case, in which case he shall be liable in all things, and to the same extent he would have been if he had originally joined.

Creditors may join in suit.

SEC. 6. *Be it enacted*, That in case where a judgment is entered for the plaintiff, the court, upon motion, shall enter up judgment against the securities in the defendant's bond, for the amount of the judgment and costs: but if no bond was given as contemplated by the third section of this act, the court shall then order said boat, or such a part of her furniture and tackle as may be amply sufficient, to be sold for the satisfaction of said judgment; and the sheriff shall accordingly sell the same, first advertising the same at least ten days before the sale, which advertisement shall state the time and place of sale.

Judgment to be given by court.

SEC. 7. *Be it enacted*, That after a warrant and seizure of said boat, at the suit of a creditor or creditors, no other creditor or creditors shall have or obtain a warrant to attach or seize said boat; but they may have themselves made parties to the first proceedings, as contemplated by the fifth section of this act.

Seizure of boat.

SEC. 8. *Be it enacted*, That where there are prior liens on said boats by judgments obtained by the general creditors of the owners, it shall be the duty of the sheriff to attach such boat subject to such prior liens, and when the boat is sold to satisfy such prior liens, the surplus, if any, over and above the amount due upon such prior lien, shall be paid into court, and the court shall order the same, or

Prior liens.

whatever part is necessary, to be paid to the attaching creditors, provided they obtain judgments upon their demands.

Distribution of proceeds.

SEC. 9. *Be it enacted*, That if the proceeds of the boat, tackle and furniture, are not sufficient to pay off all the creditors who may have joined in the suit, they shall be divided out among the creditors proportionably to each one, according to his demand.

Bond and security to be given.

SEC. 10. *Be it enacted*, That before the issuing of the warrant and process against said boat, it shall be the duty of the judge or justice to take bond and security from the plaintiff or plaintiffs, to prosecute said suit with effect, or pay all costs and damages to the defendant; and in no case shall said warrant issue, unless demand is first made of some one of the defendants, when they are in the county, or the captain or agent of said defendant, in which bond all who are subsequently made parties shall first be compelled to join.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD.

Speaker of the Senate.

Passed November 30, 1833.

CHAPTER XXXVI.

An Act to regulate and simplify the distribution and division of the estates of persons dying insolvent.

Notice to be given.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any estate of any person deceased shall be insolvent, or which may be suggested to the proper authority to be insolvent, by any creditor, which suggestion shall be made in writing and signed by the party, it shall be the duty of such authority to make an order on the person to whom administration may be granted, or who may be authorized to execute the last will and testament of such decedent, to give notice by advertisement in some newspaper published within this State, and also at the courthouse door in the county, for all persons having claims against said estate to appear and file their claims, on or against a day to be fixed by such notice, which claims, when filed, shall be authenticated in the manner prescribed by law.

Schedule to be filed.

SEC. 2. *Be it enacted*, That on the claims being filed against the estate of any decedent, as provided for by the first section of this act, it shall be the duty of the authority with whom the same are filed, to make an order on the administrator or executor of said estate, that on or before

a day to be appointed in such order, he, she, or they shall file with said authority a true and perfect schedule of the amount of said estate, consisting of the available funds, choses in action, and other effects, including the real estate, and on such schedule being filed, it shall be the duty of the authority aforesaid, to appoint three disinterested persons to make distribution among the creditors of the estate *pro rata*, which distribution, when made, shall be signed by the commissioners, and filed, and be conclusive evidence as to the amount due each creditor in satisfaction of his claim.

SEC. 3. *Be it enacted*, That when the schedule filed shall contain any real estate, that said real estate may be sold, on the petition of the executor or administrator, exhibiting a succinct statement of the facts, to be filed in the county court of the county in which the administration or letters testamentary are granted, and after the payment of costs, the proceeds thereof shall be applied in the same proportion to the satisfaction of claims, as has been the money and personalty of the decedent under the provisions of the second section of this act.

Real estate to be sold.

SEC. 4. *Be it enacted*, That it shall be the duty of commissioners as provided for in this act, first, to deduct from the whole estate, any fees due in the administration thereof, claims for funeral expenses, debts or arrearages due to this State, and such articles as are now by law exempt from execution, if such belong to the estate, and make a distribution *pro rata*, of the balance of the estate.

Deductions for fees, &c.

SEC. 5. *Be it enacted*, That all proceedings provided to be had under the provisions of this act, shall be had before the clerks of the county courts, or their legally appointed deputies, who shall be deemed and are hereby appointed the authorities before whom the proceedings shall be had.

Proceedings to be had before clerks.

SEC. 6. *Be it enacted*, That the authority herein appointed, shall have full power to administer to the commissioners, an oath, honestly and impartially to execute the duty assigned to them; and that no action brought, judgments, bills single, or note of hand, shall have precedence over unliquidated accounts, which shall be presented and filed, authenticated as required by this act, but that all such claims be acted upon as being of equal grade.

Oath to be administered.

SEC. 7. *Be it enacted*, That every petition filed under the provisions of this act may be heard, and an order made thereon at the first term, unless good cause for a continuance appear to the court, and that on making sale thereof, in pursuance of the order, such notice shall be given as is now required by law of sales under execution, and such notice shall be given, calling on persons to file their claims as may be proper in the case, not less than three, nor more than six months.

Petition to be heard at first term.

Fraudulent suggestions.

SEC. 8. *Be it enacted*, That if it should so happen, that the suggestion of the insolvency of any estate should be made falsely and fraudulently by any person, and on a distribution of the estate amongst the creditors, a balance of the estate shall remain to be distributed among the heirs or distributees, such distribution shall be made by the administrator or executor, as is now pointed out by law; and the person filing the suggestion, shall be subjected to all costs arising to the estate thereby, to be recovered on motion of the administrator or executor in the county court, and as evidence of the facts, the certificate of the clerk may be produced and read.

Compensation of commissioners.

SEC. 9. *Be it enacted*, That on a settlement of an estate, the receipts of claimants as provided for in this act, shall be received and allowed as vouchers for the administrator or executor, that the commissioners shall be allowed compensation not exceeding one dollar per day, and the clerk for services in receiving and recording the proceedings and making orders, such fees as are usual in similar cases.

Of contesting claims.

SEC. 10. *Be it enacted*, That the administrator or executor may contest the validity of any claim presented, and urge any defence against the same available in law or equity, and should judgment be had by the claimant, it shall be paid in the same proportion as other claims, and any claims not filed on or before the time fixed, or before an appropriation of the funds of the estate is made, such claim shall be forever barred, both in law and equity.

Insolvent estates.

SEC. 11. *Be it enacted*, That when any executor or administrator shall ascertain that the estate committed to his charge, is insolvent, he or she shall be bound in duty to make suggestion thereof, and have the same procedure thereon, as provided for in this act.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed October 18, 1833.

CHAPTER XXXVII.

An Act authorising a precinct election at Chapel Hill in Bedford county.

Election precinct established.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty of the sheriff of Bedford county to open and hold an election at Chapel Hill, and at the house of Jesse Stegall in said county, for the purpose of electing a Governor, a member of Congress, members of the General Assembly, delegates to the State Convention, and electors to vote for President

and Vice President of the United States, and all other elections which are held at the precincts now established by law in said county.

SEC. 2. *Be it enacted*, That the law authorising a precinct election to be holden at James Patterson's on Caney Spring Creek, in Bedford county, be, and the same is hereby, repealed; and also at Rural Hill, in Wilson county. Repealing
clause.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 7, 1833.

CHAPTER XXXVIII.

An Act to alter the time of holding the circuit court in the county of Madison.

Be it enacted by the General Assembly of the State of Tennessee, That the circuit court for the county of Madison, shall hereafter be held on the third Monday in the months of January and July, in each and every year, and all process and precepts issued, and made returnable to the term as now held, shall be returnable to the third Monday of January next; and all jurors and other persons shall be bound to attend at that time, in the like manner.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 16, 1833.

CHAPTER XXXIX.

An Act to amend an act entitled an act to incorporate the Franklin turnpike company, and for other purposes, passed December 31, 1829.

SECTION I. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for the President and Directors of said Franklin Turnpike Company, a majority of the stockholders consenting thereto, to contract for the loan of money in behalf of said company, not exceeding the sum of twenty thousand dollars, to pay and liquidate the debts of said company, incurred in the completion of said road, and that the bonds and notes of said company, signed by the President and Directors, in pursuance with the provisions of this act, shall be binding and obligatory upon said company. Authority
granted.

Dividends to
be declared.

SEC. 2. *Be it enacted,* That it shall be lawful for the President and Directors of said company to declare such dividends of the nett profits of the stock of said company as they may from time to time deem expedient, and that all acts or parts of acts contrary to the meaning of this act, be, and the same are hereby, repealed.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 16, 1833.

CHAPTER XL.

An Act allowing the counties of Wayne and Perry to file bills in chancery, at the chancery court at Charlotte.

Be it enacted by the General Assembly of the State of Tennessee, That the citizens of the counties of Wayne and Perry, from and after the passage of this act, shall have the liberty of filing their bills in chancery at the chancery court at Charlotte, in the county of Dickson: *Provided,* nothing in this act contained, shall be so construed as to prevent the citizens aforesaid from filing their bills in chancery at the chancery courts at Jackson or Pulaski, as heretofore, in their discretion.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 7, 1833.

CHAPTER XLI.

An Act to establish a precinct election at William Hill's, in Jefferson county, and at other places.

Be it enacted by the General Assembly of the State of Tennessee, That a precinct election be, and is hereby, established at the house of William Hill, Esq. on Muddy Creek, in the county of Jefferson, and at the house of William Bratton, in Smith county, for the election of Governor, members to Congress, members of the General Assembly, electors of President and Vice President of the United States, and members to the Convention, under the same rules and regulations as other elections in this State; and in the county of Williamson there shall be fixed and established precincts or places of holding elections for Governor,

members to Congress, members to the General Assembly, and to the Convention, at the house of Robert Sayres; at the house of ——— Holland, in Hillsborough, and at the store house of Brockenburgh Andrews, in Snatchet; and the sheriff of said county shall, and is hereby, directed to hold elections at each of said places or precincts, under the same rule and regulations, and in the same manner as elections are held at other precincts or places by law in said county.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 16, 1833.

CHAPTER XLII.

An Act to authorise persons to have land set apart for the erection of school houses and meeting houses in the counties therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the chairman of any free school trustees, or the clerk of any church in the counties of Lawrence, Wayne, Hardin, and McNairy, shall be entitled to have surveyed and laid down on the general plan of the district where the land lies, any quantity of vacant land not exceeding four acres, for the erection of a school house and meeting house; and said survey when laid down as aforesaid, shall be considered as belonging to said trustees and their successors in office, or to said church, or both, as the case may be, and shall be entitled to all the privileges of other occupants in said county: *Provided,* said four acres does not interfere with any resident occupant.

Authority granted.

SEC. 2. *Be it enacted,* That either of the surveyors of the seventh, eighth or ninth districts on the production of a plat and certificate made out by some deputy surveyor, with the oath of the chairman or clerk aforesaid, shall be sufficient authority to said surveyor to lay down the same on the plan of the district where the land lies.

To be laid down on the general plan.

SEC. 3. *Be it enacted,* That said survey may be made out in any way that said chairman or clerk may require, without running to the true point, as the law now directs.

Making out survey.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 16, 1833.

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CHAPTER XLIII.

An Act better to provide for the collection of the State and county revenue

Duty of the attorneys general.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the different attorneys general in this State, on the second day of each and every term of the county, circuit and supreme court, held within his district, to call upon the clerk of said court for his execution docket, and if it shall appear that an execution or executions have been placed in the hands of any of the sheriffs of this State, upon which any amount of money may be endorsed for fines, State tax, &c. which amount, when collected, would properly belong to the State or county revenue, or school fund, and such other costs as are due on said execution, and said execution has not been returned, it shall be the duty of said attorney general to move for judgment against such sheriff and his securities in favor of the State, county, or any other, for such sums as may appear from the execution docket to be due the State, or county or common schools, and other sums due on such executions as have been placed in the hands of said sheriff, and which he has failed to return; and upon its being made satisfactorily to appear to the court before whom the motion is made, that the execution was placed in the hands of the sheriff against whom the motion is made, and that he has failed to return the same, it shall be the duty of the court to render judgment against said sheriff and his securities for the amount due the State or county, together with the costs of the motion, and for all sums due common schools and persons for costs or debt.

Motions against sheriffs.

SEC. 2. *Be it enacted,* That in all cases where a motion shall be made against a delinquent sheriff as above, at the first term after said execution has been placed in the hands of the sheriff, then no notice shall be required to be given the sheriff or his securities; but if said motion is made at any subsequent term, then it shall be entered upon the minutes, and docketed as a suit, and proceeded upon at the next succeeding term on the second day thereof, as if notice had been given.

On refusal of clerk to exhibit docket.

SEC. 3. *Be it enacted,* That if any clerk shall fail or refuse to exhibit his execution docket when called on as above, he shall forfeit and pay for each failure or refusal, fifty dollars to be appropriated to the State revenue, and recovered by motion of the attorney general in a summary way.

Tax fees of attorney general.

SEC. 4. *Be it enacted,* That for each judgment, the attorney general shall recover for the State or county, agreeably to the provisions of this act, he shall receive a tax fee of five dollars, to be taxed against the defendants, but in no

case shall he be entitled to any tax fee, unless he recovers a judgment.

F. W. HULING,
Speaker of the House of Representatives.
 D. BURFORD,
Speaker of the Senate.

Passed November 16, 1833.

CHAPTER XLIV.

An Act to repeal the acts of 1779, chapter 3, section 9, and the act of 1784, chapter 33.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the act of 1784, chapter 33, as inflicts the penalty of 39 lashes on any free white person, be, and the same is hereby, repealed. Repealing clause.

SEC. 2. *Be it enacted,* That if any person or persons shall be guilty of fire hunting in the night time, and thereby kill, or otherwise injure any stock of any kind, the person or persons so offending, shall be guilty of malicious mischief, and tried and punished under the same rules, regulations and restrictions, as other persons guilty of malicious mischief in this State. Fire hunting

F. W. HULING,
Speaker of the House of Representatives.
 D. BURFORD,
Speaker of the Senate.

Passed November 22, 1833.

CHAPTER XLV.

An Act to permit the citizens of Jefferson county to file their bills in chancery at Knoxville or Greenville.

Be it enacted by the General Assembly of the State of Tennessee, That the citizens of Jefferson county, shall, after the first day of January next, have the liberty of filing their bills in chancery either in the chancery court at Knoxville or in the chancery court at Greenville, as they may think proper.

F. W. HULING,
Speaker of the House of Representatives.
 D. BURFORD,
Speaker of the Senate.

Passed November 25, 1833.

CHAPTER XLVI.

An Act to define and establish the southern boundary line of the State of Tennessee and Mississippi, and for other purposes.

Thompson's
line established

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line as run and marked between this State and Mississippi, by John Thompson, commissioner for the State of Tennessee, be, and the same is hereby, declared to be the true southern boundary of the State of Tennessee, being the 35th degree of north latitude, and that the jurisdiction of the State be extended to the said line, in the same manner and under the same rules and regulations, and in as full and ample a manner as the same was extended to the line run by Winchester.

Duty of surveyors.

SEC. 2. *Be it enacted,* That it is hereby made the duty of the principal surveyors in whose districts the counties hereafter named lie, (viz:) Hardin, McNairy, Hardeman, Fayette, and Shelby, to extend the dividing lines of the same from what is called Winchester's line, to the line run by John Thompson, on the 35th degree of north latitude, and cause the same to be laid down on the general plan; and it is hereby made the duty of the treasurer of the western district to pay such surveyors for the same, and to take their receipts, which shall be good in settling his accounts: *Provided,* said surveyors shall not receive more than two dollars per mile, for the lines to be run under the provisions of this act: *Provided, also,* nothing in this act contained, shall be construed to authorise the location of any land warrant, or grant any right of occupancy between Winchester's and Thompson's line.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Passed November 29, 1833.

Speaker of the Senate.

CHAPTER XLVII.

An Act to regulate the practice of courts of chancery

Receivers may
be appointed in
vacation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the judges of the circuit courts, and the chancellors in this State, shall have power and authority to appoint receivers in vacation, and that the clerks when so directed by the order of the judges or chancellors, shall take bond and security from the receiver or the complainants, conditioned for the faithful discharge of the duties of the receiver.

SEC. 2. *Be it enacted.* That in all cases hereafter, where land or interests in lands are directed to be sold by order of

the court of chancery, founded upon a foreclosure of a mortgage, deeds of trust or any other case where the specific land to be sold is mentioned in the decree, that upon the application of the complainant, the court shall be empowered to order the property to be sold on a credit of not more than two years nor less than six months, and when the sale is made by the master or commissioner and confirmed by the court, that no right of redemption or repurchase, shall exist in the debtor or other creditor, but the title of the purchaser shall be absolute, and the court may order the surplus of the purchase money, or the bonds or notes taken therefor, over and above what is necessary to pay the debt due to the complainants, to be paid to the debtor or other creditors, who may be legally or equitably entitled thereto.

SEC. 3. *Be it enacted*, That where any defendant to any bill filed in chancery in any of the courts of this State, shall be a non resident of this State, the complainant may at any time after the filing of his bill, have publication against such defendant, according to the rules of law and of practice in said courts in such cases, without issuing subpoena as now required by law. Publication.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 30, 1833.

CHAPTER XLVIII.

An Act to appoint additional commissioners for the turnpike across Hatchie river, near the town of Bolivar, in Hardeman county, and at other places.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thornton Jones, Ichabod Hensley, Justice F. Robb, Lunman Short, Jesse Kirby, John Ruffin, of Hardeman county, Thomas Joiner, Vincent Willoughby, William Ramsay, and John H. Bills, be, and they are hereby, appointed additional commissioners of said road, with the same powers and privileges secured to the other commissioners of said road, any one or more of whom shall have the power of performing the duties required of the former commissioners. Commissioners appointed.

SEC. 2. *Be it enacted*, That Joseph McPherson of the county of Roane, John Jett and Nathan Haggard, of White county, be appointed commissioners on Burke's turnpike road, and have the same powers, privileges and pay, and perform the same duties that the former commissioners had and performed. Burke's turnpike.

Commissioners
to take oath.

SEC. 3. *Be it enacted,* That the said commissioners appointed by this act, shall take an oath before some justice of the peace, well and truly to perform the duties therein required.

Commissioners
appointed.

SEC. 4. *Be it enacted,* That John Rodgers, Esq. of Warren county, and Elliot Boyd of Bledsoe county, be, and they are hereby, appointed commissioners of the turnpike road from the foot of the mountain near Benjamin Hill's, in Warren county, to the foot of the mountain in Bledsoe county, and that they have the same powers, privileges and emoluments conferred on the former commissioners of said road.

Hale's turnpike
road.

SEC. 5. *Be it enacted,* That Abijah Crane and Peter Hoodenpile, be appointed commissioners on Hale's turnpike road, leading from the foot of Cumberland mountain near Crane's, in White county, to Pikeville, in Bledsoe county; and if at any time it shall appear to them that said road is out of repair, they shall open the gate and no toll shall be charged until they shall find the same in repair: and the said Abijah Crane and Peter Hoodenpile, shall receive one dollar and fifty cents per day, for the time actually employed on said road as commissioners; and all laws appointing any other commissioners, are hereby repealed.

SEC. 6. *Be it enacted,* That Sims Dearing and Patrick Potts of White county, be appointed commissioners of Officer's turnpike road leading through White, Overton, and Bledsoe counties; and that Arthur R. Frogg and William Travis, be appointed commissioners on the turnpike road leading through Fentress and Morgan counties, and shall have the same powers, perform the same duties, have the same pay on the several roads of which they are commissioners, as directed and given to Abijah Crane and Peter Hoodenpile, by this act on Hale's turnpike road: *Provided,* said commissioners shall not ride more than once in every four months, and not more than one commissioner at a time,

Reynoldsburgh
and Paris turn-
pike.

SEC. 7. *Be it enacted,* That George Greer and others, are hereby authorised to open and complete a turnpike road by them commenced, on the road leading from Reynoldsburgh to Paris, by said Greer's ferry on Sandy river, and to build a bridge across big Sandy river, at or near said Greer's ferry, beginning at the highlands on the east side of the Sandy bottom, and extending through said bottom to the Henry county line, at which line said road shall cease and determine; which road and bridge, when the situation of the ground will permit, shall be made fifteen feet wide, clear of stumps and other obstructions; and if there shall be any swamps or creeks that shall require it, they shall be causewayed or bridged with good, substantial bridges.

Sec. 8. *Be it enacted,* That said road and bridge shall always be kept in repair; and in case of failure, the said proprietors thereof shall be liable to be proceeded against in the county court of Humphreys, and shall be fined at the discretion of the court. To be kept in repair.

Sec. 9. *Be it enacted,* That the proprietors shall give bond and security to the chairman of the county court of Humphreys, in such sum as said county court may direct. Proprietors to give bond.

Sec. 10. *Be it enacted,* That said proprietors shall be authorised to erect a toll gate on said road at any point they may think proper, after said road and bridge are examined by commissioners hereinafter appointed, and reported by them to be complete and in good order for carriages, horses and footmen; and shall be allowed the following rate of toll, viz: for each four wheeled carriage drawn by four horses, mules or oxen, or upward, seventy five cents; for each four wheeled carriage drawn by less than four horses, mules or oxen, fifty cents; for each two wheel carriage drawn by horses, mules or oxen, thirty seven and a half cents; if drawn by one, twenty five cents; for each four wheeled carriage of pleasure, seventy five cents; if two wheeled carriage of pleasure and passengers, thirty seven and a half cents; for each mail stage or coach, driver and passengers, one dollar; each man and horse, twelve and a half cents, for each horse, mule or ox, led or not, in a drove, six and a fourth cents, and if in a drove, two cents; for each footman, six and a fourth cents; for each head of cattle, hogs or sheep in a drove, one cent. To erect toll gates—rate of toll.

Sec. 11. *Be it enacted,* That Dr. James D. Porter and Reuben Borner, and John H. Warren of Henry county, Abel Rushing and Dorsey P. Hudson of Humphreys county, shall be, and they are hereby, appointed commissioners of said road, and when the proprietors shall complete said road and bridge, and shall notify the commissioners, it shall be the duty of said commissioners or any three of them, to examine the same, and if found in good repair, they are authorised and required to grant written license to the proprietors to erect a gate as aforesaid, who shall receive the amount of toll herein before mentioned, and not until such license is obtained. Commissioners of said road.

Sec. 12. *Be it enacted,* That said proprietors shall have the right of occupancy to two hundred and fifty acres of land lying adjoining on each side of said road, if the same be unfit for cultivation. Right of occupancy granted.

Sec. 13. *Be it enacted,* That any persons living in the counties of Henry and Humphreys, and working on the road that leads to said turnpike, for ten miles each way, shall be exempt from paying toll in crossing said turnpike or bridge, either by themselves or families. Exemption from toll.

Other road
prohibited.

SEC. 14. *Be it enacted*, That no road shall be opened and kept up, nor bridge erected across Sandy river, for one mile on a direct line above or below said turnpike road.

Limitation of
charter.

SEC. 15. *Be it enacted*, That the privileges herein granted to said company, shall continue and be secured to them and their heirs and assigns, for the term of twenty five years.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 4, 1833.

CHAPTER XLIX.

An Act to amend an act passed December 17, 1831, entitled "an act to incorporate the Memphis rail road company, and to change the name of said rail road company, to that of the Atlantic and Mississippi rail road company, and for other purposes.

Title changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the title of an act passed December 17, 1831, be changed from that of the Memphis rail road company, to that of "the Atlantic and Mississippi rail road company."

Books to be
opened.

SEC. 2. *Be it enacted*, That books may be, and are hereby, authorised to be opened in the town of Memphis, under the direction and control of Isaac Rawlings, Nathaniel Ragland, Robert Lawrence, Anderson B. Carr, Robertson Topp, Marcus B. Winchester, James Rose, Edmund P. Gaines, Zachariah Edmund, and David Dunn, or a majority of them, and the said commissioners of Memphis or a majority of them, are authorised to appoint one or more suitable agents, should they deem it necessary, in any other State or States, in the United States. And books are also authorised to be opened at Bolivar, Harde- man county, under the direction and control of Levy Joy, Austin Miller, Thomas J. Hardeman, John Lea, Roger Barton, Wm. B. Turley, Silvester Bailey, David Fentress, E. R. Belcher, Josiah Hatley, Joseph J. Williams, David Wood, or a majority of them; also, in the town of Sum- merville, under the direction and control of Joseph Coe, Benjamin B. Newsum, William Davis, Wm. S. Gray, John C. Cooper, Robert A. Parker, Lewis C. Williams, James Ruffin, and Samuel B. Harper, or a majority of them; also, at Jackson, Madison county, under the direction and control of Wm. Armor, Robert Butler, A. L. Martin, James Elrod, and James Caruthers, or a majority of them, as commissioners for the purpose of receiving subscription to

the amount of six hundred thousand, in shares of one hundred dollars each, to constitute a joint capital stock, for the purpose of opening, constructing and keeping in repair, a rail road from some convenient and eligible point, within the corporate limits of the town of Memphis, to some convenient point on the line dividing the States of Mississippi and Tennessee, in the direction of the head of the Muscle Shoals, on the Tennessee river, in the State of Alabama, to be selected by the company hereinafter incorporated in manner hereinafter presented. The time of receiving the subscription before mentioned, shall be advertised in some newspaper published in Memphis, Huntsville, Nashville, New-Orleans, Richmond, Baltimore, Philadelphia, New-York, Charleston, Augusta, Ga. and Boston, for the space of three months before the said books shall be opened, and when opened, they shall not be closed in less than sixty days; and if it shall appear at the expiration of the said sixty days, that more than six thousand shall have been subscribed, it shall be the duty of said commissioners or a majority of them, to reduce the number of shares subscribed, among the subscribers, in fair and equal proportions, to the amount of stock subscribed for, by the larger subscribers respectively, until the whole amount of shares shall be reduced to six thousand. But if at the expiration of the aforesaid sixty days, six thousand shares shall not have been subscribed, the before named commissioners or a majority of them, may, at their discretion, close the books or keep them open, till the residue of the six thousand shares shall be taken; the commissioners at the said named towns of Bolivar, Jackson, and Somerville, being required to transmit to the commissioners at Memphis, a list respectively of the subscribers at each of said towns, and the amount subscribed by each.

Sec. 3. *Be it enacted*, That books may be, and are hereby, authorised to be opened in the town of Pulaski, under the direction and control of Arthur M. M. Upshaw, Charles C. Abernathy, Samuel Kercheval, Joseph C. Ray, Thomas Martin, Charles Buford, Andrew M. Ballentine, Jesse Abernathy, Joseph Powell, George Everly, Robert S. Harris, and Thomas C. Porter, or any two of them, for the purpose of receiving subscriptions to the amount of one hundred and fifty thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock for the purpose of opening, constructing and keeping in repair, a single or double rail road, from the town of Pulaski to any point on the line dividing the States of Alabama and Tennessee, so as to meet a rail road which it is contemplated will be constructed from Florence to said line, to be selected and prescribed by the company hereinafter incorporated. The time of receiving the subscriptions aforesaid, shall be pub-

Pulaski and
Florence
rail road.

lished in at least two newspapers for the space of one month before the books aforesaid shall be opened, which books shall be kept open at the discretion of said commissioners, or until said amount of stock is subscribed.

Act of incorporation.

SEC. 4. *Be it enacted*, That when said sum of one hundred and fifty thousand dollars is subscribed in manner aforesaid, the subscribers, their representatives and assigns, shall be, and they are hereby, declared to be incorporated into a company by the name and style of the Pulaski and Florence rail road company, and in that name may sue and be sued, plead and be impleaded, in any court of law or equity in this State, having cognizance of the subject matter; shall have a common seal which they may alter at pleasure; and shall have and enjoy all the rights, privileges and immunities of a corporation or body politic in law; and the said Pulaski and Florence rail road company shall have, enjoy and possess all the rights, privileges and powers, which were granted to the Memphis rail road company, by an act of the General Assembly, passed December 12, 1831, so far as the same are consistent with the design and undertaking of the said Pulaski and Florence rail road company: and said last mentioned company are to be governed by the same rules and regulations which are prescribed in said act for the government of the Memphis rail road company, so far as the same can be consistently applied; and all publications and acts which were required to be made or performed at Memphis or elsewhere, by the charter of the Memphis rail road company, which shall be necessary for carrying into effect the object of the Pulaski and Florence rail road company, may be done and performed at Pulaski.

Meeting of stockholders.

SEC. 5. *Be it enacted*, That so soon as said stock is subscribed, it shall be the duty of said commissioners to call a meeting of the stockholders, by giving twenty days notice of such meeting, in the most convenient newspaper, which shall be governed as above provided for.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

CHAPTER L.

An Act to limit the jurisdiction of the court therein named.

Be it enacted by the General Assembly of the State of Tennessee, That where any road (not turnpiked,) now leading into Nashville, intersects any turnpike road, also leading

into said town, at a point between the said town and the first gate on the turnpike road, in such case the county court of Davidson shall have no power or authority to change, turn or alter any of said public roads not turnpiked as aforesaid, so as to make them intersect any of said turnpike roads at a point beyond the first gate, leading from said town: *Provided*, that nothing herein contained, shall be so construed as to impair the jurisdiction and authority of said county court to lay off, discontinue or alter roads generally.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 30, 1833.

CHAPTER LI.

An Act authorising executors to convey land by attorney in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases where a last will and testament has been, or shall be executed and recorded according to law, the executors authorised by such will to sell lands, may execute deeds, and make agreements to sell by attorney or attorneys: *Provided*, the power of attorney be duly executed, proved and registered in the county where the land lies, which deed or agreements when made, shall have the same force and effect as if executed by the executors, and no other.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 30, 1833.

CHAPTER LII.

An Act to regulate the practice in chancery.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases where a bill may be necessary to be filed to divest title to land, and the party or parties against whom said bill is contemplated to be filed, resides beyond the limits of this State, said bill may be filed in the district or county in which the land lies; and upon affidavit of the non residence of the party defendant, advertisement shall be made as heretofore: and in all cases

where such bills have been filed, on, at or before the rendering of the decree, the defendant or defendants was dead, such decree shall not be void, but the heirs of such party may at any time within five years from the rendition of said decree, apply and have themselves made parties, and upon due proof of the heirship and death of the ancestor, before rendering said decree, said court is hereby authorized to set aside such decree and admit said heirs to be parties, and the cause then proceeded in, in the same manner as if said heirs had been originally made parties, or the same had been revived against them.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 29, 1833.

CHAPTER LIII.

An Act to change the time of holding the county court of Wayne county.

Be it enacted by the General Assembly of the State of Tennessee, That the court of pleas and quarter sessions of Wayne county, shall hereafter be held on the second Mondays of March, June, September, and December, and all business returnable to the first Monday in March, shall be returnable on the second Monday of said month.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 29, 1833.

CHAPTER LIV.

An Act to charter the Farmers and Merchants Bank of Memphis.

Bank to be established.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That there shall be established a bank at Memphis, the capital stock of which shall not exceed six hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and books for subscription therefor shall be opened on the first day of January next, at the following places, to wit:

Places of opening books.

At Memphis, under the superintendence of Nathaniel Anderson, Robert Lawrence, Isaac Rawlings, Zachariah Edmunds, John D. Martin, M. B. Winchester, and Charles Tucker.

At **Sommerville**, under the superintendence of Benjamin F. Gray, George Smith, John Cooper, William Davis, and Solomon Duly.

At **Bolivar**, under the superintendence of John H. Bills, John Lea, Pitser B. Miller, John C. McCain, and Francis F. Shoemaker.

At **Randolph**, under the superintendence of William P. Miller, Joseph Brown, William L. Wilson, Vivian B. Holmes, and ——— Davis.

At **Brownsville** under the superintendence of Francis S. Coxe, James Smith, James Hubbard, Thomas J. Dobbins, and William Houston.

At **Lagrange**, under the superintendence of George F. Thompson, John Anderson, James Ruffin, Samuel B. Harper, and John M. Moss.

At **Huntingdon**, under the superintendence of Samuel Ingram, Alexander M. Caldwell, Edward Gwin, Ennis Ury, and Robert Murray.

At **Trenton**, under the superintendence of Thomas Fite, Moses Woodfin, James L. Totten, and Hugh D. Neilson.

At **Dyersburgh**, under the superintendence of Spanel Hale, A. Alexander, Henry Simmons and Griffith L. Rutherford.

At **Troy**, under the superintendence of William M. Wilson, Lysander Adams, ——— Hubbard, and S. L. Teater.

At **Paris**, under the superintendence of Terrance Cooney, Andrew McCampbell, John W. Cooke, and T. F. Read.

At **Lexington**, under the superintendence of C. H. Williams, John T. Harman, John Purdy, James R. White, and Stephen Snell.

At **Covington**, under the superintendence of Younger Greene, James N. Smith, Edward Ward, Jacob Tipton, and Daniel A. Dunham.

At **Purdy**, under the superintendence of Thomas Lane, James Reed, Martin Talley, and Willie B. Terry.

At **Savannah**, under the superintendence of Arthur B. ——— James Scott, Orvill Harrison, and Joel Casey.

At **Fayetteville**, under the superintendence of James Fulton, William F. Mason, Samuel Gilleland. A. Yell, E. M. Ringo, Joel Pinson, and William F. Long.

At **Dresden**, under the superintendence of William Johnson, Alfred Gardner, and A. M. Hughs.

And said commissioners shall keep the books open for subscription at least ten days, and the amount of the shares so subscribed, shall be paid for in gold or silver, as follows, to wit: five dollars upon each share, to the proper commissioners, at the time of subscribing, and five dollars at the time the directors are elected, and ninety dollars to the

directors of the bank for the time being, in such instalments as they may from time to time require.

Subscribers incorporated.

SEC. 2. *Be it enacted,* That the subscribers to said bank, their successors and assigns, shall be, and they are hereby, created a body corporate and politic, by the name and style of the president, directors and company of the Farmers and Merchants Bank of Memphis; and by the name and style aforesaid, they shall be, and are hereby, made able and capable in law, to have, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, to an amount not exceeding in the whole six hundred thousand dollars, exclusive of the capital stock aforesaid; and the same to sell, alien, devise, grant or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government and management of said corporation, not being contrary to the constitution and laws of this State or of the United States; and generally to do and execute all acts, matters and things, which a corporation or body politic in law, may and can lawfully execute.

Subscriptions to be transmitted.

SEC. 3. *Be it enacted,* That as soon as the subscriptions shall be closed at Somerville, and the other places mentioned in this act, the commissioners appointed at those places, shall respectively transmit and deliver to the commissioners appointed at Memphis, a list of the several subscribers at those places, together with the full amount of subscription money by the commissioners received as aforesaid, for which amount the receipt in writing of said commissioners appointed at Memphis, or a majority of them, shall be a sufficient discharge to the persons respectively paying the same. But if on examination of the books, the whole amount shall not have been subscribed, said books shall be continued open at such times and places as the directors shall think proper, until the same shall be subscribed for.

Government of the Bank.

SEC. 4. *Be it further enacted,* That for the due administration of the affairs of said bank, there shall be nine directors, citizens of this State, elected annually, at the banking house in Memphis, on the first Monday in January, by the stockholders, except the first election, which shall be as hereinafter directed; and the directors at their first meeting after each election, shall appoint one of their body President of said bank; and, provided, that if at any time

it should so happen that an election of directors should not be made, upon any day, when, in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful at any other time to make such election, within thirty days thereafter, in such manner as shall have been regulated by the laws or ordinances of said corporation; and in case of the death, resignation, or removal from the State of any director, his place shall be filled by the remaining directors, or a majority of them, until the next annual election.

SEC. 5. *Be it enacted*, That the directors for the time being, shall have power to appoint such officers, clerks and servants under them as shall be necessary for executing and transacting the business of said corporation, and to allow them such compensation for their services as shall be reasonable; and shall be capable of exercising all such other powers and authorities, for the well governing and ordering the affairs of said corporation, as shall be prescribed and provided by the by-laws, regulations and ordinances of the same.

Clerks and servants.

SEC. 6. *Be it enacted*, That so soon as two thousand shares of the capital stock of said bank shall have been subscribed, an election shall be held for directors, the commissioners appointed in Memphis giving thirty days notice in the Memphis newspaper, who shall proceed forthwith to organize said bank, and continue in office until the next stated election, and until a new board shall be formed.

Election for directors.

SEC. 7. *Be it enacted*, That the fundamental articles for the regulation and government of the Union Bank of the State of Tennessee, as enacted by the act of 1832, establishing said bank, shall be the fundamental articles for the regulation and government of the corporation and bank hereby created, with the exception of the fourteenth article in the tenth section of said article.

Fundamental articles.

SEC. 8. *Be it enacted*, That the bills which it shall be lawful for such corporation to issue, shall not be for a less sum than five dollars.

Size of bills.

SEC. 9. *Be it enacted*, That the directors shall keep fair and regular minutes of their proceedings, and on any question where one director shall require it, the yeas and nays of the directors voting shall be duly entered.

Minutes of proceedings.

SEC. 10. *Be it enacted*, That said President and directors of said bank may issue bills or notes payable on demand, not only at Memphis, but also at such banks of respectable standing, in any State of this Union, as the board of directors may deem expedient and proper.

Issuance of bills.

SEC. 11. *Be it enacted*, That the bills and notes issued by this bank, payable either at Memphis or elsewhere, shall in no case exceed one hundred per cent. above the amount of the capital stock paid in.

Not to exceed 100 per cent.

Of embezzle-
ment of funds.

SEC. 12. *Be it enacted,* That if the cashier or any of the officers, agents or servants of said corporation, shall embezzle, and without authority from the President and Directors of said bank, appropriate any of the funds of said corporation to his own use, with intent to cheat and defraud the president, directors and company of said bank, or shall fail to make correct entries upon the books of said bank, with intent to defraud said bank, or any other person whatsoever, said officer, agent or servant of said bank, shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State, for a period of not less than five nor more than twenty years.

Of violation of
charter.

SEC. 13. *Be it enacted,* That whenever the legislature may be of opinion that the charter of the corporation hereby granted, shall have been violated, and that the same has been forfeited, it may and shall be lawful, by joint resolution, to direct a *scire facias* to issue from the circuit court of Shelby county, in the name of the State of Tennessee, calling upon said corporation to show cause why the charter hereby granted shall not be declared forfeited; and service of said *scire facias* upon the president and any two of the directors, shall be deemed a sufficient service upon said corporation; and it shall be lawful for said court, and they shall have full power, upon the return of the *scire facias* being made known, to examine into the truth of such alleged violation, and if such violation be made to appear, then to pronounce and adjudge that the said charter is forfeited and annulled: *Provided, however,* that the said *scire facias* shall specify with precision the nature of the complaint, and grounds upon which the forfeiture is claimed; and every issue of fact, which may be made between the State and said corporation, shall be tried by a jury for that purpose to be empannelled.

Liability
of directors.

SEC. 14. *Be it enacted,* That if at any time it shall be made to appear by *scire facias*, or any other judicial proceedings, in any of the courts of record in this State, that the said corporation shall have violated this charter, by exceeding the amount of issues herein authorised to be made, or by extending, or giving to stockholders discounts, or other banking accommodations, by virtue of their stock, beyond what is given to others not being stockholders, then, and in either of the above cases, the directors voting for, or who may have sanctioned such violations of their charter, shall be responsible in their private property for any loss or damage which may be sustained by any person in consequence of such violation; and in case the property real and personal of such directors, may not be sufficient to compensate for the injuries which may have thus been sustained by stockholders, note holders or others, then, and in that case the

stockholders shall be liable in their property, both real and personal, to an amount equal to the stock by them respectively held, to make up such deficiency: *Provided, however,* that said individual liability shall not be enforced, against either director or stockholder, so long as said bank shall continue to redeem its notes or pay its debts at its usual place of doing business, nor until judgment shall have been regularly first obtained against said bank, and execution shall have been duly returned unsatisfied, and that no property of said corporation can be found to satisfy the same.

SEC. 15. *Be it enacted,* That in consideration of the privileges granted by the charter, the bank agrees to pay to the State annually, one half of one per cent. on the amount of the capital stock paid in, which said bonus is hereby appropriated to the use of common schools throughout this State: *Provided,* That if the whole amount of the capital stock of said bank, shall not be paid in within three years from the time when the first instalment shall be payable, then, and after that time, the said corporation shall pay annually to the State, a bonus of one half of one per cent. upon the whole amount of the capital stock subscribed.

SEC. 16. *Be it further enacted,* That the board of common school commissioners in any of the counties in the Western District, who have not availed themselves of the authority granted to them to invest their funds in the stock of the Union Bank of the State of Tennessee, be, and they are hereby, authorised to subscribe in the Farmers and Merchants Bank of Memphis, to the full amount of the funds which they may have on hand at the time of subscribing; and said school commissioners or county courts, as the case may be, shall, at the time of subscribing for stock as aforesaid, pay to the commissioners the full amount of the stock so by them subscribed; and if at the time of making subscription as aforesaid, all the funds belonging to the schools shall not be in the hands of said commissioners, or county courts, then it shall be lawful for them, and it shall be their duty, at any subsequent times, when they may collect the funds, to subscribe for stock in the Farmers Bank to the full amount of the funds in their possession; and said stock so subscribed, shall be in addition to the capital stock of the Farmers Bank, as provided in the first section of this act.

SEC. 17. *Be it further enacted,* That the county academy commissioners shall have the right, and they are hereby authorised, to invest any and all funds in their hands belonging to the county academies, in stock in the bank hereby created, under the same rules, regulations and restrictions as prescribed in the foregoing section, for the government of the subscribers of the common school commissioners.

Branch at Fayetteville.

SEC. 18. *Be it enacted*, That a branch of the Memphis Bank may be established in the town of Fayetteville, in Lincoln county.

May hold real estate.

SEC. 19. *Be it enacted*, That the lands, tenements and hereditaments which it may be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate accommodation for the transaction of its business, and such as have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales upon judgments or decrees rendered in favor of said bank.

Branch at Paris

SEC. 20. *And be it enacted*, That there shall be a branch of the Farmers and Merchants Bank established at the town of Paris, in Henry county, as early as practicable, after the time the principal bank is put in operation, provided that one third of the stock be subscribed for in the twelfth Congressional District, the capital of which branch shall never be less than one third of the capital stock of the bank actually paid in.

Directors of said branch.

SEC. 21. *And be it enacted*, That there shall be annually appointed by the board of directors of the Farmers and Merchants Bank, to administer the affairs of said office of discount and deposite, twelve directors, citizens of this State, and stockholders of this bank, eight of whom at least shall reside in the county of Henry, and five of whom shall constitute a quorum to do business; and said directors shall choose from among themselves a President and Cashier, and shall be subject to all such rules and regulations as may be adopted by the parent bank, for the government of said office, not inconsistent with the provisions of this charter.

Cashier of, to give security.

SEC. 22. *And be it enacted*, That said cashier shall give to the president and directors of the Farmers and Merchants Bank, for his faithful performance as cashier, such security as they may require from him.

Branch may be withdrawn.

SEC. 23. *And be it enacted*, That it shall be in the power of the president and directors of the Farmers and Merchants Bank, to withdraw said branch from Paris, whenever the affairs of said branch are badly managed, or the branch ceases to do a profitable business: *Provided*, that the renewal [removal] shall not take place without the assent of a majority of the directors of said branch.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD.

Speaker of the Senate.

Passed November 27, 1833.

CHAPTER LV.

An Act to establish an office of the Union Bank of Tennessee at Franklin, in Williamson county.

Be it enacted by the General Assembly of the State of Tennessee, That the President and Directors of the Union Bank of Tennessee, are hereby authorised to locate and establish an office of the Union Bank of Tennessee, at Franklin, in Williamson county, in the same manner and under the same rules and regulations that the office was established and is conducted, at Columbia, in Maury county.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

CHAPTER LVI.

An Act to authorise town constables to hold elections.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful, and it is hereby made the duty of town constables in all or any of the incorporated towns or cities of this State, to open and hold all elections for the election of officers to said corporations, under the same rules and regulations, and in the same manner as all such elections are now by law holden and conducted by sheriffs.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 28, 1833.

CHAPTER LVII.

An Act prescribing the manner of holding elections in Blount county.

SECTION I. *Be it enacted by the General Assembly of the* Blount county. *State of Tennessee,* That all elections hereafter held in the county of Blount, for senators and representatives to the general assembly of the State, for members or delegates to the convention, members to Congress, Governor of the State, and electors of President of the United States, shall be held and conducted according to the provisions of the act passed the 13th day of January, 1830, entitled an act

to prescribe the manner of holding elections to elect members of the general assembly, members of Congress, and electors to elect the President and Vice President of the United States, in the county of Knox, and an act to amend the same, passed the 26th of October, 1831.

Hawkins county.

SEC. 2. *Be it enacted*, That in all general elections in Hawkins county, it shall be the duty of the officers and judges holding such elections, to count out the votes every evening during the continuance of such election.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

CHAPTER LVIII.

An Act to alter the time of holding the court therein specified.

Be it enacted by the General Assembly of the State of Tennessee, That the time of holding the sessions of the supreme court of errors and appeals at Jackson, Madison county, be, and is hereby, altered and changed to the first Monday in May, in each and every year, and the judges thereof shall continue to hold the same until the business is completed, or it becomes necessary to adjourn in order to hold some other court, and all processes and proceedings of said court returnable at any other time, shall be then returnable, and as good and valid as though the time of holding said court had not been changed.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 23, 1833.

CHAPTER LIX.

An Act to authorise the appointment of a third notary public in the county of Davidson.

Notary to be appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in addition to the two notaries public now authorised by law, there shall be appointed by the general assembly, a third one for the county of Davidson, who shall hold his office during good behavior, to whose attestations, protestations, and other instruments of publication, due credence shall be given.

SEC. 2. *Be it enacted,* That said notary appointed under this act, shall give bond and security in the same manner, ^{To give bond.} for the same sum, and with the same conditions as other notaries are now required to do by the existing laws; and shall moreover take and subscribe the same oath, perform the same duties, and be entitled to, and receive the same fees and emoluments, as are prescribed and allowed to notaries appointed under the laws now in force and use in this State.

F. W. HULING,
Speaker of the House of Representatives.

D. BURFORD,
Speaker of the Senate.

Passed November 29, 1833.

CHAPTER LX.

An Act to provide for the equitable distribution of the common school fund in the counties having school lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any township or fractional township in the Hiwassee district which has no school land therein, shall be entitled to the same interest in the school funds of the State that other parts of the State that have no school lands, are now by law entitled to, and in order to determine the amount of the fund to which such township, or fractional township may be entitled, it shall be the duty of the county court of the county in which such township may be situated, to appoint a commissioner to take and return the free white population in such township or townships in said county, and upon such return of numbers and of there being no school land certified by said county court, and so far as it relates to the fact of there being no school lands in said township, to be also certified by the surveyor general of the Hiwassee district, or the treasurer of East Tennessee, it shall be the duty of the Bank of the State of Tennessee, to pay over to the county common school commissioners such portion of the school fund as it shall so appear that such county is entitled to, for such township or fractional township having no school lands. ^{Provisions made.}

SEC. 2. *Be it enacted,* That whenever any township may be divided by any county line, that for the purpose of getting their proportional share of the benefits of such school sections, that the whole township shall be counted and considered in that county into which the school section may fall. ^{When township is divided by county line.}

SEC. 3. *Be it enacted,* That in determining what portion of the school fund any county in this State may be enti- ^{Division of fund.}

tled to, all the free white population residing in townships having school lands therein in such county, shall be first subtracted from the whole amount of free white population in such county, and the balance thus found, shall be the number which shall determine the amount of the school fund to be distributed to such county, and the president and directors of the Bank of the State, are hereby authorised to appoint an agent or agents whenever they may deem it necessary, to take an enumeration of the free white population in any township or townships having school lands, for the purpose of ascertaining the amount of such funds to which any county having such lands therein may be entitled.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 30, 1833.

CHAPTER LXI.

An Act to incorporate the Tennessee Marine and Fire Insurance Company.

Company established.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Insurance Company shall be established in Nashville with a capital stock of three hundred thousand dollars, which may be increased at the will of the stockholders, to any amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed for in the manner hereafter specified; which body politic shall have perpetual succession by the name and style of the "Tennessee Marine and Fire Insurance Company," and shall so continue until the first day of January, eighteen hundred and sixty four.

Commissioners to open books.

SEC. 2. *Be it enacted,* That Andrew Hynes, George Crockett, H. R. W. Hill, H. L. Douglass, James Woods, M. Watson, John M. Hill, Samuel Seay, and Jacob McGavock, or any three of them, be, and they are hereby, authorised to open subscriptions in Nashville, for the capital stock of said company, on the fourth day of December next, and to keep them open every day, between the hours of 10 A. M. and 4 P. M. for two days, (Sundays excepted,) when the same shall be closed; if within said two days, one thousand shares shall be subscribed for, it shall be lawful for the stockholders to meet as hereinafter directed, and choose their directors, who may at any time, after having given thirty days notice, in two of the newspapers published in Nashville, cause the subscriptions to be re-

opened and to continue open until the whole amount of stock shall be taken: if, however, within the said two days, more than three thousand shares shall be subscribed, the surplus shall be deducted from the last subscriptions: *Provided*, that no preceding subscriber retains a subscription for more than fifty shares.

SEC. 3. *Be it enacted*, That said corporation is hereby authorised and empowered to hold, possess, and acquire, and the same to sell and convey, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or payment of any debt which may become due and owing, or in satisfaction of any judgment or decree rendered in favor of said company; and may have and use a common seal, and the same alter or change at pleasure, and may make, ordain and establish such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company.

May possess
real estate.

SEC. 4. *Be it enacted*, That the stock subscribed shall be secured to the President and Directors, in the manner following, to wit: five dollars on each share, whenever the said President and Directors shall give ten days notice of the time and place of payment, in two of the newspapers printed in Nashville, and five dollars on each share shall at the same time and place, be secured by negotiable notes, with security to be approved of by the President and Directors aforesaid, payable in one of the banks in the city of Nashville, in ninety days from the date, to the President, Directors and Company of said insurance company; the balance of said stock shall be secured by negotiable notes, not having more than six months to run, with personal security to be approved of by the President and Directors, or a mortgage on real estate of twice the amount of stock to be secured, with power to sell without redemption, in default of any payments that may be required by the said President and Directors, or by a pledge of bank stock to the satisfaction of the President and Directors aforesaid.

Mode of secur-
ing the pay-
ment of stock.

SEC. 5. *Be it further enacted*, That the said Insurance Company shall have full power and authority to make insurances upon ships and other sea vessels, and upon steam boats, flat boats and other river boats, upon freight, seamen's wages, goods, wares and merchandise, and gold and silver bullion or money; against all maritime risks, or risks of the rivers, and upon houses, stores and other buildings, and goods, wares and merchandise, furniture and other articles against fire, and upon lives, bottomry and respondentia, and to fix a premium thereon, and generally to do and perform all other things necessary to promote these objects.

Powers and
privileges.

May invest its
stock.

SEC. 6. *Be it enacted,* That it shall be lawful for said company to invest any part of its capital stock, money, funds or other property, in any public stock or funded debt, created or to be created, by or under any laws of the United States, or this or any other State, or in the stock of any chartered bank in this State or of the United States, and the same to sell and transfer at pleasure, and again to invest the same, whenever and so often as the exigencies of said company or due regard for the safety of its funds shall require; or they may loan the same, or any part thereof, to individuals or public corporations on real or personal security, for such periods of time as the Directors for the time being shall deem prudent and best for the interest of said company.

Government
of.

SEC. 7. *Be it further enacted,* That the real and personal estate, business, property and funds of said company, and the administration of its affairs, shall be under the direction, management and control of a board of eleven Directors; each of whom shall be owners in their own names of not less than fifty shares of the capital stock of said company, citizens of the United States and of this State; and also that the individual property, both real and personal, of every stockholder in said institution, shall be held and bound for the payment of the debts of said corporation, to the full amount of his or her stock in said corporation.

Election of Di-
rectors.

SEC. 8. *Be it further enacted,* That an election shall be held after the first election, for the election of a Board of Directors for said company at the office of said company, in the city of Nashville, on the first Monday in October, in each and every year, of which ten days notice shall be given in at least two of the newspapers printed in Nashville, each share holder giving one vote for each share of which he may be the owner, but no share holder shall be entitled to more than thirty five votes; and the persons so elected, shall serve as Directors for the next succeeding twelve months; and if at any time, an election shall not be held as herein provided, the said company shall not be dissolved, but the Board of Directors for the time being shall serve until another election takes place, which may be at any time thereafter, the board for the time being, giving at least ten days notice thereof, in two of the newspapers printed in Nashville; and the said directors are hereby authorised to fill any vacancies which may happen through death, resignation or other cause.

Election of
President and
other officers.

SEC. 9. *Be it further enacted,* That the directors so elected shall elect one of their body to be President of said company, who shall serve until the next annual election; and in case of his death, resignation or removal, the board shall appoint a President pro tempore; they shall fill all vacancies which may occur in their own body, and shall

appoint a Secretary and all subordinate officers, clerks, agents and servants of said corporation; fix their compensation, define their powers, and prescribe their duties, who shall hold their offices during the pleasure of the board.

SEC. 10. *Be it further enacted,* That the President with four directors, or five directors in the absence of the President, shall have full power and authority, in the name of said corporation, to insure upon all and every description of property herein before mentioned, and may receive for the amount of premium, such security, and payable at such times, as they may deem satisfactory and in conformity with the regulations which may be from time to time established by the board.

Power of insurance.

SEC. 11. *Be it enacted,* That the stock of said company shall be held and considered personal property, and that it shall not be assigned or transferred, except by the consent of a majority of two thirds of the directors, and in the manner and form which shall be prescribed by the Board of Directors; nor shall any transfer be made for a less number of shares than the whole amount owned, unless the directors agree to an assignment of part; yet such stock to be liable for the satisfaction of debts as now prescribed by law, to render stock liable.

Transfer of stock.

SEC. 12. *Be it further enacted,* That on the first Monday in April and October of each year, half yearly statements shall be made of the situation of the capital and of the state of the accounts of the company, which shall be laid before the shareholders, with the amount, number and character of the risks undetermined; and such dividends of the profits may be made as the President and Directors may think advisable; but they shall in no case diminish the capital stock.

Statements of accounts to be made.

SEC. 13. *Be it further enacted,* That if at any time a stockholder shall fail to pay such instalments on his stock as may be called for at the time and in the manner prescribed, the Board of Directors for the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days notice thereof, offer the same for sale at public auction to the highest bidder for cash; and the number of shares so sold, shall be transferred by the President of the Board of Directors, to the highest bidder, who shall by virtue of such transfer, become a member of said company; and if the sum bid shall not be equal to the amount paid, and the call for which it is sold, the company may proceed to collect the residue from the original stockholder by suit in any court or tribunal of this State, having jurisdiction thereof; and judgments rendered for instalments of stock, shall not, if rendered by a justice of the peace, be subject to stay of execution.

Forfeiture of stock.

Additional security may be required.

SEC. 14. *Be it further enacted,* That the Board of Directors shall have power at any time, when in their opinion the interest of the company requires it, to demand of any stockholder additional security for such part of his stock as may remain unpaid; and if such stockholder shall fail or refuse to give such additional or other security, to the satisfaction of the Board of Directors, they may declare such stock forfeited, and sell the same as provided for in the preceding section.

Election of president and directors.

SEC. 15. *Be it further enacted,* That so soon as the amount of stock mentioned in the second section of this act, is subscribed for, and after five days notice in two of the newspapers published in Nashville, signed by any three members of the company, the shareholders shall meet at such time and place as may be appointed within the city of Nashville, and elect by ballot, the first board of directors. A plurality of votes given, shall elect, and the persons so elected, shall, at their first meeting, elect one of themselves President of the board, who, with the said directors, shall serve until the first Monday of October, 1834, or until another board of directors is elected.

Not to issue bills of credit.

SEC. 16. *Be it further enacted,* That nothing herein contained, shall be so construed as to give the company hereby created, the power of issuing bills of credit, or exercising banking privileges.

Capital stock may be increased.

SEC. 17. *Be it further enacted,* That whenever a majority of the said company shall think proper, the capital stock thereof may be increased to five hundred thousand dollars, which shall be raised in such manner as may be prescribed by said company, and paid and secured; and if additional members are admitted, they shall, by virtue thereof, become members of this corporation.

Other companies may be incorporated.

SEC. 18. *Be it further enacted,* That nothing herein contained shall be so construed as to prevent the legislature from granting similar powers and privileges to similar associations.

Insurance of personal property.

SEC. 19. *Be it further enacted,* That said company shall have power to insure any personal property not named in the above act.

Bonus to the State.

SEC. 20. *And be it enacted,* That in consideration of the privileges conferred by this charter, the company shall pay to the State, as a *bonus*, annually, five per cent. upon the nett annual profits made by the company: *Provided,* that no *bonus* shall be required to be paid in any year when the nett profits for that year shall be less than ten per cent. upon the capital stock actually paid in; which said *bonus* shall be paid to the treasurer of Middle Tennessee, and is hereby appropriated to the use of common schools, to be

divided among the several counties of this State, in the proportion to their free white population.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 15, 1833.

CHAPTER LXII.

An Act to amend an act, entitled an act more effectually to prevent the owners of steam boats and stages from carrying off slaves without the knowledge or consent of their owners.

Be it enacted by the General Assembly of the State of Tennessee, That where any slave or slaves shall have concealed him, her or themselves in any steam boat or other water craft, or stage, without the knowledge or consent of the owner, captain, contractor or driver, and the same shall not have been discovered before the departure of the steam boat or other water craft, or stage, if the owner, captain, contractor or driver shall imprison said slave or slaves so discovered to be in his possession, in the first and nearest county jail to which he may be, in the direction they are going at the time of such discovery, and make publicity to the same, in some convenient newspaper, he shall not be subject to any of the pains or penalties as pointed out in the second section of the act which this is intended to amend.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 21, 1833.

CHAPTER LXIII.

An Act to compel companies of Cavalry to attend Regimental Musters of Infantry.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of each company of cavalry in this State, to attend the regimental muster of the regiment of infantry to which they are attached, and when at said muster, shall be subject to the order of the commanding officer present of said regiment; and on failing so to do, without a reasonable excuse, shall be fined, if a commissioned officer, in a sum not exceeding

To attend regimental musters

four dollars; and if a non commissioned officer, or a private, in a sum not exceeding two dollars, and not less than fifty cents.

Trial of delinquents.

SEC. 2. *Be it enacted,* That it shall be the duty of the commanding officer of each company of cavalry, to note down and report all delinquents for non attendance at the said regimental muster of infantry, to the next regimental court martial, to be held in said regiment, as well officers as non commissioned officers and privates, and it shall be the duty of said court martial to hear and determine the same, in the same manner as returns made from companies of infantry.

Cavalry officers to attend regimental courts martial.

SEC. 3. *Be it enacted,* That the commissioned officers of the different companies of cavalry in this State, be, and they are hereby, authorised and entitled to seats in the regimental courts martial of the different regiments of infantry to which they are attached.

Marion county.

SEC. 4. *Be it enacted,* That it may be lawful for company officers in Marion county, to wear a deep blue dress coat, not made in uniform order.

Campbell county.

SEC. 5. *Be it enacted,* That the two companies commanded at present by captains Jefreys and Dunkin, in the second battalion of the thirty third regiment of infantry in the county of Campbell, be, and they are hereby, exempt from attending regimental musters in said county.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 25, 1833.

CHAPTER LXIV.

An act to aid the society for the colonization of the free black population of the State of Tennessee, on the coast of Africa.

Donation made.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the treasurer of Middle Tennessee, to pay to the treasurer of said society for the use of said society, ten dollars for each free black person that said treasurer of said society shall certify to said treasurer of Middle Tennessee, has been removed by said society, its auxiliaries or branches, from the State of Tennessee to the coast of Africa, and this act is to extend to the future operations of the said society only: *Provided, always,* that the amount so to be paid by the treasurer of Middle Tennessee, to the treasurer of said society shall never exceed, under the provisions of this act, the sum of five hundred dollars in any one year.

SEC. 2. *Be it enacted*, That the receipts of the treasurer of the society for the colonization of the free black population of the State of Tennessee, for the sums to be paid under this act, shall be good and sufficient vouchers for the treasurer of Middle Tennessee, in the settlement of his accounts. Treasurer.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 26, 1833.

CHAPTER LXV.

An Act to increase the jurisdiction of justices of the peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any person shall desire to make application to a circuit judge for a *certiorari*, it shall be lawful for said person to make oath as to the truth of the facts stated in the petition for said *certiorari*, before any justice of the peace in this State, and any affidavit so made, shall be as good and valid as if made before a judge or clerk of the court. Affidavit for certiorari.

SEC. 2. *Be it enacted*, That two justices may grant a *certiorari* and *supercedeas* to remove the judgment and proceedings of justices of the peace, returnable to the circuit court of their county, subject to the same rules as now regulate *certioraris* as granted by a circuit court. Two justices may grant certioraris.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 30, 1833.

CHAPTER LXVI.

An Act to exempt salt wagons and other vehicles from paying toll on the Bean's Station turnpike road.

Be it enacted by the General Assembly of the State of Tennessee, That all wagons and teams that may hereafter pass through the turnpike gate on the Bean's Station turnpike road, for the purpose of going to Kentucky salt works, or returning from the said works, shall pass through said gate without paying any toll: *Provided*, the owner or driver of said team produce to the keeper of said gate, an affidavit

sworn to before some justice of the peace in this State, stating that he is going to Kentucky salt works for a load or loads of salt, or returning with a load or loads of salt, as the case may be.

F. W. HULING,
Speaker of the House of Representatives.
 D. BURFORD,
Speaker of the Senate.

Passed November 27, 1833.

CHAPTER LXVII.

An Act to close the concerns of the Bank of the State of Tennessee.

Agents appointed to wind up the business.

SECTION I. *Be it enacted by the General Assembly of the State of Tennessee,* That two agents be appointed by the general assembly, to wind up and close the concerns of the Bank of the State of Tennessee; one for the principal Bank at Nashville, and the other for the branch thereof at Knoxville. It shall be the duty of the agent for the principal Bank at Nashville, to attend to all that part of the concerns of said Bank, belonging to what is usually termed West Tennessee; and the agent for the branch at Knoxville, to attend to that part of the concerns of said Bank belonging to East Tennessee; said agents, when appointed, shall be invested with all the powers heretofore or now belonging to the President, Directors, and Cashier of said Bank at Nashville and the branch at Knoxville; and to discharge in their respective divisions, all the duties of said officers in the corporate name of said institution. It shall be the duty of said agents, respectively, to collect all the debts due said institution, and to pay the claims against the same; and after apportioning to common schools the sums allowed to them, to deposite the residue in the Union Bank of Tennessee; but nothing in this act contained, shall be so construed as to alter or affect, in any way, the claims or liabilities of said Bank or Corporation; they shall remain as heretofore. In all suits brought against said Bank, notice to either of said agents shall be sufficient: said agents, before entering upon the duties of their appointments, shall each give bond to the Governor of the State, for the time being, and his successors in office, with security to be approved by some one of the circuit judges of this State, in the penal sum of one hundred and fifty thousand dollars, conditioned for the faithful discharge of the duties of agent as aforesaid, which bonds shall be lodged in the office of the Secretary of State.

SEC. 2. *Be it enacted,* That the officers of the Bank of the State of Tennessee, shall make all notes for debts owing to said Bank, payable on the first day of January, 1834; and on the said first day of January, or within one month thereafter, the Cashiers of said Bank and branch, shall make a full and comprehensive inventory of all the records, books and accounts, containing the transactions of said Bank, or belonging thereto; a statement or list of the notes, bonds, obligations or other evidence of debt due to said bank, designating such as are for real transaction, accommodation, real estate sold or taken from delinquent officers or agents; a complete transcript of each and every disputed or unsettled account between said Bank and any agent, public officer, or individual; a list of balances due to, or owing by, said Bank, to depositors or others, designating such as are special or otherwise, and the kind of fund to be paid; the amount of notes in circulation; a statement showing the several payments made under the laws appropriating the funds; the apportionment of the funds for the support of common schools, internal improvement, academies, and other purposes; the amount paid in each separate case, and when, and to whom paid, and the amount yet to be paid, and to whom it is due under said apportionment, and the excess in each and every county that may have more than their due portion; all of which several statements shall be accompanied by notes of reference containing a full explanation.

Duty of cash-
iers.

SEC. 3. *Be it enacted,* That the agent for West Tennessee, shall receive from the Cashier of the Bank at Nashville, and the agent for East Tennessee shall receive from the cashier of the branch bank at Knoxville, on the first day of January, 1834, or within one month thereafter, all the books records, documents, notes, bonds, obligations, accounts, or other evidence of debts due and owing to said Bank, and every other article or thing belonging thereto, together with all the cash or funds that may be on hand; and also a duplicate of all such inventories, statements, list of balances and accounts, as are required to be made by the second section of this act; and when delivered, said agents shall execute duplicate receipts therefor; one of which, with the inventories and statements, shall be filed by said Cashiers in the office of the Secretary of State.

Cashier to hand
over books &c.

SEC. 4. *Be it enacted,* That when the effects of said Bank are delivered to said agents, they shall proceed forthwith to collect the debts, settle up and close the business of said institution; and such moneys as may come to their hands belonging to the Bank, shall be applied to the payment of the individual deposits, the redemption of the notes in circulation, the support of common schools, internal improvement, and the academies, agreeably to the several appor-

Duty of agents.

tionments already made, and such other appropriations as may be directed by law, which payments are to be made as said agents may be able to make collections.

Offices of president and directors abolished.

SEC. 5. *Be it enacted*, That the office of President, Directors and Cashier of said Bank, shall cease on the first day of January, 1834, and the agents appointed under this act, shall be vested with the powers granted by the act of incorporation to said officers, or as much thereof as may be necessary to collect the debts, settle up and close the business of said Bank. It shall be the duty of said agents to prosecute or defend, as the case may be, all suits on behalf of said Bank, where the interest of said institution may be involved, as well those that are now pending, as those that may be hereafter brought.

Entry takers.

SEC. 6. *Be it enacted*, That it shall be, and is hereby made, the duty of said agents, to collect all monies due from the entry takers, and to prosecute a suit or suits against such entry takers as may fail to pay over the money by them collected, as required by law, which moneys, when collected, shall constitute part of the fund of the Bank, and be applied accordingly.

Real estate to be sold.

SEC. 7. *Be it enacted*, That it shall be the duty of said agents to sell all the real estate belonging to said Bank, on a credit of one, two and three years, first giving sixty days notice of the time and place of sale, in some public newspaper; the agent for East Tennessee, to sell the real estate lying in East Tennessee, and the agent for West Tennessee, all the residue, each taking bond and security for the purchase money; said agents are hereby directed and empowered to make deeds to the purchaser or purchasers, each to convey the part sold by him.

Agents to make reports.

SEC. 8. *Be it enacted*, That said agents shall report to the next stated session of the General Assembly, the effects of said institution delivered over and paid to them, the amount of moneys by them collected and paid out, the amount of outstanding debts, with a full and complete expose of the whole concern, accompanied by such detailed statement as may be necessary to explain the manner in which they have transacted the business.

All the business to be transferred to agents.

SEC. 9. *Be it enacted*, That the transfer of the effects of said Bank herein directed to be made by the Cashiers to the agents, shall include the whole of the business of said institution.

School commissioners.

SEC. 10. *Be it enacted*, That in all cases when the school commissioners in any county may have received more than their due portion of the funds, according to the apportionment made out by the Bank, it shall be the duty of the agents to collect the excess, and upon failure or refusal to pay, they shall commence suit against the treasurer of such school commissioners, and prosecute the same as in other

cases, and the statement furnished by the cashier, in handing over the effects of the Bank, shall be evidence of the amount of such excess: *Provided*, that if the school commissioners shall offer to pay the same in the debts due in the county, or shall secure the payment of the same, as soon as it could be collected by twenty per cent. calls, semi-annually, on the amount originally loaned in their hands, the agents shall receive the same; and said notes for said excess may be renewed by such clerks and treasurers as are now authorised by law to renew them, upon giving their bonds to the said agent or agents, in the manner they have given their bonds heretofore, to the president of the Bank, and under the same rules, regulations and restrictions, with the exception of the difference in the amount of calls made by this act.

Sec. 11. *Be it enacted*, That the agent for the principal Bank at Nashville, shall receive as a compensation for his services, two thousand dollars, and the agent for the branch at Knoxville, the sum of twelve hundred and fifty dollars annually, which salaries are to be in full for the agents' services, clerk hire, and travelling expenses; and each of said agents shall execute the bonds as required by this act, before the cashiers shall be authorised to deliver over the effects of said Bank; and in case of death, resignation, removal, or refusal to act of either of said agents, the Governor for the time being shall appoint an agent, who shall continue to act till another shall be regularly appointed by the General Assembly; but the agent appointed by the Governor shall not act till he shall have given bond, as required in this act.

Compensation of agents—to give bond.

Sec. 12. *Be it enacted*, That the different counties of this State, in which common schools have been organised, and in which there is a deficiency of the amount apportioned to said counties, as their proportion of the school fund, shall be entitled to receive interest on such deficiency at the rate of six per cent. per annum.

Common school fund.

Sec. 13. *Be it enacted*, That in the counties where no portion of the common school fund has been paid to the clerk or common school commissioners, the first money collected in such county or counties shall be paid over to the clerk of the common school commissioners, unless the common school commissioners should agree to receive notes for their portion of the common school fund; and in that case it shall be the duty of the agent to deliver over notes to the amount, or a part thereof, due such county, in full or in part of the amount due such county.

Common school fund.

Sec. 14. *Be it enacted*, That this act shall not affect any contract made by or with the Bank of the State, nor shall it affect any cause of action; but the said corporation shall assist, so far as may be necessary, to wind up the concerns

This act not affect previous contract.

thereof, and to carry into effect, all the purposes of this act; and the agents may sue and be sued in the name of the corporation.

Renewed notes
made payable
to agents.

SEC. 15. *Be it enacted*, That henceforth, in the renewal of all notes and other obligations to the Bank in East Tennessee, the same when renewed shall be made payable to the agent for East Tennessee; and the notes and obligations due in West Tennessee, shall be made payable to the agent for West Tennessee.

Office of agent
to last two
years.

SEC. 16. *Be it enacted*, That the agents to be appointed under the provisions of this act, shall hold their offices for two years from the time of their appointment.

County agents.

SEC. 17. *Be it enacted*, That in the counties where no school funds are allowed to, or distributed to such county, then such Bank agents in such counties, where the same has not been done, shall give bond to the agent hereby appointed to close the concerns of the Bank, with good and sufficient security, in double the amount remaining in the hands of such county Bank agent, for the collection and paying over the amount of debts due in his county, according to the provisions of this act; and the notes now due and payable at such agencies, shall remain in such county agent's hands for collection, except so far as he may think proper to hand over to the general agent hereby appointed.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 29, 1833.

CHAPTER LXVIII.

An Act to amend the laws now in force to suppress gaming.

Duty of magis-
trates.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of all magistrates, when they shall know or be informed that any persons are engaged, or are suspected to be engaged at any common gaming house, or other common gaming place, at unlawful gaming, to issue or cause to be issued, a warrant to arrest all persons found at the said common gaming house, or other common gaming place; and any officers into whose hands such precept may be placed for execution, shall be empowered and required to summon a guard to arrest any person or persons found at such place or places; and to effect such arrest and prevent escape, the said officer or officers are hereby authorised to break doors, or to destroy any other obstruction that may hinder or prevent

any such arrest; and upon examination, if it shall be found that any person or persons found at such place or places, shall have been engaged in unlawful gaming, they shall be bound over with good security to appear at the next county or circuit court, for said county, to answer the premises.

SEC. 2. *Be it enacted*, That in any case, where any officer or other person accompanying him, shall be unlawfully killed in arresting any person upon a charge of unlawful gaming, the slayer shall be deemed guilty of murder in the first degree, and shall be punished by death; and if any officer or other person aforesaid, shall be unlawfully shot or stabbed in any such arrest as aforesaid, every such offender shall be deemed a felon, and shall be punished as persons are now punished for malicious stabbing.

Of resistance to the execution of this law.

SEC. 3. *Be it enacted*, That all civil officers who shall arrest any person for dealing at faro, when such faro dealer shall be convicted, shall be entitled to fifty dollars, to be taxed in the bill of costs.

Reward of the officer who arrests.

SEC. 4. *Be it enacted*, That every person or persons who shall keep or maintain, or be concerned in keeping or maintaining any house, or other place for dealing at faro, rolette, vantoon, or chucker luck, shall be deemed felons, and shall be punished as faro dealers are now punishable by law, and all persons renting a house or other place of gaming, for the purpose of exhibiting any of the aforesaid games, or permitting or suffering any of the aforesaid games to be played, or exhibited in any house, or other place occupied by him, shall be held, deemed and taken to be a felonious keeper of a gaming house, within the true intent and meaning of this act.

Keepers of faro houses declared felons.

SEC. 5. *Be it enacted*, That all boats, rooms, booths and stalls, where any of the aforesaid games are exhibited, shall be esteemed houses, within the true intent and meaning of this act.

Definition.

SEC. 6. *Be it enacted*, That where any indictment shall be hereafter found for any felonious gaming, after two capias have been returned, that the defendant is not to be found, it shall be lawful for the court to strike the cause from the docket at the costs of the State, but the said cause shall be considered as continuing in court; and if any such defendant shall thereafter come into this State, a capias shall run against him, and such proceedings shall be had thereupon, as if said cause had never been stricken from the docket; and the statute of limitations of six months shall not apply to any such case, nor to any other case of gaming where the delay has been occasioned by a misnomer of the defendant in proceedings had against him.

Running of capias.

SEC. 7. *Be it enacted*, That in all cases hereafter where any person or persons shall be convicted of betting at faro, the person or persons so convicted, shall be confined in the

Betting at faro.

jail of the county, not less than three, nor more than ten days in addition to the punishment now prescribed by law.

Duty of civil officers.

SEC. 8. *Be it enacted*, That it is hereby declared to be the duty of all civil officers to give information to the attorney general of any gaming contrary to the prohibitions of law, which may be within their knowledge; whose duty it shall be, upon such information, to send a bill of indictment to the grand jury ex officio, and the court shall, upon the application of the attorney general, order a subpoena for said informant to compel his attendance before the grand jury; and any civil officer who shall fail to give the information directed by this act, shall be deemed guilty of a misdemeanor in office, and punished accordingly.

Repealing clause.

SEC. 9. *Be it enacted*, That the first section of the act of 1824, chapter 5, be, and the same is hereby, repealed, so far as the same protects the dealers in faro, chucker luck, or the principals at any game, from indictment, presentment or punishment.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate,

Passed November 29, 1833.

CHAPTER LXIX.

An Act supplemental to an act establishing the Farmers and Merchants Bank at Memphis.

Be it enacted by the General Assembly of the State of Tennessee, That the charter of the Farmers and Merchants Bank of Memphis, incorporated by an act of this general assembly, passed the 27th day of November, 1833, shall expire on the first day of January, 1864.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 29, 1833.

CHAPTER LXX.

An Act for the relief of plaintiffs in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That on all judgments heretofore rendered, or which may hereafter be rendered in any court of record in this State, against several defendants, and any of said defen-

dants shall die or remove without the limits of this State, that then the plaintiff or plaintiffs in such judgments, may proceed either by original writ, summons or *scire facias*, as the law may require, against any one or more of said defendants who may still reside within the limits of this State, or against the executors or administrators of any one or more thereof so resident, and have judgment and execution on such process, any law, usage or custom, to the contrary notwithstanding.

F. W. HULING,
Speaker of the House of Representatives.
 D. BURFORD,
Speaker of the Senate.

Passed November 19, 1833.

CHAPTER LXXI.

An Act to divide the State into Representative and Senatorial Districts under the enumeration of 1833.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That until the next enumeration of the taxable inhabitants of this State, the Senate shall be composed of twenty senators. Senatorial districts.

That the counties of Sullivan and Hawkins shall compose one election district, and elect one senator.

That the counties of Carter, Washington and Greene shall compose one election district, and elect one senator.

That the counties of Cocke, Jefferson, Grainger and Claiborne shall compose one election district, and elect one senator.

The counties of Sevier, Blount, Monroe and McMinn shall compose one election district, and elect one senator.

That the counties of Knox, Anderson, Campbell and Morgan shall compose one election district, and elect one senator.

That the counties of Roane, Rhea, Marion, Hamilton and Bledsoe shall compose one election district, and elect one senator.

That the counties of White, Overton, Fentress and Jackson shall compose one election district, and elect one senator.

That the counties of Warren and Franklin shall compose one election district, and elect one senator.

That the counties of Smith and Sumner shall compose one election district, and elect one senator.

That the counties of Wilson and Davidson shall compose one election district, and elect one senator.

That the counties of Giles and Lincoln shall compose one election district, and elect one senator.

That the county of Maury shall compose one election district, and elect one senator.

That the county of Bedford shall compose one election district, and elect one senator.

That the counties of Rutherford and Williamson shall compose one election district, and elect one senator.

That the counties of Robertson, Montgomery and Dickson shall compose one election district, and elect one senator.

That the counties of Hickman, Lawrence, Wayne, Hardin and McNairy shall compose one election district, and elect one senator.

That the counties of Stewart, Humphreys, Perry and Henderson shall compose one election district, and elect one senator.

That the counties of Carroll, Henry, Weakley and Obion shall compose one election district, and elect one senator.

That the counties of Madison, Haywood, Gibson and Dyer, shall compose one election district, and elect one senator.

That the counties of Hardeman, Fayette, Shelby and Tipton shall compose one election district, and elect one senator.

Representative
districts.

SEC. 2. *Be it enacted,* That the counties of Sullivan and Hawkins shall compose one election district, and elect one representative.

That the counties of Carter, and Washington shall compose one election district, and elect one representative.

That the counties of Jefferson and Cocke shall compose one election district, and elect one representative.

That the counties of Grainger and Claiborne shall compose one election district, and elect one representative.

That the counties of Campbell, Anderson and Morgan shall compose one election district, and elect one representative.

That the counties of Blount and Sevier shall compose one election district, and elect one representative.

That the counties of Roane and Rhea shall compose one election district, and elect one representative.

That the counties of Bledsoe, Marion and Hamilton shall compose one election district, and elect one representative.

That the counties of Greene, Knox, Monroe and McMinn shall elect and return one representative each.

That the counties of White and Fentress shall compose one election district, and elect one representative.

That the counties of Overton and Jackson shall compose one election district, and elect one representative.

That the counties of Wilson and Davidson shall compose one election district, and elect three representatives.

That the counties of Rutherford and Williamson shall compose one election district, and elect three representatives.

At the election to be held in 1835, the counties of Wilson and Rutherford shall each elect and return two representatives, and the counties of Davidson and Williamson, one each; at the election to be held in 1837, the counties of Williamson and Davidson shall each elect and return two representatives, and the counties of Rutherford and Wilson shall each elect and return one representative; at the election to be held in 1839, the counties of Rutherford and Wilson shall each elect and return two representatives, and the counties of Davidson and Williamson shall each elect and return one representative; at the election to be held in 1841, the counties of Davidson and Williamson shall elect and return two representatives each; and the counties of Rutherford and Wilson shall each elect and return one representative.

That the counties of Smith, Sumner, Warren, Franklin, Giles, Lincoln, Bedford and Maury shall elect and return one representative each.

That the counties of Montgomery and Robertson shall compose one election district, and elect one representative.

That the counties of Dickson and Hickman shall compose one election district and elect one representative.

That the counties of Stewart, Humphreys and Perry shall compose one election district, and elect one representative.

That the counties of Wayne and Lawrence shall compose one election district, and elect one representative.

That the counties of Hardin and Henderson shall compose one election district, and elect one representative.

The the counties of Henry, Carroll and Madison shall elect and return one representative each.

That the counties of McNairy and Hardeman shall compose one election district, and elect one representative.

That the counties of Fayette and Shelby shall compose one election district, and elect one representative.

That the counties of Haywood, Tipton and Dyer shall compose one election district, and elect one representative.

That the counties of Gibson, Weakley and Obion shall compose one election district, and elect one representative.

Sec. 3. *Be it enacted,* That in those districts which are composed of more than one county, the sheriffs, coroners or other returning officers, as the case may be, within

Times and places of comparing votes.

each election district after having counted the votes as pointed out by law, shall meet on the first Monday succeeding the election at the following places, to compare the votes. The person having the greatest number of votes shall be declared elected, and said officers shall certify the same under their hands and seals.

The returning officers of the senatorial district composed of the counties of Carter, Washington and Greene, shall meet at the court house in Jonesborough.

The returning officers of the district composed of the counties of Sullivan and Hawkins, shall meet at Kingsport.

The returning officers of the district composed of the counties of Grainger, Claiborne, Cocke and Jefferson, shall meet at Obadiah Boaz's, in Grainger county.

The returning officers of the district composed of the counties of Knox, Anderson, Campbell and Morgan, shall meet at the court house in Clinton.

The returning officers of the district composed of the counties of Sevier, Blount, Monroe and McMinn, shall meet at the house of A. Congers, in Blount county.

The returning officers of the district composed of the counties of Roane, Rhea, Bledsoe, Marion and Hamilton, shall meet at Washington, in Rhea county.

The returning officers of the district composed of the counties of Fentress, Overton, Jackson and White, shall meet at McKinney's, in Overton county.

The returning officers of the district composed of the counties of Warren and Franklin, shall meet at Hillsborough.

The returning officers of the district composed of the counties of Lincoln and Giles, shall meet at John Kennedy's, in Giles county.

The returning officers of the district composed of the counties of Smith and Sumner, shall meet at Hartsville.

The returning officers of the district composed of the counties of Robertson, Montgomery and Dickson, shall meet at Thomas Williams', in Montgomery county.

The returning officers of the district composed of the counties of Stewart, Humphreys, Perry and Henderson, shall meet at Reynoldsburgh.

The returning officers of the district composed of the counties of Hickman, Wayne, Lawrence, Hardin and McNairy, shall meet at Waynesborough.

The returning officers of the senatorial district composed of the counties of Wilson and Davidson, shall meet at James Williamson's, in Wilson county.

The returning officers of the senatorial district composed of the counties of Rutherford and Williamson, shall meet at Hardeman's cross roads, in Williamson county.

The returning officers of the district composed of the counties of Carroll, Henry, Weakley and Obion, shall meet at Dresden.

The returning officers of the district composed of the counties of Madison, Haywood, Gibson and Dyer, shall meet at Cherryville.

The returning officers of the district composed of the counties of Fayette, Shelby, Tipton and Hardeman, shall meet at Sommerville.

The returning officers of the representative district composed of the counties of Carter and Washington, shall meet at Jonesborough.

The returning officers of the representative district composed of the counties of Sullivan and Hawkins, shall meet at Kingsport, in Sullivan county.

The returning officers of the representative district composed of the counties of Cocke and Jefferson, shall meet at the house of Henry Jones, at the forks of the road.

The returning officers of the representative district composed of the counties of Grainger and Claiborne, shall meet at Robert McGiinnis's, in Grainger county.

The returning officers of the representative district composed of the counties of Sevier and Blount, shall meet at the house of Robert McCroskie, in Sevier county.

The returning officers of the representative district composed of the counties of Campbell, Anderson and Morgan, shall meet at the court house in Clinton.

The returning officers of the representative district composed of the counties of Roane and Rhea, shall meet at the house of George Gordon, at White's creek.

The returning officers of the representative district composed of the counties of Hamilton, Marion and Bledsoe, shall meet at William Henson's, in Bledsoe county, on the first Saturday after the election.

The returning officers of the representative district composed of the counties of White and Fentress, shall meet at McKinney's, in Overton county.

The returning officers of the representative district composed of the counties of Overton and Jackson, shall meet at McKinney's, in Overton county.

The returning officers of the representative district of the counties of Robertson and Montgomery, shall meet at Thomas Williams', in Montgomery county.

The returning officers of the representative district composed of the counties of Dickson and Hickman, shall meet at the house of the late Thomas Petty, on Piney.

The returning officers of the representative district composed of the counties of Stewart, Humphreys and Perry, shall meet at Reynoldsburg.

The returning officers of the representative district composed of the counties of Wayne and Lawrence, shall meet at Waynesborough.

The returning officers of the representative district composed of the counties of Hardin and Henderson, shall meet at Kendall's store, in Hardin county.

The returning officers of the representative district composed of the counties of McNairy and Hardeman, shall meet at Purdy.

The returning officers of the representative district composed of the counties of Fayette and Shelby, shall meet at Sommerville.

The returning officers of the representative district composed of the counties of Haywood, Tipton and Dyer, shall meet at Brownsville.

The returning officers of the representative district composed of the counties of Gibson, Weakley and Obion, shall meet at Winton.

The returning officers of the several counties that elect each one or two representatives, shall meet at the court house of their respective counties.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 14, 1833.

CHAPTER LXXII.

An Act to appropriate five hundred dollars to the survey of a rail way from Jackson to the Mississippi river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the treasurer of the Western District, pay to Joseph H. Talbot, James Elrod, Francis S. Coxe, Benjamin Parsons, Edmund P. Gaines, and F. A. Young, or a majority of them, five hundred dollars, out of any money in his office, not otherwise appropriated, to be paid to them when required, to commence the survey of the rail way from Jackson to the Mississippi river; the receipt of said Talbot, Elrod, Coxe, Parsons, Gaines, and Young, or a majority of them, shall entitle said treasurer to a credit in the settlement of his accounts: *Provided,* the said sum shall not be paid over, until satisfactory proof is made to the treasurer of the Western District, that the survey has been commenced: *Provided,* they enter into bond with good and sufficient security in the sum of one thousand dollars, payable to the Governor, and his successors in office, that the said sum of five hundred dollars

Treasurer to pay over the money.

shall be appropriated within twelve months, for the purposes herein expressed.

SEC. 2. *Be it enacted*, That so much of an act passed on the 14th November, 1833, as requires the directors of the Western Rail Road Company to meet at Jackson, be, and the same is hereby, repealed, and that said directors be authorised to meet annually, and at their called meetings, at such time and place as they may deem for the interest of said company. Repealing clause.

SEC. 3. *Be it enacted*, That the time for opening books for subscription in the Columbia Rail Road Company, shall be extended to one year from the passage of this act. Columbia rail road company.

SEC. 4. *Be it enacted*, That it shall hereafter be the duty of the different sheriffs of this State to make returns of all elections by them held for field officers, to the Governor, whose duty it shall be to issue commissions to the persons so elected. Duty of sheriffs.

SEC. 5. *Be it enacted*, That a precinct election be established at Rural Hill, in the county of Wilson, and in future, that elections shall be held for Governor, members of Congress, members of the General Assembly, and electors of President and Vice President of the United States, under the same rules, regulations and restrictions as other precincts in this State. Rural Hill.

SEC. 6. *Be it enacted*, That so much of an act passed November 29, 1833, entitled "an act to close the concerns of the Bank of the State of Tennessee, in section 5, as enacts that the offices of President and Directors of the Bank of the State of Tennessee shall cease after the first day of January next, be, and the same is hereby, repealed, and the President and Directors of said Bank, now in office, shall continue, till otherwise directed by law, but the salaries of said officers shall cease from and after the said first day of January, 1834, as shall also their power to do any act in or about the interest or concerns of said bank, except such act shall be required to be done or executed by either of the two agents appointed under the before recited act; and except also, the same shall be ratified by such agent, and it shall be the duty of the Governor to fill all vacancies in said board of directors, occurring by death or resignation, as in other cases. Bank of the State.

SEC. 7. *Be it enacted*, That it shall be the duty of the agents appointed under the before recited act, to make quarterly returns to the Secretary of State, of the condition of the business intrusted to their hands under said act, and of their progress in closing the same. Agents to make quarterly reports.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed December 2, 1833.

CHAPTER LXXIII.

An Act to authorise the Treasurer of Middle Tennessee to receive the dividends on the stock owned by the State of Tennessee in the Union Bank, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the bonus of one half of one per cent. due and payable from time to time from the Union Bank of the State of Tennessee, according to the eleventh section of their charter, shall be paid to the Treasurer of Middle Tennessee, and be applied to the payment of the interest on the State bonds, executed in conformity with the provisions of the sixth section of said charter; and that the interest which may from time to time accrue upon the deposits of the public money by the Treasurer of the State, shall also be applied to the payment of the interest on said bonds; and in case the fund arising from these sources be insufficient to pay the interest, that the balance be paid out of the dividends that may accrue upon the stock belonging to the State in the said Union Bank.

Application of
the bonus.

Dividends of
the State to be
invested.

SEC. 2. *And be it further enacted,* That the Treasurer of Middle Tennessee shall receive and receipt for the half yearly dividends upon the bank stock belonging to the State, that shall be made according to the thirteenth article of the fundamental articles of said Union Bank; and after paying the interest that from time to time may fall due on the State bonds as above provided, it shall be the duty of said Treasurer semi-annually to invest the balance of the dividends upon said stock in subscribing for additional shares in the capital stock of said Union Bank, reserved for the State by the sixth section of the charter; for which additional shares so subscribed, he shall receive from the President, Directors and Company of the said Union Bank, certificates of stock to be issued to the State of Tennessee.

Duty of treas-
urer.

SEC. 3. *And be it further enacted,* That it shall be the duty of said treasurer to demand of said bank from time to time, the bonus of one half of one per cent. and the half yearly dividends as soon as the same are declared by the directors; and in case of refusal on the part of said bank, or the officers thereof, to pay said bonus or semi-annual dividends, and their refusal to agree to a decision by the Supreme Court as provided in the next section, the treasurer shall commence suit against said corporation in the name of the State of Tennessee, in any circuit court in this State, or any other tribunal having jurisdiction thereof, and is authorised to employ one or more counsel on behalf of the State to attend to the prosecution of said suits in said courts, or in the Supreme Court of Errors and Appeals.

SEC. 4. *And be it further enacted,* That it shall be lawful for the Supreme Court of Errors and Appeals at Nashville, and they are hereby authorised and required to take jurisdiction of a case agreed between the said Union Bank and the State of Tennessee, to be made up between the Treasurer of Middle Tennessee, on the part of the State, and the said bank: *Provided,* the President and Directors of said bank shall consent, during the present session of this General Assembly, to make an agreed case to try the question of the right of the State to receive the dividends, bonus and interest upon deposits; and that said court shall have jurisdiction of said cause when placed on their docket, as if the cause had been tried in the circuit court and removed to said Supreme court by appeal or writ of error, or as if the question presented in said agreed case had been decided in the court below; and the decision of said court shall be final and conclusive, and the court are requested to decide the said cause at its first session in Nashville after the passage of this act.

Supreme court to decide the question between the bank and the State.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 19, 1833.

CHAPTER LXXIV.

An Act to prevent the poisoning of fish in any of the waters in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall not be lawful for any person or persons to kill or destroy the fish in any of the waters in this State, by putting any poisonous substance in said waters. Prohibition.

SEC. 2. *Be it further enacted,* That if any person or persons shall violate the provisions of the first section of this act, he, she or they shall be liable to pay the sum of ten dollars, to be recovered before any justice of the peace in this State, in the county where the offence may have been committed, one half of said sum to be paid to the informer, and the other half to the commissioners of the common schools, to be applied for the uses of said schools. Penalty for violating.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after the first day of January, 1834. When to be in force.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 19, 1833.

CHAPTER LXXV.

An Act to amend the criminal laws of this State for the trial of slaves.

Be it enacted by the General Assembly of the State of Tennessee, That if any negro or mulatto, whether bond or free, shall make an assault upon any white woman, with intent to commit a rape, and use violence to her person, such negro or mulatto, for such offence, shall suffer death by hanging. Such negro or mulatto, if a slave, shall be tried under the provisions of the laws now in force, regulating the trial of slaves; but the master or mistress shall have the right to appeal to the circuit court of the county where the trial may be had.

F. W. HULING,
Speaker of the House of Representatives.

D. BURFORD,
Speaker of the Senate.

Passed November 23, 1833.

CHAPTER LXXVI.

An Act to provide for the calling of a convention.

Mode of elec-
tion.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a convention shall be called, consisting of sixty members, who shall be elected on the first Thursday and Friday in March next, in the same manner, and under the same rules, regulations and restrictions, that members of the general assembly are now elected.

To meet at
Nashville.

SEC. 2. *Be it enacted,* That the delegates elected as aforesaid, shall meet at Nashville, in Davidson county, on the third Monday of May next, for the purpose of revising, amending, altering the present, or forming a new constitution.

Districts laid
off.

SEC. 3. *Be it enacted,* That the counties of Carter, Washington, Sullivan, Greene, Hawkins, Knox, Blount, Monroe, McMinn, Roane, White, Jackson, Warren, Franklin, Robertson, Montgomery, Henderson, Carroll, Madison, Hardeman, Fayette, Shelby, and Henry, shall each compose a district, and elect each, one delegate to the convention.

The counties of Cocke and Sevier, shall compose a district, and elect one delegate.

The counties of Rhea and Hamilton, shall compose a district, and elect one delegate.

The counties of Bledsoe and Marion, shall compose a district, and elect one delegate.

The counties of Overton and Fentress, shall compose a district, and elect one delegate.

The counties of Smith and Sumner, shall compose a district, and elect three delegates.

The counties of Rutherford, Bedford, Maury, Williamson, Davidson and Wilson, shall each compose a district, and elect two delegates each.

The counties of Lincoln and Giles, shall compose a district, and elect three delegates.

The counties of Washington, Greene, Cocke, Sevier, Blount, Monroe and McMinn, shall elect jointly one delegate.

The counties of Campbell, Claiborne, Grainger and Jefferson, shall compose a district, and elect three delegates.

The counties of Anderson and Morgan, shall compose a district, and elect one delegate.

The counties of Warren and Franklin, shall elect jointly one delegate.

The counties of Dickson, Stewart and Humphreys, shall compose a district, and elect two delegates.

The counties of Hickman, Lawrence and Wayne, shall compose a district, and elect two delegates.

The counties of Perry, Hardin and McNairy, shall compose a district, and elect two delegates.

The counties of Gibson and Dyer, shall compose a district, and elect one delegate.

The counties of Haywood and Tipton, shall compose a district, and elect one delegate.

The counties of Weakley and Obion, shall compose a district, and elect one delegate.

SEC. 4. *Be it enacted*, That the returning officers of the several districts shall meet on the first Monday after said election, for the purpose of comparing the votes for delegates to the convention, at the several places hereinafter specified, to wit:

Places of comparing votes.

The returning officers for the district composed of the counties of Cocke and Sevier, shall meet at the house of Lewis Bird, in Sevier county.

The returning officers for the district composed of the counties of Rhea and Hamilton, shall meet at the town of Washington.

The returning officers for the district composed of the counties of Bledsoe and Marion, shall meet at the house of James Standifer.

The returning officers for the district composed of the counties of Overton and Fentress, shall meet at Charles Ragan's, in Fentress county.

The returning officers for the district composed of the counties of Sumner and Smith, shall meet at Hartsville, in Sumner county.

The returning officers for the district composed of the

counties of Lincoln and Giles, shall meet at John Kennedy's, in Giles county.

The returning officers for the district composed of the counties of Washington, Greene, Cocke, Sevier, Blount, Monroe, and McMinn, shall meet at Sevierville.

The returning officers for the district composed of the counties of Campbell, Claiborne, Grainger and Jefferson, shall meet at Rutledge.

The returning officers for the district composed of the counties of Anderson and Morgan, shall meet at the house of Richard Oliver's, in Anderson county.

The returning officers for the district composed of the counties of Warren and Franklin, shall meet at Hillsboro', in Franklin county.

The returning officers for the district composed of the counties of Dickson, Stewart and Humphreys, shall meet at Reynoldsburg.

The returning officers for the district composed of the counties of Hickman, Lawrence and Wayne, shall meet at Catron's iron works, in Lawrence county.

The returning officers for the district composed of the counties of Perry, Hardin and McNairy, shall meet at Shannonville, in Perry county.

The returning officers for the district composed of the counties of Gibson and Dyer, shall meet at Eaton in Gibson county.

The returning officers for the district composed of the counties of Haywood, and Tipton, shall meet at Wesley, in Haywood county.

The returning officers for the district composed of the counties of Weakley and Obion, shall meet at Dresden, in Weakley county.

The returning officers for the district composed of but one county, shall meet at the court house of their respective counties.

Vacancies in
the convention.

SEC. 5. *Be it enacted,* That in case of the death, resignation, refusal to serve, or removal from this State, of any delegate to the convention, the vacancy occasioned thereby, shall be filled in the manner provided by law for the filling of vacancies in the representation to the general assembly.

Expenses of
the convention
provided for.

SEC. 6. *Be it enacted,* That it shall and may be lawful for the convention to draw by warrant, signed by their President, and attested by their Secretary, upon any of the Treasurers of this State, for such sum or sums of money as may be found necessary to defray the expenses of said convention.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 27, 1833.

CHAPTER LXXVII.

An Act on the subject of Common Schools.

Be it enacted by the General Assembly of the State of Tennessee, That whenever any of the boards of common school commissioners of this State, shall deem the interest annually arising from the school funds of any county in this State too small to produce any material good by annual distribution, said board shall be authorised to lend the same out as principal, and add the proceeds thereof annually to the principal of said fund, until such time as they may think proper to divide the same again.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 28, 1833.

CHAPTER LXXVIII.

An Act to amend and explain an act, entitled "an act for the better regulating proceedings to be had before justices of the peace," passed November 19, 1813.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases which have originated before a justice or justices of the peace, or which may be hereafter commenced, in which judgment may have been or may be rendered in favor of the plaintiff, and said plaintiff shall take an appeal to the county or circuit court, and said court, to which said appeal may be taken, on the trial of said cause should not give a judgment more favorable to the plaintiff than that given by the justice or justices before whom said cause was originally tried, making allowance for the difference occasioned by the interest accruing, it shall be the duty of said court to give judgment in favor of the plaintiff for the amount so by him recovered, together with the costs recovered before the justice or justices who tried the cause, and at the same time to give judgment in favor of the defendant against the plaintiff, for all costs occasioned by such appeal.

Where appeals
are taken from
justices.

SEC. 2. *Be it enacted,* That in all causes which have been, or may be, commenced in the county court, and judgment has or may be given in favor of the plaintiff, and the plaintiff has or shall pray an appeal to the circuit court, if said circuit court, on the final trial, should not give a judgment more favorable to the plaintiff than that given in the county court, making an allowance for the difference occasioned by the interest accruing, it shall be the

Appeals from
county court.

duty of said circuit court to give judgment for the plaintiff for the amount by him so recovered, together with the costs of the county court, and at the same time to give judgment in favor of the defendant against the plaintiff for all the costs occasioned by said appeal.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 8, 1833.

CHAPTER LXXIX.

An Act to amend the law in relation to forcible entry and detainer.

Be it enacted by the General Assembly of the State of Tennessee, That whenever a cause shall be brought into any circuit court in a suit for forcible entry and detainer, or forcible detainer, or unlawful detainer, under the provisions of existing laws, such cause shall not be dismissed for any error whatever in the proceedings before the justices, and it shall stand for trial on the merits at the first term of the court; but if the court shall be of opinion on the motion of the plaintiff or defendant, that the complaint required by the existing law to be made before the justice, or the precept issuing thereon, or any proceedings in the cause be defective, or any matter or thing pertaining to said cause be wanting, such court shall order the same to be amended or supplied, upon such terms as may be thought equitable and just.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 30, 1833.

CHAPTER LXXX.

An Act to amend the several acts of the General Assembly relative to property exempt from execution.

Other articles
empted

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in addition to the property heretofore exempt from execution by the several acts of the General Assembly of this State, that there shall also be exempt in like manner, in the hands of a person engaged in agriculture in like manner from executions issuing upon judgments founded upon contracts entered into from and

after the first day of February next, one plow, one hoe, one set of gears for plowing, one iron wedge, and one farm horse, mule or yoke of oxen.

SEC. 2. *Be it enacted*, That there shall in like manner be exempt, one set of mechanical tools, such as is usually employed by, and necessary for one workman, at any particular trade: *Provided*, the defendant in the execution who may claim the exemption of such set of tools, shall usually follow such trade as an employment. Mechanical tools.

SEC. 3. *Be it enacted*, That all property exempted from execution by this act, and all former acts of the General Assembly, shall in like manner be exempt in the hands of the widow, executor, administrator, or heirs of a deceased debtor. Exemption extended to widow, &c.

SEC. 4. *Be it enacted*, That all property exempt from execution by this act, as well as all former acts of the General Assembly, shall also be exempt from seizure by attachment. Exempted from attachment.

SEC. 5. *Be it enacted*, That the benefits of this act shall extend only to the heads of families. Act only extends to heads of families.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 26, 1833.

CHAPTER LXXXI.

An Act to explain an act, entitled "an act concerning free persons of color, and for other purposes," passed December 16, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of the above recited act, shall not be so construed as to extend to the case of any slave, or slaves, who had *bona fide* contracted for his, her or their freedom, previous to the passage of said act. Construction

SEC. 2. *Be it further enacted*, That in all cases hereafter, where any application shall be made to the county court of any county in this State to emancipate a slave, and it shall appear by satisfactory evidence to said court, that said slave had in good faith contracted for his or her freedom, previous to the passage of said act, then it shall be the duty of said court before which said application is made, to emancipate such slave, if in the opinion of said court it ought to be done, under the same rules, regulations and restrictions which were in force and use in such cases before the passage of the aforesaid recited act; and said slave, when so emancipated, shall be exempt from all the Of contracts for freedom before the act of 1831.

penalties contained in the second section of said act, although he or she shall continue to reside in this State, and all cases of emancipation by will or devise made by persons who died previous to the passage of the act of 1831.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 23, 1833.

CHAPTER LXXXII.

An Act to appropriate the reserved lands at the Narrows of Harpeth.

Appropriation
made.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the land reserved from entry within five miles of the Narrows of Harpeth, by the 37th section of the act of 1823, chapter 49, shall be subject to appropriation by entry and grant as other vacant land in this State, north and east of the Congressional reservation line, under the rules and regulations hereinafter prescribed.

Preference of
entry.

SEC. 2. *Be it enacted,* That a preference of three months shall be given to occupants, and owners of granted land less than one hundred and sixty acres, to enter and obtain grants, under the same rules, regulations and restrictions, and for the same quantities as is provided and prescribed by the third section of the said act of 1823: *Provided,* that no fee or price for said land shall be demanded or paid by said enterers other than what is paid by other enterers of vacant lands by the existing laws.

Grants validated.

SEC. 3. *Be it enacted,* That all grants issued by the State of Tennessee within said reservation since the passage of said act of 1823, are hereby declared to be valid, and to convey a good title to the grantee, his heirs and assigns for the land embraced within the boundaries thereof.

Entries since
1823.

SEC. 4. *Be it enacted,* That all persons, their heirs or assigns, who may have made entries within the said reservation since the passage of said act of 1823, shall be allowed to obtain surveys and grants for the same: *Provided,* nothing contained in this section shall interfere with the right of preference to occupants herein before given.

Montgomery
Bell.

SEC. 5. *Be it enacted,* That Montgomery Bell, of Davidson county, for the encouragement of building Iron Works at the Narrows of Harpeth in said county, may, at any time within three months from the passage of this act, enter in the entry taker's office of said county, all the vacant land within said reservation, or so much thereof as he may think proper, in as many tracts as he may

think proper, unfit for cultivation: *Provided*, he shall not interfere in said entries with grants already obtained or entries already made, or the preference given to occupants by this act, and the same may be granted to the said Montgomery Bell, on his paying fees of office for entering, surveying and obtaining grants as in other cases, and no other fees or price whatever, provided the said Bell shall not enjoy the preference of entry for more than ten thousand acres.

F. W. HULING,
Speaker of the House of Representatives.

D. BURFORD,
Speaker of the Senate.

Passed November 26, 1833.

CHAPTER LXXXIII.

An Act to repeal the third section of an act, entitled "an act to equalize the tax on wholesale and retail merchants, jewelers, grocers and auctioneers," passed December 14, 1831, and to increase the revenue.

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

SEC. 2. *Be it enacted*, That each retail and commission merchant, jeweler or grocer, and each and every firm of copartners in trade in either of the foregoing branches of business, who shall, by him, her or themselves, or his, her or their agent, vend or sell in this State any goods, wares or merchandize, (other than the growth or manufacture thereof,) shall be subject to and pay to the clerk of the county court, for the use of the State, the sum of one hundred dollars, on his, her, or their establishment, without regard to capital, either real or borrowed, by him, her or them employed in trade: *Provided*, that each merchant, jeweler or grocer, or firm of copartners as aforesaid, may, at his, her or their election, make an affidavit before the clerk of the county court of the county wherein he, she or they may wish to sell or vend such goods, groceries or jewelry, that the amount of his, her or their stock of goods, groceries or jewelry, estimating them at the invoice cost where purchased, does not exceed five thousand dollars, on which amount he, she or they may be entitled to a license for one year, by paying to the clerk as aforesaid, the sum of twenty dollars; and where the amount, estimated as aforesaid, is above the sum of five thousand dollars, and not exceeding seven thousand five hundred dollars, the clerk shall, on oath as aforesaid, issue to such applicant, a Rate of taxation.

license for one year, by his paying to the said clerk the sum of thirty five dollars; and where the amount as aforesaid, exceeds seven thousand five hundred dollars, and does not exceed ten thousand dollars, a license shall issue for one year for fifty dollars; and where the amount shall exceed ten thousand dollars, and does not exceed fifteen thousand dollars, a license shall issue for one year for seventy five dollars; and for all sums over fifteen thousand dollars, a license shall issue for one year for one hundred dollars; and in every instance such applicant or applicants, shall pay to the clerk for issuing a license and recording affidavit, the sum of one dollar.

Salt and iron
exempted.

SEC. 3. *Be it enacted*, That the provisions of this act shall not be so construed as to extend to the articles of salt and iron, but the same shall be sold and vended free of taxation.

Construction
of this act.

SEC. 4. *Be it enacted*, That the provisions of this act shall not be so construed as to repeal the fourteenth section of the nineteenth chapter of an act of the General Assembly, passed in the year one thousand eight hundred and twenty one, which authorizes the farmers residing in this State to exchange produce by them taken to market, either in or out of this State, for groceries not exceeding in amount five hundred dollars, for one whole year, without obtaining license therefor.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 30, 1833.

CHAPTER LXXXIV.

An Act further to provide for occupants south and west of the congressional reservation line, and north of Winchester's line.

Two years al-
lowed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all resident occupants residing south and west of the congressional reservation line, shall have two years from the end of this General Assembly to procure a warrant and perfect a title to the land whereon they may reside.

Occupants pro-
tected.

SEC. 2. *Be it enacted*, That all occupant settlers, as well those who have heretofore surveyed their occupant claims, as those lately made and not surveyed, shall be protected in their right of occupancy for the aforesaid term of two years.

Rights and
privileges of.

SEC. 3. *Be it enacted*, That all occupant settlers and residents upon the vacant and unappropriated land, situated,

lying and being south and west of the congressional reservation line, at or before the date of the passage of this act, be, and they are hereby, entitled to all the rights, privileges and immunities, as the occupant settlers as provided for in the act entitled an act directing the mode of surveying and granting occupant entries and of extending the rights of occupancy, and shall be under the same rules, regulations and restrictions as provided for in the said act of 1827, chapter 29, inclusive, from the third section: *Provided*, nothing in the above act shall be so construed as to give any person any occupancy or preference of entry of land, or to settle or reside south of Winchester's line, and north of the line lately run by John Thompson, on the 35th degree of north latitude.

F. W. HULING,
Speaker of the House of Representatives.
 D. BURFORD,
Speaker of the Senate.

Passed November 30, 1833.

CHAPTER LXXXV.

An Act to amend an act, entitled "an act to secure and provide for the collection of the legitimate revenue of this State," passed the 7th day of November, 1831, chapter 92.

WHEREAS, by an act passed in the year 1815, chapter 159, it is provided, that all persons who hold land in this State, shall return for taxation the real number of acres contained in their respective grants or deeds; and if any person shall fail or refuse to return the real number of acres, it shall be the duty of the justice to give information in writing to the county court, of any tract of land, the real number of acres of which may not have been returned: and upon such failure having been reported to the county court, it became their duty to have the land surveyed, and if the same contained more than ten per cent. of an excess, then such excess was liable to a double tax; and by the 4th section of said act it was further provided, that the justices appointed to take in the list of taxable property, where the owner or his agent shall fail to return the list of his taxable property, to report the real number of acres contained in any such tract of land, from the best information they can obtain; which land was liable to taxation according to the real quality thereof: and, whereas, many persons have failed to report the real number of acres of land contained in their respective grants or deeds, in violation of said act of 1815; by reason whereof, a large amount of the lands in this State liable to

taxation, have not paid any tax, in conformity with the provisions of the act of 1815 aforesaid, and the 28th section of the constitution of the State of Tennessee, providing that all lands shall be taxed agreeably to the quantity of acres, and the revenue arising therefrom is still due the state: and whereas, the General Assembly by the act of 1831, chapter 92, entitled an act to secure and provide for the collection of the legitimate revenue of this State, provided that the county courts should have power when they believe that any person holds lands by grant or deed, the butts and bounds of which contain more than seven hundred and fifty acres, over and above the quantity called for and returned for taxation, to cause said lands to be surveyed and the true quantity ascertained, and such tract should be liable to taxation according to its true quantity; but no provisions are contained in said act of 1831, for the collection of the delinquent taxes, due before the passage of the act of 1831, aforesaid, upon the surplus land, thus ascertained to be included within the bounds of said grants or deed. For remedy whereof,

Surplus land—
to be listed
and taxed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all land shall be listed and taxed according to its true quantity, as provided by and required in the above recited act of 1815; and when there is any surplus land in the bounds of any grant or deed, the same shall be ascertained, if it has not already been done as required by and provided in the above recited act of 1831, and where any surplus land has been or shall be ascertained to be included in the bounds of any grant or deed, such surplus land shall pay the taxes due thereon since the passage of the act of 1815 aforesaid, in the same manner as though such surplus land had been listed for taxes each and every year since the passage of said act of 1815. And it shall be the duty of the justices or commissioners, when they are taking in the lists of taxable property to ascertain and report to the county courts of their respective counties, the surplus land aforesaid liable to taxation; and the taxes due and unpaid thereon, for each and every year since the passage of said act of 1815; and it shall be the duty of the sheriffs or collector of taxes within their respective counties to collect and account for such delinquent taxes in the same manner as they are now bound to collect and account for other taxes: *Provided, however,* any one justice of the peace or commissioner, when taking his list of taxable property in the county where he resides, may ascertain and report to the court of his county, the surplus land liable to taxation in his county, in all cases where he has knowledge of any surplus land liable to taxation as aforesaid, and the taxes due and unpaid thereon for each and every year since the passage of the act of 1815 afore-

said, for which report so taken by any one justice of the peace or commissioner, the several county courts are authorised and empowered to make such justice or commissioner a reasonable allowance for his labor and trouble.

SEC. 2. *And be it further enacted,* That said justices or commissioners, in making out such delinquent lists, shall proceed as follows: they shall ascertain and report the surplus land, and the owner of such land since the passage of the act of 1815; and in the same manner for each and every year since that time, and the owner of the land during such year shall be liable for the delinquent taxes of that year; and where the owner of the land has not sold and conveyed the same to a bona fide purchaser for a valuable consideration, the land shall be bound for the delinquent taxes; but where such sale and conveyance has been made, the purchaser shall only be liable for the delinquent taxes on the overplus which have accrued after the purchase, and the previous delinquent taxes shall not be a lien on the land; and to facilitate the said justices or commissioners in the performance of the duties required of them by this act, they, and every of them, shall have free access to the registers' books of their respective counties without any fee being charged therefor: *Provided,* nothing in this act contained shall authorise any magistrate or other officer returning land for taxation to return any tract held either by deed or grant for the delinquent taxes due on such tract where the surplus in such deed or grant does not exceed seven hundred and fifty acres.

Manner of making out delinquent lists.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 18, 1833.

CHAPTER LXXXVI.

An Act prescribing the duty of clerks in certain cases.

WHEREAS, it is represented to this General Assembly, that some of the clerks of the county courts in this State have failed or refused to furnish the sheriffs or collectors with the tax lists as directed by law: for remedy whereof,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any clerk of a county court in this State, shall fail or refuse to furnish the tax list in the time and manner pointed out by law, it shall be considered a misdemeanor in office, for which he may be indicted in the county or circuit court of the county

On failure to make out tax lists.

wherein he is clerk; and upon conviction, may be removed from office by said court.

Duty of the
treasurer and
county trustees.

Sec. 2. *Be it enacted,* That where the clerk shall have failed or refused to furnish the tax list to the sheriff in manner aforesaid, upon satisfactory proof of that fact being made to the treasurer and county trustee, they shall suspend taking judgment against said sheriff or collector, as the case may be, until a reasonable time after the reception of said lists shall enable him to collect said tax.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 29, 1833.

CHAPTER LXXXVII.

An Act to amend an act, entitled an act to extend the Franklin Turnpike Road to the town of Columbia, passed the ——— 1831.

Be it enacted by the General Assembly of the State of Tennessee, That the commissioners in extending and locating said road from Franklin to Columbia, shall make a point in said road at the place in Williamson county, called Cotton Port.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 21, 1833.

CHAPTER LXXXVIII.

An Act to secure more effectually the State revenue.

Be it enacted by the General Assembly of the State of Tennessee, That the sheriff or collectors of the public taxes shall not be allowed any credit for insolvencies, from and after the time limited by law for them to settle their accounts of public taxes by them collected.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 26, 1833.

CHAPTER LXXXIX.

An Act to provide for the interment of paupers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the respective trustees of each county in this State, shall be required to pay, out of any county moneys in his hands not otherwise appropriated, the price of a coffin for the interment of any pauper in the county in which said trustee belongs, a sum not exceeding five dollars. Duty of county trustees.

SEC. 2. *Be it enacted,* That said trustee shall not pay for said coffin, unless the account of the claimant is accompanied with an affidavit, showing the value of said coffin, and that it was furnished for the interment of a pauper in said county, and that the claimant has no other means of obtaining payment; of the truth of which said trustee shall be satisfied. Affidavit to be made.

SEC. 3. *Be it enacted,* That the receipt of such claimant for moneys paid under the provisions of this act, shall be a sufficient voucher to said trustee in the settlement of his accounts. Claimant's receipt good voucher.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 21, 1833.

CHAPTER XC.

An Act to prevent the disturbance of worshipping assemblies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any person or persons, shall prepare any barbacue or other eatables for sale, or shall sell or offer for sale fruits or bread stuff, confectionaries, fermented liquors, or any other articles of whatever sort, kind or description, within one mile of any worshipping assembly so as to interrupt said worshipping assembly, they shall be dealt with as rioters at common law, and upon conviction thereof, shall be fined at the discretion of the court, in a sum not less than five dollars: *Provided,* that nothing herein contained shall prevent any person authorized by law from selling the articles above mentioned, at the usual places of selling the same. Prohibitions.

SEC. 2. *Be it further enacted,* That if any person shall maliciously throw down any fence or enclosure of any camp ground in any county in this State, they shall, on conviction before any justice of the peace in this State, pay the sum of ten dollars to the use of the person who may sue for the Camp grounds

same, and this act shall be in force from and after the passage thereof.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 30, 1833.

CHAPTER XCI.

An Act to authorise the Mayor and Aldermen of Nashville to borrow money, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the town of Nashville, be, and they are hereby, authorised to borrow a sum of money not exceeding twenty five thousand dollars, for the purpose of further extending the water works of said town; and the said Mayor and Aldermen are hereby authorised to make and issue the bonds or scrip of said corporation, for the payment of said sum of money.

Authority granted.

Nashville water works.

SEC. 2. *Be it enacted,* That the Mayor and Aldermen of said town shall have power and authority to protect from injury, by adequate penalties to be imposed by the laws or ordinances of the said Mayor and Aldermen, the pipes, hydrants or fixtures, buildings or improvements, belonging to, or in any wise appertaining to said water works, whether within or without the limits of said corporation.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,
Speaker of the Senate.

Passed November 23, 1833.

CHAPTER XCII.

An Act to amend the registration laws of this State, and regulating probate of deeds and other instruments.

Conveyances by femes covert.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all deeds of conveyance heretofore made, or hereafter to be executed, by husband and wife, may be proven by the subscribing witnesses thereto, or acknowledged before the clerk of any county, circuit, chancery or supreme court in this State, which probate or acknowledgment of the due execution of said deed by the said husband and wife, shall be made in the same manner, and the form of the certificate of such probate

or acknowledgment shall be the same as is pointed out in the said act, which this is intended to amend; and it shall be the duty of said clerk before whom said probate or acknowledgment is so taken, and after the said deed is so proven or acknowledged as aforesaid, to examine the wife privily and apart from her said husband, touching her voluntary execution of the same, and if she acknowledges or states that she executed the same freely and voluntarily, and without any compulsion on the part of her said husband, then, and in that case, the said clerk, in addition to the certificate of probate or acknowledgment prescribed in the above recited act, shall also put the following certificate on the back of said deed: "And A B (the feme covert,) having also personally appeared before me, privately and apart from her husband the said _____, acknowledged the execution of said deed to have been done by her freely, voluntarily and understandingly, without compulsion or restraint from her said husband, and for the purposes therein expressed. Witness, J F, clerk of said court, at office, this _____ day of _____."

SEC. 2. *Be it enacted*, That the aforesaid clerks shall have power, when femes covert are unable from age, sickness or debility, or for other cause, to appear before said clerk, to issue a commission to any justice of the peace, judge of any court of record, or mayor of any city or corporation, to take the privy examination of any feme covert who may have joined with her husband in the execution of any deed presented to said clerk for probate or acknowledgment as aforesaid, which said commission shall be endorsed on the deed, or attached thereto, and shall be in form as follows:

Commission to
examine femes
covert.

"State of Tennessee, }
_____ county. } To A B Esquire:

You are hereby authorised and empowered to take the examination of _____ (the feme covert) privately and apart from her husband, relative to her free execution of the within (or annexed) deed, and the same so taken certify under your hand and seal. Witness, J F, clerk of the _____ court of _____ at office, the _____ day of _____, 18—."

And the said commissioner shall endorse on said deed, or attach thereto, a certificate as follows:

Form of certifi-
cate.

"State of Tennessee, }
_____ county. } E F, (the feme covert) hav-
ing personally appeared before me, and having, by virtue of the authority in me vested, been examined privately and apart from her husband (C D,) and she having acknowledged the due execution of the within (or annexed) deed by her, freely, voluntarily, without compulsion, con-

straint or coercion by her said husband, the same is therefore certified.

Witness my hand and seal, this — day of —, 18—
J F. [Seal]"

Which said commission, certificate or privy examination, and probate of said deed, shall be registered with said deed in the county where the land lies, in the same manner that deeds are now required to be registered by the act which this is intended to amend.

Made valid.

SEC. 3. *Be it enacted*, That all deeds or other instruments of writing executed by husband and wife, that may be proven, registered and certified according to the provisions of this act, shall be good and effectual against them, and every of their heirs and assignees.

Probate in open court.

SEC. 4. *Be it enacted*, That nothing herein contained, or in the aforesaid act of 1831 contained, shall prevent or prohibit the probate or acknowledgment of deeds or privy examinations of femes covert, to be taken in open court as heretofore; but it shall and may be lawful to prove or acknowledge the same in open court; and the said deed when so proven or acknowledged and certified, shall be registered in the county where the land lies, which probate and registration shall be governed by the same rules, regulations and restrictions that now govern in the probate and registration of deeds before the clerks, and shall have the same, and no other or greater effect.

Probate in open court since the act of 1831.

SEC. 5. *Be it enacted*, That where any deed or deeds have, since the passage of the act which this is intended to amend, been proved or acknowledged in open court, under the provisions of the acts of assembly in force and use previous to the passage of the said act of 1831, the said probate or acknowledgment shall be as good and effectual as if taken before the clerk, according to the provisions of the said act of 20th December, 1831, and shall be registered with the certificates in the county where the land lies, and shall be received in evidence in any of the courts of justice in this State.

Registration of copies of decrees in chancery.

SEC. 6. *Be it enacted*, That decrees rendered in chancery for the payment of money, shall be a lien upon the lands of the person or persons against whom the same may be rendered, in like manner, and under the same provisions, restrictions and limitations as are judgments at law by the seventh and eighth [sections] of the act which this is intended to amend, and that certified copies of all decrees divesting the title of the land out of any person or persons, and vesting it in any other, shall be registered in the county where such land lies, within six months after the rendition of such decree, or within twelve months after the passage of this act, or such title shall be void as against creditors of

the person or persons so divested of title, or purchasing from him, her or them, without notice of such decree.

SEC. 7. *Be it further enacted,* That the probate or acknowledgment of all deeds, or other conveyances or agreements, that are or may be required by law to be registered, may be taken or made before any of the clerks of the courts of this State; and the certificate of said probate or acknowledgment (and in case of conveyances by femes covert) of the privy examination of such femes covert, being endorsed thereon or annexed thereto as required by this act, the said deeds or other instruments may be registered in any county county in the State where the land lies.

Probate of deeds before any of the clerks of this State.

SEC. 8. *Be it further enacted,* That in all cases where any deed or other instrument of writing, required by law to be proven or acknowledged and registered, shall be presented to any of the said clerks for probate, and the party presenting the same, shall suggest to said clerk that the subscribing witness or witnesses thereto, or either of them, refuse to appear and give evidence of the execution of said deed or other instrument, the said clerk shall and may issue a subpoena or subpoenas, to compel the attendance of such witness or witnesses, before him, to prove the execution of said deed or other instrument.

Subpoena for witness by clerks.

SEC. 9. *Be it further enacted,* That every witness so summoned, and who may attend to prove the execution of said deed, shall receive fifty cents for his attendance, which shall be paid by the party summoning said witness at the time of his attendance; and in the event that the party summoning said witness shall fail or refuse to pay said witness, then the witness may recover the sum due before any justice of the peace having cognizance thereof.

Witnesses fees.

SEC. 10. *Be it further enacted,* That should any witness summoned under the provisions of this act, fail or refuse to attend as required, he, she or they shall be liable to the party at whose request they may have been summoned, for any damage he, she or they may have sustained in consequence of his or her failure to attend as commanded by said subpoena, to be recovered by an action on the case before any court having cognizance thereof.

Recusant witnesses to be fined.

SEC. 11. *Be it further enacted,* That it shall be the duty of any sheriff or constable into whose hands said subpoena may be put, to execute the same without delay on the witness or witnesses therein named, for which service he shall receive twenty five cents for each witness he may be required to summon, to be paid by the party presenting the subpoena; and the said sheriff or constable shall not be bound to execute said subpoena, or liable for damages on account of a failure to do so, unless said fees are paid

Duty of sheriffs and constables.

or tendered to him at the time the subpoena is presented to him.

Liability of sheriff.

SEC. 12. *Be it further enacted,* That if any sheriff or constable shall fail, neglect or refuse to execute any subpoena issued under the provisions of this act, where the fees herein prescribed shall have been paid or tendered to him as aforesaid, said sheriff or constable shall be liable to the party injured for any damage he, she or they may sustain in consequence of such failure, neglect or refusal, to be recovered, with all costs, in an action on the case, in any court of record having cognizance thereof.

Probate of identity of bargainor.

SEC. 13. *Be it further enacted,* That in all cases where any deed or other instrument of writing shall be presented to any of the clerks aforesaid for acknowledgment, and the said clerk shall not be acquainted with the bargainor or bargainors, so as to make the certificate required by the act which this is intended to amend, then, and in all such cases, it shall be the duty of said clerk to file said deed or other instrument, and note on his record of the probate of deeds, the date of the presentation of such deed or other instrument, and the reason of the postponement of the acknowledgment thereof; and the party offering the same, or interested in the acknowledgment thereof, shall and may produce witnesses before said clerk, to prove the identity of the person so offering to acknowledge the same, for which purpose twenty days shall be allowed the party by said clerk.

Deeds when to take effect.

SEC. 14. *Be it further enacted,* That in all cases where the bargainor or bargainors are unknown to the clerk, or where the subscribing witnesses, or either of them, fail or refuse to attend without being summoned, that the deed or other instrument shall be good, and take effect from the date of its filing with the said clerk, as though it had been then duly proven or acknowledged: *Provided,* said deed or other instrument be duly proven or acknowledged under the provisions of this act.

Duty of clerks.

SEC. 15. *Be it further enacted,* That it shall be the duty of the several clerks in this State, who are authorized by the provisions of this act, and the act which this is intended to amend, to take the probate or acknowledgment of deeds or other instruments, and who may take the probate or acknowledgment of said deed or other instrument, to procure a well bound book, where the same has not been done, and enter therein the probate or acknowledgment of every deed or other instrument, that may be proven or acknowledged before them, which entry or record shall state the date of the presentation of said deed or other instrument, in all cases where the same has been filed with said clerk, but has not been proven at the time on account of the failure or refusal of the witness or

witnesses to attend, or duly acknowledged on account of said clerk not being acquainted with the bargainor or bargainors, obligor or obligors, and the date of said probate or acknowledgment where the same is completed at the time of the presentation of said deed or other instrument, the names of the bargainor or bargainors, obligor or obligors, and the names of the bargainee or bargainees, or obligee or obligees, the number of acres of land, or the town lots, or the parts or portions of tracts of land or town lots, or other property mentioned in said deed or other instrument, and the county or town in which said land and town lot or lots, is, or are, situated.

SEC. 16. *Be it further enacted,* That the county court of the several counties in this State, shall make an allowance to the clerks as aforesaid, payable out of the county treasury, for the purchase of the books for the purposes aforesaid, which said allowance shall be made under the same rules and regulations as now required by law for the government of county courts in making appropriations of county moneys.

Allowance to clerks for purchasing books.

SEC. 17. *Be it further enacted,* That the said clerk shall receive the sum of twelve and one half cents for every search of said record of the probate or acknowledgment of deeds and other instruments, and the sum of twenty five cents for issuing a subpoena for each witness required to be summoned to any deed or other instrument, and the sum of twelve and one half cents for filing and entering the date of such filing or presentation of any deed or other instrument, where the witness or witnesses thereto are required to be summoned, or where the bargainor or bargainors, obligor or obligors, are unknown to said clerk, and the probate or acknowledgment thereof is delayed until the provisions of this act in such cases are complied with, in addition to the fees now allowed by law for taking probates or acknowledgments of deeds or other instruments, and certifying the same.

Clerks fees.

SEC. 18. *Be it further enacted,* That where any clerk who may take the probate or acknowledgment of any deed or other instrument, and shall fail or refuse to comply with, and discharge the duties hereby required of him, he shall forfeit and pay the sum of one hundred dollars, for the use of the county in which he may reside, which may be recovered by action of debt in any court of record having cognizance thereof, in the name of the trustee of said county, and shall moreover be liable to the party injured for all damages he, she or they may sustain by such failure

Failure of the clerk to discharge the duties required in this act.

Q

MC

or refusal, to be recovered, with all costs, in an action on the case in any court of record having cognizance thereof.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 29, 1833.

CHAPTER XCIII.

An Act to amend an act passed on the 5th of January, 1830, authorising the building of a court house in the town of Rogersville, and for other purposes,

Authority
granted

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said commissioners are hereby authorised to purchase a sufficient quantity of ground adjoining the public square in said town of Rogersville, whereon to build the said court house: *Provided,* that the consent of a majority of the justices of the peace in said county of Hawkins be first obtained, during the sitting of said court of pleas and quarter sessions.

Commissioners
appointed.

SEC. 2. *Be it enacted,* That Stokely D. Mitchell, Orville Rice and Jacob Miller, be, and they are hereby, appointed commissioners of said court house, in the room and stead of William Simpson, James Sanders and James Young, resigned.

William Carey.

SEC. 3. *Be it enacted,* That William Carey, clerk of the [court] of pleas and quarter sessions for Campbell county, be, and he is hereby, authorised to build a clerk's office in any part of the public square in the town of Jacksboro, that may be designated for that purpose by a majority of the justices of said county: *And provided,* an order of the county court be made for said purpose.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed October 29, 1833.

CHAPTER XCIV.

An Act to establish a precinct election at the house of John Lea, in the 02 county of Stewart, and for other purposes.

In Stewart.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a precinct election shall be held at the house of John Lea, in the county of Stewart, under

the same rules and regulations of other precinct elections in this State, for all officers, either civil or military, authorised by the laws of this State or the constitution thereof.

SEC. 2. *Be it enacted*, That so much of an act passed at the present session of the General Assembly as establishes a precinct at the house of Daniel Bratton, in Smith county, be, and the same is hereby, repealed. Repealing section.

SEC. 3. *Be it enacted*, That a precinct election be established at the house of Dennis Dozier, in Davidson county, under the same rules and regulations as other precinct elections in this State; and at the house of Absalom Gleaves, in Davidson county; and at the house of _____ McBride, Esq. in Marion county; and at the house of Richard T. Meriwether, in Obion county, with all the rights and privileges as provided in the first section. In Davidson, Marion and Obion.

SEC. 4. *Be it enacted*, That a precinct election shall be held at the store house of Charles White, in the county of Wayne, under the rules and regulations of other precinct elections in this State, either civil or military, authorised by the laws and constitution of this State. Wayne.

F. W. HULING,
Speaker of the House of Representatives.

D. BURFORD.

Speaker of the Senate.

Passed November 23, 1833.

CHAPTER XCV.

An Act to change and establish certain precinct elections in Hawkins and other counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the precinct election heretofore established and held at Epperson's, in Hawkins county, shall be hereafter held at John Green's, the battalion muster ground for the lower battalion in the 107th regiment, and the precinct election heretofore established and held at Garrison's, in said county, be removed to the house of Ezekiel Sullivan, in said county, and that hereafter in all general elections for Governor, members of Congress and members of the General Assembly, and electors of President; it shall be the duty of the sheriff of Hawkins county to open and hold an election at _____ Farmer's, formerly the widow Frost's, on the north side of Clinch river, in Hawkins county, under the same rules and regulations as other precinct elections are directed by law to be held. Hawkins.

SEC. 2. *Be it enacted*, That the sheriff of Greene county shall hereafter open and hold an election at the house of Jacob Smith on Lick creek in said county, in all general Greene.

elections, under the same rules and regulations as other precinct elections in said county are directed by law to be held.

Dickson Ru-
therford and
Henry and
Giles.

SEC. 3. *Be it enacted*, That the sheriff of Dickson county shall hereafter open and hold elections at the house of Mrs. Patsey Jones, in said county, under the same rules and regulations; and the sheriff of Rutherford county shall hereafter open and hold elections at the house of David Patton, in said county, under the same rules and regulations; and the sheriff of Henry county shall hereafter open and hold elections at the Sulphur Well in said county, under the same rules and regulations; and at Shields' store in Giles county.

Perry.

SEC. 4. *Be it enacted*, That precinct elections shall be held in Perry county, at the house of Samuel Story, John C. Menzies, Stephen Stricklin, James C. Gullock, William O. Gwin's, and at Kirk's mills, under the same rules, regulations and restrictions as other precincts in said county, and the citizens of said county shall be at liberty to vote at the aforesaid places for all officers either civil or military.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 29, 1833.

CHAPTER XCVI.

An Act to amend an act, entitled "an act to establish a Board of Internal Improvement in the counties therein mentioned, and for other purposes," passed December 17, 1831.

Obstructing
roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any person or persons shall erect or cause to be erected across or on the Nashville, Murfreesborough and Shelbyville, or the Nashville and Franklin, or any other turnpike road, any fence, or throw any other obstruction thereon, or shall dig up or remove the stone, gravel or earth of which said road is constructed, or in any wise obstruct or injure said road, or shall knock down or in any wise injure or deface any of the mile posts on said road, or shall pull down or injure, or set fire to any bridge, culvert or other building erected by the said turnpike company on said road, wilfully and intentionally, such person or persons so offending shall, for any of said offences, be liable to indictment in the circuit court of the county where such offence may be committed, and upon conviction, shall be fined and imprisoned, or fined only, at the discretion of the court, and moreover shall be liable to

pay the company such damages as they may sustain there-
by.

SEC. 2. *Be it enacted*, That if any person or persons shall wilfully and intentionally destroy or remove any obstructions which may be placed on said road by the agents of the company for the preservation of said road, such person or persons shall, for every such offence, forfeit and pay five dollars, to be recovered by warrant, before any justice of the peace in this State to the use of the State. Removing obstructions.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 7, 1833.

RESOLUTIONS.

NUMBER I.

A Resolution directing the Cashier of the Bank of the State of Tennessee to pay to Benjamin Crawley and others, executors, &c. a certain sum of money therein named.

Resolved by the General Assembly of the State of Tennessee, That the Cashier of the Bank of the State of Tennessee be directed to pay to Thomas Maney, the attorney of Benjamin Crawley and John Carter, of North Carolina, executors of David Crawley, deceased, the sum of two hundred and thirty three dollars and fifty two cents, with interest thereon from the 7th day of May, 1833, till paid; the same being the amount of a decree made by the chancery court at Franklin, on the said 7th day of May, 1833, in favour of said Benjamin Crawley and John Carter, executors, &c. against Thomas Crutcher, treasurer of West Tennessee, as defendant, for and on behalf of the Common Schools.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,

Adopted October 29, 1833.

Speaker of the Senate,

NUMBER II.

A Resolution directory to the President and Directors of the Bank of the State of Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of the State of Tennessee, the President, Directors and officers of said Bank, and the chairman of the committee on Banks in each house of this General Assembly being present, shall burn all the paper on said Bank now on hand which has been prepared for circulation, and that they report to the present session the amount of such paper which may be burned in obedience to this resolution.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,

Adopted November 14, 1833.

Speaker of the Senate.

NUMBER III.

Resolution appointing additional trustees for East Tennessee College.

Resolved by the General Assembly of the State of Tennessee, That Peter French, Peter Nantze, John Flanegin, Samuel Bowman, Jeremiah Johnson and John Halfacre, of the county [of] Knox, be, and they are hereby, appointed as additional trustees of the East Tennessee College at Knoxville, and they shall take the same oath, and be entitled to the same powers and privileges, as other trustees of said College are by law.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 19, 1833.

NUMBER IV.

A Resolution directory to the Secretary of State.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State is hereby directed to furnish the different sheriffs in this State with a copy of an act calling a convention in this State, as soon as it is practicable after the rise of this General Assembly.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Adopted November 30, 1833.

NUMBER V.

A resolution continuing Dr. G. Troost Geologist of the State.

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

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

November 15, 1833.

NUMBER VI.

A Resolution directory to the Treasurer of West Tennessee.

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

treasurer of West Tennessee, be, and he is hereby, directed to pay to John Handy and Abraham Shook, of Franklin county, the sum of one thousand and fifty dollars eighty seven and a half cents, the amount received by him for the rent of school land in Franklin county.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Adopted November 29, 1833.

NUMBER VII.

A Resolution directory to the Secretary of State.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State cause to be bound one copy of the Journals of each session of the General Assembly, and deposite them in his office; and if there is not a complete set of the Journals from the organization of the State up to the present time now in his office, that he endeavor to procure them from the public offices or individuals; and that he report to the General Assembly the expense of procuring and binding the same, that the amount may be appropriated.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Adopted November 29, 1833.

NUMBER VIII.

A Resolution instructing our Senators and requesting our Representatives, to vote against a re-charter of the United States Bank.

WHEREAS, it is considered by the good people of the State of Tennessee, that a re-charter of the Bank of the United States would be detrimental to the interest of the citizens thereof: therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives requested, to vote against re-chartering the Bank of the United States, should an attempt be made in Congress for that purpose.

Resolved, That the Secretary of State cause a copy of the foregoing preamble and resolution to be furnished each of our Senators and Representatives in Congress.

F. W. HULING,

Speaker of the House of Representatives,

D. BURFORD,

Speaker of the Senate.

Adopted November 30, 1833.

R

NUMBER IX.

A Resolution to extend the jurisdiction of the State of Tennessee to Walker's line.

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 Drake's creek, running south 62 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, when they are 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: therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the jurisdiction of this State be extended over the said described country up to said Walker's line running a direct course from said beech to said gum, as marked by said commissioners; and all persons living within the limits of the said described country, are citizens of the State of Tennessee, and subject to our laws, and are required to obey and observe the same; and the officers of this State are authorised and required to execute process in the said described country, and make return as in other cases.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

 NUMBER X.

A Resolution in relation to the Military Academy at West Point, in the State of New-York.

WHEREAS, many of the good citizens of these United States have viewed with deep and manifest interest, the vast appropriations of public money for the support of the Military Academy in the State of New-York; a few young men, sons of distinguished and wealthy families, through the intervention of members of Congress, are educated at this institution, at the expense of the great body of the American people, which entitle them to privileges, and elevate them above their fellow citizens who have not been so fortunate as to be educated under the patronage of this aristocratical institution: and, whereas, it is considered by this General Assembly, that such institutions are repugnant to the great and fundamental principles of our Government, by creating a demand upon the Government for a large amount of money, to support and protect an institution almost unknown to the people,

and well calculated in its character to fill all the offices in the army of the United States under the patronage of the Government, to the exclusion of the meritorious and talented portion of the country, who have not received their academical education at the Government school; such a power is wholly unknown to the constitution of the United States, and at war with those principles and maxims which should ever be held sacred by a free and enlightened people. Since the year 1794, when this institution was established, and a corps of artillerists and engineers, it has gradually set up claims to Government patronage, by acts of Congress from time to time, increasing the pay, rank and emoluments of its officers, as well as the number of Cadets, until the year 1812, when an appropriation of twenty five thousand dollars was made by Congress to erect public buildings, and procuring library, apparatus, &c. and is now supported by annual appropriations by the Government; all of which is viewed as an unnecessary expenditure of the public funds: therefore,

1. *Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed, and our Representatives requested, to oppose the passage of all laws making further appropriations for the support of said institution.

2. *Resolved*, That the Secretary of State cause a copy of the foregoing preamble and resolution to be furnished each of our Senators and Representatives in Congress.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 26, 1833.

NUMBER XI.

A Resolution recommending it to the people to urge upon the candidates for, and the delegates to, the convention, to refer the new constitution to the people.

WHEREAS, by a majority of the votes of the freemen of Tennessee, a convention has been called, and is to be assembled to remodel the constitution of this State; and in a matter that so deeply concerns the best interest of our country, and upon which depends the future prosperity of our growing and flourishing State, it is deemed expedient to place it fairly before the people: and whereas, the history of our country has taught us that too much caution cannot be exercised when we are brought to act upon a subject of such importance, and likely to change the whole features of our State government; and in order better to secure and protect the rights of the people, and to retain the balance of power in their hands, and that a fair and full expression may be had of their approbation of the provisions of the new constitution: it is therefore,

Resolved by the General Assembly of the State of Tennessee, That it is the opinion of this General Assembly, and they hereby most respectfully recommend to the people to urge it upon the candidates for the

convention in the several districts, and upon the delegates elected to said convention, that when the new constitution shall have been formed, it shall be submitted back to the people to receive their sanction by a majority of the votes in the State, before it shall become the established constitution.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,

Adopted November 22, 1833.

Speaker of the Senate.

NUMBER XII.

A Resolution directory to the Treasurer of West Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the treasurer of West Tennessee be directed forthwith to apply to the Cashier of the banking house of Yeatman, Woods & Co. for the tax due to the State from the 1st January, 1830, and that hereafter it be the duty of said treasurer to collect annually from said banking company, the amount of tax imposed by the act of 13th January, 1830.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,

Adopted November 9, 1833.

Speaker of the Senate.

NUMBER XIII.

A Resolution directory to the Governor of this State, on the subject of connecting the waters of Tennessee and Alabama, by rail road or canal.

Resolved by the General Assembly of the State of Tennessee, That the Governor of this State correspond with the Governor of the State of Alabama, on the subject of connecting, either by rail road or canal, the Tennessee river with some navigable stream that empties into the Mobile Bay, with a view to ascertain the practicability, and to invite the co-operation of said State, in the promotion of that object.

F. W. HULING,
Speaker of the House of Representatives.
D. BURFORD,

Speaker of the Senate.

NUMBER XIV.

Resolutions referring grants No. 4780 and No. 22242, to the commissioner for adjudication.

Resolved by the General Assembly of the State of Tennessee, That grant No. 4780, from Tennessee to James Armstrong, be referred to the

commissioner for adjudication; and upon its being made appear that the land is held by another grant under the Statute of Limitations, the said commissioner shall issue a warrant to William Wilbourn for 348 acres, who holds by deed of conveyance under said grant No. 4780; and provided, the same is founded on a good and valid warrant, and that no other grant has issued thereon.

Resolved by the General Assembly of the State of Tennessee, That grant No. 22242, from the State of Tennessee to Garland and Robertson, be referred to the commissioner for adjudication, provided said grant issued on good and valid warrants, and no other grant has issued on said warrant, under all the laws regulating the adjudication of land claims, as in other cases.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Adopted November 1, 1833.

NUMBER XV.

Resolution referring grants therein mentioned to the commissioner of West Tennessee for adjudication.

Resolved by the General Assembly of the State of Tennessee, That certificate No. 7010, for 14 acres; 7012, for 20 acres; 7017, for 20 acres; 7024, for 15 acres; 7026, for 25 acres, and 6823, for 40 acres, be referred to the commissioner of West Tennessee for adjudication, and that he adjudicate the same upon its appearing to him that they are good and valid claims.

Resolved by the General Assembly of the State of Tennessee, That Thomas Williams be permitted to file with the Secretary of State, acting as commissioner of land claims, for adjudication, grant No. 18874 and grant No. 18875, dated the 24th of March 1823; and if it shall appear to the satisfaction of said commissioner that said grants are interfered with by an older and better title, and that said grants are founded on good and valid warrants, and that no other grant has issued on the same, he shall issue duplicates as in other cases.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Adopted November 1, 1833.

NUMBER XVI.

Resolution referring certificates for adjudication.

Resolved by the General Assembly of the State of Tennessee, That certificates No. 137, issued by the commissioners of East Tennessee, dated 8th September, 1815, and duplicates No. 124 and 2655, issued by the

commissioners of East Tennessee, be referred to the commissioner for adjudication: *Provided*, the same were originally founded on a good and valid warrant.

F. W. HULING,
Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 19, 1833.

NUMBER XVII.

A Resolution directory to the commissioner of West Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the commissioner of West Tennessee issue a duplicate upon certificate No. 385, issued to John McDonel by the commissioner of West Tennessee, for 960 acres, upon proof being made to his satisfaction that the original is lost, and not satisfied or granted.

F. W. HULING,
Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Adopted November 1, 1833.

NUMBER XVIII.

A Resolution directing the commissioner of West Tennessee to adjudicate a certificate warrant,

Resolved by the General Assembly of the State of Tennessee, That certificate warrant No. 267, issued by the register of East Tennessee to James P. Taylor, for twenty acres, be referred to the commissioner of land claims for adjudication; and if it shall appear to said commissioner, that said certificate is good and valid, then, and in that case, he shall issue a certificate to the rightful assignee of said Taylor.

F. W. HULING,
Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Adopted October 30, 1833.

NUMBER XIX.

A Resolution referring warrants 7086 and 7087, for adjudication.

Resolved by the General Assembly of the State of Tennessee, That warrant 7086, for 50 acres, and warrant 7087, for 15 acres, issued by the register of West Tennessee, be referred to the Secretary of State as commissioner, for adjudication; and if it shall appear to said commis-

sioner that the same are good and valid, he shall certify the same, as in other cases.

F. W. HULING,
Speaker of the House of Representatives.

Adopted November 1, 1833.

D. BURFORD,
Speaker of the Senate.

NUMBER XX.

Resolution referring grant No. 201 for adjudication.

Resolved by the General Assembly of the State of Tennessee, That grant No. 201, from North Carolina, for 1000 acres, be referred to the Secretary of State for adjudication of land claims.

F. W. HULING,
Speaker of the House of Representatives.

Adopted November 29, 1833.

D. BURFORD,
Speaker of the Senate.

NUMBER XXI.

Resolution referring the suits against Joel Parrish and securities, to commissioners.

WHEREAS, a suit is now pending in the Davidson circuit court against Joel Parrish, Cashier of the State Bank and his securities, for defalcation as Cashier: and whereas the accidents and casualties attendant upon a long and protracted law suit by the death or removal of witnesses, and counsel on the part of the State, may produce ultimate loss to the State in the same way it did in the suit commenced by the State some years since against the then treasurer of West Tennessee by such accidents: and whereas, it is desirable to the citizens of this State, and it is manifestly to the interest of the same, to have all controversies connected with the State Bank brought to a close as speedily as possible: therefore,

Be it resolved by the General Assembly of the State of Tennessee, That William Carroll, Governor; Sam G. Smith, Secretary of State; Thomas Crutcher, Treasurer of West Tennessee; David Craighhead and O. B. Hayes, be, and they are hereby, appointed arbitrators on the part of the State, to compromise this controversy upon the best terms on the part of the State that may be practicable, and report their proceedings to the next session of the Legislature of this State.

Resolved, furthermore, in the event the whole number of the before mentioned arbitrators shall agree to receive from the aforesaid Joel Parrish and his securities, any specific sum in satisfaction and discharge of the suit or suits now pending in the circuit court aforesaid, it shall be the duty of said defendants to appear before the circuit court of Davidson county, and confess judgment for the same in favor of the

State Bank, in satisfaction and discharge of said suit or suits; and should said arbitrators be unable to agree upon any specific sum with said defendants, then, and in that case, said arbitrators are required to make report of the fact of such disagreement to the present, or any subsequent circuit court of Davidson county, and the suit or suits shall then be proceeded in as though this resolution had never been passed.

F. W. HULING,

Speaker of the House of Representatives.

D. BURFORD,

Speaker of the Senate.

Passed November 29, 1833.

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.

SAM G. SMITH,

Secretary of State.

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