

ACTS

PASSED

AT THE SECOND SESSION

OF THE

FOURTEENTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE.



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1822.

the commissioners of land claims to issue to Nicholas Tate Perkins, a certificate for fifteen acres, on his producing to said commissioners his grant for fifteen acres, issued by this State, and which is taken away by a grant of twenty thousand acres to Stokely Douelton and William Tyrrell, situate in the fork between the rivers Holston and French Broad.

JAMES FENTRESS,
Speaker of the House of Representatives,
S. BREWER,
Speaker of the Senate

August 23, 1822.

CHAPTER CCXII.

An Act to authorize John Houston and others of Blount county to open a Turnpike Road.

A Turnpike road authorized.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That John Houston, sen. Robert Houston, James Houston, jr. and John Houston, jr. be, and they are hereby authorized to cut out and open a turnpike road, commencing at Maryville in the county of Blount, the nearest and best way to the North Carolina line, on the route to the mouth of the Tuckasegee river; Provided, the State of North Carolina will open said road from their line to the mouth of said river or authorize it to be done, which road where the situation of the country will admit of it shall be cut eighteen feet wide, and cleared of stumps and other obstructions at least twelve feet in the center; and where the road has to be causewayed it shall be at least twelve feet wide, clear of stumps, roots, and other obstructions; and if there should be any creek or creeks, that from their nature shall require it, there shall be good and substantial bridges built across them.*

Duty of commissioners in case said road is 3 months out of repair.

Sec. 2. *Be it enacted, That said road shall always be kept in repair, and if it should be permitted to be and remain out of repair for three months at any one time after the road is opened and established by the commissioners hereafter appointed by this act, said commissioners shall immediately proceed to open said turnpike gate and keep the same open until said road shall be by them adjudged to be in good and sufficient order, they may then grant license under their hands and seals, to said proprietors to shut said gate for the purpose of exacting toll; and if said proprietors shall, either directly or indirectly, exact, take or receive any toll during the time said*

the commissioners of land claims to issue to Nicholas Tate Perkins, a certificate for fifteen acres, on his producing to said commissioners his grant for fifteen acres, issued by this State, and which is taken away by a grant of twenty thousand acres to Stokely Donelson and William Tyrrell, situate in the fork, between the rivers Holston and French Broad.

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Sec. 2. *Be it enacted*, That said road shall always be kept in repair, and if it should be permitted to be and remain out of repair for three months at any one time after the road is opened and established by the commissioners hereafter appointed by this act, said commissioners shall immediately proceed to open said turnpike gate and keep the same open until said road shall be by them adjudged to be in good and sufficient order, they may then grant license under their hands and seals, to said proprietors to shut said gate for the purpose of exacting toll; and if said proprietors shall, either directly or indirectly, exact, take or receive any toll during the time said

A Turnpike road authorized.

Duty of commissioners in case said road is 3 months out of repair.

commissioners set said gate open, said proprietors for every such offence shall forfeit and pay the sum of thirty dollars, to be recovered before any justice of the peace by any person that will sue for the same.

Sec. 3. *Be it enacted*, That William McClung, Abram Wallace, and William Anderson, shall be, and they are hereby appointed commissioners of the aforesaid road, and they or any two of them shall be capable at all times to do and perform all acts and duties required of them by this act, and when the proprietors shall notify said commissioners that the said road is cut out and completed for use, said commissioners shall proceed to examine said road, and if said road, in their opinion, is in the order contemplated in this act, they shall proceed to license said proprietor to keep a toll gate, which license shall be under their hands and seals, and said proprietor may proceed to erect a toll gate on the most convenient part of said road, and shall be entitled to receive the following rates of toll, (to wit:) each wagon and team, one dollar; each cart and driver, fifty cents; each four wheeled pleasure carriage, one dollar and fifty cents; each two wheeled pleasure carriage, seventy-five cents; man and horse, twelve and one half cents; loose horse not in a drove, six and one fourth cents; each horse or mule in a drove, three cents; each head of cattle, two cents; each head of hogs or sheep, one cent.

Commissioners appointed.

May license the proprietors.

Rate of toll.

Sec. 4. *Be it enacted*, That the commissioners herein appointed by this act, shall, before they enter upon the duties of their appointment, take and subscribe the following oath before some justice of the peace for said county, (to wit:) I, A. B. do solemnly swear that I will well and truly perform the duties enjoined on me by this act according to the best of my knowledge and abilities, *So help me God*: And the aforesaid commissioners shall be entitled to receive at the rate of one dollar and fifty cents each, per day, for every day they may be necessarily employed in performing the duties enjoined on them by this act, to be paid by the proprietors of said road.

Oath of commissioners.

Sec. 5. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily, or within one mile thereof for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence to said proprietor the sum of twenty-five

Penalty for evading said road.

dollars to be recovered by action of debt before any Justice of the Peace within this State.

JAMES FENTRESS,
Speaker of the House of Representatives,
S. BREWER,
Speaker of the Senate.

August 23, 1822.

CHAPTER CCXIII.

An Act to prescribe certain duties to the Columbia Bridge Commissioners, and to provide for their compensation.

Whereas, on a critical examination of an act contained in chapter one hundred and fifty-three of the acts of the last session of the General Assembly of the State of Tennessee, no express requisition was made of the Mayor of Columbia to transfer the one hundred shares of Bank Stock therein mentioned to the Bridge Commissioners.

100 shares of the stock of the Bank of the State of Tennessee to be transferred to the Columbia Bridge Company.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That on application of the chairman of the board of commissioners for superintending the building of a Bridge over Duck River at Columbia, the mayor of the said town of Columbia, be, and he is hereby required to transfer to the said chairman the said one hundred shares of stock [of] the Bank of the State of Tennessee that was reserved from transfer in the acts of 1819 chapter 103, and that the said chairman and commissioners shall reserve the said one hundred shares of stock with the dividends thereon that may accrue from the time of the transfer until the Bridge is finished by the contractors, and they have taken the first receipt thereof, and consider the same a fund by which they are to complete the last payment on their contract, and the said commissioners are hereby required to ascertain in due time whether or not the contractors will receive the said stock and dividends at par, and if not to proceed in due time to sell the same, provided it can be sold for as much money as has been paid thereon.

If not transferred, suit may be bro't.

Sec. 2. *Be it enacted,* That if the Mayor of Columbia shall neglect or refuse to make the transfer above required the chairman of the Bridge Commissioners shall be, and he is hereby required to institute a suit for the same in any court that he may think proper, having the necessary cognizance.

Sec. 3. *Be it enacted,* That the county court of

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