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Temple Collection

PUBLIC ACTS

OF THE

STATE OF TENNESSEE,

First Extra Session

PASSED AT THE EXTRA SESSION OF THE

THIRTY-THIRD GENERAL ASSEMBLY,

FOR THE YEAR 1861.

PUBLISHED BY AUTHORITY.

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GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
NASHVILLE, January 7, 1861.

*Gentlemen of the Senate
and House of Representatives:*

THE ninth section of the third article of the Constitution, provides that, on extraordinary occasions, the Governor may convene the General Assembly. Believing the emergency contemplated, to exist at this time, I have called you together. In welcoming you to the capitol of the State, I can but regret the gloomy auspices under which we meet. Grave and momentous issues have arisen, which, to an unprecedented degree, agitate the public mind and imperil the perpetuity of the Government.

The systematic, wanton, and long continued agitation of the slavery question, with the actual and threatened aggressions of the Northern States and a portion of their people, upon the well-defined constitutional rights of the Southern citizen; the rapid growth and increase, in all the elements of power, of a purely sectional party, whose bond of union is uncompromising hostility to the rights and institutions of the fifteen Southern States, have produced a crisis in the affairs of the country, unparalleled in the history of the past, resulting already in the withdrawal from the Confederacy of one of the sovereignties which composed it, while others are rapidly preparing to move in the same direction. Fully appreciating the importance of the duties which devolve upon you, fraught, as your action must be, with consequences of the highest possible importance to the people of Tennessee; knowing that, as a great Commonwealth, our own beloved State is alike interested with her sisters, who have resorted, and are preparing to resort, to this fearful alternative, I have called you together for the purpose of calm and dispassionate deliberation, earnestly trusting, as the chosen representatives of a free and enlightened people, that you will, at this critical juncture of our affairs, prove yourselves equal to the occasion which has called for the exercise of your talent and patriotism.

A brief review of the history of the past is necessary to a proper understanding of the issues presented for your consideration.

Previous to the adoption of the Federal Constitution, each State was a separate and independent Government—a complete sovereignty within itself—and in the compact of union, each reserved all the rights and powers incident to sovereignty, except such as were expressly delegated by the Constitution to the General Government, or such as were clearly incident, and necessary, to the exercise of some expressly delegated power.

The Constitution distinctly recognizes *property* in slaves—makes it the duty of the States to deliver the fugitive to his owner, but contains no grant of power to the Federal Government to interfere with this species of property, except “the power coupled with the duty,” common to all civil Governments, to protect the rights of *property*, as well as those of *life* and *liberty*, of the citizen, which clearly appears from the exposition given to that instrument by the Supreme Court of the United States in the case of *Dred Scott vs. Sandford*. In delivering the opinion of the Court, Chief Justice Taney said:

“Now, as we have already said in an earlier part of this opinion upon a different point, *the right of property in a slave is distinctly and expressly affirmed in the Constitution.*”

“And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. *The only power conferred, is the power coupled with the duty, of guarding and protecting the owner in his rights.*”

This decision of the highest judicial tribunal, known to our Government, settles the question, beyond the possibility of doubt, that slave property rests upon the same basis, and is entitled to the same protection, as every other description of property; that the General Government has no power to circumscribe or confine it within any given boundary; to determine where it shall, or shall not exist, or in any manner to impair its value. And certainly it will not be contended, in this enlightened age, that any member of the Confederacy can exercise higher powers, in this respect, beyond the limits of its own boundary, than those delegated to the General Government.

The States entered the Union upon terms of perfect political equality, each delegating certain powers to the General Government, but neither delegating any power to the other to interfere with its reserved rights or domestic affairs; hence, there is no power on earth which can rightfully determine whether slavery shall or shall not exist within the limits of any State, except the people thereof acting in their highest sovereign capacity.

The attempt of the Northern people, through the instrumentality of the Federal Government—their State governments, and emigrant aid societies—to confine this species of property within the limits of

the present Southern States—to impair its value by constant agitation and refusal to deliver up the fugitive—to appropriate the whole of the Territories, which are the common property of all the people of all the States, to themselves; by excluding therefrom every Southern man who is unwilling to live under a government which may by law recognize the free negro as his equal; “and in fine, to put the question where the Northern mind will rest in the belief of its ultimate extinction,” is justly regarded by the people of the Southern States as a gross and palpable violation of the spirit and obvious meaning of the compact of Union—an impertinent intermeddling with their domestic affairs, destructive of fraternal feeling, ordinary comity, and well defined rights.

As slavery receded from the North, it was followed by the most violent and fanatical opposition. At first the anti-slavery cloud, which now overshadows the nation, was no larger than a man's hand. Most of you can remember, with vivid distinctness, those days of brotherhood, when throughout the whole North, the abolitionist was justly regarded as an enemy of his country. Weak, diminutive and contemptible as was this party in the purer days of the Republic, it has now grown to colossal proportions, and its recent rapid strides to power, have given it possession of the present House of Representatives, and elected one of its leaders to the Presidency of the United States; and in the progress of events, the Senate and Supreme Court must also soon pass into the hands of this party—a party upon whose revolutionary banner is inscribed, “No more slave States, no more slave Territory, no return of the fugitive to his master”—an “irrepressible conflict” between the Free and Slave States; “and whether it be long or short, peaceful or bloody, the struggle shall go on, until the sun shall not rise upon a master or set upon a slave.”

Nor is this all; it seeks to appropriate to itself, and to exclude the slaveholder from the territory acquired by the common blood and treasure of all the States.

It has, through the instrumentality of Emigrant Aid Societies, under State patronage, flooded the Territories with its minions, armed with Sharp's rifles and bowie knives, seeking thus to accomplish, by intimidation, violence and murder, what it could not do by constitutional legislation.

It demanded, and from our love of peace and devotion to the Union, unfortunately extorted in 1819-'20, a concession which excluded the South from about half the territory acquired from France.

It demanded, and again received, as a peace offering in 1845, all of that part of Texas, North of 36° 30' North latitude, if at any time the interest of the people thereof shall require a division of her territory.

It would submit to nothing less than a compromise in 1850, by which it dismembered that State, and remanded to territorial condition a considerable portion of its territory South of 36 30.

It excluded, by the same Compromise, the Southern people from California, whose mineral wealth, fertility of soil, and salubrity of climate, is not surpassed on earth, by prematurely forcing her into the Union under a Constitution, conceived in fraud by a set of adventurers, in the total absence of any law authorizing the formation of a Constitution, fixing the qualification of voters, regulating the time, place, or manner of electing delegates, or the time or place of the meeting of such Convention. Yet all these irregular and unauthorized proceedings were sanctified by the fact that the Constitution prohibited slavery, and forever closed the doors of that rich and desirable territory against the Southern people. And while the Southern mind was still burning under a humiliating sense of this wrong, it refused to admit Kansas into the Union upon a Constitution, framed by authority of Congress, and by delegates elected in conformity to law, upon the ground that slavery was recognized and protected.

It claims the constitutional right to abolish slavery in the District of Columbia, the forts, arsenals, dock-yards and other places ceded to the United States, within the limits of slaveholding States.

It proposes a prohibition of the slave trade between the States, thereby crowding the slaves together and preventing their exit South, until they become unprofitable to an extent that will force the owner finally to abandon them in self-defence.

It has, by the deliberate Legislative enactments of a large majority of the Northern States, openly and flagrantly nullified that clause of the Constitution which provides that—

“No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

This provision of the Constitution has been spurned and trampled under foot by these “higher law” nullifiers. It is utterly powerless for good, since all attempts to enforce the fugitive slave law under it are made a felony in some of these States, a high misdemeanor in others, and punishable in all by heavy fines and imprisonment. The distempered public opinion of these localities having risen above the Constitution and all other law, planting itself upon the anarchical doctrines of the “higher law,” with impunity defies the Government, tramples upon our rights, and plunders the Southern citizen.

It has, through the Governor of Ohio, as openly nullified that part of the Constitution which provides that—

“A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.”

In discharge of official duty, I had occasion, within the past year,

to demand of the Governor of Ohio, "*a person charged in the State (of Tennessee) with the crime*" of slave stealing, who had fled from justice, and was found in the State of Ohio. The Governor refused to issue his warrant for the arrest and delivery of the fugitive, and in answer to a letter of inquiry which I addressed to him, said: "The crime of negro stealing not being known to either the common law or the criminal code of Ohio, it is not of that class of crimes contemplated by the Federal Constitution, for the commission of which I am authorized, as the executive of Ohio, to surrender a fugitive from the justice of a sister State, and hence I declined to issue a warrant," &c.; thus deliberately nullifying and setting at defiance the clause of the Constitution above quoted, as well as the act of Congress of February 12th, 1793, and grossly violating the ordinary comity existing between separate and independent nations, much less the comity which should exist between sister States of the same great Confederacy; the correspondence connected with which is herewith transmitted.

It has, through the executive authority of other States, denied extradition of murderers and marauders.

It obtained its own compromise in the Constitution to continue the importation of slaves, and now sets up a law, higher than the Constitution, to destroy this property imported and sold to us by their fathers.

It has caused the murder of owners in pursuit of their fugitive slaves, and shielded the murderers from punishment.

It has, upon many occasions, sent its emissaries into the Southern States to corrupt our slaves; induce them to run off, or excite them to insurrection.

It has run off slave property by means of the "underground railroad," amounting in value to millions of dollars, and thus made the tenure by which slaves are held in the border States so precarious as to materially impair their value.

It has, by its John Brown and Montgomery raids, invaded sovereign States and murdered peaceable citizens.

It has justified and "exalted to the highest honors of admiration, the horrid murders, arsons, and rapine of the John Brown raid, and has canonized the felons as saints and martyrs."

It has burned the towns, poisoned the cattle, and conspired with the slaves to depopulate Northern Texas.

It has, through certain leaders, proclaimed to the slaves the terrible motto, "Alarm to the sleep, fire to the dwellings, poison to the food and water of slaveholders."

It has repudiated and denounced the decision of the Supreme Court.

It has assailed our rights as guarantied by the plainest provisions of the Constitution, from the floor of each house of Congress, the pulpit, the hustings, the school-room, their State Legislatures, and

through the public press, dividing and disrupting churches, political parties, and civil governments.

It has, in the person of the President elect, asserted the equality of the *black* with the *white* race.

These are some of the wrongs against which we have remonstrated for more than a quarter of a century, hoping, but in vain, for their redress, until some of our sister States, in utter despair of obtaining justice at the hands of these lawless confederates, have resolved to sever the ties which have bound them together, and maintain those rights out of the Union, which have been the object of constant attack and encroachment within it.

No one will assert that the Southern States or people have, at any time, failed to perform, fully and in good faith, all of the duties which the Constitution devolves upon them.

Nor will it be pretended that they have, at any time, encroached or attempted aggression upon the rights of a Northern sister State. The Government was for many years under the control of Southern statesmen, but in originating and perfecting measures of policy, be it said to the perpetual honor of the South, she has never attempted to encroach upon a single constitutional right of the North. The journals of Congress will not show even the introduction of a single proposition, by any Southern Representative, calculated to impair her rights in property, injure her trade, or wound her sensibilities. Nor have they at any time demanded at the hands of the Federal Government, or Northern States, more than their well-defined rights under the Constitution. So far from it, they have tolerated these wrongs, from a feeling of loyalty and devotion to the Union, with a degree of patience and forbearance unparalleled in the history of a brave and free people. Moreover, they have quietly submitted to a revenue system which indirectly, but certainly, taxes the products of slave labor some fifty or sixty millions of dollars annually, to increase the manufacturing profits of those who have thus persistently and wickedly assailed them.

To evade the issue thus forced upon us at this time, without the fullest security for our rights, is, in my opinion, fatal to the institution of slavery forever. The time has arrived when the people of the South must prepare either to abandon or to fortify and maintain it. Abandon it, we cannot, interwoven as it is with our wealth, prosperity, and domestic happiness. We owe it to the mechanic whose shop is closed, to the multiplied thousands of laborers thrown out of employment, to the trader made bankrupt by this agitation. We owe it to ourselves, our children, our self-respect and equality in the Government, to have this question settled permanently and forever upon terms consistent with justice and honor, and which will give us peace and perfect security for the present and future.

Palliatives and opiates, in the character of legislative compromises, may be applied, affording momentary relief; but there will be no permanent safety, security, or peace, until Northern prejudice

has been eradicated, and the public sentiment of that section radically changed and nationalized. To attempt the application of effective remedies before this great object has been accomplished, is like cleansing the stream while the fountain itself is poisoned.

The consequences and immense interests which are involved in the proper solution of the difficulties that surround us, the deep, lasting, and vital importance of settling them upon principles of justice and equality, demand the most serious consideration of the whole people, as well as that of the public functionaries of the State. Whilst I cheerfully submit to your discretion the whole question of our federal relations, having no doubt myself as to the necessity and propriety of calling a State Convention, yet I respectfully recommend that you provide by law for submitting to the people of the State the question of *Convention* or *No Convention*, and also for the election of delegates by the people, in the ratio of legislative representation, to meet in State Convention, at the Capitol, at Nashville, at the earliest day practicable, to take into consideration our federal relations, and determine what action shall be taken by the State of Tennessee for the security of the rights and the peace of her citizens.

The question of *Convention* or *No Convention*, can and should be determined, and the delegates chosen at the same election, which can be very easily accomplished by heading one set of tickets CONVENTION, and another set NO CONVENTION. If a majority of the people vote for Convention, then the persons receiving the largest number of votes in their respective counties and districts, to be commissioned as delegates.

This will place the whole matter in the hands of the people, for them, in their sovereignty, to determine how far their rights have been violated, the character of redress or guaranty they will demand, or the action they will take for their present and future security.

If there be a remedy for the evils which afflict the country, consistent with the perpetuity of the Union, it will, in my opinion, be found in such constitutional amendments as will deprive the fanatical majorities of the North of the power to invade our rights, or impair the security or value of our property.

Clear and well defined as our rights are, under the present Constitution, to participate equally with the citizens of all other States in the settlement of the common Territories, and to hold our slaves there until excluded by the formation of a State Constitution, yet every organized Territory will become a field of angry, if not bloody, strife between the Southern man and the Abolitionist, and we shall see the tragedies of Kansas re-enacted in each of them, as they approach the period of forming their State Constitutions.

Plain and unmistakable as is the duty of each State to deliver up the fugitive slave to his owner, yet the attempt to reclaim is at the peril of the master's life.

These evils can be obviated to a great extent, if not entirely, by the following amendments to the Constitution:

1st. Establish a line upon the northern boundary of the present Slave States, and extend it through the Territories to the Pacific Ocean, upon such parallel of latitude as will divide them equitably between the North and South, expressly providing that all the territory now owned, or that may be hereafter acquired North of that line, shall be forever free, and all South of it *forever* slave. This will remove the question of existence or non-existence of slavery in our States and Territories entirely and forever from the arena of politics. The question being settled by the Constitution, is no longer open for the politician to ride into position by appealing to fanatical prejudices, or assailing the rights of his neighbors.

2d. In addition to the fugitive slave clause provide, that when a slave has been demanded of the executive authority of the State to which he has fled, if he is not delivered, and the owner permitted to carry him out of the State in peace, that the State so failing to deliver, shall pay to the owner double the value of such slave, and secure his right of action in the Supreme Court of the United States. This will secure the return of the slave to his owner, or his value, with a sufficient sum to indemnify him for the expenses necessarily incident to the recovery.

3d. Provide for the protection of the owner in the peaceable possession of his slave while in transitu, or temporarily sojourning in any of the States of the Confederacy; and in the event of the slave's escape or being taken from the owner, require the State to return, or account for him as in case of the fugitive.

4th. Expressly prohibit Congress from abolishing slavery in the District of Columbia, in any dock yard, navy yard, arsenal, or district of any character whatever, within the limits of any slave State.

5th. That these provisions shall never be changed, except by the consent of all the slave States.

With these amendments to the Constitution, I should feel that our rights were reasonably secure, not only in theory, but in fact, and should indulge the hope of living in the Union in peace. Without these, or some other amendments, which promise an equal amount and certainty of security, there is no hope of peace or security in the government.

If the non-slaveholding States refuse to comply with a demand so just and reasonable; refuse to abandon at once and forever their unjust war upon us, our institutions, and our rights; refuse, as they have heretofore done, to perform, in good faith, the obligations of the compact of union, much as we may appreciate the power, prosperity, greatness and glory of this government; deeply as we deplore the existence of causes which have already driven one State from the Union; much as we may regret the imperative necessity which they have wantonly and wickedly forced upon us, every consideration of self-preservation and self-respect require that we should as-

sert and maintain our "equality in the Union, or independence out of it."

In my opinion, the only mode left us of perpetuating the Union upon the principles of justice and equality, upon which it was originally established, is by the Southern States, identified as they are in interest, sentiment, and feeling, and must, in the natural course of events, share a common destiny, uniting in the expression of a fixed and unalterable resolve, that the rights guaranteed by the Constitution must be *respected*, and *fully and perfectly secured* in the present government, or asserted and maintained in a homogeneous Confederacy of Southern States.

Mere questions of policy may be very often properly compromised, but there can be no compromise of cardinal and vital principles; no compromise between *right* and *wrong*. Principle must be vindicated, and right triumphant, be the consequences what they may. To compromise the one, or abandon the other, is not only unmanly and humiliating in the extreme, but always disastrous in its final results.

The South has no power to re-unite the scattered fragments of a violated Constitution and a once glorious government. She is acting on the defensive. She has been driven to the wall, and can submit to no further aggression. The North, however, *can* restore the Constitutional Union of our fathers, by undoing their work of alienation and hate, engendered by thirty years of constant aggression, and by unlearning the lessons of malignant hostility to the South and her institutions, with which their press, pulpit, and schools have persistently infected the public mind.

Let them do this, and peace will again establish her court in the midst of this once happy country, and the union of these States be restored to that spirit of fraternity, equality, and justice, which gave it birth.

Let them do this, and the vitality which has been crushed out of the Constitution may be restored, giving renewed strength and vigor to the body politic.

But can we hope for such results? Two months have already passed, since the development of facts which make the perpetuity of the Union depend, *alone*, upon their giving to the South satisfactory guarantees for her chartered rights. Yet, there has been no proposition at all satisfactory, made by any member of the dominant and aggressive party of that section. So far from it, their Senators and Representatives in Congress have voted down and spurned every proposition that looked to the accomplishment of this object, no matter whence emanating; and the fact that their constituents have, in no authoritative manner, issued words of rebuke or warning to them, must be taken as conclusive proof of their acquiescence in the policy.

In view of these facts, I cannot close my eyes to the conclusion that Tennessee will be powerless in any efforts she may make to

quell the storm that pervades the country. The work of alienation and disruption has gone so far, that it will be extremely difficult, if not impossible, to arrest it; and before your adjournment, in all human probability, the only practical question for the State to determine will be whether she will unite her fortunes with a Northern or Southern Confederacy; upon which question, when presented, I am certain there can be little or no division in sentiment, identified as we are in every respect with the South.

If this calamity shall befall the country, the South will have the consolation of knowing that she is in no manner responsible for the disaster. The responsibility rests alone upon the Northern people, who have wilfully broken the bond of union, repudiated the obligations and duties which it imposes, and only cling to its benefits. Yet even in this dark hour of responsibility and peril, let no man countenance the idea for a moment, that the dissolution of the Federal Union reduces the country to anarchy, or proves the theory of self-government to be a failure. Such conclusions would be not only erroneous, but unworthy of ourselves, and our revolutionary ancestry, while our State governments exist, possessing all the machinery, perfect and complete, which is necessary to the purposes of civil government, just as they existed before the Union was formed.

The sages and patriots of the revolution, when in the act of severing their connection with the mother country, and establishing the great cardinal principles of free government, solemnly declared that governments were instituted among men to secure their rights "to life, liberty, and the pursuit of happiness; deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness * * * * But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

Recognizing these great principles, the people of Tennessee incorporated in their declaration of rights, as a fundamental article of the Constitution of the State, "That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."

Whatever line of policy may be adopted by the people of Tennessee, with regard to the present Federal relations of the State, I am sure that the swords of her brave and gallant sons will never be drawn for the purpose of coercing, subjugating, or holding as a conquered province, any one of her sister States, whose people may de-

clare their independence of the Federal Government, for the purpose of being relieved from "a long train of abuses and usurpations." To admit the right or policy of coercion, would be untrue to the example of our fathers and the glorious memories of the past, destructive of those great and fundamental principles of civil liberty, purchased with their blood; destructive of State sovereignty and equality; tending to centralization, and thus subject the rights of the minority to the despotism of an unrestrained majority.

Widely as we may differ with some of our sister Southern States as to the wisdom of their policy; desirous as we may be that whatever action taken in this emergency, should be taken by the South as a unit; hopeful as we may be of finding some remedy for our grievances consistent with the perpetuity of the present Confederacy, the question, at last, is one which each member of the Confederacy must determine for itself, and any attempt on the part of the others to hold, by means of military force, an unwilling sovereignty as a member of a common Union, must inevitably lead to the worst form of internecine war, and if successful, result in the establishment of a new and totally different government from the one established by the Constitution—the Constitutional Union being a Union of *consent*, and not of *force*, of *peace*, and not of *blood*—composed of sovereignties, free, and politically equal. But the new and coercive government, while it would "derive its powers" to govern a portion of the States "*from the consent of the governed*," would derive the power by which it governed the remainder, from the *cannon and the sword*, and not from their *consent*—a Union, not of equals, but of the victors and the vanquished, pinned together by the bayonet and congealed in blood.

I devoutly trust that a merciful Providence may avert such a calamity, and believe that there is no respectable portion of our people, whatever may be their differences of opinion upon other questions, who are so blind to reason, or so lost to patriotism and every sentiment of civil liberty, as to give countenance to a policy so fatal in its results, and so revolting to every sentiment of humanity.

While I sincerely trust that Tennessee may never be driven to the desperate alternative of appealing to arms in defence of the rights of her people, I nevertheless deem it proper, in view of the present excited state of the public mind and unsettled condition of the country, to call your attention to the fact that, with the exception of a small number of volunteer companies, we have no military organization in the State, the militia having disorganized immediately after the repeal of the law which required drills and public parades. Independent of the impending crisis, I regard a thorough re-organization of the militia as imperatively demanded by every consideration of prudence and safety. I therefore submit the question to your consideration, with the earnest hope that you will adopt such plan of organization as will secure to the State at all times, and under all circumstances, an efficient and reliable military force.

I am unable, in the absence of full reports from the clerks of the several counties, to inform you as to the military strength of the State. Such reports as have been made to this department shall be laid before you. I do not doubt, however, that the military strength of the State may be safely estimated at one hundred and twenty thousand men.

It is proper, in this connection, that I call your attention to the report of John Heriges, Keeper of Public Arms, herewith transmitted, showing the number, character, and condition of the public arms of the State, and respectfully recommend that you provide for the purchase of such number and character of arms, for the use of the State, as may be necessary to thoroughly arm an efficient military force.

I regret that I cannot close this communication with the foregoing recital of facts pertaining to the all important political crisis of the day.

But a comparative failure of crops for two successive years, with the destruction of commercial confidence, resulting in the suspension of commercial transactions, general stagnation of trade, and financial embarrassment which pervade the whole country, with its ever attendant evil of general pecuniary distress, at the beginning of which many of the banks in the State suspended specie payment, thereby incurring the penalties prescribed by the banking code of the last session.

It is asserted, and I suppose truly, that the condition of the banks was such as not to make suspension necessary on their own account; that by the adoption of a purely selfish policy, they could have weathered the storm and sustained themselves, but to have done so they must have cut off all discounts, and enforced the collection of their debts from the people, which would have increased the general distress. It is also urged with great earnestness, by a very large number of the people, that you should pass laws for relief, and in order to enable the banks to afford the greatest possible assistance to the people until another crop can be made, that the penalties incurred by the suspension of the banks should be released.

While I am confident in the opinion that the suspension of specie payment by the banks is wrong in principle, and tends to depreciate the currency and unsettle the standard of value, I am equally confident that the policy of relief laws, to which this general pecuniary distress has driven the public mind, is, to say the least of it, of doubtful policy, and generally injurious in their ultimate effects upon the community. The idea of freeing a people from pecuniary distress by legislation, is, to my mind, an impossibility. Yet so universal is the anxiety expressed, and so confident the hope of relief from the adoption of the policy suggested, that while I cannot concur in the truth of the argument, or recommend the adoption of the policy, I do not feel at liberty obstinately to stand between the people of the State and their chosen Representatives, to prevent the

adoption of such legislation connected with these questions as they may think will promote their interest and general welfare.

I therefore submit to your consideration these questions for such action as you in your discretion, may see proper to take with regard to them.

I am aware that there are many questions of a general character with regard to which the constituents of many of you desire legislation, but having convened you in extraordinary session, upon what I conceived to be an extraordinary occasion in the history of the country, and feeling the necessity of prompt and immediate action upon the absorbing questions connected with the political crisis of the day, I have intentionally avoided submitting any others than those to which I have especially called attention, trusting that no material interest will suffer by being postponed until the next regular session of the General Assembly.

With the earnest hope that your session may be short and agreeable, and devoutly trusting that an All Wise Providence may watch over your deliberations, and guide and direct you in the adoption of such measures as will redound to the general welfare, peace, prosperity, and glory of our State and country, the questions, fraught as they are with weighty responsibilities and fearfully important consequences, are respectfully committed to your hands.

ISHAM G. HARRIS.

EXECUTIVE DEPARTMENT, January 16, 1861.

Gentlemen of the Senate

and House of Representatives:

The Sinking Fund of 1855-6, contemplates the investment of the fund as paid in, in the internal improvement bonds of the State, at par, by which means the entire railroad debt of the State would have been extinguished before maturity. The act of 1859-60, repealing the above recited act, was intended, and will accomplish the same result.

But the Commissioners have invested the fund paid in under the act of 1855-6, in bonds, at a discount of from eight to twenty-five per cent., by which much more of the debt has already been extinguished than the act contemplated. In view of which fact, and the failure of crops, derangement and prostration of commerce, and general financial distress in all the departments of business, it is certainly a hardship upon the railroad companies of the State to

be compelled to pay, in these times of universal pecuniary distress, any part of the principal of a debt which does not fall due for thirty years.

I, therefore, respectfully recommend the passage of an act suspending the operations of the sinking fund law for the term of one year from this date, by which time another crop will have been made, and it may be reasonably hoped these companies will be in a condition to pay their sinking fund without material inconvenience or injury, and if the law is rigidly enforced after this suspension, as it has been heretofore, it will still extinguish the debt by maturity.

Having learned from a portion of the people of the city of Nashville, and one of the Representatives of the county of Davidson, that the passage of an act authorizing the corporation of the city of Nashville to endorse certain income bonds of the Edgefield and Kentucky Railroad Company, is desired by them, and important to said company, at their instance, I submit the question to your discretion.

The general internal improvement law makes it the duty of the Governor to appoint "Receivers to take charge of the roads and effects" of Railroad Companies in certain contingencies, but the law fixes no salary or compensation for such service.

The fact that the duties and responsibilities of the Receiver are much greater on some roads than on others, requires that the compensation of Receiver in each case depend, to a great extent, upon the character of duties and amount of responsibility imposed upon him.

I, therefore, recommend that you pass an act, fixing the salary of Receivers or conferring upon some officer of the government the power to fix the compensation in each case.

Regretting, as I do, the necessity of multiplying the subjects of legislation at an extra session, I have carefully avoided opening the fruitful fields of internal improvements, and confined myself strictly to the Sinking Fund law, the salary of Railroad Receivers, and authorizing the corporation of Nashville to endorse the income bonds of the Edgefield and Kentucky Railroad Company, if it should see proper to do so; which questions are respectfully submitted to your consideration.

ISHAM G. HARRIS.

PUBLIC ACTS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE.

PASSED AT THE EXTRA SESSION OF THE THIRTY-THIRD GENERAL
ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE ON
MONDAY THE SEVENTH DAY OF JANUARY, IN THE YEAR ONE
THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

CHAPTER 1.

AN ACT providing for a Convention of the People of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an election for delegates to a Convention of the people of the State of Tennessee, shall be held in the several counties thereof, on Saturday, the 9th day of February, 1861, and that said election shall be held at all the precincts and voting places established by law; and shall be managed and conducted by the sheriffs and other proper officers of the counties respectively, in the manner and subject to the rules prescribed by law for the election of members of the Legislature. And it is hereby declared to be the duty of the Governor to issue his proclamation to the several sheriffs of the State, at least ten days before the time appointed for holding said election, requiring them to hold and conduct the same as herein provided; and said sheriffs shall advertise the time and place of said election, as in case of the election of members of the Legislature.

Sec. 2. *Be it further enacted*, That the whole number of delegates elected to said Convention shall be one hun-

dred, and that each county shall be represented in said Convention by the same number of delegates that it has Representatives in the Legislature; that each Floating District shall be represented by one delegate, and each Senatorial District by one delegate in said Convention.

Qualification of
Delegates.

SEC. 3. *Be it further enacted*, That no person shall be eligible to a seat in said Convention, who is not twenty-one years of age, and who has not been a citizen of the State for twelve months, and of the county or district from which he is elected, six months immediately preceding the election.

Returns.

SEC. 4. *Be it further enacted*, That it shall be the duty of the sheriff of said county, immediately after said election, to make a complete return to the Secretary of State of the votes cast for delegates, and for "Convention" or "No Convention," in his county, and the certificate of election of the returning officer of the proper county; and the certificate of election shall be evidence in favor of any delegate of his right to a seat in said Convention; subject, if contested, to be decided in such manner as the Convention may prescribe.

Compensation of
members, &c.

SEC. 5. *Be it further enacted*, That the delegates elected under the provisions of this act shall assemble at Nashville, on the 25th day of February, 1861, and organize themselves into a Convention by the election of a President, and such other officers as they may deem necessary; and thus organized, shall proceed to consider the then existing relations between the government of the United States and the government and people of the State of Tennessee, and to adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions, as shall appear to them to be demanded. Said Convention shall adopt such rules and regulations for its government and the transaction of business as it shall think proper. The officers, members, and assistants of said Convention shall receive the same compensation as is now allowed by law to the members, officers and assistants of the General Assembly of the State, and to be paid in the same manner by the Treasurer of the State.

Vacancies.

SEC. 6. *Be it further enacted*, That in case of a vacancy occurring in said Convention by death, resignation or otherwise, of any member, it shall be the duty of the Governor to cause such vacancy to be filled, if practicable, by issuing his writ of election to the sheriff or sheriffs of the proper county or counties requiring him or them on five days' notice to hold an election according to law, to fill the same.

SEC. 7. *Be it further enacted*, That in submitting the question of a Convention to the people, they shall have writ-

ten or printed on their ballots for delegates the words "Convention" or "No Convention," and if the number of votes cast for a Convention be greater than the votes cast against a Convention, then there shall be a Convention.

SEC. 8. *Be it further enacted*, That no ordinance or resolution, which may be adopted by said Convention, having for its object a change of the position or relation of this State to the National Union or her sister Southern States, shall be of any binding force or effect until it is submitted to and ratified and adopted by a majority of the qualified voters in the State, taking as a basis the vote cast in the last election for Governor and members of the General Assembly.

To be submitted
to the people.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed January 19, 1861.

CHAPTER 2.

AN ACT prescribing the remedy for the Collection of Debts and Relief of the People.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, that all judgments and decrees which shall be rendered in any of the Courts of Record of this State, or which shall be rendered by justices of the peace of this State for money, shall be stayed by such courts and justices for the period of twelve months from the rendition of such decree or judgment: *Provided*, That the defendant or defendants in said judgment or decree shall appear before said Courts of Record during the term of such Court, or within two days after the rendition of the judgment before justices of the peace, and give good and ample security for the stay of execution, to be approved of by said Courts or justices, which stay shall operate as a judgment against the security in said Courts or before said justices.

SEC. 2. *Be it further enacted*, That upon affidavit of the plaintiff in the judgment, his agent or attorney, made before the Court or justice of the peace, or before the Clerk of said Court if in vacation, showing that the security for the stay of execution is not good and sufficient, the

When execution
may issue after
being stayed.

defendant, upon five days' notice being given, shall justify the security already given, or give other security to be approved of by the justice of the peace, or by the Court if in session, and if in vacation, by the Clerk of said Court; and upon his failure to justify or give other security, execution shall issue immediately. If the additional security shall be taken by a justice of the peace, it shall be sufficient to bind the security if he write his name as additional security or stayor upon the justice's docket, or shall authorize the same to be done by the justice, either verbally or in writing. If said additional security shall be taken by the Court, the same shall be entered as matter of record on the minutes of said Court. If said additional security shall be taken by the clerk in vacation, it shall be sufficient in order to bind the security that he acknowledge himself additional security or stayor, on the execution docket in said clerk's office.

How stayed when judgments have been obtained.

SEC. 3. *Be it further enacted*, That in all cases where judgments or decrees have been rendered by any of the Courts or justices of the peace in this State, upon which executions have not been issued, or upon which executions have been issued and not levied, the defendant or defendants in said judgment or execution may appear before the justice of the peace, or Court, if in session, or before the clerk of said Court in vacation, and upon giving good and ample security to said justice, Court, or clerk, as the case may be, in the manner provided in the second section of this act for giving additional security, said execution shall be stayed for the period of six months from the time said security shall be given, when execution may issue against the parties to the original judgment and the security for the stay of execution. And that in all cases where any execution or order of sale may be levied on personal property, that the debtor in the process shall have the option to avail himself of the preceding provisions of this act, or it shall be lawful for him to give bond in double the value of the property, and good security to the officer for the forthcoming of said property for sale at the court-house of the county, or such other place as the parties may agree upon, in which the levy is made, on the first Monday of December, 1861. And if in the interval the surety or sureties become insufficient, the levying officer may notify the defendant, and he shall give sufficient additional security for the delivery of said property at said time and place. In order to constitute the levy on real estate valid as to proceedings before a justice of the peace, the execution shall be registered in the register's office of the county where the land lies.

SEC. 4. *Be it further enacted*, That in case additional

security shall be given, as provided in the second section of this act, the first security given shall not hereby be released from liability, but execution shall issue against the original parties to the judgment, and against the first as well as the additional securities.

SEC. 5. *Be it further enacted*, That this act shall not be construed so as to authorize the stay of executions upon judgments before justices of the peace that were not subject to stay before the passage of this act. Nor shall executions on judgments rendered in Court against officers and their securities for official default, nor judgments in favor of security, accommodation endorser, stayor, or co-security, who has been compelled to pay money for his principal or co-security, be stayed under the provisions of this act.

No stay in certain cases.

SEC. 6. *Be it further enacted*, That upon application of the stayor or security for the delivery of property, as provided for by this act, by affidavit in writing, to be filed with the papers, that he is fearful, and believes, and has good reason to believe, that if execution is further stayed he will be compelled to pay the judgment, an execution shall issue against the debtor and stayor at any time; or if the security for the delivery of the property shall make such affidavit, the principal in said delivery bond, upon ten days' notice, shall deliver the property mentioned in said bond, at the place designated therein, and the officer shall proceed to expose the same to public sale to pay said debt: *Provided*, the parties to the original judgment may give new, good, and sufficient security, as now provided by law.

When execution may issue again.

SEC. 7. *Be it further enacted*, That delivery bonds given under the provisions of this act shall have the same effect and be governed in all respects by the laws now in force in reference to delivery bonds, except so far as the same may conflict with this act.

SEC. 8. *Be it further enacted*, That if any party, upon being notified to give additional security, and shall fail to do so, then the officer shall proceed and sell the property levied upon as though no delivery bond had been given.

Delivery bonds.

SEC. 9. *Be it further enacted*, That this act shall not apply to actions or judgments against executors, administrators, or other persons acting in a fiduciary capacity, for money due by them to distributees, legatees, or others, and which has been actually collected by them.

SEC. 10. This act shall expire by its own limitation on the first day of July, 1862.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed January 26, 1861.

CHAPTER 3.

AN ACT to relieve Tax Payers of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several Revenue Collectors and the Collectors of railroad taxes in this State, shall have until the first day of June, (1861,) eighteen hundred and sixty-one, to collect and pay over the taxes by them, not now, collected for the year (1860) eighteen hundred and sixty: *Provided*, before any tax collector shall receive the benefit of this act, he shall, with his securities, go before the County Court of his county, and the said securities shall agree, in open court, to the provisions of this act, and their liability as sureties, which agreement shall be put on the minutes of the court.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed January 26, 1861.

CHAPTER 4.

AN ACT to repeal an act passed on the 21st day of February, 1860, entitled An Act to amend the Usury Laws of the State, and to establish a Conventional Rate of Interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed on the 21st day of February, 1860, entitled An Act to amend the Usury Laws of the State, and to establish a Conventional Rate of Interest, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed January 31, 1861.

CHAPTER 5.

AN ACT to give the Banks further time to resume Specie Payment, and to enable them to Accommodate the People.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That such Banks of the State as have accepted the provisions of an act passed February 8, 1860, entitled An Act to Reform and Regulate the Business of Banking in Tennessee; and are conducting, and shall continue to conduct their business under the provisions of the same, are hereby permitted to suspend and remain in a state of suspension of specie payment until the 1st of July, 1862; and the provisions of the 11th section of said act, requiring said banks to pay into the Treasury one-half of one per cent. per month, or fraction of a month, while remaining in suspension, be, and the same is hereby declared inoperative until the 1st July, 1862. *Provided*, that on an after the 1st July, 1862, the provisions of said section shall revive and continue in full force and effect: *Provided, also*, that said banks may pay out the notes of each other, and of their respective branches: *Provided further*, that nothing in this act shall be construed to effect the rights of individuals against said banks.

SEC 2. *Be it further enacted*, That the penalty of said 11th section already incurred by said banks, be, and the same is hereby released to said banks from the 26th of November, 1860, to the time this act becomes the law of the State. Penalty released.

SEC. 3. *Be it further enacted*, That, all of the 6th section of said act, be, and the same is hereby declared, so far as said banks are concerned, inoperative until the 1st July, 1862, except so much of said section as requires that the issue of said banks shall not exceed in the aggregate, two dollars of circulation for one of actual paid in capital stock. *Provided, however*, That from and after the 1st July, 1862, the whole of said section shall revive and continue in full force and effect.

SEC. 4. *Be it further enacted*, That it shall be the duty of any bank in this State, while in suspension, to make weekly reports to the Supervisor of Banks, of the amount of specie and specie funds on hand, of the discounts and renewals of notes and bills, and amount of exchange sold, and it is hereby made the duty of the Supervisor to publish the same at least once a month for public information. Weekly reports.

SEC. 5. *Be it further enacted*, That so much of section four of the above recited act as prohibits any bank to com-

Capital.

mence the business of banking with a less paid in capital stock than three hundred thousand dollars, be repealed: *Provided, however,* That no bank shall commence the business of banking with a less paid in capital than one hundred thousand dollars.

SEC. 6. *Be it further enacted,* That the provisions of this act shall extend to all banks that have heretofore conformed their action to the bank code, or will do so on the passage of this act: *Provided,* That the bonds of the free banks be taken at market value as specie funds.

Small notes.

SEC. 7. *Be it further enacted,* That the Bank of Tennessee be, and is hereby authorized to issue notes of the denomination of one, two, and three dollars.

Discounts.

SEC. 8. *Be it further enacted,* That in order to more effectually relieve the people of all sections of the State from their present pecuniary distress, the Bank of Tennessee is directed, and the Union and Planters' Banks respectfully requested, in extending their line of discount, to equalize the accommodations to all sections, as near as may be, in proportion to the population of the different banking districts in the State.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed January 31, 1861.

CHAPTER 6.

AN ACT reducing the rate of interest from twelve and a half per cent. to six per cent. in cases of appeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That judgments or decrees, when affirmed in a higher court, shall be for the judgment or decree of the inferior tribunal, and interest thereon, at the rate of six per cent. per annum, instead of twelve and a half per cent. as now allowed by law.

SEC.; 2. *Be it further enacted,* That executions hereafter issued by the different Clerks of the Supreme Court, shall be returnable to the next term of said court after their issuance, as executions from the Circuit and Chancery Courts now are.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage; and that it expire by its own limitation on the 1st of July, 1863.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed February 1, 1861.

CHAPTER 7.

AN ACT to amend and construe an act, entitled An Act prescribing the remedy for the Collection of Debts and Relief of the People.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no portion of an act passed at the present extra session of the General Assembly of Tennessee, entitled An Act prescribing a remedy for the collection of debts and relief of the people, shall be so construed as to apply to any judgments rendered in any criminal case in Courts of Record, or before justices of the peace of this State.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed February 2, 1861.

CHAPTER 8.

AN ACT for the Relief of Justices of the Peace, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the penalty of one hundred and twenty-five dollars on justices of the peace, in section 3017 of the Code, for neglecting the duties required in sections 3015-3016, be hereafter ten dollars only.

SEC. 2. *Be it further enacted,* That part of the forfeitures heretofore accrued under said sections of the Code,

except the costs and the part due the informers, be, and the same is hereby released.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

SEC. 4. *Be it enacted*, That the remedy by motion for the non-return, or insufficient return, of executions, is hereby repealed; but this act shall apply only to cases where the debtor avails himself of the benefits of an act passed January 26th, 1861, "To provide a remedy for the Collection of Debts, and for the Relief of the People." And it shall not apply where the money has been collected, and shall cease to be operative on the 1st day of July, 1862. This act shall take effect from and after its passage.

Remedy by motion abolished.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed February 2, 1861.

CHAPTER 9.

AN ACT for the relief of Tax-payers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 32 of an act passed 24th day of March, 1860, authorizing one hundred thousand dollars State bonds to be issued for the improvement of the Capitol Grounds, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the Board of Commissioners, for the Capitol Grounds shall immediately make settlement with the Comptroller of the Treasury, and all monies in their hands shall be paid into the treasury; after paying all dues to hands and otherwise due, at the date of the passage of this act, from said Commissioners, the remainder to be paid into the treasury; and all bonds that have been issued for that purpose and not sold, shall be cancelled and destroyed.

Capitol Commissioners.

SEC. 3. *Be it further enacted*, That the Governor appoint a Receiver to take into his possession the mules, carts, and tools that now belong to the State, that are employed on the Capitol Grounds, and dispose of them either by public or private sale, and pay over the proceeds into the treasury; and the Treasurer shall allow said Receiver

Receiver.

such compensation as he may think reasonable for his services.

Sec. 4. *Be it further enacted,* That the Commissioners shall receive all the rock that are prepared for the Capitol by the Penitentiary, and take charge of the same.

Sec. 5. *Be it enacted,* That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed February 1, 1861.

CHAPTER 10.

AN ACT for the Relief of Railroad Companies, Receivers and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the act of March 20th, 1860, Chapter 98, as requires Railroad Companies to pay annually two and one-half per cent. on the amount of the bonds issued or endorsed by the State, as a sinking fund, be, and the same is hereby suspended for the term of one year from and after the passage of this bill.

Sec. 2. *Be it also enacted,* That the Governor of the State be, and is hereby authorized and required to pay the Receivers who have taken or may take charge of the roads and effects, such salaries as he may deem just and fair; *Provided,* That the same shall not exceed the salary paid heretofore to the Superintendent of said road by the President and Directors thereof, and upon his order the Comptroller shall issue his warrant to the Receivers for such amounts—said salary being made payable quarterly.

Sec. 3. *Be it further enacted,* That the County Court of Blount county may in their discretion appropriate the fund heretofore collected by said county as Railroad taxes, for county purposes; *Provided,* Said County Court shall hereafter, when notified by the Knoxville and Charleston Railroad Company, levy a tax sufficient to meet the interest on the bonds heretofore authorized to be issued by said county, for the benefit of said Knoxville and Charles-

ton Railroad Company, according to the provisions of the act providing for the issuance of said bonds.

Bond to P. Henneberry.

SEC. 4. *Be it further enacted by the General Assembly of the State of Tennessee*, That the Governor be directed to issue a duplicate bond, No. 8965, for one thousand dollars, in consideration of the destruction of the original bond of the same number, to P. Henneberry, of the State of Virginia.

New Counties.

SEC. 5. *Be it further enacted*, That in all cases where, now by law, new counties are required to vote with the old counties from which they were taken, and said old counties have been re-districted, and under said division into districts no district is laid off in the new counties, the voters of any fragment of the old counties so taken off shall vote in the district laid off from said portion of the old counties by the County Court of the new county, and the officers now required by law to open and hold elections shall open and hold the same at the places required in this act.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed February 1, 1861.

CHAPTER 11.

AN ACT directory to the County Court of Hickman county, and for other purposes:

It appearing that a larger amount of State tax was assessed and collected than was authorized by law, which is now in the hands of the Collector; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Hickman county be, and they are hereby authorized to appropriate the money collected as above, in any manner they may deem necessary, whether to the payment of the State or county tax, or otherwise.

SEC. 2. *Be it further enacted*, That the benefits of this act shall apply to all counties in the like condition.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed February 2, 1861.

CHAPTER 12.

AN ACT to repeal the Act of 1857, chapter 32, abolishing Military Duty.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act of 1857, chap. 32, be, and the same is hereby repealed, and that the acts which said act was intended to repeal, shall be and remain in full force and effect.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Governor of the State, as commander-in-chief of the militia, to issue a proclamation on the passage of this act, calling upon all officers of the militia of the State, whose duty it is to issue writs of election to fill vacancies existing in the offices of the militia of the State, forthwith to perform said duty; *Provided*, There is no militia officers to issue said writs of election, it is hereby made the duty of the several sheriffs to issue writs of election for regimental and company officers.

SEC. 3. *Be it further enacted*, That should it be necessary, in the opinion of the several captains of companies of the militia of this State, in order to perfect the military efficiency of their companies, musters and drills should be had oftener than now required by law, said captains may muster and drill their said companies as often as one day in each and every month.

SEC. 4. *Be it further enacted*, That the Governor of the State is hereby instructed to furnish to each grand division of the State, its quota or proportion of such arms as may belong to the State.

SEC. 5. *Be it further enacted*, That it is hereby made the duty of the Secretary of State to affix to this act all militia laws of the State in force, from the acts passed January 28th, 1840, to the present time.

SEC. 6. *Be it further enacted*, That the Governor be, and he is hereby, authorized to raise three artillery companies, one in each grand division of the State, whenever, in his opinion, it may be deemed necessary; and that this act take effect from and after its passage.

Artillery Companies.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed January 31, 1861.

CHAPTER 13.

AN ACT to defray the expenses of the General Assembly of the State of Tennessee, with the report of the Committee on Finance.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to each member of the Senate and House of Representatives for the sum stated to be due to each in the annexed report of the Committee on Finance.

SEC. 2. *Be it further enacted*, That the Comptroller issue his warrant to the officers of the Senate and House of Representatives, *viz*: to John McClarin, for one hundred and seventy-four dollars, for twenty-nine days' service as Principal Clerk of the Senate; to Franc M. Paul, for one hundred and seventy-four dollars, for twenty-nine days' service as Assistant Clerk of the Senate; to J. E. Bennett, for one hundred and sixteen dollars, for twenty-nine days' service as Doorkeeper of the Senate; to R. S. Bugg, for one hundred and sixteen dollars for twenty-nine days' service as Messenger of the Senate; Fred. S. De Wolfe, for one hundred and seventy-four dollars, for twenty-nine days' service as Principal Clerk of the House of Representatives; to John A. Campbell, for one hundred and seventy-four dollars, for twenty-nine days' service as Engrossing Clerk of the House of Representatives; to John E. Helms, for one hundred and seventy-four dollars, for twenty-nine days' service as third Clerk of the House of Representatives; to J. M. Carter, for one hundred and sixteen dollars for twenty-nine days' service as Principal Doorkeeper of the House of Representatives; to F. P. Wade, for one hundred and sixteen dollars, for twenty-nine days' service as Assistant Doorkeeper of the House of Representatives.

SEC. 3. *Be it further enacted*, That the Comptroller shall issue his warrant to Tazewell W. Newman, Speaker of the Senate, for fifty dollars, for services of boy Buck, for attending in the Senate.

SEC. 4. *Be it further enacted*, That the Comptroller issue his warrant to W. C. Whitthorne, Speaker of the House of Representatives, for the sum of fifty dollars, for the services of boy George, for attending upon the House of Representatives.

SEC. 5. *Be it further enacted*, That the Principal Clerk of the Senate shall remain a sufficient time after the adjournment to file the papers of the Senate in the office of the Secretary of State, and close his business, for which he

shall be allowed his *per diem*; and that the said Clerk be allowed *thirty cents* per page for copying the unfinished journal, and that the Comptroller issue his warrant for the same.

SEC. 6. *Be it further enacted*, That Fred S. DeWolfe, Principal Clerk of the House of Representatives, shall remain a sufficient length of time after the adjournment to file the papers of the House of Representatives in the office of the Secretary of State, and close his business, for which he shall be allowed his *per diem*; and that the said Clerk be allowed *thirty cents* per page for copying the unfinished Journal, and that the Comptroller issue his warrant for the same.

SEC. 7. *Be it further enacted*, That the Comptroller issue his warrant and pay the several publishers of the city papers for the papers furnished the General Assembly and laid upon the table of each member every day of the session, at the current subscription price of the same, at the expense of the State.

SEC. 8. *Be it further enacted*, That the Secretary of State cause one copy of the Acts and Journals of the present extra session of the General Assembly to be bound for each member of both Houses, and the officers of the same, and distributed with the other Acts and Journals.

SEC. 9. *Be it further enacted*, That the Comptroller issue his warrant to the Principal Clerk of the Senate, and to Fred. S. DeWolfe, Principal Clerk of the House of Representatives, for fifty dollars, for preparing an index to the Senate Journal, and fifty dollars for preparing an index to the House Journal, of the present session of the General Assembly.

SEC. 10. *Be it further enacted*, That the Comptroller of the Treasury examine the accounts of Messrs. Eastman & Co., for job printing executed for the General Assembly, and pay the same according to the rate specified by law, out of any money in the treasury not otherwise appropriated.

SEC. 11. *Be it further enacted*, That the Comptroller issue his warrant to the Nashville Gas-light Co., for one hundred and seven dollars and thirty-five cents, for gas furnished at the Capitol for this extraordinary session of the General Assembly.

Report of the Committee on Finance, showing the mileage and per diem allowance of the members of the Senate and House of Representatives, at the extraordinary session of the thirty-third General Assembly, and the aggregate amount of each.

SENATORS' NAMES.	Days.	Per Diem.	Miles.	Mileage.	Total.
V. S. Allen.....	29	\$116	212	\$33 92	\$149 92
J. S. Boyd.....	29	116	400	64 00	180 00
W. M. Bradford.....	29	116	464	74 28	190 28
R. W. Bumpass.....	29	116	880	140 80	256 80
R. T. Hildreth.....	29	116	250	40 00	156 00
Judson Horn.....	29	116	200	32 00	148 00
H. W. Hunter.....	29	116	224	35 84	151 80
James M. Johnson.....	29	116	119	19 04	135 04
James T. Lane.....	29	116	400	64 00	180 00
J. E. Mickley.....	29	116	186	21 76	137 76
J. A. Minnis.....	29	116	302	48 32	164 32
G. R. McLellan	29	116	750	120 00	236 00
Thos. McNeilly.....	29	116	76	12 16	128 16
M. V. Nash.....	29	116	460	73 60	189 60
R. G. Payne.....	29	116	768	122 88	238 88
G. B. Peters.....	29	116	704	112 64	228 64
J. W. Richardson... .	29	116	46	7 36	123 36
S. S. Stanton.....	29	116	150	24 00	140 00
Jordan Stokes.....	29	116	60	9 60	125 60
D. V. Stokely.....	29	116	500	80 00	196 00
B. L. Stovall.....	29	116	300	48 00	164 00
J. L. Thompson.....	29	116	100	16 00	132 00
John Trimble.....	29	116	.....	.....	116 00
E. J. Wood.....	29	116	92	14 72	130 72
T. W. Newman, Speaker	29	174	170	27 20	201 20
REPRESENTATIVES' NAMES.	Days.	Per Diem.	Miles.	Mileage.	Total.
R. H. Armstrong.....	29	\$116	400	\$64 00	\$180 00
W. N. Baker.....	29	116	200	32 00	148 00
Samuel Baker.....	29	116	280	44 89	160 89
W. H. Barksdale.....	29	116	85	13 60	129 60
W. M. Bayless.....	29	116	720	115 20	231 20
J. J. Beatty.....	29	116	180	28 80	144 80
R. A. Bennett.....	29	116	85	13 60	129 60
S. T. Bicknell	29	116	520	83 20	199 20
R. H. Bledsoe.....	29	116	250	40 00	156 00

REPRESENTATIVES' NAMES.	Days.	Per Diem.	Miles.	Mileage.	Total.
Wm. Brazelton.....	29	116	450	\$72 00	\$188 00
James Britton.....	29	116	674	107 84	221 84
R. R. Butler.....	29	116	829	131 20	247 20
Alfred Caldwell	29	116	410	65 60	181 60
H. N. Cowden.....	29	116	150	24 00	140 00
R. B. Cheatham.....	29	116	.....	.....	116 00
Philip Critz.....	29	116	700	112 00	228 00
J. W. Davidson.....	29	116	16	688	142 88
John R. Davis.....	29	116	50	8 00	124 00
W. R. Doak.....	29	116	84	13 44	129 44
N. B. Dudley.....	29	116	100	16 00	132 00
E. H. East.....	29	116	.....	.....	116 00
Wm. Ewing.....	29	116	36	5 76	121 76
W. T. Farley.....	29	116	720	115 20	231 20
John Pat. Farrelly	29	116	768	122 85	238 85
J. J. Ford.....	29	116	100	16 00	132 00
C. Frazier.....	29	116	220	35 20	151 20
Geo. Gantt.....	29	116	84	13 44	129 44
A. W. Gillespie.....	29	116	388	62 08	178 08
T. S. Gorman.....	29	116	500	80 00	196 00
A. L. Greene	29	116	326	52 16	168 16
W. W. Guy	29	116	376	60 16	176 16
R. R. Harris.....	29	116	300	48 00	164 00
J. S. Havron.....	29	116	260	41 60	157 60
G. V. Hebb.....	29	116	180	28 80	144 80
R. B. Hurt.....	29	116	350	56 00	172 00
R. M. Ingram	29	116	400	64 00	180 00
W. E. B. Jones.....	29	116	325	52 00	168 00
Robert Johnson	29	116	550	88 00	204 00
W. B. Kenner.....	29	116	400	64 00	180 00
Thos. J. Kennedy.....	29	116	125	20 00	136 00
Alvis Kincaid.....	29	116	600	96 00	212 00
John W. Kincaid.....	29	116	610	97 60	213 60
B. J. Lea	29	116	768	122 85	238 85
H. C. Lockhart.....	29	116	180	28 80	144 80
Wm. L. Martin.....	29	116	62	9 92	125 92
P. B. Mayfield.....	29	116	330	52 50	168 50
John G. McCabe.....	29	116	110	17 60	133 60
Jonathan Morris.....	29	116	212	33 92	149 92
J. L. Morphis.....	29	116	300	48 00	164 00
R. C. Nall.....	29	116	350	56 00	172 00
John Norman.....	29	116	212	33 92	149 92
Jos. G. Pickett	29	116	100	16 00	132 00
James D. Porter	29	116	220	35 00	151 20
Stith Richardson.....	29	116	600	96 00	212 00

REPRESENTATIVES' NAMES.	Days.	Per Diem.	Miles.	Mileage.	Total.
D. A. Roberts.....	29	\$116	250	\$40 00	\$156 00
W. M. Russell.....	29	116	150	24 00	140 00
D. W. C. Senter.....	29	116	475	76 00	192 00
J. M. Shied.....	29	116	180	28 00	144 00
A. G. Shrewsbury.....	29	116	250	40 00	156 00
John Smith.....	29	116	160	25 60	141 60
J. M. Sowell.....	29	116	150	24 00	140 00
J. F. Trevitt ..	29	116	750	120 00	236 00
D. C. Trew hitt.....	29	116	328	52 48	168 48
A. J. Vaughn.....	29	116	375	60 00	176 00
J. B. White.....	29	116	.....	.....	116 00
Wm. L. White.....	29	116	60	9 60	125 60
C. H. Whitmore.....	29	116	716	114 56	230 56
Mat. Williams.....	29	116	182	29 12	145 12
J. J. Williams.....	29	116	110	17 60	133 60
John Williams.....	29	116	400	64 00	180 00
J. L. Williamson.....	29	116	600	96 00	212 00
W. H. Wisener.....	27	108	126	20 16	128 16
John Woods.....	29	116	64	10 24	126 24
John Woodard.....	29	116	50	8 00	124 00
W. C. Whitthorne, Sp'r.	29	174	84	13 44	187 44

SEC. 12. *Be it further enacted*, That the Comptroller issue his warrant to W. C. Whitthorne, Speaker of the House of Representatives, for three dollars, for the boy George, for furnishing water-towels for the General Assembly.

SEC. 13. *Be it further enacted*, That the Comptroller issue his warrant to A. C. & A. B. Beech, for fifty dollars and fifty-one cents, for matting furnished for the use of the Capitol.

SEC. 14. *Be it further enacted*, That the Comptroller issue his warrant to J. B. Sutton, for six hundred and ninety-nine dollars and seventy-four cents, for coal purchased of him.

SEC. 15. *Be it further enacted*, That the Comptroller issue his warrant to Mr. Patrick McCue for fifteen dollars for cleansing the water closets during the session.

SEC. 16. *Be it further enacted*, That the Comptroller issue his warrant to John York & Co., for eighty-eight dollars and eighty-two cents, for stationery furnished the General Assembly.

SEC. 17. *Be it further enacted*, That the Comptroller issue his warrant to J. W. Wilson, for sixty-three dollars

and seven cents, for sundries furnished for the use of the State Capitol.

SEC. 18. *Be it further enacted*, That the Comptroller issue his warrant to F. Hagan & Co., for one hundred and fifty-five dollars and forty-eight cents, for stationery furnished this General Assembly.

SEC. 19. *Be it further enacted*, That the Comptroller issue his warrant to O. P. McRoberts, for twenty-eight dollars and fifty cents, for coal furnished for the use of the General Assembly.

SEC. 20. *Be it further enacted*, That the Comptroller issue his warrant to Groomes, Cavit & Co., for five dollars and fifty cents, for repairing furniture.

SEC. 21. *Be it further enacted*, That the Comptroller issue his warrant to W. T. Berry & Co., for one hundred and five dollars and one cent for stationery furnished for the use of the General Assembly.

SEC. 22. *Be it further enacted*, That the Commissioners elected by this Legislature to go to Washington and confer with Commissioners from other States, in relation to an adjustment of our political troubles, be allowed their traveling expenses to and from the place of meeting, from their respective homes, and eight dollars per day for every day they may be in attendance in said Conference; and that the Comptroller issue his warrant to each one of them for such amounts as may be due thereon under the above act.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed February 1, 1861.

PRIVATE ACTS.

CHAPTER 14.

AN ACT to amend the Charter of the Bank of West Tennessee.

SECTION 1. *Be it further enacted by the General Assembly of the State of Tennessee*, That section 3d of the charter of the Bank of West Tennessee be so amended as to read, that for the due administration of the affairs of said Bank, there shall be twelve Directors, citizens of the State, who shall be elected annually at the Banking House in Memphis, (seven of whom shall reside in Shelby county) on the first Monday in March, by the stockholders.

SEC. 2. *Be it further enacted*, That article 4th of section 12, read, not less than five Directors shall constitute a board for the transaction of business; and that so much of said several sections, as are in conflict with this enactment, be, and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed January 16, 1861.

CHAPTER 15.

AN ACT incorporating a Military Department in Andrew College and the Memphis Arms Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act incorporating Andrew College, be so amended as to authorize the Trustees of

Andrew College to establish and keep in operation a Military Department in said College.

SEC. 2. *Be it further enacted by the General Assembly of the State of Tennessee*, That Cyrus Bradley, M. C. Galloway, Sam. P. Walker, A. H. Douglass, Marcus J. Wright, Preston Smith, Thomas Dyer, George H. Monsarratt, B. D. Nabors and W. H. Carroll, and such other persons as may become associated with them, be, and they are hereby created a body politic and corporate, under and by the name of the "Memphis Arms Company," and by that name shall sue and be sued, plead and be impleaded, make and use a common seal and alter the same at pleasure, and enjoy all the rights, powers, privileges and immunities incident to corporations, which may be necessary to carry out the purposes of its incorporation, and may hold property, real and personal, for a term of years, for life, or in fee simple, necessary to the manufacture, sale and disposal of fire arms and other things connected with or appertaining to their incorporation.

SEC. 3. That the capital stock of said company shall be two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 4. That there shall be elected by the stockholders of said incorporation a board of five Directors, which said board shall elect a Secretary, Treasurer and President of the board.

SEC. 5. There shall be paid at the time of subscription, ten per cent. on the stock subscribed, and the remainder, at such time as the Board of Directors may determine, not to exceed ten per cent. in each ninety days.

SEC. 6. The corporation herein are authorized, upon giving ten days' notice in some newspaper in Memphis, to open and hold an election for five Directors, to serve for one year; said election to be held at such place in the city of Memphis as the incorporators may appoint; and the Board of Directors to be elected yearly.

SEC. 7. That the Memphis Arms Company hereby incorporated, shall exist and have succession for fifty years.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed January 30, 1861.

CHAPTER 16.

AN ACT for the repeal of the 6th section of chapter 125 of an act passed 13th March, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sixth section of an act passed 13th of March, 1860, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the Chancery Court for Decatur county, at Decaturville, shall hereafter be held on the second Mondays in May and December, and the Chancery Court for Perry county, at Linden, shall hereafter be held on the second Thursdays in May and December.

SEC. 3. *Be it further enacted*, That the Chancery Court at Taylorsville, Johnson county, after the holding of the next April term, shall be held on the third Mondays of April and October.

SEC. 4. *Be it further enacted* That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed January 31, 1861.

CHAPTER 17.

AN ACT to amend an act passed 22d of March, 1860, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in case of any mob, riot, invasion or insurrection, it shall be lawful for the Mayor of the city of Memphis, or the Sheriff of Shelby county, to call out the 154th Regiment into service to aid in the suppression of such mob, insurrection, riot or invasion: *Provided*, that the said city and county shall pay all expenses incurred for so doing. Memphis.

SEC. 2. *Be it further enacted*, That Field Officers of said Regiment, shall be one Colonel Commandant, one Lieutenant Colonel, and one Major; and all acts in conflict with this section are repealed.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed January 31, 1861.

CHAPTER 18.

AN ACT to incorporate the Memphis Light Dragoon Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas H. Logwood, Captain, and Charles McDonald, James L. Grant, and A. Woodard, Lieutenants, of Memphis Light Dragoon Company, and their associates in the muster roll of said company be, and the same are hereby incorporated and constituted a body politic, to be known as the "Memphis Light Dragoon Company," and by that name shall have succession for fifty years, and a common seal to be altered or changed at pleasure; and as a body corporate shall have and enjoy legal rights and remedies in as full and ample degree as any similar corporation in this State.

SEC. 2. *Be it further enacted*, That said corporation, their successors and associates by their name aforesaid, shall be capable in law of buying and selling, having and receiving and enjoying, land, tenements and hereditaments, of any and all kinds for life, or a term of years, and personal property of every kind whatever, and sums of money to any amount that may be given, granted, sold or bequeathed to them to erect buildings for an armory, purchase ground for erecting the same on, or anything else necessary and proper for their use, training and accommodation of said company.

SEC. 3. *Be it further enacted*, That said company may pass and adopt such by-laws for their government as a majority of them may think proper, not inconsistent with the laws of this State.

SEC. 4. *Be it further enacted*, That they shall have power to increase their number not to exceed one hundred men.

SEC. 5. *Be it further enacted*, That said company shall be independent of any other corps or divisions unless when called into active service, that then it should be the duty of the Governor to attach said company to some corps or division of the army in actual service.

SEC. 6. *Be it further enacted*, That said company shall not be required to parade or drill under the militia laws of this State, save under the command of the officers and in the dress uniform of said company.

SEC. 7. *Be it further enacted*, That the captain or commanding officer of said company, shall have authority and power to collect (in his name for the use of the company,) under the laws and through any of the courts in this State,

any fines or penalties that may be imposed under and by virtue of the constitution and by-laws of said company.

SEC. 8. *Be it further enacted*, That the property of said incorporation be exempt from all tax, and that the members thereof be exempt from jury duty while they are active members of said Company.

SEC. 9. *Be it further enacted*, That the Captain and Lieutenants of said Company shall be commissioned by the Governor of this State, like those of other volunteer companies in the State.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed January 31, 1861.

CHAPTER 19.

AN ACT to incorporate the "Southern Savings Institute, the Greenville Savings Institute, and Southern Zinc Co."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. B. Ross, Henry Laird, Samuel Vance, C. H. Williams, W. P. Wilson, and William Holms, their associates and successors, are hereby created and constituted a body politic and corporate, by the name and style of the "Southern Savings Institution of Memphis," and under that name and style, may sue and be sued, plead and be impleaded, and shall possess and enjoy all the rights and benefits, exercise all the privileges, and be subject to all the restrictions and penalties which are conferred and imposed upon the Desoto Savings Institution of Memphis, Tennessee, according to act, passed March 20th, 1860.

SEC. 2. *Be it further enacted*, That William M. Lowry, William West, and Sam Milligan, their associates and successors are hereby created and constituted a body politic and corporate by the name and style of the "Greenville Savings Institute," and under that name and style may sue and be sued, plead and be impleaded, and shall possess and enjoy all the rights and benefits, exercise all the privileges, and be subject to all the restrictions and penalties which are conferred and imposed upon the "Desoto Savings Institute" of Memphis, incorporated March 20th, 1860.

Greenville Institute.

Be it further enacted, That whenever fifty shares shall

have been subscribed, and one dollar per share paid thereon, the stockholders may meet and elect five directors who shall be elected, and enter upon their duties, and said directors shall elect one of their number to be President during their term of office, and that this act shall be in force from and after the date of its passage and shall remain in force twenty years.

SEC. 3. *Be it enacted by the General Assembly of the State of Tennessee,* That John Wells Hanson, A. Snowden Piggott, Samuel Smith, and their associates, successors and assigns, be, and they are hereby created a body politic and corporate, by the name and title of the "Southern Zinc Company," and by that name shall be known and have succession for fifty years, and shall have and enjoy all the privileges and immunities granted to the "Tennessee Iron Company" and the "Tennessee Zinc Company," in an act passed February 18th, A. D., 1860, and approved March 7th, A. D., 1860, incorporating said companies.

SEC. 4. *Be it enacted,* That this act take effect and be in force from and after its passage.

SEC. 5. *Be it enacted,* That the Act incorporating the "Southern Savings Institution" shall be in full force from and after the date of its passage, and shall remain in full force thirty years.

SEC. 6. *Be it further enacted,* That the stockholders' companies chartered by this act shall be individually liable in their individual and private capacity for all the debts of said companies, and that said companies shall be subject to such General Laws as the Legislature may from time to time enact.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed February 1, 1861.

CHAPTER 20.

AN ACT to repeal the Charter of the Fayetteville and Alabama Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of an act, passed February 18th, 1860, granting a charter to the Fayette-

ville and Alabama Turnpike Company, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That an act passed March 12th, 1860, which authorized Greene county to levy a tax for the purpose of keeping up the public roads in said county, be, and the same is hereby suspended, until the first day of January, 1862; and the County Court of said county shall not levy a tax for the purpose above stated, until after leaving the proposition, as provided in said act, to the people of said county, after the said first day of January, 1862.

Greene County.

SEC. 3. *Be it further enacted*, That the city of Chickasaw, in the county of Shelby, be made to include no other or further boundaries than the former corporation of Fort Pickering, as designated on the map of the city of Memphis, published by E. W. Rucker, in the year 1858.

Chickasaw City.

SEC. 4. *Be it further enacted*, That the first section of an act passed 20th of March, 1860, entitled, An act to charter the Grant White Lead and Oil Works, be amended so as to change the name of the company from Grant White Lead and Oil Works, to that of the Planters' White Lead and Oil Works; and that this act take effect from and after its passage.

White Lead and Oil Works.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed February 2, 1861.

CHAPTER 21.

AN ACT to authorize certain Sheriffs to appoint Deputies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sheriffs of Hawkins, Shelby and Dyer counties, be, and they are hereby authorized to appoint two additional deputies for said counties.

SEC. 2. *Be it further enacted*, That the Sheriffs of Hamilton and Davidson counties, be, and they are hereby authorized to appoint one additional deputy for said counties.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed February 2, 1861.

CHAPTER 22.

AN ACT to amend the Charter of the Gallatin and Cole's Ferry Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act incorporating the Gallatin and Cole's Ferry Turnpike Company, passed 1853-4, be so amended as to authorize said Company to erect one gate for every five miles upon said road, and to erect the same at such points as the Company may see proper upon said road, so as not to have them within less than four miles of each other. This act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed February 2, 1861.

RESOLUTIONS.

NUMBER 1.

Joint Resolution for a Convention of the two Houses, to hear the addresses from the Alabama and Mississippi Commissioners.

Resolved by the General Assembly of the State of Tennessee, That the Senate and House of Representatives of the General Assembly of the State of Tennessee, meet in Convention in the Hall of the House of Representatives, to hear such communications and addresses as the Hon. L. P. Walker and Hon. Thos. J. Wharton, Commissioners of the States of Alabama and Mississippi, may desire to make on behalf of their respective States, at such time as said commissioners may indicate; and that a committee of three on the part of the House, be appointed to notify them of the proceeding, and to tender them seats on the floor of the House.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 9, 1861.

NUMBER 2.

Joint Resolution directing the Treasurer to pay to Members and Officers their *per diem*.

Resolved by the General Assembly of the State of Tennessee, That the Treasurer be directed to pay the members and officers of the General Assembly, their *per diem* and mileage as it becomes due.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 11, 1861.

NUMBER 3.

Joint Resolution directory to the Supervisor of Banks.

Resolved by the General Assembly of the State of Tennessee, That the Supervisor of Banks be requested to furnish to this General Assembly at his earliest convenience, his report as to the condition of the banks.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 12, 1861.

NUMBER 4.

Joint Resolution raising a Committee of both Houses, to take into consideration certain portions of the Governor's Message.

Be it resolved by the General Assembly of the State of Tennessee, That a committee of nine be appointed by the Speaker of the House, to act with a committee of six on the part of the Senate, to which committee shall be referred that portion of the Governor's Message in relation to the political condition of the country.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 14, 1861.

NUMBER 5.

Joint Resolution raising a Committee of both Houses to take into consideration certain portions of the Governor's Message.

Resolved by the General Assembly of the State of Tennessee, That a committee of five from the House, and

four on the part of the Senate, be appointed to consider such portions of the Governor's Message as refers to the Military Laws.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 14, 1861.

NUMBER 6.

JOINT RESOLUTION raising a Committee of both Houses, to take into consideration certain portions of the Governor's Message.

Resolved by the General Assembly of the State of Tennessee, That that portion of the Governor's Message which relates to the pecuniary distress of the country, and the embarrassment of the people, be referred to a Joint Select Committee of both Houses of the General Assembly, to consist of one member of the House of Representatives from each Congressional District in the State, and six members on the part of the Senate.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 14, 1861.

NUMBER 7.

Resolved by the General Assembly of the State of Tennessee, That in view of the imminent danger of civil war, this Assembly, in behalf of the people of Tennessee, ask respectfully, on the one hand, of the President of the United States, and, on the other, of the authorities of each of the Southern States, to the end that if possible peace may yet be preserved; that they reciprocally communicate assurances in response hereto to the General Assembly of Tennessee, now in session; that the state quo of all movements tending to coercion, collision, and concerning the forts and arsenals of the nation, shall on

either hand be strictly maintained for the present, except to repel any actual aggression.

The Governor of this State be requested to communicate these resolutions, by telegraph, immediately to the President of the United States, and to each of the Governors of the Southern States,

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted January 16, 1861.

NUMBER 8.

Joint Resolution requesting the Governor to make inquiry of the banks for the purpose of procuring a loan for the State.

Resolved by the General Assembly of the State of Tennessee, That His Excellency the Governor be, and he is hereby requested and authorized to make inquiry of the different banks in the State, whether or not they are willing to loan the State money in the present crisis of affairs; if so, how much, and upon what terms?

SEC. 2. That the Governor is requested to act as soon as possible, and inform this General Assembly at his earliest convenience.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted January 18, 1861.

NUMBER 9.

Joint Resolution adopted by the Legislature of Tennessee in regard to coercion.

Resolved by the General Assembly of the State of Tennessee, That this General Assembly has heard with profound regret of the resolutions recently adopted by the Legislature of the State of New York, tendering men and money to the President of the United States, to be used in

coercing certain sovereign States of the South into obedience to the Federal Government.

Resolved, That this General Assembly receives the action of the Legislature of New York as the indication of a purpose upon the part of the people of that State to further complicate existing difficulties, by forcing the people of the South to the extremity of submission or resistance; and so regarding it, the Governor of the State of Tennessee is hereby requested to inform the Executive of the State of New York, that it is the opinion of this General Assembly that whenever the authorities of that State shall send armed forces to the South for the purpose indicated in said resolutions, the people of Tennessee, uniting with their brethren of the South, will, as one man, resist such invasion of the soil of the South at any hazard and to the last extremity.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 18, 1861.

NUMBER 10.

Joint Resolution to relieve J. W. Roberts, Tax Collector for Overton county.

Resolved by the General Assembly of the State of Tennessee, That John W. Roberts, former Revenue Collector of Overton county, for the year 1859, is hereby released from all damages forfeited, and he is allowed the commission forfeited on revenue collected and paid over for that year.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 19, 1861.

NUMBER 11.

Joint Resolution directory to the Comptroller.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller be requested to furnish to the General Assembly a statement of the condition of the treasury of the State, showing its means to meet existing and current engagements, and whether any of the railroad companies of the State have failed to meet the January interest on their bonds, and should they fail to meet the next July interest, what means he has in the treasury to meet it.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 21, 1861.

NUMBER 12.

Joint Resolution, for the relief of Ed. Willis, of Wilson county, and others.

WHEREAS, Edward Willis, Revenue Collector of Wilson county for the year 1859, failed to collect the State tax for that year, in consequence of a protracted attack of white swelling, resulting in the loss of a leg by amputation, and is now indebted to the State in near the sum of four thousand dollars, in consequence of said failure, and for the purpose of giving said Willis time to collect said tax;

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller of the treasury be, and he is hereby directed to ascertain, by a settlement with said Edward Willis, the amount of taxes due and owing by him as Revenue Collector to the State. And that he take said Willis's notes for the amount, with simple interest, as ascertained to be owing, in two equal payments—one in twelve and eighteen months. Provided said Willis give two or more sureties of undoubted solvency, to be approved of by the Comptroller. Provided, also, said Ed. Willis shall be entitled to his commission.

Be it resolved by the General Assembly of the State of Tennessee, That upon the payment of the public revenue

by J. C. Vaughn, in his hands, or for which he may be liable to the Comptroller, or other proper officer, the damages which he has incurred for his failure in this behalf shall be released, and he shall also be entitled to his commission as if he had made no such default. *Provided*, said revenue be paid by the 1st of June, 1861.

Resolved further, That James Jones, late Sheriff of Greene county, be released from the payment of six hundred and forty-six dollars and sixty cents, that being the amount of damages, at 12½ per cent., recovered against him at June Term, 1860, of the Circuit Court of Greene county, for failing to pay over, at the time required by law, the State revenue for the year 1858.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 21, 1861.

NUMBER 13.

Resolutions proposing amendments to the Constitution of the United States.

Resolved by the General Assembly of the State of Tennessee, That a Convention of delegates from all the slaveholding States should assemble at Nashville, Tennessee, or such other place as a majority of the States co-operating may designate, on the fourth day of February, 1861, to digest and define a basis upon which, if possible, the Federal Union and the Constitutional rights of the slave States may be perpetuated and preserved.

Resolved, That the General Assembly of the State of Tennessee appoint a number of delegates to said Convention, of our ablest and wisest men, equal to our whole delegation in Congress; and that the Governor of Tennessee immediately furnish copies of these resolutions to the Governors of the slaveholding States, and urge the participation of such States in said Convention.

Resolved, That in the opinion of this General Assembly, such plan of adjustment shall embrace the following propositions as amendments to the Constitution of the United States.

1. A declaratory amendment that African slaves as held under the institutions of the slaveholding States, shall be recognized as property, and entitled to the *status* of

Status of Slaves.

other property, in the States where slavery exists, in all places within the exclusive jurisdiction of Congress in the slave States, in all the Territories south of 36 deg. 30 min., in the District of Columbia, in transit and whilst temporarily sojourning with the owner in the non-slaveholding States, and Territories north of 36 deg. 30 min.; and when fugitives from the owner, in the several places above named, as well as in all places in the exclusive jurisdiction of Congress in the non-slaveholding States.

Slavery in Territories.

2. That in all the territory now owned, or which may be hereafter acquired by the United States, south of the parallel of 36 deg. 30 min., African slavery shall be recognized as existing, and be protected by all the departments of the Federal and Territorial governments; and in all north of that line, now owned or to be acquired, it shall not be recognized as existing; and whenever States formed out of any of said territory south of said line, having a population equal to that of a Congressional District, shall apply for admission into the Union, the same shall be admitted as slave States, whilst States north of the line, formed out of said territory, and having a population equal to a Congressional District, shall be admitted without slavery; but the States formed out of said territory north and south, having been admitted as members of the Union, shall have all the powers over the institution of slavery possessed by the other States of the Union.

3. Congress shall have no power to abolish slavery in places under its exclusive jurisdiction, and situate within the limits of States that permit the holding of slaves.

District of Columbia.

4. Congress shall have no power to abolish slavery within the District of Columbia, as long as it exists in the adjoining States of Virginia and Maryland, or either, nor without the consent of the inhabitants, nor without just compensation made to such owners of slaves as do not consent to such abolishment. Nor shall Congress at any time prohibit officers of the Federal Government, or members of Congress, whose duties require them to be in said District, from bringing with them their slaves, and holding them as such during the time their duties may require them to remain there, and afterwards take them from the District.

5. Congress shall have no power to prohibit or hinder the transportation of slaves from one State to another, or the territory in which slaves are permitted by law to be held, whether that transportation be by land, navigable rivers, or by sea.

Fugitive Slaves.

6. In addition to the Fugitive Slave clause, provide, that when a slave has been demanded of the Executive authority of the State to which he has fled, if he is not delivered,

and the owner permitted to carry him out of the State in peace, the State so failing to deliver shall pay to the owner the value of such slave, and such damages as he may have sustained in attempting to reclaim his slave, and secure his right of action in the Supreme Court of the United States, with execution against the property of such State and the individuals thereof.

7. No further amendment of the Constitution shall affect the six preceding articles, nor the third paragraph of the second section of the first article of the Constitution, nor the third paragraph of the second section of the fourth article of the Constitution; and no amendments shall be made to the Constitution which will authorize or give to Congress any power to abolish or interfere with slavery in any of the States by whose laws it is, or may be, allowed or permitted.

8. That slave property shall be rendered secure in transit through, or whilst temporarily sojourning in, non-slaveholding States or Territories, or in the District of Columbia.

9. An amendment to the effect that all fugitives are to be deemed those offending the laws within the jurisdiction of the State, and who escape therefrom to other States; and that it is the duty of each State to suppress armed invasions of another State.

Resolved, That said Convention of the slaveholding States having agreed upon a basis of adjustment satisfactory to themselves, should, in the opinion of this General Assembly, refer it to a Convention of all the States, slaveholding and non-slaveholding, in the manner following:

It should invite all States friendly to such plan of adjustment, to elect delegates in such manner to reflect the popular will, to assemble in a Constitutional Convention of all the States, North and South, to be held at Richmond, Virginia, on the — day of February, 1861, to revise and perfect such plan of adjustment, for its reference for final ratification and adoption by a Convention of the States respectively.

Resolved, That should a plan of adjustment satisfactory to the South not be acceded to by a requisite number of States to perfect amendments to the Constitution of the United States, it is the opinion of this General Assembly that the slaveholding States should adopt for themselves the Constitution of the United States, with such amendments as may be satisfactory to the slaveholding States, and that they should invite into the Union with them all the States in the North which are willing to abide such amended Constitution and frame of government, severing at once all connections with States refusing such reasonable guaran-



tees to our future safety; such renewed conditions of Federal Union being first submitted for ratification to Conventions of all the States respectively.

Resolved, That the Governor of the State of Tennessee furnish copies of these resolutions immediately to the Governors of the non-slaveholding States.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed January 22, 1861.

NUMBER 14.

Joint Resolution to elect delegates to the General Convention.

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in Convention, in the Representatives' Hall, on Friday, the 25th instant, at ten minutes after 10 o'clock, A. M., for the purpose of electing delegates to the General Convention of Southern States.

Resolved, That the Commissioners to be appointed to a Southern Convention by this body, be authorized to meet delegates from the other States, on the 4th of February, as heretofore provided, or at such other time thereafter as may be agreed upon by a majority of said States.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 23, 1861.

NUMBER 15.

Joint Resolution for the relief of N. G. Phillips, of Carroll County.

WHEREAS, N. G. Phillips, collector of the revenue of Carroll County, for the year 1858, failed to collect the State tax for that year in consequence of a protracted attack of a disease approximating pulmonary consumption,

and is now indebted to the State in near the sum of two thousand dollars; in consequence of said failure and for the purpose of giving said Phillips time to collect said tax,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, be, and he is hereby directed to ascertain by a settlement with said Phillips, the amount of taxes due and owing by him as revenue collector to the State, and that he take his, said Phillips' notes for the amount with simple interest, ascertained to be owing, in two equal payments, one in twelve and the other in eighteen months: *Provided,* the said Phillips give two or more sureties of undoubted solvency to be approved by the Comptroller.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 26, 1861.

NUMBER 16.

Joint Resolution to adjourn *sine die*.

Resolved by the General Assembly of the State of Tennessee, That the General Assembly adjourn *sine die*, on Monday, the 4th day of February, 1861, at 12 o'clock, M.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 28, 1861.

NUMBER 17.

Joint Resolution for the relief of James B. Gardner.

Be it resolved by the General Assembly of the State of Tennessee, That the Bank of Tennessee pay fifty dollars

to James R. Gardner, revenue collector for Obion County, for the year 1859, when he makes satisfactory proof that the same was lost by him by being blown into the fire, and that the same was bills on the bank of Tennessee.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 29, 1861.

NUMBER 18.

Joint Resolution.

Commissioners
to Peace Com-
gress.

Resolved by the General Assembly of the State of Tennessee, That the Commissioners recently elected by the Legislature, be requested to repair to Washington City, in order to meet the commissioners from such slave States as may be represented in the Convention on the 4th day of February, or as soon thereafter as possible. And that the Governor inform them of the passage of this resolution at the very earliest moment: *Provided,* This shall not be so construed as to prevent our delegates from meeting and conferring with delegates from non-slaveholding States, after they have met with delegates from slaveholding States, and come to the conclusion as to the course of policy to be pursued by the southern States there represented.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 30, 1861.

NUMBER 19.

Joint Resolution.

Resolved by the General Assembly of the State of Tennessee, That the securities of C. Green, deceased, late

Tax Collector for Robertson county, have until the 15th October, 1861, to make their final settlement with the Comptroller of the State of Tennessee.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 31, 1861.

NUMBER 20.

Joint Resolution.

Resolved by the General Assembly of the State of Tennessee, That the same number of the Acts and Journals of the proceedings of this General Assembly, be printed and distributed as provided in a joint resolution passed March 19, 1860, providing for the printing of Acts and Journals of that session of the Generally Assembly.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted January 31, 1861.

NUMBER 21.

Joint Resolution tendering the use of the State Capitol to the American Association for the Advancement of Science.

Resolved by the General Assembly of the State of Tennessee, That the use of the State Capitol be tendered to the American Association for the Advancement of Science, which is to hold its fifteenth annual session in the city of Nashville, commencing on the 19th of April, 1861, as an evidence of the appreciation which the labors of so distinguished a body of scientific men is held by the Legislature of Tennessee, and whom we should also delight to honor for their services in the cause of science.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted February 2, 1861.

NUMBER 22.

Joint Resolution providing credentials for Delegates to the Southern Convention.

Resolved by the General Assembly of the State of Tennessee, That the Governor of Tennessee furnish to the Delegates of Tennessee to the Southern Convention, certified copies of the several resolutions on that subject, and officially notify said delegates of their election by the General Assembly of Tennessee as delegates, and said official notice by the Governor shall constitute the credentials of said delegates to said conference.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted February 2, 1861.

NUMBER 23.

Resolved by the General Assembly of the State of Tennessee, That the Senate and House Journals of the present session of this General Assembly be published and bound in one volume.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed February 2, 1861.

MILITIA LAW.

CHAPTER 1.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the white male inhabitants of this State between the age of eighteen and forty-five shall compose the militia thereof: *Provided,* that the judges of the supreme, chancery and circuit courts, the clerks of any court of record, Secretary of State, Comptroller, State and county treasurers, acting justices of the peace, sheriffs, ordained ministers of the gospel, postmasters and carriers of the mail, public ferry-keepers, jailors, keepers of grist-mills and toll-gates, and the commissioners of common schools, and all persons now exempt by law, shall be exempt from military duty except in cases of invasion or insurrection; *provided,* that persons belonging to any religious denomination whose tenets are opposed to the bearing of arms shall be exempted from attending any muster, but in time of war shall be liable to be drafted as other citizens, and in case of failure, shall be liable to the same penalties. Exempt.

SEC. 2. The militia residing in each of the companies that have been heretofore laid off, or may hereafter be laid off in the several counties in this State, shall be commanded by one captain, one first and one second lieutenant and one ensign, three corporals and three sergeants, to be elected by those in each company liable to perform military duty, and to hold their offices five years and until their successors shall be elected, unless, upon good cause shown to the commandant of the regiment in writing, they are by him permitted sooner to resign; and the field officers of each regiment may meet together and make any division of their regiments Officers of companies.

and battalions into companies, by establishing the civil districts as companies, or dividing districts, establishing the old boundaries of companies by forming them of the fractional parts of civil districts, or in any other manner best calculated to suit the convenience of the people: *Provided*, that the number of each company shall not be less than forty-five privates, and they shall also designate the places for holding company musters.

Elections.

SEC. 3. The election for company officers under this act shall be held by the constable of each district, and if there should be two companies in a district, he shall depute some other person to hold one of them, at the place designated to hold company musters, or at some other convenient place within the bounds of said company, after giving at least ten days public notice of the place and time; and when a vacancy occurs in any of said company offices, by expiration of time, removal out of the company, or absence from the same one year, at any one time, death or resignation, or any other cause, the commandant of the regiment shall issue his writ of election to the constable of the district, who shall immediately advertise the same at four of the most public places in the company, one of which shall be at the company muster ground, and if the muster ground shall not be suitable for holding such election, one at the place where the election is to be held, that he will hold an election to fill said vacancy, and shall advertise at least ten days before the day on which said election is held: *Provided*, that sergeants and corporals may be elected on any muster day under the direction of the captain, without previous notice, by the militia who are present.

Judges of elections.

SEC. 4. The constable holding an election for company officers shall appoint three persons of good character to act as judges, one of whom may perform the duties of clerk, or they may select any other person to act as clerk; the polls shall be opened at eleven o'clock and closed at three the same day; the judges and constable shall certify to the commandant of the regiment the number of votes given for each candidate, and if two or more shall receive the same and the highest number of votes, the commandant shall decide the contest; and if any one shall have a higher number of votes than his competitors, he shall be declared to be elected, and the commandant of the regiment shall certify the result of the election to the Governor, by whom they shall be commissioned; but the said elections shall not be certified to the Governor until after the expiration of five days from the time the return is received by the commandant, during which time any opposing candidate shall have the privilege of contesting the election, by filing his

Contesting elections.

reason on oath with the commandant, whose duty it shall be to call a court martial to determine said contested election; and if it shall appear to the satisfaction of said court that the person whose election shall have been contested did receive a number of illegal votes, which, when deducted, would give a majority of legal votes to any other candidate, then said court shall report to the returning officer in favor of the candidate having the greatest number of legal votes, and the Governor shall commission him accordingly; and in all cases of illegal proceedings the election shall be declared void, and the court shall order the proper officer to issue a writ of election to fill the vacancy, giving legal notice of the time and place; and if the party contesting such election shall fail to establish his charge or cause of contest, in that case the court shall report to the returning officer in favor of the person whose election was contested, who shall be commissioned by the Governor: *Provided always*, that either party shall have the right to appeal from the decision of any court martial in which they may think themselves aggrieved; the court martial when called shall consist of at least twelve members, two of whom shall be captains, where a major or lieutenant colonel shall preside, and shall be conducted as other regimental courts martial.

Commission.

Court Martial.

SEC. 5. There shall be two company musters held in each year, one on the Saturday preceding the battalion muster in each battalion, and one on the Saturday preceding the regimental muster in each regiment; the musters shall be held at the places designated by the field officers until altered by a vote of the majority of the company to some other place in the bound of the company.

Company musters.

SEC. 6. *Be it enacted*, That there shall be a battalion muster in each battalion of this State in the month of April in each and every year; the first battalion in the regiment first in number of each county shall hold a muster on the first Friday in April, the second battalion on the next day and the third battalion, if there shall be three in any regiment, on the next Thursday; and the first battalion in the regiment next in number, if there should be two regiments in the county, on the second Friday in April, and the second battalion on the next day; and the first battalion in the regiment next in number in the county, if there should be three regiments therein, on the third Friday in April, and the second battalion on the next day; and the first battalion of the regiment next in number in the county, if there should be four regiments therein, on the fourth Friday in April, and the second battalion on the next day; and the first battalion in the regiment next in number in the county, if there should be five regiments therein, on the Friday

Battalion musters.

following, and the second battalion on the next day; *Provided*, the regimental court martial in each regiment shall have power to exempt any company from attending regimental and battalion musters, two-thirds of all the officers voting in the affirmative.

Field officers of
Fentress.

SEC. 7. It shall be the duty of the field officers in the county of Fentress to attend at the first battalion muster ground on the Saturday before the regimental muster and muster that battalion, and they shall be excused from attending the regimental muster.

Removal of mus-
ter places.

SEC. 8. The places of holding battalion and regimental musters shall not be changed or removed but by a vote of two-thirds of the officers present at a regimental court martial; and it shall be the duty of the field officers, if the convenience of the militia requires it, to divide their regiment into three battalions, in which case the third battalion shall be commanded by the lieutenant colonel, the first by the first major, and the second by the second major.

Regiments.

SEC. 9. The militia of the county of Johnson, shall compose the 1st regiment; the county of Carter the 2d; the county of Sullivan the 3d and 4th; the county of Washington the 5th and 6th; the county of Greene the 7th and 8th; the county of Hawkins the 9th, 10th and 11th; the county of Cocke the 12th; the county of Jefferson the 13th and 14th; the county of Grainger the 15th and 16th; the county of Claiborne the 17th and 18th; the county of Sevier the 19th; the county of Blount the 20th and 21st; the county of Knox the 22d and 23d; the county of Anderson the 24th; the county of Campbell the 25th; the county of Monroe the 26th and 27th; the county Roane the 28th and 29th; the county of Morgan the 30th; the county of M'Minn the 31st, 32d and 33d; the county of Meigs the 34th; the county of Rhea the 35th; the county of Bledsoe the 36th; the county of Hamilton the 37th; the county of Marion the 38th; the county of Franklin the 39th, 40th and 41st; the county of Warren the 42d and 43d; the county of White the 44th and 45th; the county of Fentress the 46th; the county of Overton the 47th and 48th; the county of Jackson the 49th and 50th; the county of Smith the 51st, 52d and 53d; the county of Sumner the 54th, 55th and 56th; the county of Wilson the 57th, 58th, 59th, 60th and 138th; the county of Rutherford the 61st, 62d, 63d and 64th; the county of Bedford the 65th, 66th, 67th and 139th; the county of Coffee the 68th; the county of Cannon the 69th; the county of Lincoln the 70th, 71st, 72d, 73d and 151st; the county of Giles the 74th, 75th and 76th; the county of Maury the 77th, 78th, 79th, 80th and 142d; the county of Williamson the 81st, 82d, 83d and 84th; the

county of Davidson the 85th, 86th, 87th, and 88th; the county of Robertson the 89th and 90th; the county of Montgomery the 91st and 92; the county of Stewart the 93d and 94th; the county of Humphreys the 95th; the county of Dickson the 96th; the county of Hickman the 97th and 98th; the county of Perry the 99th and 100th; the county of Wayne the 101st and 102d; the county of Lawrence the 103d and 104th; the county of Hardin the 105th and 106th; the county of M'Nairy the 107th and 108th; the county of Henderson the 109th and 110th; the county of Carroll the 111th and 112th; the county of Benton the 113th; the county of Henry the 114th and 115th; the county of Weakley the 117th and 118th; the county of Gibson the 119th, 120th, 149th and 150th; the county of Madison the 121st, 122d and 123d; the county of Harde-man the 124th and 125th; the county of Fayette the 126th and 127th; the county of Shelby the 128th and 129th; the county of Tipton the 130th and 131st; the county of Hay-wood the 116th, 132d and 133d; the county of Lauderdale the 134th and 135th; the county of Obion the 136th; the county of Dyer the 137th; the county of Marshall 140th, 143d, and 147th; the county of DeKalb the 141st; the county of Bradley the 144th and 148th; the county of Van Buren the 145th; the county of Powell the 146th, and the county of Polk the 152d.

Sec. 10. *Be it enacted*, That there shall be a regimental muster held in each regiment in this State in the month of October, in each and every year, as follows, except in such regiments as are otherwise provided for by this act, to wit: the regiment first in number in each brigade shall hold a muster on the first Thursday in October, and the regiment next in number in said brigade on the next day, and so on in the regular order of their number, mustering every day (Sunday excepted) until all the regiments in each brigade are through.

regimental
musters.

Sec. 11. *Be it enacted*, That the regimental musters in the first brigade shall be held in each and every year, as follows: in the first regiment in the county of Johnson on the Thursday preceding the first Monday in October; in the second regiment in the county of Carter on the next Saturday; in the third regiment in the county of Sullivan on the Tuesday after the first Monday in October; in the fourth regiment in the same county on Wednesday the next day; in the fifth regiment in the county of Washington on the next Friday; and in the sixth regiment in the same county on Saturday the next day.

First brigade.

Sec. 12. *Be it enacted*, That the regimental musters in the second brigade shall be held in each and every year, as

Second brigade.

follows: in the seventh regiment in the county of Greene on the second Monday in October; in the eighth regiment in the same county on Tuesday the next day; in the twelfth regiment in the county of Cocke on Wednesday the next day; in the thirteenth regiment in the county of Jefferson on Thursday the next day; and in the fourteenth regiment in the same county on Friday the next day.

Third brigade.

SEC. 13. *Be it enacted*, That the regimental musters in the third brigade shall be held in each and every year, as follows: in the one hundred and forty-sixth regiment in the county of Powell on the first Monday in October; in the ninth regiment in the county of Hawkins on Tuesday the next day; in the tenth regiment in the same county on Wednesday the next day; in the eleventh regiment in the same county on Thursday the next day; in the fifteenth regiment in the county of Grainger on Friday the next day; and in the sixth regiment in the same county on Saturday the next day.

Fourth brigade.

SEC. 14. *Be it enacted*, That the regimental musters in the fourth brigade shall be held in each and every year, as follows: in the seventeenth regiment in the county of Claiborne on the second Monday in October; in the eighteenth regiment in the same county on Tuesday the next day; in the twenty-fifth regiment in the county of Campbell on the next Thursday; in the twenty-fourth regiment in the county of Anderson on Friday the next day; in the thirtieth regiment in the county of Morgan on Saturday the next day.

Fifth brigade.

SEC. 15. *Be it enacted*, That the regimental musters in the fifth brigade shall be held in each and every year, as follows: in the nineteenth regiment in the county of Sevier on the Saturday immediately preceding the first Monday in October; in the twenty-second regiment in the county of Knox on the Wednesday after the first Monday in October; in the twenty-third regiment in the same county on Thursday the next day; in the twentieth regiment in the county of Blount on Friday the next day; and in the twenty first regiment in the same county on Saturday the next day.

Sixth brigade.

SEC. 16. *Be it enacted*, That the regimental musters in the sixth brigade shall be held in each and every year, as follows: in the twenty-sixth regiment in the county of Monroe on the second Monday in October; in the twenty-seventh regiment in the same county on Thursday the next day; in the twenty-eighth regiment in the county of Roane on the next Thursday; in the twenty-ninth regiment in the same county on Friday the next day in the thirty-first regiment in the county of M'Minn on the third Monday in October; in the thirty-third regiment in the same county on Tuesday the next day; in the thirty-second regiment in the

same county on Wednesday the next day; in the one hundred and fifty-second regiment in the county of Polk on Thursday the next day; in the one hundred and forty-eighth regiment in the county of Bradley on Friday the next day; and in the one hundred and forty-fourth regiment in the same county on Saturday the next day.

SEC. 17. *Be it enacted*, That the regimental musters in the seventh brigade shall be held in each and every year, as follows: in the thirty-fourth regiment in the county of Meigs on the Tuesday after the first Monday in October; in the thirty-fifth regiment in the county of Rhea on Wednesday the next day; in the thirty-sixth regiment in the county of Bledsoe on Thursday the next day; in the thirty-eighth regiment in the county of Marion on the next Saturday; and the thirty-seventh regiment in the county of Hamilton on the next succeeding Tuesday.

Seventh brigade.

SEC. 18. *Be it enacted*, That the regimental musters in the twelfth brigade shall be held in each and every year, as follows; the seventy-eighth regiment in the county of Maury on the Monday after the second Friday in September; the seventy-seventh regiment in the same county on Tuesday the next day; the one hundred and forty-second regiment in the same county on Wednesday the next day; the seventy-ninth regiment in the same county on Thursday the next day; the eightieth regiment in the same county on Friday the next day; the one hundred and fortieth regiment in Marshall county on Saturday the next day; the one hundred and forty seventh regiment in the same county on the Monday following; the one hundred and forty-third regiment in the same county on Tuesday the next day; the one hundred and thirty-ninth regiment in the county of Bedford on Wednesday the next day; the sixty-sixth regiment in the same county on Thursday the next day; the sixty-fifth regiment in the same county on Friday the next day; and the sixty-seventh regiment in the same county on Saturday the next day.

Twelfth brigade.

SEC. 19. *Be it enacted*, That the regimental musters in the eleventh brigade shall be held in each and every year, as follows; in the seventieth regiment in the county of Lincoln on the third Tuesday in September; in the seventy-first regiment in the same county on Wednesday the next day; in the one hundred and fifty-first regiment in the same county on Thursday the next day; the seventy-second regiment in the same county on Friday the next day; the seventy-third regiment in the same county on Saturday the next day; the seventy-fourth regiment in the county of Giles on the Monday following; the seventy-fifth regiment in the same county on Tuesday the next day; and the sev-

Eleventh brigade

enty-sixth regiment in the same county on Wednesday the next day.

Fifteenth brigade.

SEC. 20. *Be it enacted*, That the times of holding regimental musters in the fifteenth brigade shall be as follows; the ninety first regiment in Montgomery county on the first Thursday in October; the ninety-second regiment on the following Saturday; the ninety-third regiment in Stewart county on the following Wednesday; the ninety-fourth regiment on the next day; the ninety-fifth regiment in Humphreys county on the following Saturday; and the ninety-fourth regiment on the next Saturday.

Seventeenth brigade.

SEC. 21. *Be it enacted*, That the regimental musters for the seventeenth brigade shall be held as follows, to wit: for the county of Hickman on the first Friday and Saturday in October; for the county of Wayne on the next Friday and Saturday; for the county of Hardin on the next Friday and Saturday; for the county of Lawrence on the next Friday and Saturday. The regiment highest in number shall muster first.

Ninth brigade.

SEC. 22. *Be it enacted*, That the regimental musters, and the company musters preceeding the regimental musters in the ninth brigade, shall be held as follows: each company shall hold a muster on the third Saturday in September in each and every year; the regimental muster in the fifty-first regiment shall be held on the fourth Tuesday in September; the fifty-second on the succeeding day; the fifty-third on Thursday the next day; the fifty-seventh on the Saturday following; the fifty-eighth on the next Tuesday; the fifty-ninth on the Thursday following; the fortieth on the succeeding Saturday; and the one hundred and thirty-eighth on the next Saturday.

Officers of regiments.

SEC. 23. Each of the regiments in this State shall be commanded by one colonel commandant, one lieutenant colonel, one first and one second major, who shall be commissioned by the Governor and hold their offices six years from their election, and shall not sooner resign without good cause shown in writing to the brigadier general, and by him approved and filed. In the election of field officers all persons liable to perform military duty in the bounds of the regiment shall be entitled to vote; but majors shall be elected by the militia of each battalion, and shall reside in and command the same; and when any of the field offices shall become vacant by the expiration of the term of service, removal out of the regiment or battalion, resignation, death, or absence from the regiment or battalion one whole year at any one time, or from any other cause, on application of any person in the regiment or battalion, as the case may be, and he being satisfied of the fact, the brigadier general of the brigade to which such regiment or battalion is attached,

Election of field officers.

Vacancies.

shall issue his writ of election to the sheriff of the county in which said vacancy has occurred, commanding him to open and hold an election at the different places of holding county elections in the regiment or battalion to fill such vacancy. The constable of each district, or such other person as the sheriff may appoint, shall hold said election at the places designated for the election of district and county officers in each district, and the election shall be advertised at every place designated herein for holding the same, and at other public places, by the sheriff, at least twenty days before it takes place. The constable, or other persons holding the election in the different districts, shall conduct the same in all respects as they are herein directed to conduct and hold elections for company officers, and shall on the same or the next day deliver to the sheriff, or if he should be a candidate, to the coroner, the certificate of the judges, countersigned by himself, setting forth the number of votes received for each candidate, who shall on the same day make out a general certificate of the number of votes polled for each candidate in the regiment or battalion, as the case may be, and deposite a copy thereof in the office of the clerk of the county court, and forward another to the brigadier general, or if he should be absent or his place vacant, then to the Governor of the State. When two or more candidates shall have the same and the highest number of votes, the officer to whom the return is made shall, within ten days after he shall have received the return, decide who shall have the place; any opposing candidate desiring to contest an election shall file his reasons with the officer to whom the return is made within ten days from the time the return is received, which reasons shall be on oath, and if believed to be sufficient, a court martial shall be detailed to determine the matter, and they shall report the result of their investigation to the officer by whom the court was detailed; and such court martial shall be governed by the same rules and principles that are prescribed in this act. In twelve days after the brigadier general receives the return of the sheriff, or in five days after he receives the report of a court martial from which no appeal is taken, in case of a contested election, he shall certify to the Governor the name of the person elected, who shall be immediately commissioned.

Constable's duty.

Candidates having the same number of votes.

Contested elections.

Field officers to attend musters.

SEC. 24. *Be it enacted*, That it shall be the duty of each field, staff and company officer and musician, except the surgeon and judge advocate, to attend twice in every year at the regimental muster ground at eleven o'clock on the days following, to wit: once on the Saturday preceding the first company muster in each regiment before the regimental musters, and once on the Saturday preceding the

first company muster of the first battalion of each regiment, before the battalion musters officers shall attend armed with a good rifle or smooth bored gun, and uniformed as required by this act, for the purpose of being drilled by the colonel commandant, or such other person as he may think proper to appoint for that purpose, at least three hours in each day; and it shall be the duty of the adjutant each day to call the roll and note down all delinquents, and report the same to the next regimental court martial; and it shall be the duty of the officer presiding at such court to cause such delinquents to be called, and upon the failure of any such delinquents to attend with a good and lawful excuse, if he be a field officer, he shall be fined in a sum not less than five dollars nor more than fifteen; any officer below the grade of a field officer shall be fined in a sum not less than one dollar nor more than five dollars; and if a musician, he shall be fined in a sum not less than two nor more than ten dollars, for each time they may have failed to attend.

Boundaries of
brigades.

SEC. 25. The State shall be divided into the following brigades, to wit: the counties of Johnson, Carter, Washington and Sullivan shall constitute the first brigade; the counties of Greene, Jefferson and Cocke shall constitute the second brigade; the counties of Hawkins, Grainger and Powell shall constitute the third brigade; the counties of Claiborne, Campbell, Anderson and Morgan shall constitute the fourth brigade; the counties of Knox, Sevier and Blount shall constitute the fifth brigade; the counties of Roane, Monroe, M'Minn, Bradley and Polk shall constitute the sixth brigade; the counties of Rhea, Meigs, Bledsoe, Marion and Hamilton shall constitute the seventh brigade; the counties of Fentress, Overton, White and Jackson shall constitute the eighth brigade; the counties of Smith and Wilson shall constitute the ninth brigade; the counties of Warren, Cannon, Coffee, Van Buren and Franklin shall constitute the tenth brigade; the counties of Lincoln and Giles shall constitute the eleventh brigade; the counties of Bedford, Marshall and Maury shall constitute the twelfth brigade; the counties of Rutherford and Williamson shall constitute the thirteenth brigade; the counties of Sumner and Robertson shall constitute the fourteenth brigade; the counties of Montgomery, Stewart and Humphreys shall constitute the fifteenth brigade; the counties of Davidson and Dickson shall constitute the sixteenth brigade; the counties of Hickman, Hardin, Wayne and Lawrence shall constitute the seventeenth brigade; the counties of Henry, Carroll and Benton shall constitute the eighteenth brigade; the counties of Dyer, Gibson and Weakley shall constitute the nineteenth brigade; the counties of Perry, Henderson

and Madison shall constitute the twentieth brigade; the counties of Haywood, Tipton and Lauderdale shall constitute the twenty-first brigade; the counties of M'Nairy, Har deman, Fayette and Shelby shall constitute the twenty-second brigade.

SEC. 26. The first, second, third, fourth, fifth, sixth and seventh brigades shall compose the first division; the eighth ninth, fourteenth, fifteenth and sixteenth brigades shall compose the second division; the tenth, eleventh, twelfth, thirteenth and seventeenth brigades shall compose the third division; the eighteenth, nineteenth, twentieth, twenty-first and twenty-second brigades shall compose the fourth division.

Boundaries of divisions.

SEC. 27. Whenever a vacancy shall occur in the office of brigadier general, by expiration of his time, removal out of his brigade, or absence from the same twelve months at any one time, death, resignation or any other means, on application to the major general, or if he be absent from the State or his office vacant, to the Governor, he shall issue a writ to the sheriffs of the counties constituting the brigade, commanding that after giving thirty days notice at all the company, battalion and regimental muster grounds in his county, that he open and hold an election at all the places of holding elections for county officers, to fill such vacancy; the sheriffs shall command the constables of each district, or some other person, to hold the election therein; the said election shall in all respects be conducted as elections for field and company officers. The persons holding the elections shall on the same or next day return, under the hands of the judges, a full statement of the polls to the sheriff, who shall immediately make out a general certificate of the vote of his county, showing the number of votes received for each candidate, and forward the same without delay to the major general of his division, or if there should be a vacancy in that office or he should be absent from the State, to the Governor; if two or more candidates shall have an equal and the highest number of votes, the officer to whom the return is made shall decide who shall have the office. Fifteen days shall be allowed to contest the election by any opposing candidate, and the contest shall be conducted and decided in all respects like a contested election for regimental officers. Immediately after fifteen days shall have closed from the time the return is received, or the report of a court martial detailed for the decision of a contested election, is filed with the officer ordering the same, a commission shall be made out, if it should be made to the Governor, and if to the major general, he shall certify to the Governor the result of the election,

Vacancies of brigadier general.

Additional duty
of brigadier gen-
eral.

whereupon a commission shall immediately issue. In addition to the duties heretofore required of the brigadier general, he shall hereafter be required to attend all the regimental musters in his brigade in full uniform, for the purpose of reviewing the militia; if he should fail to perform this duty, he shall pay a fine of not less than ten nor more than twenty-five dollars for each regiment he shall fail to attend, to be determined by the next regimental court martial: *Provided*, he shall have five days notice to attend, and show his reasons for neglect of duty, which shall be judged of by the said court.

Major generals.

SEC. 28. Each of said divisions shall be commanded by one major general; the major generals hereafter elected shall hold their office for eight years, and shall not resign under five years from the time of their election, except upon good and sufficient reasons, to be judged of and accepted by the Governor and to be filed in his office. In case of a vacancy, by expiration of time, resignation, death, or otherwise, the Governor, on being satisfied of the fact, shall issue his writs to the sheriffs of the various counties composing the division, commanding that an election be held at all the places of holding elections, after giving forty days notice at such places, and in some one or more newspapers, to fill such vacancy, which election shall in all respects be conducted and managed as elections to fill vacancies in the office [of] brigadier generals; the sheriffs shall make their returns to the Governor immediately after such elections, but the Governor shall not issue a commission until after the expiration of fifteen days from the time of receiving such returns, during which time any opposing candidate may contest the election, in which case the same shall be decided as prescribed for the case of a contested election of brigadier general; the candidate receiving the highest number of legal votes shall be declared to be elected, but if two or more candidates have an equal and the highest number of votes, the Governor shall decide who shall have the office, and issue his commission accordingly.

Officers—their
certificate.

SEC. 29. All officers required by this act to be commissioned shall act upon the certificate of their election from the sheriff or other person holding the election where the command is confined to the county or regiment, but where the command extends to the militia of more than one county then such officer may act upon the certificate of the officer to whom the return is made, until his commission is secured.

Uniform of field
officers.

SEC. 30. *Be it enacted*, That the uniform of the generals and generals' staff and field officers of the militia of this State shall be the same as that of officers of the same

grade in the United States' army, but captains, regimental staff and subaltern officers may or may not uniform themselves at their option.

SEC. 31. *Be it enacted*, That it shall not be lawful for keepers of public ferries or toll-gates to exact or receive any ferriage or toll from any person subject to perform military duty going to or returning from any drill or muster, or any military election or court martial. Ferriage and tolls.

SEC. 32. *Be it enacted*, That if any sheriff, constable, or other officer shall fail to perform any of the duties as in this act required of him, he shall be liable to presentment or indictment, and on conviction shall be fined not less than five nor more than fifty dollars. Sheriffs, constables, &c.

SEC. 33. *Be it enacted*, That fines inflicted under this act shall be as follows, to wit: without a reasonable excuse, Fines. on a major general or division staff officer, for failing to perform any of the duties assigned them by this act, a sum not less than twenty dollars nor more than seventy-five dollars; on a brigadier general or brigadier staff officer, a sum not less than fifteen dollars nor more than fifty dollars; on a field officer or regimental staff officer, not less than five dollars nor more than thirty dollars; on a captain or subaltern officer, a sum not less than two nor more than fifteen dollars; on a non-commissioned officer, musician or private, at a company muster, not more than one dollar nor less than fifty cents; at a regimental or battalion muster, not more than three dollars nor less than seventy-five cents; *Provided*, in all cases where the fine to be assessed upon any person is for not bearing arms, then and in that case the courts martial are vested with the discretionary power either to fine or not.

SEC. 34. *Be it enacted*, That when the officers of a battalion fail to hold battalion court martials, for the want of officers or otherwise, it shall be the duty of the officers to return all delinquencies that may have happened in their battalion musters to the next regimental court martial, when the same shall be tried. Battalion officers.

SEC. 35. *Be it enacted*, That it shall be the duty of the judge advocate of the regiment to call the roll of the commissioned officers at the regimental and battalion court martials, and note down all delinquents as to absence or otherwise, and report the same to the next regimental court martial, whose duty it shall be to hear and determine the same. Judge advocates duty.

SEC. 36. *Be it enacted*, That there shall be one provost martial appointed in each regiment in this State by the colonel commandant, whose duty it shall be, in addition to the duties assigned him by this act, to collect the fines and Provost martial.

forfeitures due the regiment, and pay over the same to the judge advocate of the regiment, and shall have full power to collect by execution from the judge advocate, or otherwise, which shall be good and valid in law, for which he shall be entitled to the same fees and emoluments as other collecting officers, and shall settle with the judge advocate at least once in every year; before the provost martial shall enter upon the duties assigned him by this act he shall enter into bond in the sum of five hundred dollars, payable to the commandant of the regiment and his successors in office, with two or more good securities, and shall take an oath of office before the judge advocate of the regiment faithfully to discharge the duties of his office.

Obion militia.

SEC. 37. *Be it enacted*, That the persons who are liable to perform military duty living between Reel-foot lake and the Mississippi river, in Obion county, shall not be compelled to attend regimental or battalion musters in time of peace.

Courts martial.

SEC. 38. *Be it enacted*, that the commissioned officers of companies shall have power to hold courts martial when they may deem it necessary, or any two of them, and the senior officer present shall preside and administer all necessary oaths, and receive fines by them adjudicated; which fines when collected, shall be appropriated for the purpose of furnishing said company with drum, fife and colors, or so much as will be required for that purpose; and the commanding officers of companies shall keep a record of all persons on whom fines are assessed, a copy of which shall be returned to the judge advocate, on which said judge advocate shall issue his execution; any person who may deem themselves aggrieved by the sentence of any company court martial shall have the right of appeal within twenty days thereafter to the regimental or battalion court martial as the case may be.

Company officers.

SEC. 39. *Be it enacted*, That in all cases hereafter when any company shall fail or refuse to elect their company officers, it shall be the duty of the major of the battalion to which said company belongs to attend in the spring and fall at the muster ground of said company on the days specified for company musters, when he shall train and drill such company at least three hours each day; and if more than one company in any battalion shall fail or refuse to elect their officers as aforesaid, it shall be the duty of the lieutenant colonel to attend and drill one of said companies as aforesaid; and if more than two companies shall fail or refuse to elect their officers, it shall be the duty of the colonel commandant of the regiment to attend and drill said company; and if any of said field officers should

be absent or sick, or their offices vacated, so that they cannot attend, or there should be more companies without officers than it is possible for said officers to attend and drill on the day specified for company musters, then and in either of such cases it shall be the duty of said officers to appoint some other day or days for the mustering of such company or companies, which day or days shall be appointed to come on or before the battalion muster in the spring, and before the regimental muster in the fall; of which change they shall give at least ten days notice, by advertising the same at three of the most public places in said company, and it shall be the duty of all those subject to military duty to attend and muster as in other cases; and it shall be the duty of the constable in the civil district in which any such company may be situated to make out and furnish to the colonel commandant of the regiment, or to the major of the battalion to which said company belongs, a complete list of all those subject to military duty in the bounds of said company, and at the first or any subsequent muster at which any of said field officers may attend it shall be the duty of said officers to propose to such company to elect an orderly sergeant, and if they should fail or refuse to do so, it shall be the duty of the field officer to appoint one, and in either case it shall be the duty of said sergeant to continue in office for five years, or until the company shall think proper to choose other officers, unless he is permitted sooner to resign by the commandant of the regiment; in which event his vacancy shall be filled as above directed; and it shall be the duty of such orderly sergeants to keep the company roll and assist the field officers in the performance of their duty, and upon failure or refusal to do so, it shall be the duty of the officer to report him to the next battalion or regimental court martial, when he shall be fined for every such failure or refusal not less than five nor over fifteen dollars, at the discretion of the court martial.

Company lists.

Orderly sergeant.

SEC. 40. *Be it enacted*, That it shall be the duty of the field officers to cause the roll of all such companies to be called on the days of company, battalion and regimental musters, and report all delinquents to the battalion or regimental courts martial, and it shall be the duty of the court martial to try, acquit or fine said delinquents in the same way as though said return had been made by a captain of the company.

Rolls of companies.

SEC. 41. *Be it enacted*, That it shall be the duty of the major general of the first division and fourth division, on being notified by the Governor that any portion of the arms of the United States have been or are about to be forwarded to such places, as the arms are to be forwarded by the Governor for the use of their respective divisions, to make

Major generals of 1st and 4th divisions.



suitable provisions for the reception and taking care of said arms, and to forward his account to the Comptroller, properly authenticated, for the amount necessarily expended for said purpose, who shall issue his warrant for the same, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated.

Volunteer companies of 1st and 4th division.

SEC. 42. *Be it enacted*, That the volunteer companies which may be formed in the first and fourth divisions, according to the provisions of the militia laws of this State, and wish arms, according to the provisions of the same, shall make application to their respective divisions in the same manner, and under the same regulations as are prescribed when application for the same is made to the Governor.

Expenses of public arms.

SEC. 43. *Be it enacted*, That it shall be the duty of the Comptroller of the Treasury to settle all accounts of the expense of the public arms that have, or may from time to time be received by the Governor, from the United States to the arsenal of the State or place of deposit for safe keeping, and issue his warrant on the Treasury accordingly.

Volunteer companies—arms of the State.

SEC. 44. *Be it enacted*, That all volunteer companies which shall receive the arms of the State, shall be held in readiness and be subject to the first call for service of the State or of the United States.

Equalization of regiments and battalions.

SEC. 45. *Be it enacted*, That all regiments and battalions, at regimental and battalion musters, shall be equalized and laid off agreeably to Scott's Infantry Tactics, exercised and manoeuvred in accordance with the same.

Governor commander-in-chief of militia—his staff.

SEC. 46. *Be it enacted*, That the Governor, for the time being, shall be commander-in-chief of the militia of this State, who shall appoint one adjutant, one quarter master general of the State, who shall rank each as brigadier generals in the line, and two aids-de-camp, with the rank of colonel of infantry; and the said officers, when called into actual service, either by the authority of the United States, or of this State, shall be entitled to the same pay and emoluments as officers of the like grade belonging to the line.

Divisions.

SEC. 47. *Be it enacted*, That each division shall be commanded by one major general, who shall appoint one assistant adjutant general, one assistant quarter master general, and two aids-de-camp, who shall rank as colonels of infantry; and each brigade shall be commanded by one brigadier general, who shall appoint one brigade major, who shall perform the duties of inspector, one brigade quarter master and aid-de-camp, who shall rank as majors. Each regiment shall be commanded by one colonel com-

Regiments.

Regiments.

mandant and one lieutenant colonel, one first and one second major; the colonel shall appoint one adjutant, one regimental quarter master, and one surgeon, who shall rank as captains of infantry, one sergeant major, one quarter master sergeant, one drum and fife major. Each company shall be commanded by one captain, one first lieutenant, and one second lieutenant, one ensign, three sergeants and three corporals, who shall be elected by those citizens in the bounds of said company subject to military duty; and the captain shall appoint one drummer and one fifer to each company.

Companies.

Music.

SEC. 48. *Be it enacted*, That from and after the passage of this act it shall and may be lawful for the Governor to appoint an inspector general for the State, with the rank of brigadier general, whose duties shall be the same with those of an inspector in the United States' service, and when called into actual service shall be entitled to the same pay and emoluments.

Inspector general.

SEC. 49. *Be it enacted*, That each major general in this State shall be authorized to appoint an assistant inspector general for his division, with the rank of colonel of infantry, and when called into actual service, shall be entitled to the same pay and emoluments.

Assistant inspectors.

SEC. 50. *Be it enacted*, That each brigadier general be authorized to appoint one brigade surgeon, in addition to the staff now authorized by law.

Brigade surgeon.

SEC. 51. *Be it enacted*, That it shall be the duty of the brigade inspectors to make their returns to the assistant inspector general of the division to which they may respectively belong; and the assistant inspector general shall make their returns to the inspector general of the State once in each and every year, and oftener if required by the Governor of the State.

Brigade inspectors.

SEC. 52. *Be it enacted*, That each officer, non-commissioned officer, musician and private, shall attend at their respective muster grounds, and be in readiness to perform the duties assigned them by 11 o'clock, A.M., on the day appointed for regimental, battalion and company musters; and at the several musters herein directed to be held, the troops shall be exercised at least two hours in each day, and agreeably to such system of discipline as is or may be adopted for the government of the United States' infantry; at which musters the roll shall be called and delinquents noted by order of the commandants of regiments, battalions or companies, as the case may be, both as to absence and arms.

Hour for muster.

SEC. 53. *Be it enacted*, That there shall be one judge

Judge advocate
and provost martial.

advocate and one provost martial appointed by the commanding officers of each regiment.

Security and oath
of judge advocate

SEC. 54. *Be it enacted*, That before the judge advocate shall proceed to any of the duties of his office, he shall take an oath to support the Constitutions of the United States and of the State of Tennessee, and also the following oath: "I, A B, do solemnly swear that I will well and truly perform the duties of judge advocate to this regiment in all things, according to law and to the best of my ability, so help me God;" and shall give bond and security in the sum of five hundred dollars, payable to the colonel commandant, and his successors in office, of the regiment, conditioned for the faithful performance of the duties herein required of him; and the said bond shall not be void upon the first recovery.

Judge advocate's
duty.

SEC. 55. *Be it enacted*, That each judge advocate shall hold his office during good behavior, whose duty it shall be to provide a well bound book, to be paid for out of any money in the hands of the judge advocate not otherwise appropriated, in which he shall, from time to time, record the proceedings of the several courts martial, viz: regimental, battalion and company courts martial, for the trial of officers, and all other entries for the regiment; and for his services shall be allowed the sum of one dollar and fifty cents per day for attending regimental, battalion and called courts martial, to be paid out of the fines arising by virtue of this act: *Provided, also*, in case of death, resignation, or removal out of the county, or office, the journal and proceedings shall be kept by the colonel or commanding officer until a judge advocate be appointed in room and stead of him so dead, removed, resigned, refusing to act, or removed out of office.

Discharges.

SEC. 56. *Be it enacted*, That it shall be lawful for commandants of companies to discharge any person from militia duty, upon his producing an affidavit from some justice of the peace within the county that he believes he is forty-five years of age. The residence of every militia man in the State shall be considered to be at the place where he has lodging.

Annual company
returns.

SEC. 57. *Be it enacted*, That the commandants of companies shall make the annual company returns on or before the battalion musters in each and every year, agreeably to the forms hereto annexed, in which shall be expressed the military strength, arms, &c., and deliver the same to the adjutant or commandant of the battalion.

SEC. 58. *Be it enacted*, That the commandants of regiments shall cause their adjutants to make out from their

company returns on or before the first day of May, in each year, two regimental returns, agreeably to forms hereafter presented, and lay the same before the commandant of the regiment for his examination; and it shall be the duty of said commandants, after signing said returns, to cause their adjutants to forward one of said returns to the brigade major on or before the 15th day of May, in each and every year, and the other shall be kept by said commandants for the use of the regiment.

Colonel's duty.

SEC. 59. *Be it enacted*, That it shall be the duty of the brigade majors to make out, from the regimental returns, two brigade returns, on or before the first day in July, in each year, agreeably to the forms hereto annexed, and lay the same before the brigadier general for his examination; and it shall be the duty of the brigadier general, after signing said returns, to forward one of said returns to the assistant adjutant general, on or before the first day of August, in each and every year.

Duty of brigade majors.

SEC. 60. *Be it enacted*, That it shall be the duty of the major generals to cause their assistant adjutant generals to make out, from the brigade returns, two forms of division returns agreeably to forms hereto annexed, and lay the same before him on or before the first day of September, in each year, for his examination and signature, one of which the assistant adjutant general shall forward to [the] adjutant general's office on or before the 15th day of September, in each year; and it shall be the duty of the adjutants of regiments, brigade majors and assistant adjutant generals, when any officer shall refuse or neglect to make return, as by this act required, to give notice thereof to his commanding officer of his regiment, brigade or division, as the case may be, whose duty it shall be to order a court of inquiry within fifteen days, if for the trial of a captain or regimental staff, if field, brigade, or division officer or staff, within thirty days; and it shall be the duty of the officer ordering said court to give to the officer or officers failing, as aforesaid, at least fifteen days notice of the time and place of such court, and a copy of the charge or charges in writing, exhibited against him; and said officer so charged, unless good cause shown to the satisfaction of said court, shall be fined in a sum hereafter directed, subject, notwithstanding, to appeal, as in other cases.

Duty of major generals.

SEC. 61. *Be it enacted*, That if any non-commissioned officer or private shall behave himself disobediently or mutinously, when on duty or parade, or before any court directed by this act, the commanding officers of said court may confine him during said parade, or during the setting of said court, and he may be fined by a court martial in

Disobedience.

any sum not under five nor more than ten dollars, to be collected as other fines under this act; and if any bystander shall attempt to insult or molest any officer or soldier while on duty, or shall be guilty of like conduct before any court, the commanding officer, or such court, may inflict similar punishment on any person or persons so offending.

Captain's duty.

SEC. 62. *Be it enacted*, That it shall be the duty of the commanding officers of companies to make out a fair roster of his company, placing all those who have not served a tour of duty on the lowest number; and when a detail is made on the company, the captain shall draft the number required from the whole who have not served a tour of duty; and when any person shall arrive at the age of eighteen years, it shall be the duty of the captain to give such person at least three days' notice of the time and place of holding his next muster, who shall be enrolled in the first or second class, to be determined by lot; and when any person shall move into the bounds of any company, he shall, within ten days, if a citizen of this State, if a citizen of another State, within thirty days, produce a certificate from the captain in the bounds he formerly belonged, showing whether he had served a tour of duty or not; and in case he should fail to produce such certificate, the officer shall place him first for service.

Duty of field officers.

SEC. 63. *Be it enacted*, That it shall be the duty of the field officers of each regiment to settle with the judge advocate at least once in every year, which settlement shall be made preceding the courts martial, and signed by themselves, and recorded in the judge advocate's books, and shall be laid before each court martial, and subject to the inspection of the officers composing said court martial; the money collected and funds in hands of the judge advocate shall be drawn by order of a regimental court martial, for the following purposes, viz: for the purchase of regimental and battalion standards, drums, fifes, &c., and for furnishing each company with a drum, fife, and standard; all of which orders shall be filed and preserved by the judge advocate, as vouchers in his annual settlement: *Provided*, That the judge advocate shall retain in his hands six per cent., as a commission, to be deducted out of all monies so paid out.

Duty of drum and fife majors.

SEC. 64. *Be it enacted*, That it shall be the duty of the drum and fife majors to attend the regimental and battalion musters, and the drill parades in the regiment, and shall be allowed the sum of one dollar per day, out of any money in the hands of the judge advocate not otherwise appropriated.

SEC. 65. *Be it enacted*, That it shall be the duty of the adjutant of each regiment to attend the several regimental and battalion musters and the drill parades, and there attend to his duty, as heretofore directed, for which service he shall receive the sum of one dollar and fifty cents per day, out of any money in the hands of the judge advocate not otherwise appropriated. Adjutant's duty:

SEC. 66. *Be it enacted*, That it shall be the duty of commandants of regiments and battalions, to exercise their regiments and battalions on the muster days; and when they may be present at any company muster, they may superintend the exercise [if] they think proper. Exercise on muster days.

SEC. 67. *Be it enacted*, That it shall be the duty of lieutenants and ensigns to assist in the exercise and discipline of their companies, and report every default and disobedience in the government and exercise thereof. All officers of every grade, shall implicitly obey the lawful orders of their superiors; and in case of absence, death or inability of any officer, the next in rank shall take command, and discharge all the duty required by this act of his superior, during such vacancy, absence or inability. Lieutenants and ensigns.

SEC. 68. *Be it enacted*, That the officers of each regiment shall hold a court martial on the fourth Thursday of November annually, and the succeeding days if necessary, at the place of holding regimental musters, to consist of at least seven members; the senior officer, or officer highest in grade, to be president of said court, and the court shall be sworn to do their duty, by the judge advocate of the regiment. The court thus organized, shall have power to inquire into the abilities of those brought before them, and exempt such as may be judged incapable of duty, and to receive all returns of delinquencies made by officers; to hear and determine all neglects or omissions of duty, as well by officers, non-commissioned officers and privates; to hear and determine all appeals that may be taken by officers, non-commissioned officers or privates who may [think] themselves aggrieved by any sentence or decree of any battalion or company court martial; and order and dispose of all fines and forfeitures arising under this act, unless otherwise disbursed by law; and it shall be the duty of all officers to attend their regimental or battalion courts martial; each battalion shall hold a battalion court martial at the place of holding battalion musters. The first battalion shall hold court martial on the first Thursday in June, and the second battalion on the second Thursday in June, and the third battalion on the Saturday succeeding the first Thursday in June, annually, which court shall consist of at least five members, and in case the major commanding Annual courts martial.

should fail to attend and preside, the senior officer highest in rank present, shall preside in said court martial, and at which courts martial the judge advocate of the regiment shall attend; and said court shall be conducted by the same rules, regulations and restrictions as regimental courts martial, reserving to any person who may think himself aggrieved by the sentence of said court, the right of appeal to the next regimental court martial, whose duty it shall be to hear and determine on all appeals brought before them.

Executions for
fines.

SEC. 69. *Be it enacted*, That within twenty days after the rise of any court martial it shall be the duty of the judge advocate to issue executions against all persons on whom a fine has been assessed by such court, or who has been fined and returned by a company court martial.

Right of appeal.

SEC. 70. *Be it enacted*, That any person on whom a fine may be assessed by virtue of this act shall have the right of appeal before such execution issues: *Provided*, he will show to the satisfaction of the judge advocate that such appeal should be granted, or the commanding officer of his regiment, whose order shall be a good voucher to the judge advocate for suspending such execution; and it shall be the duty of the commandants of companies to cause to be notified all persons under their command on whom a fine has been assessed within twenty days after the rise of the court martial at which such fine was assessed.

Division of reg-
ments.

SEC. 71. *Be it enacted*, That where any regiment shall consist of sixteen companies, exclusive of volunteer companies, and the commandant thereof fails or refuses to divide the same and make two distinct regiments, it shall be the duty of the brigadier general to cause such regiment to be divided, and, when done, to issue his writ to fill vacancies as in other cases.

Rights of volun-
teers.

SEC. 72. *Be it enacted*, That nothing in this act shall be so construed as to affect the right of volunteer companies whose rights have been secured to them by special act of Assembly.

Officers of courts.

SEC. 73. *Be it enacted*, That there shall be a judge advocate and provost martial appointed by the Governor, major general or brigadier general, as the case may be, to the several courts hereafter ordered. The judge advocate shall take and keep safely a true statement of all proceedings, whether pleas, evidence or defence, made before a court martial, a fair copy of which, after being signed by the president, shall be delivered to the Governor, major general or brigadier general, as the case may be, within twenty days after their adjournment, and prosecute for the

State; the provost martial shall attend and execute the orders of the court.

SEC. 74. *Be it enacted*, That the courts martial shall be ordered for the trial of all officers for neglect of duty, disobedience of orders, or disorderly or ungentlemanly behavior; and it is hereby made the duty of all officers to cause to be arrested and brought to trial all subordinate officers under their command who may be guilty of a violation of this act. Disobedience of orders.

SEC. 75. *Be it enacted*, That general courts martial shall be ordered by the Governor when he may think it necessary, where a major general shall preside, if convenient; if not, a brigadier, and be composed of twelve additional members, two of whom, at least, shall be brigadiers, and the others field officers. General courts martial.

SEC. 76. *Be it enacted*, That division courts martial shall be ordered by the major general, when necessary, where a brigadier general shall preside, and be composed of twelve additional members, two of whom, at least, shall be colonels, and the others field officers. Division courts martial.

SEC. 77. *Be it enacted*, That brigade courts martial shall be ordered at the discretion of the brigadier general, where a colonel shall preside, and consist of twelve additional members, two of whom, at least, shall be field officers, and the others not under the grade of captain. Brigade courts martial.

SEC. 78. *Be it enacted*, That regimental courts martial shall be appointed at the discretion of the colonel, where a major or lieutenant colonel shall preside, and be composed of twelve additional members, two of whom shall be captains. Regimental courts martial.

SEC. 79. *Be it enacted*, That in all courts martial, Trials: whether general, division, brigade or regimental, when the full number of officers summoned shall fail to attend, the court shall proceed to the trial: *Provided*, a majority of the officers summoned are present. The president or any member may be challenged on good cause shown to the satisfaction of the court. The decision of any of the courts martial ordered under the authority of this act, shall be approved or disapproved by the officers ordering the same; and in case the sentence is disapproved, he shall return the proceedings to the president of the court, with his objections, within twenty days, who shall again convene the court and reconsider the same; and thereupon, if they adhere to their former opinion, the sentence shall stand confirmed, and the officer ordering said court shall dissolve said court and publish the sentence thereof, subject, however, to an appeal to the officer next in rank; and in case of a division court martial, to the Governor, for the

final affirmance or reversal: *Provided*, that the sentence of no court martial shall be reversed or set aside for the want of any formality.

Grades.

SEC. 80. *Be it enacted*, That in general courts martial none shall be tried below the grade of a general officer, or the adjutant or the quarter master general; in division courts martial, none shall be tried below the grade of a field officer or division staff; in a brigade court martial, none shall be tried below the grade of a field officer or brigade staff or a captain, on good cause shown; in regimental courts martial, all officers below the grade of field officers shall be tried, and regimental staff officers.

Proceedings of courts martial.

SEC. 81. *Be it enacted*, That when either of the courts herein directed to be organized is convened, the president thereof shall administer to the judge advocate thereof the following oath:

"You do solemnly swear, or affirm, that you will truly and faithfully execute the office of judge advocate to this court, so long as you remain in office, to the best of your ability, and according to the laws of this State and of the United States, and that you will not, when secrecy is required, disclose or discover the sentence of said court, unless to the commanding officer, until he has approved or disapproved thereof; nor will you disclose or discover the sentence or opinion of any particular member of said court, unless required to give evidence in a court of justice."

The judge advocate shall then proceed to qualify the president and members of said court, by administering to them the following oath:

You, and each of you, do swear, or affirm, that you will well and truly try and determine, according to law and evidence, between the State of Tennessee and the officer to be tried, and you will not discover the sentence of this court martial when secrecy is required, until the same is made known by proper authority, nor will you disclose or discover the opinion of any particular member of this court, unless required to give evidence in a court of justice."

The proceedings of the court shall be correctly taken down by the judge advocate until the trial is finished, when a complete record of the trial and sentence shall be signed by the president, and the court adjourned *sine die*; and upon the disclosure of the sentence of any court martial, any person may, according to the direction of this act, appeal therefrom, by filing a written notice with the officer to whom the appeal is made, at any time before the expiration of twenty days, whose duty it shall be to order up before him the proceedings of such court for final decision, which shall be given within thirty days thereafter.

SEC. 82. *Be it enacted*, That when any person may have cause of complaint against any commissioned officer, he shall lodge with the Governor, major general, brigadier general or commandant of a regiment, as the case may be, the charges, certified in form, and make oath before some justice of the peace that such charges are true to the best of their knowledge and belief, and thereupon an arrest or inquiry shall be awarded; within twenty days thereafter the court martial shall be ordered, and the officer arrested shall have at least fifteen days notice thereof, as well as a copy of the charges exhibited against him. If it should appear to said court, when convened, that, from the absence of witnesses or any other cause, a fair and impartial trial cannot be had, they may adjourn to some further day: *Provided*, the time shall not exceed three months.

Complaints
against commis-
sioned officers.

SEC. 83. *Be it enacted*, That the commandants of regiments are hereby authorized and directed to call courts martial or courts of inquiry at any time when they may think it necessary, to try persons failing to do their duty, or delinquents of any kind, or persons failing to perform a tour of duty when called on, or for the trial of any non-commissioned officer, musician or private, who may desert from the service; or to excuse any person disabled, or for other causes, from doing militia duty during their disability.

Authority of com-
mandants of re-
giments.

SEC. 84. *Be it enacted*, That it shall be the duty of each major general to receive from the adjutant general copies of requisitions of men made by the government on his division, and shall, without delay, make a detail on the brigades in his division, agreeably to the returns made by the assistant adjutant general, and shall issue his orders to the brigadiers accordingly. Whenever the major general may choose, he may attend at any muster or review whatever, and give any orders for the discipline of the troops he may deem expedient.

Government re-
quisitions.

SEC. 85. *Be it enacted*, That it shall be the duty of the brigadier general to receive from the adjutant general, or major general, copies of requisitions made on his brigade, and shall make a detail on the regiments in his brigade agreeably to the returns made by the adjutants of regiments, and give orders to the commandants of regiments accordingly.

SEC. 86. *Be it enacted*, That commandants of regiments shall receive from the brigadiers copies of requisitions made on their regiments, who shall make the detail on the several companies in his regiment, and give orders to the several commandants of companies accordingly.

SEC. 87. *Be it enacted*, That it shall be the duty of the major generals, brigadier generals and commandants of

regiments, upon receiving notice of an invasion or insurrection, immediately to embody such a force as they may deem competent for the emergency, giving the earliest notice thereof to their next superior officer and to the Governor.

Marching orders.

SEC. 88. *Be it enacted*, That where marching orders are given, the captain or other officer may designate some place within the bounds of the regiment or regiments from which the companies were detailed, where he may receive substitutes in the place of those detailed for service: *Provided*, they are able bodied men, well armed, and such as the captain will approve of; and if approved of, he shall receipt to the person furnishing such substitute, which shall be evidence to the officer from whose company such detail is made, that such person is entitled to a credit, which credit shall be entered in such company book, after such troops are discharged from service, for the time the detachment had served and no longer; and if the substitute enlist in the service of the United States, the credit shall be given for the same as if such detachment was detailed for service; and each and every one furnishing such substitute shall be bound to attend all the musters directed by this act; and if such substitute should be called on to perform a tour of duty during substitution, the person for whom he is a substitute shall be bound to serve in his stead; and if any person who may furnish a substitute should be called upon to serve in the room of such substitute such substitute shall refund to said person the full amount which he may have received for performing such substitution.

Enrolling of exempta.

SEC. 89. *Be it enacted*, That the requisitions of the Governor on the militia of this State shall be deemed evidence of an invasion or insurrection, or an invasion threatened or premeditated; and thereupon, it shall be lawful for the proper officers to enrol such persons as are exempted from militia duty by this act except in such cases.

Term of service for the United States.

SEC. 90. *Be it enacted*, That the militia of this State, when called out in the service of the United States, shall not be bound to serve longer than six months from the time of their arrival at the place of rendezvous.

Rank of commissioned officers.

SEC. 91. *Be it enacted*, That all commissioned officers shall rank according to their grades and the dates of their commissions; and when two or more officers of like rank shall have been commissioned on the same day, their rank in the brigade or regiment shall be determined by lot, to be drawn before their commanding officer.

SEC. 92. *Be it enacted*, That in case of actual invasion or an invasion premeditated or threatened against this State, or any part thereof, it shall and may be lawful for

the Governor, or any officer by him directed, to order into actual service all or such parts of the militia of this State as he shall deem expedient, and to discharge such troops as soon as he may judge it consistent with the safety of the State: *Provided, always*, the requisition shall be made in the different divisions, brigades, regiments and companies, in proportion to their numbers who have not performed a tour of duty.

SEC. 93. *Be it enacted*, 'That [the] adjutant general shall keep his office at the seat of government; he shall keep a fair record of all orders and communications he shall receive from the commander-in-chief of this State, and obey all orders from him relative to the duties of his office; he shall receive annual returns from the assistant adjutant general, from which he shall make out a general return of the whole strength of the militia of this State which he shall lay before the commander-in-chief of the State on or before the fifteenth of October in each year, a duplicate of which return he shall, without delay, forward to the Secretary of War of the United States.

Office of the adjutant-general.

SEC. 94. *Be it enacted*, That the quarter master general shall keep his office at the seat of government, or at such other place as the Governor may direct, he shall keep a record of all orders and communications he shall from time to time, receive from the commander-in-chief of the State, and obey all orders relative to the duties of his office; he shall collect and keep safely all arms and military stores belonging to the State, which shall be subject to the orders of the Governor; he shall furnish blank printed forms to division quarter masters and others while in service, which, when made out, shall show the quantity of arms, equipage, &c.

Office of the quarter master general.

SEC. 95. *Be it enacted*, That every non-commissioned officer, musician, or private, who shall neglect or refuse to appear by himself or substitute, at such time and place as shall be appointed by his commanding officer, or appear and not armed as by this act directed, such person, on conviction, shall forfeit and pay a sum not less than one hundred dollars, which sum shall be adjudged against him by a court martial, and shall be collected as heretofore directed, and paid into the public treasury; and if any commissioned officer shall be guilty in like manner, he shall be subject to a penalty not less than one hundred dollars, be reduced to the ranks, and ordered immediately for service; and in case of refusal, shall be liable to the same penalties that other privates are by this act, each of which last mentioned penalties shall be assigned and paid over as heretofore directed by this act: *Provided, always*, that each commissioned, non-commissioned officer, musician and private, shall be no-

Fines.

tified of such requisition, which must depend upon circumstances, for if the person be notified it shall be available in law.

Oath of command-
ments.

SEC. 96. *Be it enacted*, That it shall be the duty of every person hereafter elected to the command of the militia of this State, before he enters on the discharge of the duties of his command, to take and subscribe the following oath, which shall be entered on the back of his commission:

"I do solemnly swear that I will support the constitution of the United States and the State of Tennessee, as prescribed by law, to the best of my abilities."

Absentness for du-
ty.

SEC. 97. *Be it enacted*, That if any commissioned officer should absent himself from the duties of his command for more than twelve months, unless employed in the duties of his office, it shall be considered a removal, and measures shall be taken by the proper officer to fill such vacancy; and if any commissioned officer in this State shall labor under any incurable bodily infirmity, mental disability, or shall be guilty of habitual drunkenness, or unofficerlike or ungentlemanlike conduct, or been guilty of any infamous crime, or escaped or concealed himself from justice, or removed himself out of the bounds of his command, the proper officer, on information thereof, shall order a court of inquiry, to consist of five members; if on testimony, or personal observation, they shall report to the officer ordering such court that such person does labor under mental disability, bodily infirmity, or shall be guilty of habitual drunkenness, or unofficerlike or ungentlemanly conduct, or have been guilty of any infamous crime, or escaped or concealed himself from justice, or removed himself out of the bounds of his command, so as to disqualify him from the faithful discharge of his duty; and if the officer ordering said court shall approve the said report, the office shall thereafter be considered vacant, and the proper officer shall proceed to have such vacancy filled as in other cases: *Provided, always*, that the officer so tried shall have the right of appeal to the next superior officer, for approval or disapproval of said report.

Credit of a tour
of duty.

SEC. 98. *Be it enacted*, That persons who have served tours in the United States' army as officers, and have since resigned or been arranged out of service, and have returned to the ranks as privates, and all persons who have enlisted and been discharged after a service of six months or more shall be entitled to a credit of a tour of duty in the militia of this State.

For regimental

SEC. 99. *Be it enacted*, That the field officers of any regiment or regiments in any one county, where they conceive it necessary to divide said regiment or regiments, and

make a separate and distinct regiment: *Provided*, that each regiment of eight companies, exclusive of cavalry or volunteer companies; and whenever a new and distinct regiment is formed from one or more regiments, it shall be the duty of the senior officer present to notify the brigadier general of the regiment or regiments so laid off, and the vacancies of the field officers occurring in either of said regiments, and he shall issue his writ to fill said vacancies as in other cases; and the regiment or regiments so established shall be under the same rules, regulations and restrictions, as other militia of this State, and shall constitute a part of the brigade to which said regiment belongs; and it shall be lawful for the commandants of regiments to divide any regiment or regiments so as to make two or more companies: *Provided*, the same can be done without reducing the number of privates below its lawful number; and the companies when laid off shall be recorded by the judge advocate of the regiment and vacancies filled as in other cases.

SEC. 100. *Be it enacted*, That the arms and equipments of any militia man shall be exempt from execution at all times, and their person from arrest, or the service of civil process, while going to, continuing at, or returning from musters or courts martial stipulated by this act.

Equipments exempt from execution.

SEC. 101. *Be it enacted*, That it shall and may be lawful for a volunteer company of light infantry to be raised in each regiment where it has not already been done, and the commandants of regiments are hereby authorized to appoint persons *pro tempore* to raise such companies, which shall not consist of less than thirty-six, nor more than sixty-four privates, one captain, one lieutenant, one ensign, three sergeants, three corporals and two musicians.

Volunteer company

SEC. 102. *Be it enacted*, That the commissioned officers shall be armed as other officers of the same grade, and each non-commissioned officer and private with a good musket, smooth bore or rifle, cartouch box or pouch and horn, and shall hold company muster four times in each year, the one on the Saturday preceding the regimental muster, and the other on the Saturday preceding the battalion muster, at such place as a majority of the officers may direct, and shall attend the regimental and battalion musters to which they belong: *Provided*, that the rifle and light infantry companies shall not be compelled to attend the same battalion, and shall be subject, at all times, to the commanding officers as other regiment or battalion.

Arms.

SEC. 103. *Be it enacted*, That it shall be lawful for a volunteer company of riflemen to be raised in each regiment, when it has not been done, under the same rules and

Volunteers.

after the same manner, and to be under the same restrictions of light infantry. The commissioned officers to be armed as other officers of the same grade, the non-commissioned officers and privates with good rifles, pouches and horns, and shall muster as directed for light infantry.

SEC. 104. *Be it enacted,* That it shall not be lawful for any officer of the light infantry or rifle companies, to enroll any person who has been enrolled by any militia officer, unless such person shall produce a certificate from the commandant of the company to which he belonged, certifying that his company will not be reduced below its lawful number by such enrollment; and it shall be the duty of such person applying for such certificate, to perform duty in the company to which he did belong, until [he] shall produce the certificate of the captain that he may wish to join that his company is organized and that he is equipped according to law.

Light Infantry
how distinguished
off.

SEC. 105. *Be it enacted,* That the companies of light infantry and riflemen herein directed to be raised, shall be distinguished by the number of the regiment to which they belong; and where details are made on the militia of this State, they shall be ordered into service by certain companies, which shall be determined by lot, drawn by the adjutant general in presence of the Governor.

Withdrawal from
company.

SEC. 106. *Be it enacted,* That no person shall be permitted to withdraw from a company of light infantry or riflemen in five years, without the consent of the commandant, or unless he shall move out of the regiment to which said company belongs.

Field uniform.

SEC. 107. *Be it enacted,* That the uniform of the general, field and staff officers of the militia of this State shall be the same as that of officers of the same grade in the United States' army; captains and subaltern officers may or may not wear uniform at their option; regimental staff also may or may not wear uniforms at their option.

Light Infantry
and riflemen's
uniform.

SEC. 108. *Be it enacted,* That the uniform of light infantry and riflemen shall be as follows: for light infantry, long blue hunting shirts, blue pantaloons, round black hat and red plumes; and for riflemen, long black hunting shirts, black pantaloons, hats as infantry, and white plumes; but in all cases where a company may choose a different uniform, and uniform themselves complete, it shall be lawful for said company to wear its own uniform on all parades.

Commissioned.

SEC. 109. *Be it enacted,* That all commissions for militia officers shall issue in the form heretofore in use in this State.

Fines.

SEC. 110. *Be it enacted,* That all fines and forfeitures imposed on any person by the provisions of this act, shall

be collected and paid over in the following manner, to wit : that fines on major generals, staff and field officers shall be paid into the public treasury ; on regimental staff, company officers, non-commissioned officers, musicians and privates, into the hands of the judge advocate of the regiment to which they belong.

SEC. 111. *Be it enacted*, That all executions for fines, provided for by this act, shall be issued by the judge advocate of the court, and which fines, when collected, if to be paid into the public treasury, the executions shall be directed to the sheriff of the county where the delinquent resides, and the said sheriff shall collect the same with sixty days and pay the same over to the clerk of the circuit court, who shall account for the same as other public monies ; and all executions for fines to be appropriated to the use of the regiment shall be placed by the judge advocate in the hands of a constable within the bounds of the battalion where such delinquent resides, and the said constable shall collect and make return thereof within sixty days after the receipt of such executions ; and sheriffs or constables shall be entitled to the same fees that they would be entitled to in civil cases ; and for such execution the judge advocate shall be entitled to twelve and a half cents ; but no officer shall be entitled to cost except collected of the defendant ; and if the constable or sheriff so collecting shall fail or refuse to pay the money, as by this act directed, it shall be the duty of the judge advocate, by motion, in the next county court of the county where such delinquency shall happen, to take a judgment against such delinquent officer for the principal so collected, together with twelve and a half per cent. interest ; *Provided*, the said delinquent shall have ten days notice in writing, from the judge advocate, of his intention to make such motion.

Executions for fines.

SEC. 112. *Be it enacted*, That when any new regiment may hereafter be established, or has heretofore been established under the laws of this State, and not numbered by law, it shall be the duty of the Governor to attach the proper numeral number thereto, and the commanding officer to designate the day for regimental muster by a regimental order.

New regiments.

SEC. 113. *Be it enacted*, That all volunteer companies in common uniform are hereby authorized to pass by-laws for the government of their respective companies, and to appoint the number required by law, and to collect fines under their own by-laws, and apply such fines to the use of their own companies ; *Provided*, that nothing in this section shall be so construed as to release said companies from performing any of the duties required by the regiment to

By-laws of volunteers.



which they belong, and all fines for a neglect of such duty shall be applied as fines on other militia.

Cavalry.

SEC. 114. *Be it enacted*, That there shall be one company of cavalry in each regiment, together with those volunteer companies which are established by law in this State, to be raised by volunteer enrollments, and shall consist of one captain, of one first lieutenant, and one second lieutenant, one cornet, three sergeants, three corporals, one trumpeter, and not less than thirty nor more than sixty privates; and the cavalry of each brigade shall constitute one regiment, and be commanded by a colonel commandant, [and] one lieutenant colonel, and one first and second major, who shall be elected by the commissioned officers of their regiment; and the regimental courts martial of said cavalry shall be conducted under the same rules, regulations and restrictions as in infantry courts martial of like grade, and each company of cavalry shall, on two several days, annually, hold two company musters at the court house of their county or such other place as the officers may agree on, which said company musters shall be held on the last Saturday in March and September, and shall hold courts martial on delinquents in the same manner as is directed for holding company courts martial of infantry; and it shall further be the duty of each company of cavalry to attend the infantry regimental musters of their county, and when at said musters shall be under the direction and command of the commanding officers of the regiment.

Equipments, &c.
of Cavalry.

SEC. 115. *Be it enacted*, That every officer and private belonging to each troop of cavalry, shall appear, when on parade, with a strong serviceable horse, at least fourteen hands and a half high, with a good saddle, bridle, holsters, and one pistol at least, and horseman's sword, cap, a pair of shoe-boots and spurs, cartouch box and cartridges, in good order, and dressed in the uniform of the regiment to which he belongs.

Duty of commanders of cavalry.

SEC. 116. *Be it enacted*, That the captains or commanding officer of a company of cavalry shall make out a fair statement of the strength and condition of his company, and return the same to the commanding officer of the regiment on or before the first day of May, annually, who shall make out a fair statement of the strength and condition of his regiment, and return the same to the brigadier general or brigade major of his brigade on or before the first day of June, annually.

Returns.

SEC. 117. *Be it enacted*, That each officer required to make return by virtue of this act, and refusing or neglecting to make return as herein before directed, shall be fined, if a colonel or commanding officer of a regiment, in a sum

not less than fifteen and not more than fifty dollars; if a captain or commanding officer of a company, in a sum not exceeding twenty dollars nor less than ten; which fines shall be assessed on the delinquents at the discretion of a brigade or regimental court martial.

SEC. 118. *Be it enacted*, That all fines imposed by this act, when collected, shall be applied by the commanding officer of the regiment to the use of the regiment to which said delinquents belong. Appropriation of fines.

SEC. 119. *Be it enacted*, That it shall not be lawful for the captain of any company of cavalry hereafter to receive or enroll any private in his company, without such private first appearing before him equipped as the law directs; and on said private appearing equipped, as aforesaid, such captain shall give him a certificate to the captain of infantry to which he belonged, and on his producing such certificate, the captain of the infantry shall immediately strike him off his roll. Enrollments.

SEC. 120. *Be it enacted*, That it shall and may be lawful for each and every regiment of cavalry in this State to choose the quality of the uniform for their officers and privates, and they shall be authorized to use domestic manufactures for the same: *Provided, nevertheless*, that the coats and pantaloons of each officer and private of each regiment shall be of a deep blue color; and *provided further*, that this act shall not affect any persons who have heretofore equipped themselves.

SEC. 121. *Be it enacted*, That each officer of cavalry shall be commissioned by the Governor of this State under the same rules and after the same manner as officers of the infantry of like grade. Commissions.

SEC. 122. *Be it enacted*, That it shall be the duty of each officer and private of any company of cavalry to attend company muster, and in failure thereof, if a commissioned officer, he shall forfeit and pay a sum not exceeding twenty nor less than five dollars; and each non-commissioned officer or private shall forfeit and pay a sum not exceeding five dollars nor less than one; to be recovered against such officer or officers at the first regimental court martial, and against non-commissioned officers and privates at the first company court martial immediately after such delinquency shall so happen: *Provided*, such delinquent commissioned officers shall have till their next regimental court martial, and non-commissioned officers and privates till their next company court martial, after such fine shall have been assessed, to make their excuse for such delinquency so happening; and in case they shall fail to do so, the court martial shall then and in that case, proceed to confirm and Company musters.

make absolute said fine or fines; *Provided*, that no execution shall issue for a fine assessed unless assessed within twelve months after said fine.

Time allowed to equip. SEC. 123. *Be it enacted*, That all commissioned officers of cavalry hereafter to be elected shall have three months from and after such officer or officers shall be elected to equip themselves.

Regimental musters. SEC. 124. *Be it enacted*, That each regiment of cavalry in this State shall hold one regimental muster on the first Thursday in October, annually, except the second regiment, which second regiment shall hold its regimental muster on the third Thursday in October, annually, at such places as the commissioned officers of the regiment or a majority of them may select, at which time and place it shall be the duty of each officer and private of said regiment to attend the regimental muster of said regiment; that the commissioned officers of each shall, on the day succeeding said regimental muster, hold a court martial for the trial of all delinquents, both officers and privates. If any field officer fail to attend said regimental muster, armed and equipped as directed by this act, without a reasonable excuse, they shall each be fined in a sum not exceeding fifty dollars nor less than twenty dollars; if a captain or subaltern officer, he shall be fined in a sum not exceeding twenty nor less than ten dollars; if a non-commissioned officer or private, in a sum not exceeding ten nor less than two dollars.

Withdrawal from company. SEC. 125. *Be it enacted*, That no private in any company of cavalry be permitted to withdraw himself from said company under five years, without the assent of his regimental court martial; and if any private is permitted to withdraw himself from any company as by this act directed, the captain of the company of cavalry shall notify the captain of the infantry in whose bounds such private may reside, of the proceedings of said court martial, and that said private has been permitted to withdraw himself from the company of cavalry; and it shall be the duty of the captain of infantry in whose bounds such private may reside, on receiving such information, immediately to enroll him on his company roster, the first man on the first class defined for actual service.

Actual service. SEC. 126. *Be it enacted*, That when any of the cavalry of this State shall be called on for actual service they shall be called out by companies and commanded by their own company officers.

Governor's call. SEC. 127. *Be it enacted*, That when it may be conceived that the public good eminently requires it, the Governor is hereby authorized to call out such parts of the cavalry of this State as he may think proper, and when so called out,

they shall be considered ruled and regulated as mounted gunmen for the time he may so order them.

SEC. 128. *Be it enacted*, That it shall be the duty of the field officers of the cavalry of each regiment, when they deem it necessary, to appoint suitable persons in each regiment of infantry within the bounds of their regiment of cavalry, to raise a troop of cavalry where there is no troop; and it shall be the duty of the brigadier general, where there are no field officers, to issue writs of election, in the same manner and under the same rules regulating field officers of infantry.

Duty of field officers.

SEC. 129. *Be it enacted*, That it shall be the duty of the brigadier general, where there are no field officers, to appoint persons to raise such companies of cavalry as field officers are authorized by this act.

Duty of brigadier general.

SEC. 130. *Be it enacted*, That the judge advocate of each regiment of cavalry in this State, when it shall so happen that execution may issue against any delinquent officer or private, that he is hereby authorized to issue said execution or executions to the sheriff of the county where such delinquency shall so happen, and that the sheriff receiving such execution shall account for such monies, if collected, and if not collected, show the reason why it was not collected, within the same time as specified for infantry, and under the same penalties heretofore in such cases provided by law, any law to the contrary notwithstanding.

Judge advocate of cavalry.

SEC. 131. *Be it enacted*, That it shall be the duty of the brigade inspectors of each brigade to distribute all orders from the brigadier general or commanding officer of his brigade to the several commanding officers of regiments in his brigade; to keep an orderly book, and record all orders by him received; the proceeds of all brigade courts martial; and all other official communications which he or the commanding officer of his brigade may receive. He shall also keep a record of all appointments and resignations in his brigade; he shall keep a roster of the field and staff officers in his brigade, with the dates of their appointments, from which all details for duty shall be made, and shall note the services performed by each officer, and shall perform all other duties which by law or custom appertain to his office.

Duty of brigade inspectors.

SEC. 132. *Be it enacted*, That it shall be the duty of adjutants of regiments to distribute all orders from the commanding officer of his regiment when on military duty, and to see that all his orders are promptly executed; and to keep an orderly book, in which all orders and other official communications which may be received by him from the commanding officer of his regiment, and all orders which

Duty of adjut'nts of regiments.

may be received by his commanding officer; he shall keep a roster of the officers of his regiment, with the dates of their commission, from which all details for duty shall be made, and note the services performed by each officer; he shall do and perform all other duties which appertain to his office of regimental adjutant.

Adjutants on parade.

SEC. 133. *Be it enacted*, That it shall be the duty of the adjutants of regiments, at their several parades, to call the roll of officers whose duty it is to attend each parade, and note all delinquents, and make report thereof to the next court martial having cognizance of the same, which report shall be read in evidence against such delinquents; and it is hereby made the duty of company officers to attend their annual regimental and battalion courts martial, and the commanding officer of each company shall report to such court the condition of his company at the preceding regimental or battalion parade, as the case may be.

Apprentices.

SEC. 134. *Be it enacted*, That the master of an indentured servant or apprentice shall not hereafter be bound to furnish said apprentice with arms with which to muster and perform militia duty.

Arms for volunteers.

SEC. 135. *Be it enacted*, That the Governor be authorized to distribute [arms] to such uniform volunteer companies as shall be entitled to the same, and in order to entitle any company to the use of a portion of said arms, it shall be necessary for the commandant of the regiment to certify that such company consists of not less than forty rank and file, and that it is a uniform volunteer company, and that every member of the same is in complete uniform. It shall then be lawful for the Governor to issue his order to the quarter master general, directing him to deliver to the captain of said company a number of arms to the whole number of non-commissioned officers and privates, the said captain first giving bond and sufficient security, to be approved by the Governor, and payable to the State of Tennessee, that the arms thus delivered shall be kept in a soldierlike manner and free from injury, and that they will be delivered whenever called on for the use of the State; which bond shall be renewed by each succeeding captain within two months from the day of his election, or on failure, the Governor shall forthwith cause the arms to be redelivered to the quarter master.

Affidavit of delinquents.

SEC. 136. *Be it enacted*, That the delinquents, instead of being compelled to attend courts martial in person for the purpose of procuring the remission of fines, may make their affidavit before some justice of the peace, setting forth the reasons of such delinquency, which affidavit may be produced to the court martial, by the commandant of the

company in which such delinquency may happen, and shall be received by such court martial as legal evidence of the facts therein contained.

SEC. 137. *Be it enacted*, That the commanding officers of the different regiments of militia in this State shall certify to the clerk of the county court of pleas and quarter sessions, in their several counties, the number of the different captain's companies in the bounds of their regiments, at least fifteen days before the commencement of each session of the legislature.

Captain's companies.

SEC. 138. *Be it enacted*, That hereafter the cavalry court martial shall have the same power and exercise the same discretion, in imposing fines on the delinquents for the want of equipage while on duty, that the infantry court martial now has by law.

Cavalry courts martial.

SEC. 139. *Be it enacted*, That the clerks of the circuit courts in this State shall, once a year, call on the judge advocates in his county, and ascertain, from an examination of their docket book, what amount of fines has been collected, and if the judge advocate should fail or refuse to pay over what he may have collected, the said clerk may take judgment against him by motion either before a justice of the peace or the county court, for which services said clerk shall retain five per cent. on all monies by him so collected.

Judge advocates' duty.

SEC. 140. *Be it enacted*, That hereafter when any court martial in this State shall assess a fine against any delinquent officer, musician or private, that the judge advocate shall not issue his execution against the same until the expiration of twenty days after the rise of said court martial.

Executions for fines.

SEC. 141. *Be it enacted*, That it shall not be lawful for any court martial to impose a fine of more than one dollar nor less than fifty cents on any non-commissioned officer or private, for their non-attendance on any regimental or battalion muster, after the first day of January next.

Fine for not mustering.

SEC. 142. *Be it enacted*, That it shall not be lawful for any court martial to impose a fine of more than three dollars nor less than one, on any captain or subaltern officer, for their non-attendance on drill, regimental or battalion musters.

Non-attendance on drill.

SEC. 143. *Be it enacted*, That there shall be deposited at Knoxville, under the care of the assistant quarter master general of the first division of Tennessee militia, a proportion of the public arms of the State equal to the proportion which the strength of the first division bears to the whole military strength of the State of Tennessee, subject to the provisions hereinafter.

Arms at Knoxville.

SEC. 144. *Be it enacted*, That whenever an order shall

Arms.

be issued by the Governor of the State to the quarter master general, directing him to deliver to the captain of any volunteer company in said division any portion of the public arms, it shall be the duty of the quarter master general to issue an order to the assistant quarter master general, to whose care such arms shall have been committed, directing him to deliver to the captain of such volunteer company a number of the public arms equal to the whole number of non-commissioned officers and privates in such company: *Provided*, that nothing in this act contained shall authorize the distribution of the public arms without bond and security being first given in the same manner as is now prescribed by law.

Arms at Jackson.

SEC. 145. *Be it enacted*, That there shall be deposited at Jackson, in the Western District, a proportion of the public arms of this State, for the use of the third division, under the same rules, regulations and restrictions as provided in the two foregoing sections in relation to the public arms to be deposited at Knoxville.

Expenses of removing arms.

SEC. 146. *Be it enacted*, That it shall be the duty of the Governor to carry the provisions of this act into effect, and he is hereby authorized to issue a draft or drafts upon either of the Treasurers for the amount of the expenses incurred in the removal of the arms herein provided to be removed to the places of deposit in the first and third sections of this act.

Absentees when sick or out of the county.

SEC. 147. *Be it enacted*, That hereafter when any officer, non-commissioned officer musician or private shall fail to attend any regimental drill, regimental, battalion or company muster, and it shall be made to appear to the satisfaction of said commandant of such drill muster, regimental, battalion or company muster, as the case may be, on the day of said muster, that the absentees are prevented from attending, by indisposition of himself or family, or on account of his necessary absence out of the county, then, or in either such case of such absence, it shall not be the duty of said commandant to report them as absentees, and require their attendance at court martial to render their excuse.

Contested elections.

SEC. 148. *Be it enacted*, That hereafter when any person contesting a military election, either upon the ground of illegality of proceedings by the judges, clerks or returning officer holding said election, or upon the ground of illegality of votes, and shall fail in said contest, it shall be the duty of the court martial before whom the validity of said election was contested to render up judgment against the person so contesting said election, aforesaid, for the cost accruing on said trial.

Sec. 149. *Be it enacted*, That if the party contesting said election should succeed, and the same should be declared void, on account of illegality of proceedings, or the result of the election should be changed on account of the illegality of votes, that then the said court shall have power to tax the regiment with the cost accruing on said trial, to be paid by the judge advocate out of any monies in his hands belonging to said regiment, or said brigade, as the case may be, not otherwise appropriated.

Regiments taxed with costs in certain cases.

Sec. 150. *Be it enacted*, That the judge advocate of the said court martial shall have power, and he is hereby required, upon the application of the prosecutor of the person contesting said election, to issue a subpoena or subpoenas for witnesses, and shall receive six and one-fourth cents for each subpoena he may issue.

Witnesses at court martial.

Sec. 151. *Be it enacted*, That the provost martial shall be, and he is hereby required to execute said subpoenas, and shall receive as a compensation therefor twenty-five cents for each person upon whom he executed the same.

Provost martial.

Sec. 152. *Be it enacted*, That it shall be the duty of each witness summoned as aforesaid, to attend and give evidence before said court martial under the penalty of fifty dollars, and for each day's attendance shall receive fifty cents.

Fine for non-attendance of witnesses.

Sec. 153. *Be it enacted*, That if any witness shall fail to attend said trial, agreeably to the requisitions of the subpoena, that then the said witness shall forfeit one hundred dollars to the use of the regiment or brigade, as the case may be, and the said court martial shall have power to enter an additional judgment for the same; but before any execution shall issue upon said judgment, the judge advocate shall issue a *scire facias* within five days after the rendition of said judgment, which shall be served by the provost martial on said witness ten days before the return thereof, to show cause before said court why he was absent; and if his excuse be deemed sufficient to justify said absence, then said judgment shall be set aside, otherwise the same shall be made final, and execution shall issue, directed to said provost martial, under the same rules, regulations and restrictions as in other cases.

Subsequent proceedings.

Sec. 154. *Be it enacted*, That a number of this act [be printed] in pamphlet form sufficient to furnish the following officers, to wit: all generals, colonels, majors and captains, and the staff officers of generals and colonels; and it shall be the duty of any officer who may receive a copy of the same to deliver it to his successors when he

Distribution of this act.

shall go out of office ; all other acts and sections of acts contrary to this act are hereby repealed.

Secretary of
States' duty.

SEC. 155. *Be it enacted*, That it shall be the duty of the Secretary of State to arrange this act for publication and to superintend the same, and also to make out an estimate of the number to be printed and sent to each county town. In addition to the above number referred to there shall be sent to each county four copies for each regiment, to be delivered to the captains, lieutenants and ensigns of any volunteer companies that may be formed, and the same number for the officers of a troop of cavalry for each county ; and there shall also be one hundred copies deposited in the office of the Secretary of State. And the Secretary of State shall make out a general index and publish the same with this act, together with the following forms for returns.

JONAS E. THOMAS,
Speaker of the House of Representatives. :

L. H. COE,
Speaker of the Senate.

Passed January 28th, 1840.

CHAPTER 2.

AN ACT to abolish and discontinue Spring Musters, and their Courts Martial and Drills.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 10th section of the Militia Law of this State, passed in 1835, and all laws and parts authorizing and requiring spring, company and battalion musters, be, and the same are hereby repealed.

SEC. 2. *Be it enacted*, That all laws or parts of laws requiring battalion and company courts martial and drills, which the militia are now required to hold and perform in the months of April and March of each year, be, and the same are hereby repealed.

SEC. 3. *Be it enacted*, That the commandants of companies shall make their annual company returns on or before the regimental musters in each and every year, agreeably to the forms prescribed by an act passed January 28th, 1840, in which shall be expressed their military strength, arms, &c., and deliver the same to adjutant or commandant of the regiment.

SEC. 4. *Be it enacted,* That commandants of regiments shall cause their adjutants to make out their regimental returns on or before the first of November in each and every year; brigade majors shall make out their brigade returns on or before the first of December in each and every year, and major generals shall cause their adjutants to make their division returns on or before the first of January in each and every year.

SEC. 5. *Be it enacted,* That such parts of sections 58, 59 and 60, of an act passed 28th of January, 1840, as relates to the time of making returns, be, and the same are hereby repealed.

SEC. 6. *Be it enacted,* That all company officers shall hold their offices for five years from their elections; and all regimental officers shall hold their offices for six years from their elections; and brigadier generals and major generals shall hold their offices for eight years from their elections, and shall be commissioned accordingly.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed January 25, 1842.

CHAPTER 3.

AN ACT to amend the Militia Law of this State.

Be it enacted by the General Assembly of the State of Tennessee, That the regimental musters in the twentieth brigade, shall be as follows, to wit: For the county of Perry, on the first Friday and Saturday in September; for the county of Henderson, on the Monday and Tuesday following, and for the county of Madison, on the Thursday, Friday and Saturday following; the respective regiments highest in number to muster first in the order in which they are herein arranged.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed February 5, 1842.

CHAPTER 4.

AN ACT to create the 23d and 24th Brigades of Tennessee Militia, the 23d of Fayette and Shelby counties, and the 24th of Maury county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the counties of Fayette and Shelby shall constitute the 23d brigade of Tennessee militia, elect one brigadier general, and be attached to the fourth division, and that the county of Maury shall constitute the 24th brigade of Tennessee militia, elect one brigadier general, and be attached to the third division; that the counties of McNairy and Hardeman shall constitute the second brigade, and the counties of Bedford and Marshall shall constitute the 12th brigade.

SEC. 2. *Be it enacted*, That the white male inhabitants of the counties of Fayette and Shelby, between the age of eighteen and forty-five years, and not exempt from military duty, be, and they are hereby authorized and required to open and hold an election, at the places of holding elections for military officers in said counties, on the first Saturday in March, 1842, for the purpose of receiving the votes of such qualified voters as may desire to vote for one brigadier general, to command the 23d brigade of the Tennessee militia; and that the white male inhabitants of the county of Maury, between the age of eighteen and forty-five years, and not exempt from military duty, be, and they are hereby authorized by law to open and hold an election, at the respective places of holding elections for military officers in said county, on the first Saturday in March, 1842, for the purpose of receiving such votes of the qualified voters as may desire to vote for one brigadier general, to command the 24th brigade of Tennessee militia, and the person receiving the plurality or highest number of votes in each of the brigades, shall be commissioned, and perform the duties and be subject to all the liabilities that other military officers of the same grade, as is provided for and required by the militia laws of this State; any law, usage or custom to the contrary notwithstanding.

SEC. 3. *Be it enacted*, That the regimental musters in the 16th brigade of Tennessee militia, shall be so altered that hereafter the 85th regiment shall be held at the place as heretofore, on the first Wednesday, the 86th on the first Thursday, the 87th on the first Friday, and the 88th on the first Saturday, and the 96th on the second Friday in October in each and every year; and the regimental courts martial and drills and the company mus-

ters, shall be held at such convenient times and places before and after such regimental musters, and drills, and courts martial, as shall best suit the officers and soldiers thereof, and the officers and citizen soldiers shall attend such regimental and company musters, drills and courts martial as though the times of holding the same had not been altered; any law, usage, or custom to the contrary notwithstanding.

SEC. 4. *Be it enacted*, That the regimental musters in the 22d brigade of Tennessee militia, shall be so altered that hereafter the two regiments in McNairy county shall be held at the place as heretofore, on the first Thursday and Friday in October in each and every year, in the order of their number as specified in the militia laws of this State, and the two regiments in Hardeman county shall be held on the second Thursday and Friday in October in each and every year, and the company musters, and regimental drills and courts martial, shall be held at such times and places as shall be agreed upon by the officers thereof; any law to the contrary notwithstanding.

BURCHETT DOUGLASS,

Speaker of the House of Representatives.

SAM. TURNEY,

Speaker of the Senate.

Passed February 5, 1842.

CHAPTER 5.

AN ACT to attach the 141st Regiment Tennessee Militia to the 9th Brigade.

Be it enacted by the General Assembly of the State of Tennessee, That the 141st regiment of Tennessee militia, in the county of DeKalb, be attached to the 9th brigade.

D. L. BARRINGER,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed November 8, 1843.

CHAPTER 6.

AN ACT to amend the Militia Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the regimental musters in the 20th brigade shall be as follows, to wit: For the county of Perry, on the first Friday or Saturday in October; for the county of Henderson, on Monday and Tuesday following, and the county of Madison, on Thursday, Friday and Saturday following; the respective regiments highest in number to muster first, in order in which they are herein arranged.

SEC. 2. *Be it enacted*, That the regimental musters in the eleventh brigade, shall be held in each and every year as follows: In the seventeenth regiment, in the county of Lincoln, on the third Tuesday in October; in the seventy-first regiment, in the same county, on Wednesday, the next day; in the seventy-second regiment, in the same county, on Thursday, the next day; in the one hundred and fifty-first, in the same county, on Friday, the next day; in the seventy-third regiment, in the same county, on Saturday, the next day; the seventy-fourth regiment, in the county of Giles, on the Monday following; the seventy-fifth regiment, in the same county, on Tuesday, the next day, and the seventy-sixth regiment, in the same county, on Wednesday, the next day.

SEC. 3. *Be it enacted*, That the adjutants of the several regiments in this State, shall hereafter be required to wear uniform at the respective regimental and battalion musters and drills, and that the uniform required shall be the same as that worn by officers of like grade in the service of the United States.

SEC. 4. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, are hereby repealed.

D. L. BARRINGER,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed November 17, 1843.

CHAPTER 7.

AN ACT to establish the county of Lewis.

SECTION 13. *Be it enacted by the General Assembly of the State of Tennessee*, That the militia of the county of Lewis shall form one regiment, which shall be known and designated as the 158th regiment, and shall be attached to the 24th brigade of Tennessee militia.

D. L. BARRINGER,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed December 21, 1843.

CHAPTER 8.

AN ACT fixing the time of holding General Musters in the 8th Brigade.

Be it enacted by the General Assembly of the State of Tennessee, That the general musters in the 8th brigade shall be held as follows: The 44th, in the county of White, on the third Friday in September, and the 45th regiment the Saturday thereafter; the battalion at Jamestown, Fentress county, the Monday thereafter; and the battalion on Wolf, the Tuesday thereafter; the 48th regiment, in Overton county, the Wednesday thereafter; the 47th regiment, in said county of Overton, on the Thursday thereafter; the 49th regiment, in the county of Jackson, on the Friday thereafter; and the 50th regiment, in said county, the Saturday thereafter; and the ——— regiment, in the county of Putnam, the Monday thereafter, in each and every year; and the 140th regiment, of Marshall county, the second Saturday in October in each year.

D. L. BARRINGER,
Speaker of the House of Representatives.

J. M. ANDERSON,
Speaker of the Senate.

Passed December 26, 1843.

CHAPTER 9.

AN ACT to establish the County of Cumberland.

SECTION 17. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Cumberland shall form one regiment; and said regiment, in all its relations to the militia of this State, shall assume the place of the 160th regiment, and shall be attached to the 14th brigade. That the field officer or officers included in said county of Cumberland, shall meet at the house of Littleton J. Perdue, in said county, on the first Saturday in March next, and divide said regiment into battalions and companies, and provide for electing all officers in said regiment in the manner pointed out by law.

D. L. BARRINGER,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed January 3, 1844.]

CHAPTER 10.

AN ACT to establish the County of Hancock, in honor of John Hancock, one of the patriots of the Revolution.

SECTION 15. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Hancock shall form one regiment, which shall be known and designated as the 160th regiment, and shall be attached to the 3d brigade. The militia officer or officers highest in command, included in said county of Hancock, shall at such time and place as he or they may determine upon, call all the commissioned officers together, and such of them as shall attend are hereby authorized and empowered to lay off said county into battalions and companies, and provide for holding said elections, for the purpose of electing all officers in said regiment in the manner prescribed by law.

D. L. BARRINGER,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed January 7, 1844.

CHAPTER 11.

AN ACT to relieve the Militia living in the seventh and eighth civil districts of the county of Polk, from attending battalion and regimental musters out of said districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the militia within the seventh and eighth civil districts in the county of Polk, are hereby constituted a battalion, with the right to elect one major and a sufficient number of company officers.

SEC. 2. *Be it enacted*, That said battalion shall be attached to the 152d regiment, and shall not be compelled to attend battalion or regimental musters out of said district; and shall hold their musters at such time and place as a majority of said militia living within the bounds aforesaid shall appoint.

D. L. BARRINGER,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed January 13, 1844.

CHAPTER 12.

AN ACT to form a new Regiment in Rutherford County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the brigadier general of the thirteenth brigade be, and he is hereby authorized to assemble the field officers in the 61st 62d, 63d, and 64th regiments, at as early day as convenient after the passage of this act, to take into consideration the propriety and utility of forming a new regiment in the county of Rutherford.

SEC. 2. *Be it enacted*, That if a new regiment can be formed without reducing the number of companies assigned to the several regiments within said brigade below their lawful number, then the officers of the above named regiments shall proceed to lay off and define the boundaries of a new regiment, and rearrange the boundaries of the old regiments, without any regard to the civil districts, so as to produce the greatest convenience to all concerned; and if such rearrangement shall meet the

approbation of the majority of soldiers in such regiment, then such new regiment and boundaries shall be established.

SEC. 3. *Be it enacted,* That the several field officers who may be stricken off from the old regiment or regiments, shall continue to hold their command in the new regiment until the time shall expire for which they shall have been elected.

SEC. 4. *Be it enacted,* That the field officers in the several regiments shall re-number their regiments, so as to produce more convenience for the inspection of the brigadier general.

D. L. BARRINGER,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed January 13, 1844.

CHAPTER 13.

AN ACT to establish the County of Grundy.

SECTION 13. *Be it enacted by the General Assembly of the State of Tennessee,* That the county of Grundy shall form one regiment, which shall be known and designated as the 161st regiment, and shall be attached to the tenth brigade. The militia officer or officers highest in command, included within said county of Grundy, shall at such time and place as he or they may determine upon, call all the commissioned officers together, and such of them as shall attend, are hereby authorized and empowered to lay off said county into battalions and companies, and provide for holding elections for the purpose of electing all officers in said regiment in the manner prescribed by law.

D. L. BARRINGER,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed January 29, 1844.

CHAPTER 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the field officers of the several regiments in Giles county be and they are hereby authorized to re-organize the regiments in said county, so as to make four regiments, and the new one thus formed shall be the 162d regiment of Tennessee militia, and to this end it is hereby made the duty of the sheriffs of said county, as soon as convenient after the passage of this act, to give public notice of the time and place of the meeting of said officers.

SEC. 3. *Be it enacted*, That the several field officers in said county shall continue to hold and exercise their offices until the expiration of their respective commissions.

SEC. 4. *Be it enacted*, That in laying off said regiments, said field officers shall make them as nearly equal in territory, and in form as compact as a due regard to the military strength of the regiments will permit, and shall designate the times of the regimental parades in the additional regiment thus formed.

D. L. BARRINGER,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed January 29, 1844.

CHAPTER 15.

AN ACT to change the time of holding the general musters in the 14th Brigade Tennessee Militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the general musters in said brigade be holden at the following times and places: at Frazier's, in Sumner county, on the 3d Thursday in October in each and every year; at Bledsoe's Lick on the following day, Friday; and at Meadow's Tanyard on the following day, Saturday; and at Walton's, in Robertson county, on the following Monday; and at Ellis's, in said county of Robertson, on the following day, Tuesday. *Provided*, the places of holding said musters may be changed, as they now by law can or may be changed.

SEC. 2. This act to take effect from and after the passage thereof.

SEC. 3. *Be it enacted*, That the regimental musters in the 17th brigade shall be held as follows: for the county of Hickman, on the 1st Friday and Saturday after the 1st Monday in October; for the county of Wayne, on the next Tuesday and Wednesday; for the county of Hardin, on the next Friday and Saturday; for the county of Lawrence, on the next Tuesday and Wednesday. That the regiment first in number shall muster first.

BROOKINS CAMPBELL,

Speaker of the House of Representatives.

H. M. WATTERSON,

Speaker of the Senate.

Passed January 2, 1846.

CHAPTER 16.

AN ACT to alter the time of holding the regimental musters of the 16th brigade of the Tennessee Militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 96th regiment shall hereafter hold a regimental muster on the first Tuesday in October in each and every year; and the 85th, 86th, 87th and 88th regiments shall hold their regimental musters on the next Wednesday, Thursday, Friday and Saturday succeeding the first Tuesday in October in each and every year, according to the order of their respective numbers as herein named.

SEC. 2. *Be it further enacted*, That all laws, and parts of laws, inconsistent with this act, shall be, and are hereby repealed.

SEC. 3. *Be it further enacted*, That the regimental musters shall hereafter be held in the 37th regiment in the 7th brigade on the 1st Monday preceding the 2d Tuesday in October in each and every year.

BROOKINS CAMPBELL,

Speaker of the House of Representatives.

H. M. WATTERSON,

Speaker of the Senate.

Passed January 8, 1845.

CHAPTER 17.

AN ACT for the relief of the Militia in the 3d Civil District in Morgan county, and the Militia of the 19th Civil District in Monroe county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, the militia in the third Civil District in Morgan county, and the militia in the 19th Civil District in Monroe county, shall be exempted from attending battalion and regimental musters.

SEC. 2. *Be it enacted,* That it shall be the duty of the said militia to attend company musters, as now prescribed by law. And the captains of each company in each of the aforesaid Civil Districts, shall report to the colonel commandant at such regimental muster the number of militia in said Civil Districts belonging to their several companies.

BROOKINS CAMPBELL,

Speaker of the House of Representatives.

H. M. WATTERSON,

Speaker of the Senate.

Passed January 22, 1846.

CHAPTER 18.

SECTION 15. *Be it enacted by the General Assembly of the State of Tennessee,* That the county of Scott shall form one regiment, which shall be known and designated as the 163d regiment, and shall be attached to the first division and fourth brigade; the military officer or officers highest in command included in said county of Scott, shall, at such time and place as he or they may determine upon, call all the commissioned officers together, and such of them as shall attend are hereby authorized and empowered to lay off said county into battalions and companies, and provide for holding said elections, for the purpose of electing all officers in said regiment, in the manner provided by law.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed December 17, 1849.

CHAPTER 19.

AN ACT to change the time of holding the regimental musters in the nineteenth brigade, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the regimental musters of the nineteenth brigade shall be held in each and every year as follows: in the one hundred and seventeenth regiment, in the county of Weakley, on the first Thursday in October; in the one hundred and eighteenth regiment, in the same county, on Friday, the next day; in the one hundred and thirty-sixth regiment, in the county of Obion, on Saturday, the next day; in the one hundred and nineteenth, on Monday following; in the one hundred and twentieth, on Tuesday, the next day; in the one hundred and thirty-seventh, on Wednesday, the next day; in the one hundred and forty-seventh, on Thursday, the next day; in the one hundred and fiftieth, on Friday, the next day.

SEC. 2. *Be it enacted*, That from and after the passage of this act, the regimental musters of the 101, 102, 103, 104, 105, 106, 97 and 98th regiments shall be held as follows, viz: the 97th on the second Friday in October; the 98th on the following Saturday; 103d on the first Monday after the second Friday in October; the 104th on the following Tuesday; the 101st on the first Wednesday after the second Friday in October; the 102d on the following Thursday; the 105th on the third Friday in October, and the 106th on the following Saturday.

SEC. 3. The company drill musters in said several regiments shall be held on the Saturdays next preceding their regimental musters.

F. BUCHANAN,

Speaker of the House of Representatives.

J. M. ANDERSON,

Speaker of the Senate.

Passed January 31, 1848.

CHAPTER 20.

AN ACT to attach the 142nd regiment of Tennessee Militia, in the county of DeKalb, to the 8th brigade.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed November 8th,

1848, chapter 10, attaching the 141st regiment of Tennessee Militia, in the county of DeKalb, to the 9th brigade, and an act passed 31st of January, 1846, chapter 205, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the 141st regiment of Tennessee Militia, in the county of DeKalb, be attached to the 8th brigade.

LONDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed October 24, 1849.

CHAPTER 21.

AN ACT to repeal a portion of the Militia Law now in force.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the militia law now in force as compels privates to bear arms at regimental, battalion, or company musters be, and the same is hereby repealed.

LONDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed February 5, 1850.

CHAPTER 22.

AN ACT to release the Clearfork Company of the Militia of the county of Claiborne in the State of Tennessee.

WHEREAS, The militia of the first civil district of the county of Claiborne, are subjected to the serious inconvenience of crossing the Cumberland Mountain, are required to lose from two to three days from their ordinary business at each muster, which makes it exceedingly burthensome:

Be it therefor enacted by the General Assembly of the State of Tennessee, That the militia of the first civil district, called Clearfork company of Claiborne county, Tennessee,

shall be exempt from attending the battalion and regimental musters; *Provided*, that said company shall be required to muster at its respective company muster ground, on the same days that the battalion and regimental musters are held in, and for said regiment to which it belongs, and that the captain or other officer commanding said company, is hereby bound to make an annual return of the strength and condition of his company, as commanders of other companies are compelled by law to do.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 22, 1850.

CHAPTER 23.

AN ACT to change the times of holding regimental musters in the 111th and 112th regiments Tennessee militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the times of holding the regimental musters in the one hundred and eleventh and one hundred and twelfth regiments of Tennessee militia, be changed so that the 112th shall muster upon the first Thursday in October, and the 111th upon the Friday following.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 3. *Be it enacted*, That the one hundred and thirty-eighth and sixtieth regiments in the ninth brigade, Tennessee militia, be so changed that hereafter the one hundred and thirty-eighth regiment shall muster on Friday after the first Thursday in October, in each and every year, and the sixtieth regiment shall muster the next day.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 24, 1850.

CHAPTER 24.

SECTION 15. *Be it enacted by the General Assembly of the State of Tennessee,* That the county of Union, shall form one regiment, and shall be known and designated as the 162d regiment and shall be attached to the fourth brigade, the militia officer or officers, highest in command, included in said county of Union, shall at such time and place, as he or they may determine upon, call all the commissioned officers together, and such of them as shall attend, are hereby authorized and empowered to lay off said county, into battalions and companies, and provide for holding said elections, for the purpose of electing all officers in said regiment, in the manner prescribed by law.

LONDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed January 3, 1850.

CHAPTER 25.

AN ACT for the relief of the militia of the second district of Jackson county:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the militia of the second civil district, in Jackson county, be, and they are hereby exempt from attending the regimental and battalion musters in their county to which they belong.

Sec. 2. That the militia of said district shall, on the same days that their regimental and battalion musters come off in each and every year hold a company muster at some suitable place within their district, to be determined by a majority of them, hold a company muster, and for failing so to attend shall be subject to all the fines that they would be if they failed to attend the regimental or battalion musters, and that the officers of said company shall hold courts martial at their company ground, and a majority of them shall determine all cases of delinquencies of said company, and all fines assessed shall be collected in the same way as is now prescribed by law.

Sec. 3. That the captain shall, within each and every year, make out the strength and condition of his company, and report the same to the colonel of the regiment to which he belongs.

SEC. 4. *Be it enacted*, That the militia of the eighth and ninth civil district in the county of Morgan, be and they are hereby exempt from attending the regimental and battalion musters in their county to which they belong.

SEC. 5. *Be it further enacted*, That the militia of said districts shall be subject to the same rules, regulations and restrictions as provided for in the second and third sections of this act.

SEC. 6. *Be it further enacted*, That the regimental muster for the county of Lewis shall hereafter be held at Newburg, the county site of said county, until the militia thereof shall be divided into two regiments, and all regimental drills and courts martial shall be held at said town of Newburg, and be subject to the same rules and regulations as are now prescribed by law.

LANDON C. HAYNES,

Speaker of the House of Representatives.

JOHN F. HENRY,

Speaker of the Senate.

Passed January 30, 1850.

CHAPTER 26.

AN ACT to change the times of holding Regimental and company Musters in Greene county; 2d Brigade, 7th and 8th regiments Tennessee Militia; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*; That from and after the passage of this act, the time of holding the regimental musters in Greene county, 2d brigade, 7th and 8th regiments of Tennessee militia, shall be held in the 7th regiment on Friday, and 8th regiment on Saturday, immediately preceding the 2d Monday in October, in each and every year.

SEC. 2. *Be it further enacted*, That the company musters in said regiments shall be held on Saturday, immediately preceding the day set apart in the first section of this act for said regimental musters, and that all laws conflicting with the provisions of this act, be, and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That the time of holding the battalion musters in the new regiments formed out of fractions of the 109th and 110th regiments in Henderson county, be held hereafter, the first battalion in said regiment, on Wednesday, and the second battalion on Thursday, immediately after the 1st Friday in April, in each and every year.

SEC. 4. *Be it further enacted*, That the company musters

ters in said regiment, shall hereafter be held on Saturday, immediately preceding the days set apart for holding battalion musters in said regiment, provided for in the 3d section of this act.

SEC. 5. *Be it enacted*, That the regimental musters of the 66th regiment, 12th brigade, Tennessee militia, shall be held on the 2d Thursday in October in each year.

SEC. 6. *Be it enacted*, That all laws coming in conflict with the fifth section of this act, be, and are hereby repealed.

SEC. 7. *Be it further enacted*, That the following shall be the times of holding regimental musters in the following regiments to wit: The 55th regiment shall muster on the first Thursday after the second Monday in September, in each and every year; the 56th regiment upon the next ensuing Friday; and the 54th regiment on the next ensuing Saturday, and the 89th regiment on the third Monday in September; and the 90th regiment upon the next ensuing Tuesday, in each and every year.

SEC. 8. *Be it further enacted*, That all volunteer companies which may be organized under the present law of Tennessee, shall be entitled to receive the arms of the State, *Provided*, such company shall have forty rank and file.

JORDAN STOKES,
Speaker of the House of Representatives.
M. R. HILL,
Speaker of the Senate.

Passed January 27, 1852.

CHAPTER 27.

AN ACT to amend the Militia Law of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the 4th section of an act passed on the 28th day of January, 1840, entitled "an act to condense and bring into one view the Militia Laws of the State of Tennessee, as requires officers below the grade of captain to be commissioned by the Governor," be repealed; and that, hereafter, it shall be the duty of the returning officers in said elections, to make return thereof to the commandants of the regiments in which said election may be held, who shall commission them accordingly, and that this act take effect from and after the passage thereof.

Sec. 2. *Be it further enacted,* That the 36th section of an act passed 28th day of January, 1840, entitled "an act to condense and bring into one view the Militia Laws of the State of Tennessee" be, and the same is hereby revived and re-enacted, and that the law repealing the above section, and all laws conflicting therewith, be, and the same is hereby repealed.

JORDAN STOKES,
Speaker of the House of Representatives.

M. R. HILL,
Speaker of the Senate.

Passed February 15, 1852.

CHAPTER 28.

AN ACT to establish the County of Cheatham.

SECTION 17. *Be it enacted by the General Assembly of the State of the State of Tennessee,* That the county of Cheatham shall form one regiment, and said regiment in all its relations to the militia of this State, shall assume the place of the 160th regiment, and shall be attached to the 14th brigade; that the field officers, or officers included in said county of Cheatham, shall meet at the house of John J. Hinton, in said county, on the first Saturday in May next, and divide said regiments into battalions and companies, and provide for electing all officers in said regiment, in the manner pointed out by law.

NEIL S. BROWN,
Speaker of the House of Representatives.

EDWARD S. CHEATHAM,
Speaker of the Senate.

Passed February 28, 1856.

CHAPTER 29.

AN ACT to abolish Military duty.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all laws now in force requiring the militia of this State, (officers and privates,) to assemble at certain times for the purpose of being drilled and instructed in military tactics, be, and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That it shall be the duty of the officers appointed by law to take a list of the taxable property and polls in the various civil districts of the several counties of this State, to make out a report of the strength and condition of the militia in each civil district, in the same manner that the captains of the companies are now required by law to do, and they shall return the same to the county court clerk against the 10th day of June, in each year.

SEC. 3. *Be it further enacted*, That it shall be the duty of the county court clerks to make out, from the reports furnished them, a statement of the strength and condition of the militia in the entire county, a copy of which shall be transmitted to the Adjutant General of the State against the first Day of May, in each year, for which services the said clerk and officer shall be allowed such compensation out of the county treasury, as the county court may think reasonable.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

SEC. 5. *Provided*, All fines in the hands of judges advocate and collecting officers, as muster fines, shall be applied to the payment of claims that have been allowed; any balance remaining, shall be paid by the judge advocate to the county trustee, and shall be added to the common school fund, and disposed of as other common school funds.

DANIEL S. DONALDSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 15, 1857.

CHAPTER 30.

AN ACT to incorporate the 154th Regiment Tennessee Militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Col. W. H. Carroll, Liet. Col. Preston Smith, Major A. H. Douglas, Major Marcus J. Wright, Surgeon Dr. N. Plunel, and Adjutant G. H. Monsarrat, officers of the 154th regiment of Tennessee Militia, and Captains Wm. Miller, N. Freck, James M. Edmonson, J. Genet, Lieutenants A. Munch, M. Maier, — Kendell, John Gengel, James Specht, C. L. Powers, F. Krone, Isaac Straus, R. T. Hood, together with their

associates in the muster roll of said regiment, be, and they are hereby incorporated and constituted a body politic, to be known as the 154th Regiment of Tennessee Volunteers, and by that name shall have succession for fifty years, and a common seal, to be altered or changed at pleasure, and as a body corporate may have and enjoy legal rights, and remedies in as full and ample degree as any similar corporation in this State.

SEC. 2. *Be it further enacted*, That said corporation, their successors and associates, by their name aforesaid, shall be capable in law of buying and selling, having, receiving and enjoying lands, tenements and hereditaments of any and all kinds for life, or a term of years, and personal property of every kind whatever, and sums of money to any amount that may be given, granted, sold or bequeathed to them to erect buildings for an armory ; or purchase ground for erecting the same on, or anything else necessary and proper for the use, training and accommodation of said regiment.

SEC. 3. *Be it further enacted*, That said regiment or corporation may pass such by-laws for their own government as a majority of them may think proper, not inconsistent with the laws of this State or of the United States.

SEC. 4. *Be it further enacted*, That they shall have power to increase the numbers not exceeding ten companies, said companies in all not to exceed one thousand men.

SEC. 5. *Be it further enacted*, That the officers of the regiment elected by a majority thereof shall be commissioned by the Governor of Tennessee, and hold their offices for the same term, and be governed by the same laws, usages and regulations as other officers of the militia of this State.

SEC. 6. *Be it further enacted*, That the property of said incorporation be exempt from all tax.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed March 22, 1860.

SECRETARY OF STATE'S OFFICE, }
Nashville, March, 20, 1861. }

I, J. E. R. RAY, Secretary of State, hereby certify that I have carefully collated the foregoing Acts and Resolutions with the originals on file in my office, and find them correct copies thereof.

J. E. R. RAY,
Secretary of State.

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