ACTS
PASSED AT
The Tenth Annual Session
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ALABAMA:
BEGUN AND HELD
IN THE
TOWN OF TUSCALOOSA,
ON THE THIRD MONDAY IN NOVEMBER,
ONE THOUSAND EIGHT HUNDRED AND, TWENTY-EIGHT.

JOHN MURPHY,
GOVERNOR.

NICHOLAS DAVIS,
PRESIDENT OF THE SENATE.

CLEMENT C. CLAY,
SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TUSCALOOSA:
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1829.
LAWS OF ALABAMA.

AN ACT

To enable the State of Alabama to sell and dispose of certain lands therein named.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a Register of the Land Office and a Receiver of Public Monies, shall be appointed by a joint vote of the two Houses of the present General Assembly, who shall establish their offices at such place as shall be designated by joint vote of both branches of this General Assembly, and shall perform the respective duties herein after prescribed.

Sec. 2. And be it further enacted, That before they enter upon the duties of their offices respectively, they shall give bonds and good securities, payable to the Governor of the State of Alabama, for the time being and his successors in office, each to be approved by a Judge of the Circuit Court of this State; the Register in the sum of twenty thousand dollars, and the Receiver in the sum of one hundred thousand dollars, conditioned that they will well and faithfully perform the duties required of them by law, and shall moreover take and subscribe an oath faithfully to perform the duties required of them by law, which bonds and affidavits shall be deposited with the Comptroller of Public Accounts.

Sec. 3. And be it further enacted, That it shall be the duty of the said Register, as soon as it can be done, to obtain from the Register of the United States’ Land Office at Huntsville, a map of the counties of Madison, Limestone, Lauderdale, Franklin, Lawrence, and Morgan, shewing the surveys of said counties, by ranges, townships, and sections, together with a statement of all the relinquished lands in said counties, relinquished previous to the twenty-third day of May, one thousand eight hundred and twenty-eight, and to cause fair copies to be made of said map, by counties, or parts of counties, as will best enable persons to find and examine said lands.

Sec. 4. And be it further enacted, That the present General Assembly, shall by joint vote of the two houses, appoint twelve Commissioners (at least eight of whom shall reside south of the counties bordering upon the Tennessee river,) to examine, value and select four hundred thousand acres of land from the relinquished lands above named, and whose duty it shall be, whenever notified by the said Register that he is therewith, provided to apply at the office of the said Register, and obtain maps of said lands and such other information as will enable them to perform their duties, and shall also divide themselves into four companies; a majority of each of said companies shall be composed of those Commissioners who reside south of the counties aforesaid, and said companies so organised shall immediately go upon, said lands and with due diligence and dispatch shall commence and continue the examination of the relinquished lands above enumerated; and shall also, when upon the lands, truly value each and every half quarter section, or other legal subdivision of said lands, (unless they be satisfied they are wholly barren and worthless,) according to the fair and intrinsic value thereof, and shall note the class to which the same may belong according to the classes and the standard of valuation herein after fixed to each particular class having regard to locality, as well as quality of soil,
and shall note the same upon a map to be kept by them for that purpose, and shall moreover take a note or memorandum of all improvements and the names of each and every person who may be entitled to preemption according to the provisions of this act, with the particular quarter, half quarter, fourth of a quarter section, or other legal subdivision of land by them occupied or cultivated, which said valuation and classification, shall be by them, kept secret until they, the said Commissioners, make report to the Register as herein after provided for.

Sec. 5. And be it further enacted, That the said lands shall be divided into three classes, and the lands of the first class shall not be valued at less than three dollars per acre, lands of the second class not less than three nor more than six dollars per acre, lands of the third class not less than the minimum price of the lands of the United States, nor more than three dollars per acre, and if the said Commissioners shall be of opinion that any of the lands belonging to the second or third classes, on account of proximity to a Town, the Canal, or from other local cause shall be worth more than the maximum prices herein above affixed to the second or third classes; then the said Commissioners shall be authorised to assess the true value, and the prices so fixed shall be the prices at which the said lands are to be sold, and said Commissioners shall, before they enter upon their said duties, take and subscribe an oath before some Judge or Justice of the peace, faithfully to perform the duties required of them by law, with favour or partiality to the best of their skill and judgment, and that they respectively will not directly nor indirectly purchase any of said lands, except the preemption right given to them, and that they will not in any manner be concerned in fixing the value upon their own preemption.

Sec. 6. And be it further enacted, That the said Commissioners, when they have completed the examination of the whole of said lands, shall assemble together and select the four hundred thousand acres therefrom which they shall deem of greatest value, and shall return a list of the same together with the class, within which each quarter, half quarter, or fourth of a quarter section, or other legal subdivision, may be arranged, and the price thereof fixed, together with the names and improvements of persons occupying or cultivating the same and the particular quarter, half quarter, or fourth of a quarter section, or other legal subdivision, so occupied or cultivated, which return shall be made by said Commissioners to the said Register of the land office as soon as completed.

Sec. 7. And be it further enacted, That as soon as said Commissioners shall have made their returns to the Register, it shall be his duty to notify the Register of the United States land office at Huntsville, and also the Commissioner of the United States General Land Office at Washington City, of such selection and of the lands which shall have been so selected, and the said Register shall also make a fair copy and plat of the returns of the said Commissioners, shewing the price and class of each particular tract of land according to its true valuation, together with the several occupants and settlers, and the places which they occupy or cultivate, which shall be open for the inspection of all persons wishing to examine the same, and the said Register shall moreover give four weeks public notice in all the newspapers of north Alabama, Tuscaloosa, the Selma Courier, Alabama Journal, Mobile Commercial Register, the Claiborne Whig, and one of Nashville, Tennessee, of the time that his said office will open for the entry of the lands therein, that are occupied and subject to the preemptions hereinbefore named.
Sec. 8. And be it further enacted, That to enable the said Register to determine what persons are entitled to such pre- emptions, it shall be the duty of each of said companies of Commissioners to ascertain, by evidence satisfactory to them, who is entitled to the preemption to any particular tract or tracts of said lands, according to the provisions hereinafter enacted; and to enable them to settle any disputed claims, they shall be authorised to procure the affidavit of three of the disinterested neighbors, or other satisfactory testimony; and the said Commissioners are each invested with the power of administering oaths to witnesses; and the decision of each company of said Commissioners shall be final as to the right of preemption, and the said Commissioners shall make return thereof, as above stated, to the Register.

Sec. 9. And be it further enacted, That each and every free person, or the legal representative of such, who, on or before the first day of June, one thousand eight hundred and twenty-eight, cultivated any of said lands, or now hold possession by purchase under such, and now actually residing upon, cultivating, or occupying, any of said lands, shall be entitled to a preference in becoming the purchaser of the lands be or she resides upon, occupies, or cultivates, not exceeding one half section; which may be taken in half quarter sections, or in any other legal subdivision, so as to include his improvements, as far as practicable: Provided, That in all cases where a preemption is claimed, and extended to any one who may be the head of a family, no subordinate member of such family shall be entitled to a preemption, unless such subordinate member be over twenty-one years of age, and cultivate separately. And the right to which said preemption shall continue for the space of one hundred and twenty days from the day upon which the said office shall be open for entry, at the price fixed by law, upon the said lands by the said Commissioners; one-fourth of the purchase money whereof shall be paid down, one-eighth part at the end of twelve months, one-eighth part at the end of two years, one-fourth at the end of three years, and the remaining fourth part at the end of four years, from the date of such purchase; payable in specie, United States notes and its branches, or notes of the Bank of the State of Alabama: And the said occupant or occupants shall file his or her affidavit that he or she offers to enter the land for his or her benefit, not for speculation, or for another person, before he or she shall be entitled to enter under this act: Provided, however, That no person, or persons, under the provisions of this act, shall, by a preference, be entitled to more than one quarter section, unless the improvements of such person, or persons, included, on the first of June last, more than one quarter section of the selected lands: And provided further, That whenever a preference to more than a half quarter is pro- voiced, such preference shall be taken in entire quarter sections, if such land has been relinquished in quarter sections, and so improved.

Sec. 10. And be it further enacted, That when two or more persons entitled to preemption, according to the provisions of this act or more, or the same quarter section, or the same part of a fractional section of land, according to the legal subdivisions thereof, the same shall be divided equally between the two having the oldest occupations, or holding under them as above, by said Commissioners, and each part correctly cast and valued; and each of them shall be entitled to make up his quarter section in other land.
lands adjoining not occupied, if such there be, and if there be no such, and one will surrender his claim to the other, then the one surrendering shall be entitled to a preemption in the purchase of any other lands, not occupied, cultivated or settled upon; and the other persons entitled to preemption, who are moved from their occupancies, by the older claims, shall be entitled to a preemption in any other quarter, half quarter, fourth of a quarter section, or other legal subdivision, not occupied, cultivated, or settled upon, at the price fixed by said Commissioners: And all occupants surrendering, as contemplated by this section, or removed from their occupancies by any provision of this act, shall make known the land selected by them, in lieu of their occupancies, to the Commissioners, who shall note the same for the information of the Register, and the Commissioners shall judge and determine, if the selection conforms to the provisions of this act.

Sec. 11. And be it further enacted, That whenever any person, entitled to a preemption, shall not be enabled to purchase so much as a half quarter section of land, but shall be able to purchase a fourth of a quarter, he shall be allowed to enter the same at the valued price, to be divided by running lines east and west through the centre of any half quarter section: Provided, The Commissioners shall have valued each fourth of the quarter section separately; which shall be done, when required by the occupant, by said Commissioners at the time of selecting and valuing said land: But no person purchasing as much as one half quarter section shall be allowed to enter one fourth of a quarter, except where two may have been settled upon one half quarter section, and the same has been divided between them, as provided for in the tenth section of this act.

Sec. 12. And be it further enacted, That when the time for taking the preemptions, as above, shall have expired, any person applying therefor shall have a right to enter any of said lands which may remain unsold, at the price fixed therefore by said Commissioners; and if two or more persons apply at the same time for the same half quarter section of said land, it shall be the duty of the Register to decide directly, by ballot, who shall be entitled to the same; and all applicants shall file with the Register his or her affidavit, to be preserved by the Register, setting forth that the land applied for is for his or her own use, and not for the purpose of speculation, or for the use of another, and the terms of payment shall be uniform in all cases: Provided, That no person shall be permitted to enter, within the first sixty days after the time for preemptions has expired, more than two quarter sections above his right of preemption; and no person shall be permitted to enter any land within said time, without swearing that he makes the application for himself, and not for another, nor for purposes of speculation: And provided further, That all applications for entry filed with the Register within the first ten days after the expiration of the time extended to occupants; shall be considered equal as to time of application; and the Register shall keep all such applications secret, and no entry shall be made until the expiration of the said ten days.

Sec. 13. And be it further enacted, That the Register and Receiver, appointed by virtue of this act, shall each of them keep a sale book, a journal and ledger; and the Register shall keep a tract book, in which shall be exhibited in numerical order of section, township, and range, all the lands so selected from said relinquished lands, beginning with the lowest number of section, town-
ship, fractional township, and range; and the said Register shall also keep a register of all certificates of purchase; and it shall be the duty of said Receiver to receive the purchase money arising from the sales of these lands, and to give receipts to the purchasers thereof, and shall account for and pay over all monies, by him received, quarter yearly, to the Bank of the State of Alabama, or Office of Discount and Deposit, if there should be one located in the Tennessee Valley, or otherwise as directed by law; or whenever the sum of fifty thousand dollars shall have been received by him, a duplicate of the receipt for which shall be filed with the Comptroller of Public Accounts: and that said Receiver shall not be allowed to exchange any money received by him in payment for lands sold, for any other kind or description of money.

Sec. 14. And be it further enacted, That none of the said relinquished lands within one mile of the north Bank of the Tennessee river, from Cox's ferry to Waterloo, shall be sold until so ordered by act of the General Assembly of the state of Alabama; and each and every person entitled, by the provisions of this act, to a preference in becoming the purchaser of any part of said lands hereby reserved from sale, shall be authorised to enter the like quantity of any other of said relinquished lands, not appropriated by other occupants, at the prices which the said lands are valued at by the Commissioners appointed by virtue of the foregoing provisions of this act.

Sec. 15. And be it further enacted, That when any person, having a right to purchase any of said lands, shall apply for the same, it shall be the duty of the Register to give the person applying a memorandum in writing, stating that he has applied to purchase the land, and also, stating what particular tract or tracts he hath applied for; together with the quantity and price thereof, which shall be carried to the Receiver, by the person applying, and upon the applicant's paying to the Receiver one-fourth part of the purchase money, it shall be the duty of the said Receiver to give him a receipt therefor; and when such receipt is handed to the Register he shall file the same, and make an entry thereof in his book, kept for that purpose, and he, the said Register, shall give the purchaser of any tract or tracts a certificate of purchase, stating, in the face of the same, the particular tract or part purchased, by whom, at what price, what amount has been paid, and when the other payments will become due thereon, together with the particular amount of each of the subsequent instalments, all of which shall bear interest from the date of the purchase, at the rate of six per centum per annum; and any person paying promptly for the whole of any tract, or for any instalment before the same shall, by the terms of the sale, be due and payable, such person shall be entitled to a discount at the rate of eight per centum per annum on such payment for the time that the payment is so made before the same shall be due and payable, unless such reduction reduce the price of the land, when paid for, below the minimum price of the lands of the United States, at the time of such sale.

Sec. 16. And be it further enacted, That after the first payment has been made, all subsequent payments shall be made to the Receiver, or person who, by law, is authorized to perform that duty, who shall receipt thereof; and upon the production of the receipt of such subsequent payment, and the certificate of purchase, it shall be the duty of the Register to enter upon the certificate of purchase an endorsement of such additional payment, and all certificates of purchase shall be assignable by endorsement to be acknowledged.
before the Register, or any Judge of the Circuit or County Court; or Justice of the Peace, and the legal assignee shall have the same rights as the original purchaser, and the State shall retain a lien upon all said lands until final payment; and if any person shall fail to make the payments due at the times which the same respectively becomes due and payable, the said lands shall revert to the state; and the Register shall forthwith advertise the same for sale, in some newspaper published nearest to the land, for thirty days, within which time the party may redeem his land by paying the sum due on such installment, and the expenses of the advertisement, and one dollar as a fee to the Register; but if the same is not so redeemed, the Register shall, at his office, on the day appointed therefor, between the hours of eleven o'clock in the morning and four in the evening, sell the same to the highest bidder for the payments due: Provided, however, That the Register shall not sell said land to a second or subsequent purchaser for any sum that would reduce the price thereof below the amount remaining unpaid, and all expenses which may have been incurred; and if there be any excess above the sum so due, such excess shall be paid to the original purchaser, or his assignee or legal representative; and the Register shall give the purchaser thereof a certificate of his purchase; and the person so becoming the purchaser shall have the same rights as an original purchaser; but if no person will purchase the same, then the payments made shall be forfeited to the state, and the lands shall also revert; and any person remaining on any of said lands not sold as aforesaid, shall be liable to pay the state a reasonable rent therefor, which may be recovered in the name of the state, by an action for use and occupation.

Sec. 17. And be it further enacted, That whenever final payment shall be made for any of said lands, and the Register has received thereof, it shall be the duty of the Register to forward a duplicate receipt of such final payment to the Governor of the State, whereupon the Governor shall issue a patent for the said lands, under the seal of the State, and forward the said patent to the Register, and such patent shall vest in the patentee or patentees a valid and fee simple title to the lands so patented; and it shall be the duty of the Register to require the patentee or patentees to surrender the receipt for final payment, on the delivery of the patent, for any land; and such receipts for final payment shall be filed by the Register, in his office, as vouchers.

Sec. 18. And be it further enacted, That the last purchaser to whom the Register may sell any of said lands, or the heirs or assigns of such purchaser, shall have a right to an action of unlawful detainer before any Justice of the Peace of the proper county, against any person or persons who may unlawfully hold over the possession of the same: Provided, That if the person or persons in possession shall have planted a crop on said land, he, she, or they shall be allowed a reasonable time to gather the same.

Sec. 19. And be it further enacted, That the Register, appointed by virtue of the first section of this act, shall be entitled to receive the annual compensation of one thousand dollars, and the Receiver to receive the sum of one thousand dollars, except for the first year, for which year said officers shall each receive a salary of fifteen hundred dollars; and the Commissioners elected to examine said lands, by virtue of the fourth section of this act, shall be allowed as a compensation for their services the sum of four dollars per day, and the like sum of four dollars for each thirty miles going to
and returning from the Land Office to their respective places of residence: Provided, It does not exceed six hundred dollars for each Commissioner. And if at any time a temporary vacancy shall occur, by sickness or other cause, such temporary vacancy shall be filled by the Commissioners aforesaid, or the Commissioners of the company in which such vacancy may occur, after the Commissioners aforesaid shall have divided themselves into companies according to the provisions of this act, appointing any other competent person or persons, without regard to their residence, requiring, however, all the other qualifications, conformably to the provisions of this act, to fill such vacancy during the continuance thereof; and the Commissioner or Commissioners so appointed, shall take the same oath, perform the same duties, and receive the same compensation, as the Commissioners elected by virtue of the fourth section of this act.

Sec. 20. And be it further enacted, That the compensation of Payment the Register and Receiver, and all expenses incurred in examining out of Treas- selecting and selling those lands, shall be paid out of any money in the treasury not otherwise appropriated, and the amount thereof, with interest thereon, shall be refunded out of the first proceeds of the sales of said lands.

Sec. 21. And be it further enacted, That it shall be the duty Register of the Register to furnish the Comptroller of Public Accounts quar- to report to terly, and also whenever fifty thousand dollars shall have been paid the Receiver, with an abstract of the sale of public lands, showing the number of acres sold, when, to whom, and at what price, and the amount paid thereon; and the Comptroller shall keep a Duty of the separate account of all monies received from the said sales, in the Comptroller, name of the Internal Improvement Fund.

Sec. 22. And be it further enacted, That if the Receiver shall fail to perform any of the duties required of him by this act, it shall be the duty of the Comptroller to cause the Solicitor of the proper Circuit to proceed, by motion, in the Circuit Court of the county where said office shall be situated, against said Receiver and his securities in office, for any such neglect or failure of duty, in not paying over money by him received; and if it shall appear to the Court that said Receiver has failed to pay over any money by him received, it shall be the duty of the Court to give judgment against said Receiver, and his securities, for such sum or sums as he may be in default: Provided, Said Receiver shall have had three days notice, in writing, of said motion; and the Court before whom any such motion may be made, shall receive the Register's certificate as evidence of the amount received.

Sec. 23. And be it further enacted, That the cash on hand, the books, accounts, and all other records belonging to either of the offices of Register or Receiver, shall at all times be open to the examination and inspection of any agent who may be appointed to discharge that duty by the Governor of this State.

Sec. 24. And be it further enacted, That neither the Register nor Receiver shall be concerned, either directly or indirectly, in the purchase of any of said relinquished lands; and if any such purchase shall be made, the payment which shall have been made thereon, together with the lands, shall be forfeited to the State, and shall be resold as other forfeited lands: Provided, That said Register or Receiver shall be allowed to enter as much as one quarter section of land, when he may be entitled to a preemption for the same, as occupant under the provisions of this act.
Sec. 25. And be it further enacted, That if any of said lands when crop should be sold on which a crop may be growing or matured, the owner thereof, at the time of such sale, shall have a reasonable time to gather and save the same: Provided, he shall not remain upon any lands, so sold, longer than the first of January ensuing the sale of any lands he, she, or they, may have in cultivation.

Approved, January 20, 1829.

AN ACT

To authorize the Governor to procure copies of the State Map.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor be, and he is hereby, authorized to employ some suitable person to make as many copies of the State Map, with corrections, as can be procured for seventy five dollars, for the use of the State; which shall be paid out of any monies in the Treasury not otherwise appropriated.

Approved, January 27, 1829.

AN ACT

Approving and confirming the contract made by the Governors of the States of Mississippi and Alabama, in relation to the unsettled accounts between the two States.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the contract made and entered into by and between the Governors of the States of Mississippi and Alabama, for and on behalf of said States, on the twenty-ninth day of October, one thousand eight hundred and twenty eight, in relation to the unsettled accounts between the two States, be and the same is hereby ratified and confirmed.

Sec. 2. And be it further enacted, That the Governor of the State of Alabama, for the time being, be and he is hereby vested with full power and authority to carry the said contract, and every article and clause thereof, into full and complete effect on behalf of this State.

Approved, January 29, 1829.

AN ACT

To authorize the employment of an additional Clerk for the Bank of the State of Alabama.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That after the passage of this act, the President and Directors of the Bank of the State of Alabama shall have power to employ an additional Clerk for said Bank, for not exceeding six months each year, and pay him such compensation as a majority of the Board may agree upon, not exceeding sixty dollars per month.

Approved, January 29, 1829.

AN ACT

To authorize Clerks of the Circuit Courts to take Bonds of Sheriffs, Assessors, Tax Collectors, and Coroners in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter it shall and may be lawful for Clerks of the Circuit Courts, in the several Counties of this State, and
it shall be their duty, to take the official bonds of Sheriffs, Assessors, Tax Collectors, and Coroners, in all cases, where any Judge of the County Court shall be absent from the County, incapacitated from disease, or where the office of County Judge may be vacant, within the time that any such bonds may be required to be taken by law.

Sec. 2. *And be it further enacted*, That in all cases where any such official bond may be taken by any Clerk of the Circuit Court, the particular incapacity which prevented any such bond from being taken by the Judge of the County Court of the proper County, shall be recited in the condition thereof; and when so recited the obligor or obligors, each and all of them, shall be forever stopped from denying any such recited incapacity of the Judge of the County Court, which may be in such condition contained.

Sec. 3. *And be it further enacted*, That it shall be the duty of each and every Clerk of the Circuit Court, whenever he shall have taken any such official bond of a Sheriff, Assessor, Tax Collector, or Coroner, in pursuance of the provisions of this act, to endorse on said bond his certificate, under his hand and official seal, (if there be one, and if not, under his private seal,) that the said bond was duly taken at his office on the day the same shall bear date, and when so certified, the said Clerk shall forthwith transmit the same to the Clerk of the County Court, whose duty it shall be to deposite the same in the file of his office; and every official bond so taken shall have the same force and effect, and be subject to the same regulations, as now appertain to the official bonds of Sheriffs, Assessors, Tax Collectors, and Coroners, when taken by the Judge of the County Courts.

Sec. 4. *And be it further enacted*, That each and every Clerk of the Circuit Court, for performing the duties herein prescribed, shall receive the sum of two dollars for Fees, and every official bond so taken, to be paid by the Sheriff, Assessor, Tax Collector, or Coroner, as the case may be.

Sec. 5. *And be it further enacted*, That this act shall be Commencement in force from and after the passage thereof; and that all acts and parts of acts coming within the perview, or contravening its provisions, be, and the same are hereby, repealed.

Sec. 6. *And be it further enacted*, That all bonds of Sheriffs, or other County Officers, shall be recorded in the office of the Clerk of the County Court of the proper County, except the bonds of the Judge of the County Court and Clerk of the County Court, which shall be recorded in the Clerks' office of the Circuit Courts, in a book to be kept for that purpose; and the record of any such bond, so recorded as aforesaid, may be proceeded on in the same manner as the original, under the certificate of the Clerk of its being a true copy, unless the Court, before
whom any proceeding may be had, shall deem it unnecessary, for the purposes of justice, to require the original.

Approved, December 13, 1828.

AN ACT
Concerning the Fees of Clerks and Sheriffs.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
That, from and after the first day of May next, it shall be the duty of the several Clerks of the Circuit and County Courts of this State to have and keep posted up in a conspicuous place in their respective offices, a complete list of all the fees allowed by law to the Clerks of the Circuit and County Courts of this State and to the Sheriffs; and shall also keep a copy ready to be produced on the application of any person who may wish to see the same; and on failing to comply with the provisions of this act, such Clerk or Clerks so failing shall not be authorized to receive or collect any fees for any services rendered during the time of such failure.

Approved, January 28, 1829.

AN ACT
To authorize the Trustees of the University of the State of Alabama to sell and dispose of the unsold University Lands.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
That the Trustees of the University shall have full power and authority from time to time, to reduce the price of the University lands that have been offered for sale, as in their discretion may appear just and reasonable, and to offer the same, at such reduced prices, at public or private sale.

Sec. 2 And be it further enacted, That said Trustees may sell any of said lands at private sale, upon such terms and at such prices as they may deem best calculated to promote the interest of the University, and may take or except of such security as they may believe advisable.

Approved, January 28, 1829.

AN ACT
For the relief of Sheriffs and other officers.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
That, hereafter, whenever a Sheriff or other officer may be required to levy any attachment, the officer who may be required to levy the same, may, if he choose, require the party in whose favor the attachment shall be issued, to give him a bond of indemnity to secure the said officer, if it should afterwards appear that the property levied upon does not belong to the defendant in attachment.

Approved, January 26, 1829.

AN ACT
To legalize Registering certain Deeds or Conveyances of Lands in this State.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
That any person or persons, within this State, who have
had deeds or conveyances of lands executed to them, and have failed to have the same registered. within the time prescribed by law, that it shall be lawful for the said delinquents, within twelve months after the passage of this act, to have the same registered in the manner the law prescribes; and a duly certified copy thereof shall be valid, and read in evidence in any court of law or equity in this State, any law to the contrary notwithstanding.

Approved January 24, 1829.

AN ACT

In relation to the appointment and duties of Trustees.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That, hereafter, trustees appointed by will or by deed, may be removed by the Circuit Court of the County in which such trustee resides, or of the County in which the estate of which he or she is Trustee shall be; provided such notice as the Court shall direct shall have been served on the trustee so to be removed.

Sec. 2. And be it further enacted, That any trustee appointed by will or by deed, may resign his or her trust to the Circuit Court of the County in which such trustee resides, or in which the estate shall be, upon rendering a full and complete account of the estate and the management thereof; provided that all concerned shall have had due notice of the same at least thirty days previous thereto.

Sec. 3. And be it further enacted, That, upon the resignation or removal of any trustee as provided for by this act, the Circuit Court of the proper County shall have full power and authority to appoint another or other trustee or trustees in the place of the trustee or trustees so resigning or removed.

Sec. 4. And be it further enacted, That any person interested, may petition the Circuit Court, setting forth that the trustee or trustees have, or are about to waste the estate of which he, she or they are trustees, and it shall thereupon be the duty of the Court to cause notice to be given to such trustee or trustees of said petition, and to have summoned such trustee or trustees to answer the same; and if, upon trial before said Court, it shall appear that the estate has been wasted, or is likely to be, said Court may require bond and security of said trustee or trustees for the faithful management of said estate, and on his, her or their failure to give such security, shall remove the trustee or trustees from office.

Sec. 5. And be it further enacted, That, for the prosecution or defending any suit which may be pending in any of the Courts of this State, the Court before whom such suit may be pending, may, on motion, appoint a trustee to prosecute or defend the same in all cases where the same may be necessary.

Sec. 6. And be it further enacted, That all trustees now appointed, or hereafter appointed in this State by will or deed, shall be liable to be removed by the Circuit Court.

Proviso.

May resign their trust to the circuit court.

In case of resignation or removal, may appoint a trustee for waste.

Court may appoint a trustee to defend or prosecute.

Trustees to render every year an account.
deed, shall once in each year render to the Circuit Court of the proper County, an account of the management and situation of the estate, and on failure so to do shall be removed.

Approved, January 28, 1829.

AN ACT

To reduce into one, the several Acts giving Fees to Justices of the Peace and Constables, and for other purposes

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the first day of March next, the Justices of the Peace shall be entitled to demand the following fees for their services, and not other or more, to wit:
For celebrating the rights of matrimony, two dollars; for warrant to apprehend a person or persons charged with an offence against the State, thirty-six and a half cents; for a search or peace warrant twenty-five cents; for a warrant in civil cases and proceedings thereon to judgment, thirty-seven and a half cents; for a warrant in quia tim cases and proceedings thereon to judgment, fifty cents; for every subpoena for witness or witnesses, twelve and a half cents; for each execution and taxing costs thereon, thirty-seven and a half cents; for each attachment taking bond and affidavit, one dollar; for summons for garnishee and taking examination, thirty-seven and a half cents; for judgment and order of sale on attachment, twenty-five cents; for hue and cry, twenty-five cents; for each appeal, including bond and certifying proceedings, seventy-five cents; for taking each stay or other bond, twenty-five cents; for administering an oath and certifying the same, twelve and a half cents; for taking depositions by virtue of a dedimus potestatum, for every hundred words, ten cents; for every necessary certificate not otherwise provided for by law, twenty-five cents; for docketing each cause, six and a quarter cents; for each judgment on a forthcoming bond or summary proceeding without warrant, twenty-five cents; for a transcript of proceedings when required other than those sent up on appeal, twenty-five cents; for issuing a venire facias to try the right of property, fifty cents; for attending on the trial of the right of property, fifty cents; for summons and certificate of appraisement of estray or estrays, fifty cents; for each notice or scire facias, or summons in the nature thereof, twenty-five cents; and for making return to a certiorari, (other than in cases of forcible entry and detainer,) fifty cents.

Sec. 2. Be it further enacted, That Justices of the Peace shall be entitled to demand and receive the following fees, in cases of forcible entry and detainer, forcible detainer, and unlawful detainer, viz.:—For every summons, thirty cents; for every venire facias, forty cents; for entering copies of complaint, summons, venire facias, and evidence offered and rejected, and received, when objected to, being a complete record of the cause, two dollars.
for subpoena for every witness, twelve cents; for swearing
the jury, twenty cents; for administering every oath o
affirmation, six cents; for entering every verdict, twelve
cents; for entering every judgment, twelve cents; for pre
siding on every trial, two dollars; for issuing a writ of re
stitution, twenty-five cents; and for return to every cer
toriari, one dollar.

Sec. 3. Be it further enacted, That from and after the
first day of March next, it shall not be lawful for Const
ables to demand or receive any other fees, for their services
than such as are hereinafter mentioned, viz:—For serving a
warrant, in civil cases, fifty cents; for summoning each
witness, twenty-five cents; for serving search, peace or
other State warrant, fifty cents; for conveying a criminal
to jail, per mile, ten cents; for levying an attachment, sev
enty-five cents; for levying an execution, fifty cents; for
making the money on each execution, fifty cents; for con
veying a debtor to jail, fifty cents; for whipping a slave,
to be paid by the owner) by the order of a Justice of the
Peace, one dollar; for summoning a Coroner's inquest, to
be paid by the county, two dollars; for attending court,
when summoned by the Sheriff, to be paid by the county,
per day, one dollar and fifty cents; for serving each notice,
or each person therein named, twenty-five cents; for serv
ing scire facias on each person therein named, fifty cents;
for taking bail bond for the forthcoming of property,
or other bond required by law, fifty cents; and for keeping
property levied on, such sum as the Justice believes just and
reasonable, out of the money in the hands of said Constable,
 arising from a sale of said property, or received by reason
of said levy.

Sec. 4. And be it further enacted, That any other ser
vice performed by any Justice or Constable, for which no
fee is allowed in this act, shall be considered ex officio, and
no fee allowed, had, demanded, or received for the same.

Sec. 5. And be it further enacted, That hereafter, all
bail bonds, and delivery bonds taken by Constables, shall
be taken payable to the plaintiff in the action, and returned
with the other papers in the suit, and proceeded on for
forfeiture, as now provided by law.

Approved, January 14, 1829.

AN ACT

To provide for taking the sense of the people of the County of Tusca
loosa upon the subject of removing the site of their Court House, and
for other purposes.

Section 1 Be it enacted by the Senate and House of Represen
tatives of the State of Alabama in General Assembly convened,
That the County Court for the County of Tuscaloosa shall
be holden hereafter on the second Mondays of June and De
cember, instead of the times they are now required by law
to be held: Provided, That this act shall not operate so as
to produce a change in the time of holding the succeeding
February term of said Court, but shall operate from and
after that time.

County c'r' of Tusca
loosa whe
held.
Sec. 2. And be it further enacted, That hereafter the
sheriff, for the time being, of Tuscaloosa county shall pro-
vide a suitable place for the holding the circuit and county
courts of the said county, within the corporate limits of the
town of Tuscaloosa, until a new court house shall be erect-
ed within said corporate limits, or until the people of said
county shall decide against a removal of the court house,
under the provisions hereafter contained.

Sec. 3. And be it further enacted, That it shall be the
duty of the court composed of the Judge and Commiss-
ioners of Revenue and Roads, of the county aforesaid, at
the first, or some early, session of said court, to appoint
five fit and discreet persons, citizens and freeholders of
said county, no one of whom shall reside in either of the
towns of Tuscaloosa, as commissioners, who, after being duly
sworn faithfully, impartially, justly and truly to perform their
duties as such, shall inquire what amount, if any, ought to be
allowed to the proprietors of the lower part of the town of
Tuscaloosa, by reason of the removal of the court house of
said county, or to their or any of their heirs, successors or
assignees; and for such purpose the said commissioners shall
meet on the first Monday of May next at the City Hotel, in
the town of Tuscaloosa, or at such other time as the Judge of
the county court shall prescribe, and receive such evidence
as may be offered to them at said time and place, on either
side, upon the question as to what amount of damages, if
any, ought to be allowed to said proprietors of the lower
part of the town of Tuscaloosa, or their or any of their suc-
cessors, heirs or assignees as aforesaid; and when the said
commissioners shall have decided said question it shall be
their duty to make known their decision (if they assess any
damages) as soon as may be, to the sheriff of the county
aforesaid for the time being, whose duty it shall be to pub-
lish the amount of the damages assessed, at each precinct in
the said county, and in one or more of the newspapers pub-
lished in the town of Tuscaloosa, at least thirty days be-
fore the next general election; and it shall be his further
duty to give notice in said publication that all voters who
are in favor of removing the court house upon the terms
proposed by said commissioners, shall write upon their
tickets, at said general election, the word “Removal,” and
that all who are opposed to it shall write upon their tickets
the words “No Removal.”

Sec. 4. And be it further enacted, That it shall be the
duty of the managers of the election aforesaid, at each and
every precinct of the county, to open a poll for and keep
lists of the number of votes taken at each precinct on the
subject of removing the seat of justice, and the said votes
so taken shall be returned to the returning officer, as in
other cases; who shall publish the same and make a return
thereof to the judge of the county court of said county;
and if thereupon it shall appear that a majority of the votes
which have been given on the subject of removal, are for
such removal, then shall said court house be removed; and if it shall appear that a majority of those voting on the subject, have voted against it, then said court house shall not be removed.

Sec. 5. And be it further enacted, That immediately after the determination of the people of said county shall be ascertained upon the subject of removing the said court house, and if that determination should be in favor of such removal, it shall be the duty of the sheriff for the time being of said county to make known, by publication in one or more newspapers printed in the town of Tuscaloosa, and by posting up notices at the several precincts in said county, that an election will be held at each precinct on the first day of the term of the next circuit court of said county, for five commissioners, a majority of whom shall be and they are hereby empowered, on the first Saturday succeeding their election, or at any time thereafter which the judge of the county court may prescribe, to select a site within the corporate limits of the said town of Tuscaloosa, for the erection of a court house; and when a site shall have been so selected, it shall be the duty of the said commissioners to report their decision to the judge of the county court for the time being of said county.

Sec. 6. And be it further enacted, That it shall be the duty of the court of roads and revenue of said county, at their first meeting held after said election, to adopt a plan for the construction of the said court house, and to publish proposals, for such time and under such regulations as said court may prescribe, to let out such contracts for the erection of said court house, at the time which may be specified in said proposals; and the said court are hereby empowered to enter into such contracts, and to take the bonds of contractors, payable to the judge of the county court of said county for the time being and his successors in office, under such penalties, stipulations and conditions as the said court of roads and revenue may prescribe.

Sec. 7. And be it further enacted, That the said court of roads and revenue, be and they are hereby empowered to levy a tax upon the people of said county, to meet and defray each and every expenditure which is contemplated or authorized by virtue of this act.

Sec. 8. And be it further enacted, That if there shall be any damages assessed, by the commissioners named in the third section of this act, and if the people of said county shall accept of the terms of removal proposed by said commissioners, it shall be the duty of the judge of the county court for the time being to issue his warrant on the county treasurer, in favor of any agent or agents of said New Town company, (who shall exhibit his or their authority to act under a power of attorney, duly attested and authenticated,) for the amount of damages so assessed, which amount, the county treasurer of said county shall pay out of any monies in the county treasury not otherwise ap-
propiated: Provided, however, That no such agent or agents shall be entitled to receive any such warrant upon the county treasury, until he or they shall have executed a bond with good and sufficient security, to be approved of by and payable to the judge of the county court for the time being and his successors in office, in double the amount for which any such warrant may be drawn; conditioned for the faithful disbursement and distribution of the amount in such warrant expressed, upon fair and equitable principles, between those who may be justly entitled thereto; and upon this farther condition, that the people of said county, and each and every public functionary thereof, shall be saved harmless and forever exonerated from all further liability or responsibility, which might or could otherwise arise, accrue or attach, by virtue of any of the provisions herein contained.

Sec. 9. And be it further enacted, That a majority of the commissioners herein named, and a majority of the commissioners authorized to be elected by virtue of this act, and a majority of the members of the court of roads and revenue, (provided the judge of said court be one of that majority,) shall be and they are hereby made fully competent to the discharge of any of the duties herein assigned to those functionaries respectively.

Approved, January 22, 1829.

AN ACT
To ascertain the voice of the People of Pickens County, relative to the removal of their present Seat of Justice.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
That it shall be the duty of the Sheriff of Pickens County to cause an election to be held on the second Monday in April next, at the Court House and the different election precincts in said County, giving thirty days notice at each place, for the purpose of taking the votes by ballot of all male citizens resident in said County, over the age of eighteen years, on the subject of removing the Seat of Justice of said County from its present site to a suitable place near the centre of the County—a majority of which votes, taken in conformity to the provisions of this act, shall determine whether the Seat of Justice of said County shall continue at its present site, or be removed to a convenient site near the centre of the County.

Sec. 2. And be it further enacted, That it shall be the duty of the Sheriff to appoint the requisite number of returning officers, and two respectable citizens at each precinct to superintend the election, who shall have power to choose a clerk to aid and assist in conducting said election, all of whom shall be duly qualified.

Sec. 3. And be it further enacted, That the voters shall write upon their ballots the words "Removal," or "No removal," and in the event of a majority of the voters being in favor of a removal, then, and in that case, the following
persons, to wit: Alexander Martin, Powers Lampkins, Wilie Stanton, Samuel Jackson, and David Bradford.

Sec. 4. And be it further enacted, That a majority of said commissioners (they being first duly sworn) shall have all Their power the powers, relative to the site which may be by them selected, as were heretofore possessed by the commissioners who selected the present seat of justice of said county, and shall be subject to the same duties and restrictions.

Sec. 5. And be it further enacted, That, if any or all vacancies of said commissioners shall die, resign, remove or refuse to act, it shall be the duty of the commissioners' court of said county to fill any vacancy which may so happen; and it shall also be the duty of said court to allow said commissioners such compensation, and at such time, compensation as to them may seem reasonable, to be paid out of the proceeds of the sale of the lots at the site by them selected, or out of any monies in the county treasury, not otherwise appropriated, as said court may think proper.

Sec. 6. And be it further enacted, That it shall be the duty of the commissioners, as soon as the public buildings may be sufficiently completed for the reception of the courts, to certify such fact to the clerks of the circuit and county court; and it shall be the duty of said clerks to remove their offices to the new seat of justice, within thirty days after the receipt of said certificate, and their courts shall be thereafter held at such place.

Sec. 7. And be it further enacted, That, if the commissioners' court shall deem it necessary, they are hereby authorized to levy a tax, not exceeding one half of the county tax, to be collected in the same manner as the state and county taxes are collected, for the purpose of erecting and completing suitable public buildings.

Sec. 8. And be it further enacted, That this act shall commence in force from and after its passage.

Approved, January 29, 1829.

AN ACT

To repeal an act entitled an act, to provide for the payment of petit jurors in certain counties therein named, approved December 22d, 1826, so far as said act relates to the county of Shelby.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that so much of the above recited act, as relates to the Repealing county of Shelby, be and the same is hereby repealed.

Sec. 2. And be it further enacted, That it shall be the duty of the court of revenue and roads of Shelby county, as the terms which by law they are required to levy a county tax, to set apart so much of the same as shall be sufficient, a fund for together with the fund hereinafter mentioned, to pay the jurors, both grand and petit, each year.
Sec. 3. And be it further enacted, That the sum of two dollars and fifty cents be taxed in the bill of costs, on each suit commenced in the said circuit court of Shelby county, which sum shall be collected as other costs of suit, and immediately after collected paid into the county treasury, which when received shall form a part of said jury fund.

Sec. 4. And be it further enacted, That it shall be the duty of the county treasurer of said county, so soon as said monies shall have been received by him, to hold such amount as shall have been set apart as a special fund for the purposes in this act expressed.

Sec. 5. And be it further enacted, That said treasurer is hereby required to attend himself, or by his agent, the two last days of each term of said circuit court, and shall from the above specified fund discharge all certificates issued by the clerk of said circuit court to the respective jurors which may be presented for payment.

Sec. 6. Be it further enacted, That the jurors of the county aforesaid shall be entitled to demand and receive the sum of one dollar and twenty-five cents per day each for their services in the circuit courts aforesaid, to be paid as above specified on the certificate of the clerk of the said circuit court.

Sec. 7. And be it further enacted, That this act shall be in force from and after the fifteenth day of April next, and that all laws contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, December 20, 1828.

AN ACT
Regulating the compensation of Jurors in Pickens County,
Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in all civil cases hereafter determined in the circuit court of Pickens county, before any judgment shall be entered on the record of said court in favor of any plaintiff or successful party, such party shall pay into the hands of the clerk of said court, the sum of three dollars, to be kept by said clerk as a fund for the payment of the jurors of said court, and by him to be paid and distributed among the jurors of said court entitled by law to receive the same, at the time said jurors shall be discharged from further attendance on said court.

Sec. 2. And be it further enacted, That it shall be the duty of the clerk of said court, after paying to each juror the amount he is entitled to receive, according to law, within thirty days thereafter to account with and pay over to the treasurer of said county the residue of said fund, if any shall at that time remain in his hands.

Sec. 3. And be it further enacted, That the sum of two dollars now authorized by law to be taxed in the bill of costs as a county tax be and the same is hereby repealed, so far as relates to the county of Pickens.
Sec. 4. And be it further enacted, That there shall be taxed in the bill of costs in all cases determined in said court the sum of three dollars for the benefit of the successful party.

Sec. 5. And be it further enacted, That this act shall commence, and be in force from and after the passage thereof.

Approved, December 30, 1823.

AN ACT

To authorize the County Court of Franklin County to levy a special Tax, for a certain purpose therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the county court of Franklin county is hereby authorized to levy a special tax on the people of said county, for the purpose of paying the person herefore authorized by law to be employed to transcribe the records of said court. Approved, January 28, 1829.

AN ACT

To change the time of holding the Courts of Franklin County.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter the county court for the county of Franklin shall be held on the first Monday in June and December in each and every year; and all process which may otherwise be returnable, shall be returnable to said court according to the provisions hereof; and all laws contravening the provisions of this act are hereby repealed.

Approved, January 26, 1829.

AN ACT

To change the times of holding the Courts of Commissioners of Roads and Revenue in the County of Franklin.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the county courts of commissioners of roads and revenue for Franklin the county of Franklin, shall be held on the first Mondays in January, April, July and October, in each and every year.

Sec. 2. And be it further enacted, That this act shall take effect Commence from and after the tenth day of February next, any law to the contrary notwithstanding.

Approved, January 27, 1829.

AN ACT

For the relief of Sheriffs.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That whenever judgment shall be rendered by any Court of this State against any Sheriff for any failure, neglect of duty, or misconduct in office, and it shall appear to the satisfaction of the Court that such failure, neglect of duty, or misconduct in office, is the failure, neglect or misconduct of his deputy, it shall be the duty of the court, on motion of the Sheriff, to render judgment against such deputy and securities in favour of the principal Sheriff for the whole amount of the judgment and costs, which have been rendered by the court against such principal Sheriff by reason of such failure, neglect of duty or misconduct of said deputy; for which execution may issue as in other cases: Provided, it shall appear to the Court that the deputy or his security or securities shall have one day’s notice of the pendency of the proceedings against the principal Sheriff.

Approved, December 20, 1828.
AN ACT

To authorize the Judge of the County Court, and Commissioners of Revenue and Roads of the County of Perry, to make a certain appropriation therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

Co. court of Perry authorized to make appropriation

That the Judge of the county court and commissioners of revenue and roads for the county of Perry, be, and they are hereby authorized, and it shall and may be lawful for them to make an appropriation of any sum of money which they may deem necessary, not exceeding one hundred and fifty dollars to enable the commissioners of the permanent seat of justice for said county to complete their purchase of a small piece of land, adjoining the town of Marion, from William Barron.

Sec. 2. And be it further enacted, That the said sum shall be paid out of any moneys in the county treasury not otherwise appropriated.

Approved, December 20, 1828.

AN ACT

To authorize the Judges of the County Courts and Commissioners of Roads and Revenue of the Counties of St. Clair and Shelby, to levy a special county tax, for certain purposes therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

Co court of St. Clair & Shelby to levy a special tax.

That the judges of the county courts, and the commissioners of roads and revenue of the counties of St. Clair and Shelby, be, and they are hereby authorized at the terms now appointed by law for levying the county tax, to levy a special county tax, on the citizens of said counties, not exceeding twenty-five per centum upon the State tax, to be collected in the same manner and under the same regulations as other county taxes, and when collected to be paid into the hands of the commissioners on the public buildings in the respective counties, to be by them applied to the completion and repair of the public buildings in said counties in such manner as said commissioners may think advisable.

Approved, January 22, 1829.

AN ACT

To authorize the Judge of the county court and commissioners of Revenue and Roads of Limestone county, to appoint some suitable person to transcribe certain parts of the records of the county court aforesaid.

Preamble.

Whereas, a part of the records and papers of the county court of Limestone county are in a confused and disordered situation, and it being highly proper and necessary that the same should be transcribed and arranged, therefore.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Co. court of Limestone to have certain records transcribed

That the Judge of the county court and commissioners of revenue and roads of the county of Limestone be and they are hereby authorized and required to appoint some suitable person, whose duty it shall be to transcribe in a neat and well bound book to be provided for that purpose, such parts of the records now remaining in the clerks office of the county court of Limestone county as may be requisite, and arrange all papers appertaining to said office in a suitable manner.

Sec. 2. And be it further enacted, That after the said transcript shall be made and the papers arranged as aforesaid, it shall be the duty of the judge of the county court and commissioners of revenue and roads of the said county, to examine the same, and if found cor-
To authorize the Judge of the County Court and Commissioners of Roads and Revenue of Fayette County to levy an extra tax.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the judge of the county court and commissioners of roads and revenue of Fayette county, be, and they are hereby authorized to levy an extra tax on all objects of taxation in said county, not exceeding one fourth part of the State tax, for the purpose of supporting the poor of said county, to be collected as other county taxes are.

Approved, January 24, 1829.

To change the time of holding the Circuit Courts in the counties of Shelby and St. Clair.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the circuit courts for the counties of Shelby and St. Clair, shall hereafter commence and be held as follows, to wit: the circuit courts of Shelby county shall commence on the sixth Mondays after the fourth Mondays in February and September, in each and every year, and continue in session two weeks; the circuit courts for the county of St. Clair shall commence on the eighth Mondays after the fourth Mondays in February and September in each and every year, and continue in session one week or until the business of said court is done through.

Sec. 2. And be it further enacted, That all subpoenas, writs and process of every nature and kind soever, which may be returnable to the circuit courts of the counties, the times for holding which process are by this act changed and altered, shall be returned to the said courts on the days herein respectively provided for holding the same, in the same manner as it expressly made returnable thereto.

Approved, January 29, 1829.

To prolong the regular Terms of the circuit court of the county of Mobile, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in lieu of the adjourned term of the circuit court of Mobile county, now ordered to be held on the last Monday of January, 1829, the regular terms of the said circuit court of Mobile county shall be prolonged and extended, so that the circuit court now required by law to be held in said county on the fourth Monday after the fourth Monday in February in each and every year, shall hereafter continue in session for three weeks, unless the business of said court shall be sooner disposed of; and the circuit court now required by law to be held in said county, on the third Monday after the fourth Monday of October, in each and every year, shall hereafter continue in session for three weeks, unless the business of said court shall be sooner disposed of; any law to the contrary thereof in any wise notwithstanding.

Sec. 2. And be it further enacted, That the regular terms of the circuit court of Baldwin county shall hereafter be holden as
The spring term of said circuit court of Baldwin county shall be held on the seventh Monday after the fourth Monday of February, in each and every year; and the fall term of said court shall be held on the sixth Monday after the third Monday of October, in each and every year, at each of which said terms the said court may continue in session six days and no longer.

Sec. 3. And be it further enacted, That all writs, processes, of every name, nature and description, all recognizances in civil or criminal matters, which have heretofore issued, and have been, or which shall hereafter issue, have been, and which have been, or shall be made returnable to the next term of the circuit court of Baldwin county, to be held on the sixth Monday after the fourth Monday of February next, shall be considered, and by this act, are made returnable to the next term of the said circuit court of Baldwin county, provided for in and by the first section of this act.

Approved, January 22, 1829.

AN ACT

Supplemental to an act passed at the present Session of the General Assembly, entitled an act to extend the Terms of Mobile Circuit Court.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a Jury for the third week of the circuit courts of Mobile county, shall be procured in the same manner, and shall be entitled to the same privileges and compensation, that juries are now entitled to by existing laws for attending the first and second weeks of said court, and shall be liable to like penalties for failing to attend or serve.

Approved, January 29, 1829.

AN ACT

To change the times of holding the county courts of Jackson county, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That hereafter the county courts of Jackson county for the trial of civil causes shall be holden on the second Mondays in February and August in each and every year, and said courts, as often as occasion may require, shall set two weeks at each term.

Sec. 2. And be it further enacted, That all writs and other process which have been issued, or may hereafter be issued, returnable on the third Monday of February, shall be deemed in law returnable to said court on the second Monday in February next.

Sec. 3. And be it further enacted, That the time of holding the county court of Lauderdale county, for the trial of civil causes be changed from the first Mondays in June and December to the second Mondays in February and August in each and every year.

Sec. 4. And be it further enacted, That the same so far as relates to changing the times of holding the county courts of Lauderdale county shall not take effect until after the adjournment of the court now by law to be held on the second Monday in June next.

Sec. 5. And be it further enacted, That the said county court of Lauderdale county may set twelve judicial days at each term if business in said court require it.

Sec. 6 And be it further enacted, That the court of Blount county held for the trial of civil causes, may hereafter continue in session twelve judicial days at each term, if the business should require such length of session.

Sec. 7. And be it further enacted, That the fall term of the
county court of Marengo county, for the trial of civil causes shall be held on the first Monday in September in each and every year, in Marengo instead of the second Monday of September as provided for in an act passed at the present session of the General Assembly.

Approved, January 29, 1829.

AN ACT

To alter the time of holding the Courts in the Sixth Circuit.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the circuit courts in the sixth circuit shall be held as follows: In the county of Butler on the first Mondays in March and September, and continue in session six judicial days; in the county of Montgomery, on the second Mondays in March and September, and continue in session twelve judicial days; in the county of Pike, on the fourth Mondays in March and September, and continue in session six judicial days; in the county of Henry, on the first Mondays after the fourth Mondays in March and September, and continue in session three days; in the county of Dale, on the first Thursdays after the first Mondays after the fourth Mondays in March and September, and continue in session three days; and in the county of Covington, on the second Mondays after the fourth Mondays in March and September, and may continue in session six days.

Sec. 2. And be it further enacted. That all suits, controversies, proceedings, and business of every description, nature or kind, be returnable and tried in said county, in the counties in which the same may be pending respectively, at the time before specified.

Sec. 3. And be it further enacted. That all laws contrary to the provisions of this act, be, and the same are hereby repealed.

Sec. 4. And be it further enacted. That this act shall not take effect until after the first day of May next.

Approved, January 29, 1829.

AN ACT

To change the times of holding the Fall Terms of the Courts in the second Judicial Circuit.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Fall Terms of the circuit courts of the second judicial circuit shall be held at the times following, to wit: In the county of Dallas on the fourth Mondays in September in each and every year, and may continue in session two weeks; in the county of Autauga on the second Mondays after the fourth Mondays of September, and may continue one week; in the county of Bibb on the third Mondays after the fourth Mondays in September, and may continue one week; in the county of Perry on the fourth Mondays after the fourth Mondays of September, in each and every year, and may continue one week; in the county of Wilcox on the fifth Mondays after the fourth Mondays of September, in each and every year, and may continue one week; in the county of Marengo on the sixth Mondays after the fourth Monday of September, in each and every year, and may continue in session one week.

Sec. 2. And be it further enacted. That the spring terms of the circuit courts of the several counties in the second judicial circuit, shall be held at the times now provided for by law.

Sec. 3. And be it further enacted, That the next fall term of the circuit court for the county of Greene, shall commence on the second Monday in September, and continue in session three weeks.

Approved, January 28, 1829.
AN ACT

To alter the times of holding the county court of Marengo county, and Monroe county court.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter, the time of holding the county courts of Marengo county for the trial of civil causes shall be changed from the first Mondays of January and July, to the second Mondays of February and August in each and every year, and may continue one week if business so long require.

Sec. 2. And be it further enacted, That all process of every kind or nature, now made returnable to the January term of said court, as at present established by law, or which may hereafter be issued returnable to said term, shall be returned to and proceeded upon at the term of the court hereby established in the same manner as if made returnable to said term of said county court by this act established.

Sec. 3. And be it further enacted, That from and after the fourth Monday in February next, the terms of the county court of Monroe county, for the trial of civil causes, shall be holden on the first Monday in June and third Monday in December in each and every year, and shall sit the same length of time as is now provided by law.

Sec. 4. And be it further enacted, That from and after the said fourth Monday of February next, all writs and other process of whatever name or nature, returnable on the third Monday in February and August, shall be made returnable on the first Monday in June and third Monday in December, and that all causes continued at the next February term of said court, shall stand for trial on the said first Monday of June next in the same manner as if the time for holding said court had not been altered.

Sec. 5. And be it further enacted, That this act shall take effect from and after the fourth Monday in February next, so far as relates to the county court of Monroe county; but as to the county of Marengo, shall take effect from and after the passage thereof. Approved, January 9, 1829.

AN ACT

To repeal in part an act to locate the Seat of Justice of Fayette county, passed January 12th, 1826.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the fourth section of the above recited act as makes it obligatory on the judge of the county court and commissioners of roads and revenue, of Fayette county, to advertise the sale of the lots of the town of Fayetteville, in said county, in some public newspaper in the towns of Tuscaloosa and Tuscumbia, be, and the same is hereby repealed; and hereafter it shall be the duty of the judge and commissioners of roads and revenue of said county to advertise at the court house and in each and every beat in said county. Approved, January 24, 1829.
To establish a certain Election Precinct therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That an election precinct be, and is hereby established at the house of Abraham Stout and Roland W. Box.

Section 2. And be it further enacted, That any act or law contravening the establishing said precinct be, and the same is hereby repealed.

Section 3. And be it further enacted, That the election precinct, upon the Ridge in Monroe county, shall, from the passage of this act, be changed from John Kiles’ to the store of Stephen S. Anders and company.

Approved, January 29, 1829.

AN ACT

To repeal in part and amend an act entitled an act to amend an act entitled an act concerning Roads Highways, Bridges and Ferries in the county of Mobile, approved 15th January, 1818.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the above recited act as imposes a tax of twelve and a half cents on every hundred dollars worth of taxable property, as a road tax in said county, be, and the same is hereby repealed, and in lieu thereof, a tax of nine cents on every hundred dollars worth of real estate in said county, is hereby imposed, to be levied, collected and applied as directed by the first section of the act this is intended to amend.

Section 2. And be it further enacted, That in lieu of the quantum or amount of labour now required by law to be performed by the citizens of Mobile county on the several roads therein, every free male person of the age of eighteen and under forty-five years, shall be required and compelled to work four days himself, and four days for each and every male slave he, she or they may possess of the age of fifteen and under fifty years, in such manner and in such way as he or they may be required by the overseer of such road as he or they may belong to; or forfeit and pay the sum of one dollar for each and every day he or they may fail so to work or to send their hands when required by the overseer, to be recovered and applied in the manner now pointed out by law for recovering and applying road fines and forfeitures in the county of Mobile.

Section 3. And be it further enacted, That the Judge and Commissioners of roads, highways, bridges and ferries, shall hold a special term on the first Monday in March, one thousand eight hundred and twenty-nine, and on the first Monday in January in each and every year thereafter, at which time they shall be required to appoint overseers for each Commissioner’s district or beat.

Section 4. And be it further enacted, That all laws and parts of laws that conflict with this act be, and the same is hereby repealed.

Approved, January 29, 1829.
AN ACT

To provide for the support of Paupers in the county of Jefferson.

Sec. 1. Be it enacted by the Senate and House of Representa-
tives of the State of Arkansas in General Assembly conve
nied, That the judge of the county court and commissioners of
roads and revenue, for the county of Jefferson, be and they
are hereby authorized, whenever they or a majority of them
shall deem it necessary, to purchase and receive title to
any quantity of land not exceeding eighty acres; which ti-
tle shall be made to the judge of the county court and his
successors in office, and shall vest in, and be the property
of the county in which it lies.

Sec. 2. And be it further enacted, That said judge and
commissioners are authorized to contract for the building
of all necessary houses, for the purpose hereinafter men-
tioned, and every thing else that is necessary to be done; the
expenses of which shall be paid out of the county treasury
of the county, and such place shall be denominated the
Poor House.

Sec. 3. And be it further enacted, That whenever it shall
appear to the county court that a person is a subject of pub-
lic charity and support, he, she or they, may, if there be a
poor house in their county, order such person to be conveyed
to the poor house of the county, there to be taken care of
and supported at public expense; and said court is au-
thorized to employ some suitable person to superintend and
take care of all the poor of the county.

Sec. 4. And be it further enacted, That it shall be the
duty of the judge and commissioners to meet at the poor
house at least once in three months, or oftener, if they or
a majority of them think it necessary; the time of such
meeting, to be appointed by them, need not be periodical;
they shall examine the situation of the paupers and the con-
duct of the person employed to take care of them, and shall
have power to dismiss such person at pleasure, and they
shall have power to make such rules and regulations as to
them may seem proper.

Sec. 5. And be it further enacted, That, at the first court
to be held by the judge and commissioners, after the
first day of March next, they shall appoint two persons in
each captain's beat, who shall act as overseers of the poor,
whose duty it shall be to report to the county commission-
ers' court what persons are within the limits of their beat,
proper subjects for public support; whereupon the court
shall inquire into the fact of the case, and order them to
be conveyed to the poor house; and when vacancies occur
by death or otherwise, they shall be filled by the judge and
commissioners.

Sec. 6. And be it further enacted, That the judge of the
county court shall take bond and good security from the
person employed to superintend the poor, conditioned for
the faithful performance of his duty, in such penalty as he
may require, which shall not be void on the first recovery,
but may be sued on as often as the judge and commissioners shall be of opinion that the conditions have been broken; and the judge and commissioners shall have power from time to time to make such rules and regulations for the support of the poor, at the poor house, as to them may seem to comport with their comfort, and the economy of the funds of the county.

Sec. 7. And be it further enacted, That the judge and commissioners of said county be, and they are hereby authorized to levy a tax of twelve and one half per cent per annum on the state tax till the sum so raised shall be sufficient to pay the price of said half quarter section of land.

Sec. 8. And be it further enacted, That this act shall take effect from and after its passage, and all acts and parts of acts contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, January 22, 1829.

AN ACT
To appoint commissioners to take charge of the public property in the county of Dallas.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Thomas Meron, Uriah G. Mitchell, Joseph Derruy, John McElroy, and Jacob Morgan, be, and they are hereby appointed commissioners, whose duty it shall be to take charge of the lands and property belonging to the State, within the limits of the town of Cahawba, and to rent annually the ferries and such portions of the lands belonging to the State as are cleared, in such manner, and on such conditions, as to them may appear best calculated to promote the public interest, and make report to every annual Legislature within the two first weeks of their session.

Approved, January 29, 1829.

AN ACT
Explaining the true intent and meaning of two acts therein mentioned.

Whereas, the Legislature of this State, at the last session thereof, passed two acts, the first on the 11th January, 1828, entitled “an act more effectively to prevent frauds and fraudulent conveyances,” and the other on the 15th January 1828, entitled “an act concerning the registration of deeds and patents,” the last of which said acts, it hath been contended, repealed the former. To prevent any misconstruction of the true meaning of the aforesaid acts, and that each may have the effect intended, therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the aforesaid act, passed on the 11th January, to prevent frauds and fraudulent conveyances and for other purposes, shall stand in full force, and the said act of the 15th January 1828, concerning the registration of deeds and patents shall be held to apply to deeds, wherein the property has been absolutely conveyed and not upon any trust or condition whatever.

Approved, December 11, 1828.
AN ACT

To amend an act entitled an act to provide for the establishment of the permanent seat of justice in the county of Walker, passed the fifteenth of January, 1828.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the proviso to the first section of an act entitled an act to provide for the establishment of the permanent seat of justice in the county of Walker, passed on the fifteenth day of January, one thousand eight hundred and forty-eight, be and the same is hereby repealed, and that hereafter the commissioners appointed by the above recited act be and they are hereby authorized to select an eligible site for the seat of justice within seven miles of the center of said county.

Sec. 2. And be it further enacted, That Samuel Thompson, Moses Barton and Lemuel Reed, be and they are hereby appointed commissioners for the purpose of selecting some eligible site on the river, and where the commissioners aforesaid shall have selected such site, that they shall report the same to the Sheriff of said county, who shall open a poll at each and every election precinct in said county, giving at least thirty days notice of the same by advertisement, at one or more places in each captain’s company in the county aforesaid.

Sec. 3. And be it further enacted, That all the persons entitled to vote for members of the General Assembly shall be entitled to vote for either of the sites so selected; those voting for the river shall write on their ticket the word “River,” and those voting for or near the center shall write on their ticket the word “Center,” and the place getting the greatest number of votes shall be the permanent seat of justice for the county of Walker.

Sec. 4. And be it further enacted, That the commissioners appointed by the act that this is intended to amend, and those appointed by this, respectively shall make report of the sites so selected, on or before the first day of March next, to the Sheriff aforesaid; all laws and parts of laws contravening the provisions of this be and the same is hereby repealed.

Approved, January 29, 1829.

AN ACT

To authorize the sheriff, or coroner of the county of Shelby, to sell lands and slaves levied on by execution, at the town of Montevallo

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, it shall be the duty of the sheriff or coroner of the county of Shelby, whenever any lands shall be levied on by them, by virtue of an execution, lying west of the ridge dividing the Cahawba and Coosa valleys, and west of the Sulphur Springs, to offer the same for sale at the town of Montevallo, in the street in front of the Bell Tavern in the same manner, and under the same regulations that they are now required to offer lands for sale at the court-house of said county.
Sec. 2. And be it further enacted, That all slaves levied on as aforesaid, within the before described limits, shall be sold in like manner, at the town of Montevallo, any law, usage or custom to the contrary notwithstanding.

Sec. 3. And be it further enacted, That there shall be, and is hereby established, a place of sale at Maplesville in Bibb county, in front of Laughlin and Bullock’s store, for the sale of such lands, negroes and other property as is required by law to be sold at the court-house, which may be levied on east of the state road leading from Montevallo to Selma: provided nevertheless, that in all cases when the person or persons whose property may be levied upon shall request such sheriff, constable or other officer to sell such property at the court-house, it shall thereupon become the duty of such sheriff or other officer to sell such property at the court-house of said county, the provisions of this act to the contrary notwithstanding.

Sec. 4. And be it further enacted, That so much of such Repeal laws as establish a place of sale at Centreville in said county be and the same are hereby repealed.

Approved, December 29, 1828.

AN ACT
Prescribing the duties of Sheriffs and Returning Officers in holding Elections and returning the votes of all persons voting on proposed alterations of the Constitution of the State of Alabama.

Section 1. Be it enacted by the Senate and House of Representa- tives of the State of Alabama in General Assembly convened, That it shall be the duty of each and every officer holding the next general election for the State of Alabama, to inquire of each and every voter, whether he votes for or against the proposed amendment or amendments to the Constitution of the State of Alabama; and the managers holding said elections shall cause the respective clerks to enter the name of each and every person voting, with the word “Yea” or “Nay,” as he may vote, opposite his name; a list of which said names he shall certify and return to the sheriff or other returning officer in his county, who shall send up a true and correct list of the names of all persons so voting, certified under his hand, to the Secretary of State, within thirty days after the result of the election in each and every county or district shall have been ascertained.

Sec. 2. And be it further enacted, That if any sheriff or officer holding or returning or managing any election in this State, shall fail to perform the duties required of them by this act, such sheriff or other officer, holding, managing or returning the said election as heretofore prescribed, shall forfeit and pay the sum of five hundred dollars, to be recovered by action of debt, in any court having jurisdiction thereof, one half to the use of the State, and the other half to any person who may sue for the same; and shall also forfeit his office, and shall be incapable of holding the same again for the term of six years.

Remedy against them for failure

In like manner to sell slaves at Montevallo
Sec. 3. And be it further enacted, That it shall be the duty of the Secretary of State to cause this act, together with the resolutions proposing amendments to the Constitution of this State, to be published in print throughout the State, three months preceding the next general election, and shall give notice of the failure of each and every returning officer who fails to make the return as herein before prescribed.

Sec. 4. And be it further enacted, That it shall be the duty of the several returning officers mentioned in this act, to return the number of all those who may vote for Representatives and not for the proposed amendments, to the Secretary of State, at the same time, and in the same manner that they return the votes for, and against the proposed amendment to the Constitution.

Approved, January 26, 1829.

AN ACT
To locate the Seat of Justice in Henry County, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

That the site selected in township four, and range twenty-nine, near the Chattahoochee river, for the seat of justice in said county, by the judge of the county court and commissioners appointed by law for that purpose, in pursuance of an act passed the third day of January, one thousand eight hundred and twenty-six, shall be hereby established as the permanent seat of justice in said Henry county, to be called and known by the name of Columbia, any law to the contrary notwithstanding.

Sec. 2. And be it further enacted, That Daniel Pines, of said county, be, and he is hereby appointed one of the commissioners of said Court house, in lieu of Peter Simmons, removed.

Sec. 3. And be it further enacted, That no person living in the town of Greensville, and entitled to vote for the town constable, shall be entitled to vote for the constable of the beat in which the town is situated.

Sec. 4. And be it further enacted, That the act of the last session, confining the jurisdiction of the justice to the limits of said town, shall be construed to take effect in this regard, after the term of the present incumbent has expired.

Approved, December 20, 1828.

AN ACT
To repeal in part and amend a certain act therein named, concerning Strays.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the tenth section of an act entitled an act to reduce into one the several acts concerning strays, as prohibits the posting of cattle in certain months in the year, be, and the same is hereby repealed, so far as it relates to the counties of Butler, Pike, Henry, Dale, Covington, and Conecuh.

Approved, January 29, 1829.
AN ACT

More fully to provide for the advertising of Lands and Negroes, levied on by the Sheriff of Montgomery county, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

That from and after the first day of April next, it shall be the duty of the Sheriff of Montgomery county, when any land, negro or negroes shall be levied upon, under any execution directed to him from any of the county, circuit or supreme courts, to advertise the same in the Alabama Journal, printed in the town of Montgomery.

Sec. 2. And be it further enacted, That the sum of two dollars shall be allowed to the printer of the said Alabama Journal, which shall be paid by the defendant or defendants in execution.

Sec. 3. And be it further enacted, That the Sheriff of the said county, shall make an item of the above mentioned sum in his bill of costs, and shall collect the same as other costs.

Sec. 4. And be it further enacted, That in all cases similar to those embraced by this act, the Sheriff of Dallas county shall advertise the same in the "Selma Courier," so long as the same is regularly published in said town, for which the same amount shall be paid by defendants, and collected in the same manner as pointed out by this act: Provided, That nothing herein contained shall prevent the Proviso advertisements now required by law.

Sec. 5. And be it further enacted, That it shall be the duty of the Sheriff of Mobile county, from and after the first day of May next, to cause all advertisements for the sale of property levied on to satisfy executions directed to him from any of the courts of this State, to be published at least once a week for the length of time now required by law, in some newspaper printed in the county of Mobile, for which the printer shall be entitled to receive the usual price of advertising in such newspaper and no more, and the said Sheriff is authorized to charge the expense of advertising hereby required as an item of costs of suit.

Approved, January 29, 1829.

AN ACT

To establish a Ferry at Gainsstown in the County of Monroe, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

That William F. Ware, be and he is hereby empowered to establish a ferry on the Alabama river at a place formerly known as Sizemore's ferry, now called Gainsstown, the property of which ferry shall vest in said Ware, until William Sizemore shall prepare suitable water craft for the conveyance of passengers across said river, when the said Ware and Sizemore shall own said ferry in common.

Sec. 2. And be it further enacted, That a road shall be opened on the nearest and best route from said ferry to intersect the road from Claiborne to Biakely.
Sec. 3. And be it further enacted, That the Judge of the county court and the commissioners of roads and revenue of Monroe county shall, at their first term, establish the rate of ferriage to be received at said ferry, and shall appoint commissioners to review said ferry and road, and report to said court the damage incurred by any person whose property may be injured by said ferry and road, which damage shall be paid by said Ware and Sizemore; and in case said Sizemore shall refuse to accept the advantages of the provisions of this act, he shall be free from any damage to be paid for the establishment of said ferry and road, and that the title shall be vested in said Ware after twelve months, who shall pay all damage assessed in consequence of this act; this act to be in force from and after its passage.

Approved, January 29, 1829.

AN ACT

To amend an act entitled "An act to reduce into one the several acts concerning Roads, Bridges, Ferries, and Highways," passed January 12, 1827.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the county courts shall hereafter be authorized to establish ferries over creeks and small rivers, when it shall appear necessary and proper, and shall require bond and security that the said ferry or ferries shall be kept in good order and attended at such times as said creeks and rivers cannot be otherwise safely passed, without compelling the owners of such ferries to attend them, when the streams can be conveniently forded. Approved, January 29, 1829.

AN ACT

To authorize James Taylor to keep in repair a bridge by him built across Wills creek in St. Clair county, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That James Taylor, be and he is hereby authorized to keep in repair a free bridge which he has, at his own cost, erected across Wills creek, and that the road from said bridge to Bennett's store shall be kept in repair by the hands by law required to work on said road from Bennett's store to Line creek at Ross's bridge.

Sec. 2. And be it further enacted, That any person who shall injure said bridge, or shall fell any trees across the road now used leading to said bridge, shall be fined in a sum not exceeding two hundred dollars, on conviction thereof; if a white man to be recovered before any court having jurisdiction thereof, so much thereof as shall be necessary to repair said damage to be appropriated thereto, and the balance to be applied to the road fund.

Sec. 3. And be it further enacted, That if any free negro, slave, or person of color shall injure any bridge in this State, they shall on conviction before any Justice of the Peace for said county in which such offence shall be committed, receive not exceeding thirty-nine lashes on their bare backs, to be well laid on.

Approved, January 29, 1829.
AN ACT

To amend an act entitled An act to establish a permanent road from Florence in the county of Lauderdale to Athens in the county of Limestone.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Archibald Fuqua be, and he is hereby authorized to lay off and cut out a road, commencing three quarters of a mile west of Mrs. Burrows’ plantation at the point where the new road left the county road in Lauderdale county, to run the nearest and best way to the mouth of Anderson’s creek on Elk river, and from the east bank of said river the nearest and best way, so as to intersect the new road at or near the west end of Mr. Townsend’s lane in Limestone county, doing as little injury to private property as may be practicable.

Sec. 2. And be it further enacted, That the said Archibald Fuqua be, and he is authorized to open the said road, and keep the same in good repair at his own expense, and furthermore, that all hands under his control which are bound to work on any of the county or State roads, shall still be bound to perform that duty as if this act had not passed.

Sec. 3. Be it further enacted, That the said Archibald Fuqua, his heirs or assigns, shall have power to keep a ferry across Elk river at the mouth of Anderson’s creek, and shall be allowed to receive such toll as is allowed by law to other ferries across said river.

Approved. January 26, 1829.

AN ACT

To authorize the building of a Jail in Morgan county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the judge of the county court, and commissioners of revenue and roads of Morgan county, be, and they are hereby authorized and required to levy a special tax in said county, not exceeding fifty per cent. on the state tax for the year one thousand eight hundred and twenty-nine, for the purpose of building a jail in said county, which fund, when so raised, shall be appropriated to the purpose aforesaid, under the direction and superintendence of said commissioners or their successors in office.

Sec. 2. And be it further enacted, That, if the fund so raised aforesaid, should not be sufficient for the purpose aforesaid, then, and in that case, the said judge and commissioners, or their successors in office, shall be authorized and required to levy a tax in the same manner, not exceeding fifty per cent. on the state tax, in and for the year one thousand eight hundred and thirty.

Sec. 3. And be it further enacted, That “an act to authorize the building of a jail in Morgan county,” approved the fifteenth of January, one thousand eight hundred and twenty-eight, be, and the same is hereby repealed.

Approved, January 29, 1829.
AN ACT

To amend an act entitled "An act to authorize the sales of sixteenth sections, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

That nothing contained in the act, passed the fifteenth of January, one thousand eight hundred and twenty-eight, "to authorize the sales of the sixteenth sections, and for other purposes," shall be so construed as to prevent the commissioners elected or appointed in each township from renting the same annually, until a sale can be effected at the minimum price; and the person renting the same shall not be interrupted in his possession until his contract expires.

Sec. 2. And be it further enacted, That when any sixteenth section shall have been sold agreeable to the provisions of an act, to which this is an amendment, and no money shall have been received by the commissioners, or a sum not sufficient to defray the expenses incident to such sale, then it shall be competent for the commissioners to require the purchaser or purchasers to pay a per centum on the amount of sales, which per centum shall not, in the aggregate, exceed the expenses incurred.

Sec. 3. And be it further enacted, That the per centum hereby authorized, shall be paid at the time of sale, by the purchaser, and shall be deducted from the original amount of the purchase money.

Sec. 4. And be it further enacted, That if any person or persons who may have leased or rented any sixteenth section of land in this state from the commissioners thereof, or any person or persons who may have rented or leased from such lessor, shall hold over after the expiration of his or their term, he or they shall be guilty of an unlawful detainer, and may be proceeded against accordingly by the person or persons entitled to the possession thereof: Provided, the person or persons entitled to possession shall have made a demand in writing of the possession of said land, at least ten days previous to the commencement of his action.

Sec. 5. And be it further enacted, That all the powers given by said act to the commissioners to dispose of the sixteenth sections, are hereby extended under the provisions of said act.

Approved, January 29, 1829.

AN ACT

Supplementary to an act entitled "An act to authorize the Sheriff or Commissary of the county of Shelby to sell lands and slaves levied on by execution, at the town of Montevallo," passed at the present session of the Legislature.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

That the lands and slaves, charged by the aforesaid act, to be sold at the town of Montevallo, shall be offered on the second Monday in each and every month, any law to the contrary notwithstanding.

Approved, January 24, 1829.
AN ACT
To amend an act concerning the town of Triana, in the county of Madison, passed 22 December, 1826.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter should the election of five trustees and a constable, for the town of Triana, from any cause, not be held at the time now prescribed by law, the last president of the board of trustees, or any two of the members thereof, may order an election at any time thereafter, by giving ten days public notice of such election, which shall be conducted agreeably to the provisions of the act incorporating said town, and a majority of the qualified electors of said trustees may designate on their tickets the president of said board.

Sec. 2. And be it further enacted, That the constable elected for said town shall have power to serve process within one mile of the corporate limits thereof.

Approved, January 29, 1829.

AN ACT
Authorizing a Lottery for the benefit of Rising Virtue Lodge, No. 4, in the town of Tuscaloosa

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall and may be lawful for John G. Aikin, John K. Pierce, William A. McDaniel, Benjamin B. Fontaine, Robert E. B. Baylor, James Guild and Z. B. Snow, or a majority of them, to raise by lottery, in one or more chances, as to them may seem most convenient and necessary, any sum not exceeding fifteen thousand dollars, to be appropriated in erecting and furnishing a masonic hall, for the use and benefit of Rising Virtue Lodge, number four, in the town of Tuscaloosa; and the said John G. Aikin, John K. Pierce, William A. McDaniel, Benjamin B. Fontaine, Robert E. B. Baylor, James Guild and Z. B. Snow, or as many of them as may choose to serve, shall, before they enter upon the duties assigned them in this act, enter into bond with sufficient security, before the judge of the county court of Tuscaloosa, in such sum as may be required by him, conditioned for the faithful discharge thereof; which bond may, from time to time, be put in suit in the name of the Governor of the State of Alabama for the time being, by any person injured by a breach of any of the provisions of this act.

Sec. 2. And be it further enacted, That it shall be the duty of the aforesaid persons, or as many of them as may choose to act, within ninety days of the completion of the drawing of either of the classes of said lottery, to pay to the fortunes drawn therein, or to their heirs or assigns, such prizes as may be due agreeably to the scheme, which they may have determined upon and published: Provided, that, if any prize drawn be not applied for and demanded by the fortunate holder of the ticket to which that prize is
due, or by his heirs or assigns, within ninety days after the completion of the drawing; the same shall be deemed a donation to said Lodge, and the managers aforesaid shall not be compelled thereafter to pay the same.

Sec. 3. And be it further enacted, That the drawing of said lottery may be in the town of Tuscaloosa, or any other place that may be agreed upon by the managers aforesaid, giving due notice of the time and place of such drawing, which shall be conducted in such manner, and under such regulations and responsibilities, as to the aforesaid persons may seem most expedient; and each clerk or other person concerned in the drawing shall previously take an oath before some justice of the peace, (who is hereby authorized to administer the same) faithfully to discharge his or their respective duties.

Sec. 4. And be it further enacted, That if either of the said classes be not drawn within one year after the scheme of the same shall have been published, the same shall cease, and the purchasers of tickets may demand and recover of the managers, or persons before named in the first section of this act, any money disbursed for tickets in said lottery.

Sec. 5. And be it further enacted, That the managers aforesaid, shall report to said Lodge within six months after the passage of this act, and at such times thereafter as may be ordered by said Lodge, the progress made in the sale of tickets or the drawing of said lottery; and it shall be the duty of the managers aforesaid, within ninety days after the completion of the drawing of either class of said lottery, to pay over all and any monies which may have been raised under this act, to the order of said Lodge, or to such person or persons as may be authorized to receive the same by said Lodge, for the purpose of erecting and finishing a Masonic Hall.

Sec. 6. And be it further enacted, That this act shall not be so construed as to affect or impair the rights of Rising Virtue Lodge, number four, arising under the twelfth section of an act, passed December third, one thousand eight hundred and twenty-six, entitled “an act authorizing a lottery for the making of a turnpike road, leading from the city of Mobile to Chickasaw Bogue creek, in the county of Mobile, and for other purposes.”

Approved, January 29, 1829.

AN ACT

For the better organization of the Morgan Cavalry.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, the Morgan Cavalry shall be empowered and are hereby authorized to elect an additional Lieutenant, under the same rules and regulations prescribed by the laws of this State for the election of officers of volunteer companies.

Sec. 2. And be it further enacted, That the Lieutenant so elected shall be known and styled the Second Lieutenant of said cavalry.

Approved, January 28, 1829.
AN ACT

To compel the President and Trustees of the town of Moulton to keep their streets in repair, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall hereafter be the duty of the President and Trustees of the town of Moulton, to keep always in appointment, one or more persons as overseers of the public roads, and such parts of the streets in said town, as may be needed as public highways within the limits of said town; and such person or persons so appointed, shall be compelled to cause the said roads and streets to be kept in good repair, and for that purpose, shall have the same power as overseers of roads; and for failure or neglect of duty, shall be liable to all the penalties to which overseers of the roads are liable for a failure or neglect of duty.

Sec. 2. And be it further enacted, That if the President or Trustees aforesaid, shall fail or neglect to keep some suitable person in appointment as aforesaid, the said President and each of the said Trustees shall be liable to be fined in the sum of forty dollars, to be recovered on motion of the Solicitor, before the Judge of the Circuit Court, in the same manner as recoveries are had against defaulting overseers of public roads.

Sec. 3. And be it further enacted, That the President of the said incorporation shall not be allowed to exercise the powers of a Justice of the Peace, until he shall take and subscribe the same oath required by law to be taken by Justices of the Peace.

Sec. 4. And be it further enacted, That the said corporation shall have full power to provide for the election of any and all officers necessary for the good government of said incorporation, under the restrictions imposed by the original act of incorporation.

Approved, January 29, 1829.

AN ACT

To provide for the sale of a lot of Land in the town of Cahawba to Joseph Babcock.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Commissioners appointed by an act passed at the present session of the General Assembly, to take charge of the public property in the county of Dallas, be, and they are hereby authorized and empowered, to sell and convey to Joseph Babcock of the town of Cahawba, his heirs and assigns, forever, for such sum, and upon such terms as they may think proper, a certain lot of land in the town of Cahawba, bounded as follows, to wit:—Beginning at the bluff or bank of the Alabama river, at the northeast corner of the land encircled by Arch street, in the plan of said town, heretofore reserved from sale, and running nearly west on the line of said Arch street seven perches or rods; thence nearly south along the east side of a brick building intended for an arsenal, and on a line parallel with the
Alabama river seventeen perches or rods; thence at a
right angle and nearly east, to the said bluff of the Ala-
bama river, and thence along said bluff to the place of be-
ginning, containing nearly three quarters of an acre, be
the same more or less, together with the right and privi-
lege of a way over all the land lying between the abobe
described lot of land and the water of the Alabama river.

Sec. 2. And be it further enacted, That upon the said
Joseph Babcock paying to the public Treasury such sum
for said lot and privilege as said Commissioners shall di-
rect, it shall be the duty of the Governor to issue to said
Joseph Babcock a grant, conveying to him, his heirs and
assigns forever, the lot above described, and securing the
privilege of way, in the first section mentioned.

Sec. 3. And be it further enacted, That any improve-
ment which the said Babcock may have made upon said
lot, shall not be taken into consideration by said Commissi-
ioners, in estimating the value thereof.

Approved, January 29, 1829.

AN ACT

Investing the Mayor and Aldermen of the town of Tuscaloosa, with the
powers of opening roads within the corporate limits of said town.

Section 1. Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama in General Assembly convened,
That the Mayor and Aldermen of the town of Tuscaloosa
shall be, and they are hereby authorized and empowered,
provided the necessity of the case shall, in their opinion
require it, and upon petition, to appoint a jury of twelve
good and lawful men, residents and lot holders of said
town, to examine the ground from the intersection of
Jackson and Broad streets to the Black Warrior river, at
or near the point where the line between fractional sections
twenty-one and twenty-two strike the same, who shall re-
port to the Mayor and Aldermen, whether it is expedi-
tent and proper for a public road to be established be-
tween the aforesaid points; and upon the report of the jury,
the Mayor and Aldermen of said town, shall have the
same power and authority over the same, and over the said
road, if established, as appertained to the Judges of the
county courts, and commissioners of revenue and roads,
with respect to state and county roads within the limits of
each county.

Sec. 2. And be it further enacted, That if a road should
be established, pursuant to the provisions of the forego-
ing section, and damages should be claimed by any person
or person, over whose ground the same may be run, any
such damages shall be assessed by a jury appointed as is
provided in the first section of this act, which report shall
be made to the said Mayor and Aldermen, and if there-
fore, the said Mayor and Aldermen shall, upon a review
of all the circumstances of the case, deem it proper for
the said road to be established, they shall cause to be given
to the person or persons claiming and entitled to such dam-

When made
the duty of
the Gov. to
issue grant
for such lot

In estimating
value improve-
ment not to be
considered

Mayor and
aldermen
authorized
on petition
to open
roads

Forms to be
observed

Jurisdiction
over said
roads when
established
by whom to
be exercised

Damages
when claim-
ed assessed
by a jury

To whom
report of ju-
ry is to be
made
ages, a certificate of the same, which shall be paid as other claims of a similar nature, out of the county treasury, whereupon the said Mayor and Aldermen shall take measures to have the said road opened: Provided, That a majority of all the free white male inhabitants over twenty-one years of age, residing in Tuscaloosa at the time, shall vote in favor of such road being run, and who shall vote on the subject.

Sec. 3. And be it further enacted, That each of the persons composing the aforesaid juries shall, before they proceed to the discharge of the respective duties to them by this act assigned, take and subscribe an oath, before some officer qualified by law to administer oaths, faithfully, impartially, justly and truly to perform the duties to them by this act assigned, without favor or affection; a certificate of which oath shall be filed with the Mayor and Aldermen aforesaid.

Approved, January 29, 1829.

AN ACT.

To amend an act entitled “an act to incorporate the town of Tuscaloosa, &c.” approved, January 12, 1828.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That, hereafter, the mayor of said town shall be elected by the qualified electors thereof, as hereby constituted, and shall serve for the term of one year from the day after his election, have the same powers, perform the same duties and enjoy the same privileges which appertain to the present mayor of said town.

Sec. 2. And be it further enacted, That the present and each subsequent mayor and aldermen of said town, shall, between the second and fourth Mondays in January, one thousand eight hundred and twenty-nine, and of every subsequent year, divide and lay off the territory within the corporate limits of said town, into six wards, containing each, as nearly as may be, an equal number of white inhabitants.

Sec. 3. And be it further enacted, That, hereafter, there shall be elected six aldermen only for said town, one for each of the wards aforesaid, to be chosen for the term of one year from the day after their election, by the qualified electors, as hereby constituted, of the proper ward, whose duties, powers and privileges shall be the same as those which belong to the present aldermen of said town, except the privilege of electing a mayor.

Sec. 4. And be it further enacted, That the present and each subsequent mayor and aldermen of said town, shall cause an election to be held on the second Wednesday in every future February, at a suitable place or places in said town, for a mayor thereof, and for one alderman, to represent each of the wards aforesaid respectively.

Sec. 5. And be it further enacted, That, hereafter, any free white male citizen, of the age of eighteen years or upwards, who has paid his taxes in said town, and resided therein for three months next preceding the election at
which he shall offer to vote, or who resides, and is a freeholder in said town, shall be a qualified elector of the mayor thereof, and of alderman for the particular ward in which any such person may reside at the time of the election.

Sec. 6. And be it further enacted, That any qualified elector of said town, shall be eligible for mayor thereof, or for alderman of any ward in which he resides at the time of the election; and should the said mayor remove from said town, or be absent therefrom for three months at any one time without the consent of said aldermen, his office shall be vacant; and should any alderman remove from the ward for which he may have been elected, or be absent therefrom for three months at any one time without the consent of the mayor and other aldermen, his office shall be vacant; and whenever any vacancy shall occur by death, resignation, refusal to accept, removal or absence as aforesaid, in the office of mayor or of alderman, it shall be the duty of the rest of said officers for what to advertise and to cause to be held, in five days after such advertisement, the necessary election to fill any such vacancy.

Sec. 7. And be it further enacted, That, should two or more competing candidates for the office of mayor receive an equal number of votes at any election, the aldermen chosen at the same time shall determine who of said candidates, so receiving an equal vote, shall be the mayor; and should two or more candidates for alderman receive an equal number of votes at any election, the mayor chosen at the same time shall decide and declare who of said candidates, so receiving an equal vote, shall be alderman; and the mayor and aldermen of said town shall provide by ordinance for the decision of any other tie than those aforesaid; also, for the trial and determination of contested elections of any of the officers of said town, and for the advertising, holding and managing, and making returns of all elections of mayor, aldermen and other officers of said town.

Sec. 8. And be it further enacted, That, when the mayor or either of the aldermen of said town, shall be absent as aforesaid, (with or without the consent of the rest of said officers) for a less time than that which renders either of their offices vacant as aforesaid, or when any vacancy shall occur in either of said offices by death, resignation, refusal to accept, removal, absence as aforesaid, or in any other manner, those of said officers at home and in office, shall make a temporary appointment of some qualified and competent person to act until the return of the absentee or the filling of the vacancy.

Sec. 9. And be it further enacted, That the present mayor and aldermen of said town shall continue in office, and act in their respective capacities, until the second Thursday in February next.

Sec. 10. And be it further enacted, That, hereafter, when it may be necessary for the mayor and aldermen aforesaid...
to cause any real estate in said town to be sold by reason of a failure to pay any arrearages due thereon to said town, it shall not be lawful to make sale of more of said real estate than will be sufficient to discharge the arrearages due and the costs accruing, or as near the amount as may be.

Appoved, January 3, 1829.

AN ACT

To increase the Salary of the Quartermaster General.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that the Quartermaster General of this State shall hereafter be, Quartermason, and he is hereby, authorized to receive the sum of two hundred dollars, as his annual salary, instead of the compensation now allowed him by law.

Approved, January 29, 1829.

AN ACT

To incorporate the Trustees of the Wilcox Society for the encouragement of Literature.

Whereas, sundry citizens of the county of Wilcox, in order to encourage literature and advance the happiness of society generally, by the establishment and endowment of a suitable seminary for a male and female school in said county, have formed themselves into a social compact, under the name and style of "the Wilcox Society for the encouragement of Literature," and have elected from among themselves a board of Trustees to superintend the immediate concerns of the institution which they have established, called the Wilcox Academy," therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that the present board of trustees of said county and their successors in office, elected agreeable to the constitution and laws of said created society, be, and they are hereby constituted a body politic and corporate, in deed and in law, under the name and style of "The trustees of the Wilcox Society for the encouragement of Literature," and by that name said trustees shall have power to receive donations, purchase, have and hold real and personal estate, to the amount of ten thousand dollars, which property shall be free from any kind of privileges; and by their said corporate name, they may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this state; they shall have power to recover all debts which now are or may hereafter become due, owing or in any way belonging to said society as the property thereof.

Sec. 2. And be it further enacted, That the said trustees shall further possess such other powers and perform such other duties, in conducting the civil and literary concerns of the institution, as may be prescribed by the constitution and laws of the society, by which they shall have been elected; and they shall be subject to such responsibilities and restrictions as said society shall prescribe: Provided, That the by-laws of the society or of the trustees, shall not be repugnant to the constitution or laws of this state or of the United States.

Sec. 3. And be it further enacted, That the said trustees shall have power to raise by lottery a sum of money not exceeding two thousand dollars, to be applied, under the direction of the society, to objects connected with the improvement and prosperity of said academy.

Approved, January 24, 1829.
Section 1. Be it enacted by the Senate and House of Representa-
tives of the State of Alabama in General Assembly convened,
That in all cases where a penalty may be incurred, or a sum of mo-
ney forfeited by any person or persons, by reason of the violation
of, or non-compliance with, the provisions of any statute of this
State, when by such statute no mode is pointed out for the recovery
of such penalty, or the use to which the same shall be applied, is
not by such statute declared, the said penalties, sum or sums for-
feited, shall be recoverable by action of debt in the circuit or county
court of the county wherein such penalty may have been incurred,
or sum forfeited, or before a justice of the peace of any such county,
which said action shall be brought and prosecuted jointly in the
name of any such county as aforesaid, and of the person, or persons
suing for the same; and when recovered shall enure, the one moiety
to any such county, for the use of the pampers thereof, and the other
moiety to the person, or persons suing for and recovering the same.

Sec. 2. And be it further enacted, That in all qui tam actions,
or suits in the nature thereof, the party prevailing in the suit, shall
be entitled to recover costs as in other actions at law

Approved, December 24, 1828.

AN ACT
To arrange, designate, and establish, the boundaries between the coun-
ties of Butler, Pike, and Covington, and for other purposes

Section 1. Be it enacted by the Senate and House of Representa-
tives of the State of Alabama in General Assembly convened,
That the Patsaligah river from the point where it has heretofore
crossed the eastern line of Butler county, south to the line dividing
the counties of Butler and Covington, shall be the line of Butler
county; and all that part of Butler county lying on the east of said
river and south of the line between townships seven and eight, shall
be added to and made a part of Covington county.

Sec. 2. Be it further enacted, That all that part of Covington
county lying and being in township eight and range eighteen, and
that part of Butler lying on the east of Patsaligah, in township eight
and range seventeen, be and the same is hereby added to and made
a part of Pike county.

Sec. 3. And be it further enacted, That the boundaries of the
said counties of Butler, Covington and of the county of Conecuh, as
heretofore arranged and designated by law, and as altered by this
act, be and the same are hereby arranged, designated and establish-
ed as the permanent boundaries of said counties, according to the
seventeenth section of the sixth article of the constitution of the
State of Alabama.

Approved, January 27, 1829.

AN ACT
To alter the boundary line between the counties of Mobile and Wash-
ington.

Section 1. Be it enacted by the Senate and House of Representa-
tives of the State of Alabama in General Assembly convened,
That all that tract of country in Mobile county lying north of a cer-
tain road commonly called "the old Federal road," commencing at
Carson's Ferry on the Tombecbe river, and running west by Bar-
row's old Cowpen, Windham's, and Campbell's bridge over Dog
river, and thence west by said road to the Mississippi State line, be
and the same is hereby added to and made a part of Washington
county:
Sec. 2. And be it further enacted, That all officers, civil and military, included in that part of Mobile county, hereby added to Washington county, shall hold and exercise all the duties of their respective offices and enjoy all the privileges and emoluments as if this act had not passed, until otherwise provided by law, or their terms of office shall expire.

Sec. 3. And be it further enacted. That all citizens residing in the same territory shall be, and they are hereby entitled to all the rights, immunities and privileges which are exercised and enjoyed by the other citizens of the county of Washington.

Approved, January 27, 1829.

AN ACT

To incorporate the Mobile Marine Railway and Insurance Company.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That there shall be established in the city of Mobile, a company for the purpose of erecting a Marine Railway, for the hauling up and repairing of vessels, steam boats, and other water craft, and for transacting the business of marine, inland, and general insurance; which company shall be called, and known by the name, style and title of “The Mobile Marine Railway and Insurance Company;” and all such persons as shall be stockholders of the said company, and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, stockholders, pleading and being pleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, they and their successors, by name, style and title of “The Mobile Marine Railway and Insurance Company,” shall be in law capable of purchasing, holding and conveying all kinds of estate, whether real or personal, for the use of said corporation, subject to the restrictions hereinafter mentioned; that the capital stock of said corporation shall not exceed two hundred thousand dollars, divided into two thousand shares, of one hundred dollars each; one fifth, or twenty per cent thereof, to be paid in at the time of subscribing, and the remaining four fifths, or eighty per cent, by such instalments as the Directors shall appoint: Provided, however, That the first board of Directors to be chosen as hereafter directed, shall, within one month after their appointment, take good and satisfactory security, to consist either in bank or other stock, at two thirds of the value thereof in the market, or deeds of trust on real estate within the city of Mobile, at not exceeding two thirds of its cash value, exclusive of buildings, unless the same be insured for the payment of the said remaining four fifths, or eighty per cent, whenever it shall be deemed expedient to call for the same.

Sec. 2. And be it further enacted, That it shall be lawful for securities the President and Directors of said company, or a majority of them, to alter and change the securities to be taken as aforesaid, changed, by from time to time, for other securities of the same nature, as they may deem expedient.

Sec. 3. And be it further enacted. That subscriptions shall be subscribed opened for the said shares on the first Monday in March next, in the city of Mobile, under the superintendence of Robert Higgin, Andrew Armstrong, Philip M'Loskey, William H. Robertson, Jonathan Emanuel, John Stocking, Jr. John Bloodgood, Jack F.
Ross, William Jones, jr. Joseph E. Sheffield, William R. Hallett, Henry Hitchcock and Jonathan Hunt, or any four of them, which said subscription shall continue open until the sum of one hundred thousand dollars be subscribed; but no share or shares shall entitle the holder to vote at any election, unless the same shall have been held bona fide by him or her, at least fifteen days next immediately preceding such election.

Sec. 4. And be it further enacted, That for the well ordering of the affairs and concerns of the said corporation, there shall be chosen thirteen Directors, who shall hold their office for one year, and until new Directors shall be chosen, which Directors at the time of their election, and during their continuance in office, shall be holders in their own right of at least ten shares, and shall be elected annually after the first election, at the office of said company, or any other convenient place in the city of Mobile, and at such time of the day as the President of said company shall appoint, of which election notice shall be given in a public newspaper printed in the city of Mobile, at least seven days immediately preceding such election; and such election shall be by ballot, and determined by a plurality of votes of the stockholders; and it shall be lawful for the said stockholders to vote either in person or by proxy, as they may deem meet; and each stockholder shall be entitled for every share, to one vote; but if from any cause, it should happen that an election of Directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed dissolved, but it shall be lawful on any other day: Provided, the same be done within thirty days thereafter.

Sec. 5. And be it further enacted, That the Directors of said company, in the first instance, shall be chosen in the manner following, that is to say:—As soon as one hundred thousand dollars are subscribed, the said Robert Higgin, Andrew Armstrong, Philip M'Loskey, William H. Robertson, Jonathan Emanual, John Stocking, jr. Joseph E. Sheffield, William R. Hallett, Henry Hitchcock John Bloodgood, Jack F. Ross, William Jones, jr. and Jonathan Hunt before named, shall appoint a place within the said city of Mobile, for proceeding to the election of said thirteen Directors, and shall give at least seven days notice of the same, in a newspaper printed in the city of Mobile, and it shall be lawful for such election to be then and there held by the subscribing stockholders, by ballot, under the direction of the beforementioned persons, or a majority of them, and the persons then and there chosen, shall be the first Directors, and shall be capable of serving by virtue of such choice, for one year from said date, and until another board shall be chosen; that the Directors shall meet as soon as may be after every election, and shall choose out of their own body a President, who shall serve until the next election, and that in case of vacancy by death, resignation or inability to serve as President, such vacancy shall be filled by the board of Directors by a special election.

Sec. 6. And be it further enacted, That the Directors, or a majority of them, shall have power to make, prescribe and alter such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the well ordering of the corporation, the management and disposition of its stock, property, estate and effects: Provided always, That such by-laws, rules and regulations, shall not be repugnant to the constitution and laws of this State.
Sec. 7. And be it further enacted, That the President, together with two of the Directors, or three Directors in the absence of the President, shall have full power and authority, on behalf of the corporation, to make general insurance upon buildings, vessels, freights, money, and on all goods, wares and merchandize, and to fix premiums for the same; also to transact all such matters as appertain to the establishment of a Marine Railway, and to establish the tolls for the use of the same; and all policies of insurance by them made, shall be subscribed by the President or two Directors of the "Mobile Railway and Insurance Company," and countersigned by the Secretary, and shall be binding and obligatory upon the said corporation in like manner, and with like force and effect, as if under the seal of the said corporation.

Sec. 8. And be it further enacted, That there shall be two stated general meetings of the Directors, in every year, at which periods they shall examine the accounts, and make a dividend of so much of the profits of the corporation, as to them, or a majority of them, may seem advisable.

Sec. 9. And be it further enacted, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be as such as shall be requisite for its accommodation in relation to the convenient transaction of business, or such as shall have been bona fide mortgaged to said corporation by the way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which it shall have obtained for such debts.

Sec. 10. And be it further enacted, That the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandize whatsoever.

Sec. 11. And be it further enacted, That no insurance shall be made by the corporation, until the several securities to be taken for the four fifths of the capital stock shall have been received by the Directors of the said company; and if sixty days after the appointment of the first board of Directors of the said company, any of the subscribers shall neglect to give such security as shall when incurred be satisfactory to the said Directors, such subscribers so neglecting shall, after the first payment made as aforesaid to the said scriber corporation, forfeit the first payment made as aforesaid to the said scriber corporation.

Sec. 12. And be it further enacted, That on the first day on Shares, limited to which the subscription for the said shares shall be opened, no person shall be entitled to subscribe in his or her own right for a greater number than fifty shares of the said capital stock.

Sec. 13. And be it further enacted, That no higher tax shall, either directly or indirectly, be imposed upon the capital stock of said company, than is now, or may hereafter be imposed upon the capital stock of the banking institutions of this State generally.

Sec. 14. And be it further enacted, That it shall not be lawful for the said corporation to use or employ any part of the capital thereof for banking purposes, or exercise banking powers in any manner whatsoever; and that all contracts for the payment of money by the said corporation, shall be under the seal of the same, and shall be taken to operate as specialties at law.

Sec. 15. And be it further enacted, That this act shall continue to be in force until the thirty-first day of December, in the year of our Lord, one thousand eight hundred and fifty: Provided always, That if the said corporation, shall, at any time, during the
term for which the same is hereby granted and created, neglect or refuse to pay, or cause to be paid, any tax or taxes which may be imposed upon the said corporation, or the capital stock of the same, or if the said corporation shall do any act or thing, contrary to the provisions of this act, then and in any such cases, it shall not be lawful for the said corporation thereafter, to enjoy, or exercise, any of the privileges by this act granted; and all the powers, privileges, benefits and advantages, in and by this act granted to the said corporation, shall thereafter cease, determine and become null and void, and each and every Director of said corporation, who may have agreed to, or voted for any such act, contrary to the provisions of this act, shall be personally held to each and every person who may sustain any loss or damage, in consequence of such act or thing.

Within what period Co. to be formed or sum required subscribed

Repealing clause

Sec. 16. And be it further enacted, That if, within the term of four years from and after the passage of this act, there shall be no company formed in conformity with the provisions of this act, or the aforesaid sum of one hundred thousand dollars shall not have been subscribed in the manner heretofore required, then, and in that case, this act shall be forever thereafter, null and void.

Sec. 17. And be it further enacted. That an act entitled “An Act to incorporate the Mobile Marine Railway and Insurance Company,” approved, January the thirtieth, one thousand eight hundred and twenty-seven, be, and the same hereby repealed.

Approved, January 28, 1829.

AN ACT

To Incorporate the Montgomery Wharf and Steam Boat Company.

Section 1 Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John Gindrat, John W. Freeman, William Sayre, Philman D. Sayre, John Goldthwaite, George W. Tarleton, Daniel Capminter, Edward Hanrick, Justus Wyman, George Whitman, Lewis W. Pond and Wm. P. Converse, and such others as they may hereafter associate with them, be and they are hereby constituted and appointed a body corporate by the name and title of “the Montgomery Wharf and Steam Boat Company,” for the term of twenty years, from and after the passage of this act, and by that name shall be and they are hereby made able, and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors lands, rents, tenements, hereditaments, goods, chattels and effects of whatever kind, nature and quality, and the same sell, grant, demise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all manner of actions, suits, matters and things depending in any court of law or equity; and also to have and use a common seal, and the same to break, alter and renew at their pleasure: Provided always, That it shall not be lawful for the said corporation to use any part of its capital stock or funds for banking purposes, nor to emit for circulation any notes or bills, or make contracts for the payment of money except only under the seal of the said corporation and then alone for debts by said corporation contracted.

Sec. 2. And be it further enacted, That the capital stock of said corporation shall be divided into shares of one hundred dollars each, and shall not exceed the sum of fifty thousand dollars.

Sec. 3. And be it further enacted, That the affairs of the said corporation shall be managed and conducted for the present by five directors, who shall be stockholders in the said company, and
resident within this State, and who shall hold their offices for one year, and until there shall be a new election of directors in pursuance of the provisions of this act, and the said first five directors shall be John Gindrat, John Goldthwaite, William Sayre, John W. Freeman and Daniel Carpenter, out of which number the said directors at their first meeting shall appoint their President, and a majority of the directors of the said company shall constitute a quorum to transact business.

Sec. 4. And be it further enacted, That after the time limited by this act, for the continuance in office of the directors hereby nominated and appointed, the stock, affairs and concerns of the said company shall be managed and conducted by five directors, who shall be stockholders, residents of this State, and elected on the first Monday of May in each and every year thereafter, at such time of the day and at such place in the town of Montgomery, as may be determined on by a majority of the stockholders of the said company, and under such regulations as the board of directors for the time being shall direct; and they shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer, and every such election, shall be made by ballot by a plurality of the votes of the stockholders present in person or by proxy, allowing a vote for each share, and in all cases of a vacancy in the said board of directors by death, resignation, removal or otherwise, the same shall be filled by a majority of the remaining directors, and the director so elected shall hold his office until the next ensuing election; Provided, That in case it should at any time happen that an election of directors should not be made, the said corporation shall not for that cause be deemed dissolved, but that it shall, and may be lawful on any other day to hold an election of directors, in such manner as shall have been regulated by the by-laws of the said corporation.

Sec. 5 And be it further enacted, That the said corporation shall have full power to collect, demand, and receive of, and from, the owners or consignors of all goods which shall be landed from the Alabama river, at any place within the town of Montgomery, and from the owners or shippers of all goods which shall be sent from them by the said river, and from the owners or captains of Steam Boats, Barges or Flats, which shall lay at the Wharf in the said town, such wharfage as the directors of the said corporation may direct and appoint not exceeding the following rates: for each bale of cotton, eight cents; each bushel of grain or salt, two cents; each barrel of flour, seven and a half cents; each hog’s head or pipe, twenty cents; each thousand feet of lumber, twenty-five cents; all boxes, packages and merchandise usually charged by measurement, at the rate of one cent per foot; and for all steam boats, barges and flats, to receive and collect a sum not exceeding two dollars per day, for each day they may remain at said wharf; Provided, nothing in this act shall be so construed as to prevent the Legislature from altering or amending the above rates of wharfage upon fifty or more petitioners, resident of the county of Montgomery, notice of such petition having been served upon one or more of the directors twenty days before the same shall be presented to the General Assembly; and provided always that the said corporation shall have no right to receive wharfage until they become possessed of the present wharf and landing in the said town, and only during their continuance in possession of the same.

Sec. 6. And be it further enacted, That each stockholder in the said corporation, shall be individually liable for the amount of his or her share or shares; and for the purpose of ascertaining the able
liability of the stockholders of the said corporation, a stock book shall be kept by the directors of the said company, in which shall be entered the names of the stockholders and the number of shares held by each, and no transfer of the stock of the said corporation shall be of any validity until the same shall have been entered on the book of the said corporation; and it shall be the duty of the president of said corporation to permit any person to inspect the said book, on his paying therefor the sum of fifty cents, and any sheriff or other officer having execution against the said corporation, may levy the same on the goods and chattels, lands and tenements of any one or more of such as were stockholders, at the commencement of the action, and make out of the same the amount of their respective share or shares: Provided always, that no stockholder shall be liable beyond the amount of his or her respective share or shares; and in case the president of the said corporation shall refuse to permit an inspection of the said stock book, it shall be deemed a violation of this act, and the charter of the said corporation shall be liable to forfeiture on a prosecution in the nature of a quo warranto commenced within three months after such refusal.

Sec. 7. And be it further enacted, That the said corporation shall at all times keep the said wharf and landing in good repair, and if the same shall at any time be out of repair for the space of three months, the charter of the said corporation shall be liable to forfeiture as prescribed in the foregoing section.

Sec. 8. And be it further enacted, That this act shall commence and be in force from and after its passage.

Approved, January 29, 1829.

AN ACT

To incorporate the Athens Male Academy, in Limestone county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Philip Barnes, Washington Keys, William J. Mason, Daniel Coleman and Joshua L. Martin, Trustees of the Athens Male Academy, and their successors in office, appointed or elected, or to be appointed or elected, according to the rules and regulations of said Academy, shall be, and they are hereby incorporated a body politic and corporate in deed and in law, by the name and style of "The Trustees of Athens Male Academy;" and that the said corporation, by their name aforesaid shall have perpetual succession of officers and members, to be appointed or elected in such manner, and according to such form, as may be prescribed by the rules and regulations made for the government of the said corporation; and that they may have a common seal with power to alter and make new the said rules and regulations, and the said common seal, as often as they shall deem it expedient.

Sec. 2. And be it further enacted by the authority aforesaid, That the said corporation shall be able and capable in law, to purchase, have, hold, possess, enjoy and retain, to itself, in perpetuity, or for any term of years, any estate, real or personal, of what kind or nature soever, and to sell, alien or dispose of the same, as they may think proper; and by its name above mentioned, to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and to make such rules and regulations, not repugnant to the constitution and laws of this State, and of the United States as they may deem expedient.

Sec 3. And be it further enacted, That the following persons be added to those mentioned in the first section of this act,
viz.—Waddy Tate, David Hobbs, Thomas Macklen and John W. Lane, who shall compose a part of said corporate body

Sec. 4. And be it further enacted, That the teacher or teachers who may be employed by said trustees, shall be, together with the students at said academy, during their continuance at the same, and no longer, exempted from the performance of militia duty.

Sec. 5. And be it further enacted, That the real estate possessed by said corporate body, shall not exceed the value of ten thousand dollars.

Approved, January 24, 1829.

AN ACT

To be entitled an act to incorporate the town of Cottonport.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that from and after the passage of this act, the town of Cottonport, in the county of Limestone, as laid out and established by the trustees of the Cottonport land company, in the year eighteen hundred and eighteen, be, and the same is hereby incorporated.

Sec. 2. And be it further enacted, That an election shall be held in said town, on the second Monday in March next, and on the same day in every year thereafter, to commence at twelve o'clock noon, and the polls shall be kept open two hours, for the purpose of electing five commissioners, resident citizens of said town; also, an assessor, treasurer and town constable, and the commissioners thus elected, shall, on the succeeding day, choose from their own body, a President, and the commissioners thus elected, shall constitute a body corporate, by the name and style of the President and Commissioners of the Town of Cottonport, a majority of whom may constitute a quorum to do business: Provided, That the office of assessor and constable, may or may not be at discretion conferred on the same person, and Provided further, That all male persons of the age of twenty-one years, who have been resident of said town one month, immediately preceding any election, shall be entitled to vote.

Sec. 3. And be it further enacted, That the president and commissioners as aforesaid, shall proceed in the same manner, possess the same powers, and be subject to the same restrictions, as were provided by law, for the government of the president and commissioners of the town of Tuscaloosa, by an act passed the thirteenth of December, eighteen hundred and nineteen.

Sec. 4. And be it further enacted, That James English, David Huddleston and Frederic B. Nelson, or either of them, are hereby authorized to hold the first election, as pointed out by the second section of this act, and all future elections shall be held by the president and any one of the commissioners; and in the case of the absence of the president, by any two of the commissioners.

Approved, January 29, 1829.

AN ACT

Supplementary to an act entitled an act to incorporate the Cahawba Navigation Company.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That an act of the General Assembly entitled an act to incorporate the Cahawba navigation company, approved January tenth, one thousand eight hundred and twenty-seven, be and the same is hereby revived and continued in full force and effect.

Act of Jan. 10th, 1827.
Sec. 2. And be it further enacted, That it shall be the duty of the superintendents, appointed by the second section of said act, or a majority of them, to open books for subscription to the capital stock of said company, at the respective places therein mentioned, on the first Monday of May next, and at such other times thereafter as the president and directors may direct, until the whole amount of the stock of said company may be subscribed.

Sec. 3. And be it further enacted, That the stock so subscribed shall constitute a part of the capital stock of said company, and shall be paid in the same manner, and be liable to the same liabilities and forfeitures for non-payment, as other stock of said company.

Sec. 4. And be it further enacted, That Alanson Saltmarsh and Thomas G. Gill be and they are hereby appointed superintendents at the town of Cahawba, in addition to those appointed by the second section of an act to which this is a supplement.

Approved, January 29, 1829.

AN ACT

To amend an act entitled "an act to amend the act incorporating the town of Huntsville," passed the 9th day of January, 1828.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the above recited act as excludes from the limits of the corporation, that part of John Boardman's purchase from Le Roy Pope, which is contained within the limits designated in the second section of said act, be, and the same is hereby repealed; and that the corporate limits of said town be, and they are hereby extended as if the proviso to the second section to the above recited act did not exist.

Approved, December 20, 1828.

AN ACT

To amend an act incorporating the town of Florence.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That, hereafter, five aldermen shall constitute a quorum for the transaction of business of the corporation of the town of Florence, in the county of Lauderdale.

Sec. 2. And be it further enacted That the town constable, in and for said town, shall hereafter be authorized and required to collect monies and serve process in said town and not elsewhere.

Approved, January 26, 1829.

AN ACT

To incorporate an Agricultural Society in the town of Greensborough.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Joseph B. Chambers, as president; Doctor John Witherspoon, vice-president, senior; Matthew F. Raney, vice-president, junior; James B. Gage, secretary; Joseph B. Stickney, treasurer; and Robert G. Christopher, librarian; and their associates, who may be now, or any time, members of said society, be and they are hereby created a body
corporate, and shall be known by the name and style of "The the officers and members of the Agricultural Society of Greensborough, Alabama," with full power to act under such constitution as they may have already formed, or may hereafter form; also, to alter the same, and make such by-laws for the government of said society as they may think proper: Provided, such constitution or laws do not contravene any of the laws or constitution of this state or of the United States.

Sec. 2. And be it further enacted, That said corporation, by their name aforesaid, shall have perpetual succession of officers and members, to be admitted and elected by said society as they may, from time to time, ordain or decree, and shall be able and capable in law to purchase, have, hold, possess, enjoy and retain to themselves in perpetuity, for the life of others, or for any term of years, real or personal estate, to any amount not exceeding five thousand dollars, and to sell, alien and dispose of the same as they may think proper.

Sec. 3. And be it further enacted, That the aforesaid corporation, by their name and style aforesaid, shall be able and capable in law, to sue and be sued, plead and be imploked, and answer and be answered unto, in any court of law or equity in this state.

Approved, January 29, 1829.

AN ACT

To incorporate Canton Academy, in the county of Wilcox, and for other purposes.

Whereas, a number of citizens residing in and near Canton, in Wilcox county, have set forth by petition, that the establishment of an academy at Canton would be productive of general utility, and conducive to the good order and happiness of society; therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That James Battle, Timothy Mills, James George, "Squire" Grayson, Ephraim Pharr, John Ratcliffe, Nathaniel A. Jemison, William E. Norwood, Walter R. Ross, John Bishop and Allen Robertson, trustees of the Canton academy, and their successors in office, appointed or elected, or to be appointed or elected according to the rules and regulations of said academy, shall be and they are hereby incorporated a body politic and corporate, in deed and in law, by the name and style of "The Trustees of Canton Academy," and by that name shall have perpetual succession of officers and members, to be appointed or elected in such manner as may be prescribed by the rules and regulations, may have and use a common seal, and the same to break, alter and renew at pleasure, and may hold real estate to an amount not exceeding the value of five thousand dollars, and may in general do all acts incident to bodies corporate, the same not being repugnant to the constitution and laws of the United States or of this State.
Sec. 3. And be it further enacted, That the said trustees may, at any time within two years from the passage of this act, raise by lottery, in one or more classes, as to them may seem most expedient, a sum of money not exceeding two thousand dollars, to be applied to the use of said academy.

Sec. 3. And be it further enacted, That Jefferson Wilson, John Cowart, James Turk, Liman James, Temple Harris, William A. Daivs, John Lusk and Charles Lewis, trustees of Bellfonte Academy, Jackson county, and their successors in office, appointed or elected, or to be appointed or elected, according to the rules and regulations hereafter to be adopted by said trustees for the government of said academy, shall be, and they are hereby incorporated a body politic and corporate, in deed and in law, by the name and style of the "Trustees of Bellfonte Academy," and by that name shall have perpetual succession of officers and members, to be appointed or elected in such manner as may be prescribed by the rules and regulations of said institution, may have and use a common seal, and the same to break, alter and renew at pleasure, and may hold real estate to an amount not exceeding ten thousand dollars; and may in general do all acts incident to bodies corporate, the same not being repugnant to the constitution and laws of the United States or of this State.

Sec. 4. And be it further enacted, That the said trustees may, at any time within two years from the passage of this act, raise by lottery, in one or more classes, as to said trustees may seem most expedient, a sum of money not exceeding three thousand dollars, to be applied to the sole use of said academy.

Approved, January 28, 1829.

AN ACT

To incorporate Valley Creek Academy, in the county of Dallas.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Caleb Tate, George Phillips, Isaac Moore, John Shields, Jehu Hale, William Aylett, William Rutherford, Joab Pinson, Thomas Stone, George Childress, Henry Jordan, William Blevins and Matthew D. Thomason, their associates and successors, are hereby constituted a body corporate, by the name and style of "The Trustees of Valley Creek Academy," and by that name shall have full power and authority to have and use a common seal, and the same to break, alter and renew, at pleasure; to sue and be sued, plead and be impleaded, in all kinds of actions; to receive donations and make purchases of property which shall enure to them and their successors forever, and to sell, alien and dispose of the same, and to hold real estate to the value of thirty thousand dollars, and to pass all such by-laws, rules and regulations, as the said corporation may deem expedient, the same not being repugnant to the constitution and laws of the United States, or of this State: Provided, That
this act may be altered, amended or repealed at the will of
the General Assembly of this State,

Sec. 2. And be it further enacted, That seven trustees
shall always constitute a quorum for the transaction of bu-
siness; and a majority of the trustees shall have power to
fill vacancies which may occur from any cause, and shall have
power to appoint a president, vice-president, secretary and
treasurer, and to prescribe the duties of each, and to appoint
teachers as to them may seem expedient, define the rate of tu-
tition and the same to increase or diminish at pleasure, and to
appoint the time of their own meetings, and determine the
place at which said academy shall be located, which shall
be within two miles of Caleb Tate’s, in the county of Dallas.

Sec. 3. And be it further enacted, That the sixteenth sec-
tion, in the township in which said academy shall be situ-
ated, shall be sold on such terms as the trustees of said ac-
demy shall prescribe, and the proceeds thereof applied to the
use and benefit of said academy: Provided, a majority of all
the free white male inhabitants over twenty-one years of age,
residing in said township, shall, at an election to be held
under the direction of the trustees, vote for such sale and
appropriation.

Approved, January 15, 1829.

AN ACT

The better to secure the collection of the State Revenue,

Section 1. Be it enacted by the Senate and House of Representa-
tives of the State of Alabama in General Assembly convened
That, from and after the passage of this act, it shall be the
duty of each and every auctioneer in this State, to make out
and forward to the Comptroller of Public accounts, on or
before the second Monday in December in each and every
year, a correct statement of the amount of all sales made
by him at auction subject to duties, from the date of his
last return to the tax collector, until the first day of No-
vember next, and afterwards from the first day of Novem-
ber of one year to the first day of November of the suc-
ceeding year; which statement shall be accompanied by the
affidavit of the auctioneer, his clerk or agent, sworn to be
before the judge of the county court, or in his absence, before any
justice of the peace of the county in which he resides, that
the statement is a correct duplicate of the one furnished the
tax collector.

Sec. 2. And be it further enacted, That, on failure of
any auctioneer to furnish the statement aforesaid, at or be-
fore the time required by the first section of this act, he
shall forfeit and pay for the use of the State, the sum of one
thousand dollars, to be levied and collected by the tax col-
lector, in the manner provided by law for the collection of
the state and county taxes, and the certificate of such fail-
ure by the Comptroller of Public Accounts, shall have the
force and effect of an execution, and the tax collector shall
distrain and sell any real or personal property belonging
to the said auctioneer or his security or securities, which
may be necessary to satisfy the forfeiture aforesaid, and

Penalty upon, for failure of duty herein pre-

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the same shall be accounted for by the tax collector as other taxes due the State.

Sec. 3. And be it further enacted, That any assessor of taxes within this State, who shall fail to return his tax list to the office of the Comptroller of Public Accounts on or before the time he is by law required, he shall forfeit to the State the sum of one thousand dollars, and the comptroller’s certificate of such failure, directed to the sheriff of the county wherein it may happen, shall have the force and effect of an execution, and the sheriff shall proceed to distrain and sell in the manner provided by law for the collection of the state and county taxes, any goods, chattels, land or tenements belonging to the assessor or his securities, and shall account to the comptroller for the same, within three months after said certificate came into his hands, or be liable in the same manner as for failing to pay over monies collected on execution; and in case the said assessor shall fail to forward his tax list within one month after the first failure happened, he shall forfeit the additional sum of one thousand dollars, to be collected in the manner pointed out in the foregoing part of this section; and a like forfeiture for each succeeding month, during which he may be a defaulter; which sum shall be recoverable on motion of the comptroller before the circuit court of Tuscaloosa county, made by the attorney general, against such defaulting assessor and his securities; which motion shall be made at the first term after such failure by any tax assessor: Provided, That the comptroller shall give to such delinquent tax assessor and his securities, at least thirty days notice, by advertisement in some newspaper printed in Tuscaloosa; and he shall moreover give to such assessor and his securities notice in writing, which shall be directed to them separately by mail, and which notice shall be deposited in the post office at Tuscaloosa at least thirty days previous to the time of making such motion.

Sec. 4. And be it further enacted, That, should any assessor and tax collector of any county in this state be re-elected to said office, it shall be his duty to present a receipt in full from the state and county treasurers, for the taxes of the preceding year, together with his bond for approval to the judge of the county court, on or before the first Monday in January after such re-election; and should such tax collector fail to do so, it shall be the duty of said judge of the county court to declare the office of such tax collector vacant, which vacancy shall be filled as is provided by law for filling vacancies in the office of assessor and tax collector.

Approved, January 26, 1829.

AN ACT

To prevent extortion by public officers, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representa-
tives of the State of Alabama in General Assembly convened,
That hereafter, if any sheriff, coroner, clerk, constable, jus-
vice of the peace or other officer, shall willfully and knowingly take, accept or receive any other or greater fees than are or may be allowed by law, for any thing done by virtue of his office, or shall take, accept or receive the fees allowed by law before they are due, or for services not rendered, every officer so offending shall be subject to indictment in the circuit court of the proper county, and on conviction be fined in such sum as may be assessed by the jury trying the same, which fine shall not be less than five times the amount so willfully, knowingly and wrongfully taken.

Sec. 2. And be it further enacted, That every sheriff or other officer, whose duty it is, or may be, to make return of elections, and who shall willfully fail, refuse or neglect to make such return to the proper officer within the time prescribed by law, such sheriff or other officer so willfully failing, refusing or neglecting to make such return shall forfeit and pay the sum of five hundred dollars, to be recovered by action of debt in any court having jurisdiction thereof, to be sued for in the name of the State of Alabama, and applied to the use of the proper county, and it shall be the duty of the attorney general or solicitor of the proper circuit to prosecute for the same, and it shall be the duty of the officer to whom such return should have been made, to certify such failure to the prosecuting attorney of the proper circuit.

Sec. 3. And be it further enacted, That hereafter no person shall at the same time hold the offices of clerk of the county or circuit court, and of county treasurer, or of sheriff and of county treasurer.

Sec. 4. And be it further enacted, That in all cases when no mode is prescribed by law for the punishment of any officer for neglect of duty, or other improper conduct, or for misconduct in office, the officer so offending may be proceeded against by indictment, and on conviction shall pay such fine as shall be assessed by the jury trying the same.

Sec. 5. And be it further enacted, That it shall be the duty of the sheriffs, coroners and constables in this State, to endorse upon all executions, and other process, by virtue of which they may have collected any monies, the amount so received, specifying how much debt, how much interest, how much commission, and how much cost; and shall receipt every such defendant or defendants, to such execution, or other process for said amount, specifying the several sums so received, so as to make the receipt to any such defendant or defendants correspond with any such officers' returns.

Sec. 6. And be it further enacted, That if any justice of the peace in this State, who shall fail, or refuse to pay, on application, any monies received, or collected by virtue of his office, to the plaintiff, his, or her agent, or attorney, shall be liable to have a judgment entered against him upon motion before any other justice of the peace, of the county in which such defaulting justice may reside, for the debt and
interest so received or collected, with ten per cent a month damages thereon, a written notice of such motion having been given to such defaulting justice three days previous to the trial of the motion: Provided, the amount of the judgment or rendered shall not exceed fifty dollars, and in all cases where the amount exceeds that sum, the same remedy shall be had before the county or circuit courts, with damages thereon as aforesaid.

Sec. 7. And be it further enacted, That in all actions which may be brought by virtue of this act, for the recovery of the penalties herein created, and in all actions hereafter to be brought by virtue of any statute which now is, or may hereafter be in force for the recovery of any penalty or penalties, or of a moiety, or part thereof, and when the whole, or a moiety, or a part thereof shall ensue to any county in which any such action shall be brought, it shall not be lawful, nor shall any defendant or defendants to such action or actions, be permitted to except to the competency of any citizen as a juror on account of his residence in the county in which such action or actions may be brought.

Sec. 8. And be it further enacted, That on the forfeiture of any bond given to any sheriff or coroner, for the forthcoming of property by him levied on by virtue of an execution, if the same was issued from the circuit or county court, of the county of which he is sheriff or coroner, it shall be his duty to return the said bond and execution within ten days thereafter, to the clerk of said court, with the necessary endorsement thereon, of forfeiture; and it shall be the duty of the several clerks of the circuit and county courts of this State, within five days after any forthcoming bond has been returned by the proper officer as forfeited to his said office, to issue execution thereon; and any clerk, sheriff or coroner, failing to comply with the provisions of this section, shall be liable to the motion of the plaintiff, or plaintiffs in execution, to be made before the court from which said execution issued; and on said court being satisfied that said clerk, sheriff, or coroner, has failed to comply with the provisions of this section, it shall be lawful for said court to enter judgment against said clerk, sheriff, or coroner, and his security or securities, for the sum due on said execution, with ten per centum damages thereon and all costs: Provided, That said clerk, sheriff or coroner, and his security or securities, or such of them as judgment is rendered against, shall have five days notice of said motion.

Sec. 9. And be it further enacted, That whenever any constable shall make return on any execution, which the plaintiff or plaintiffs, his or their attorney, may wish to contest as false, he, she, or they, may notify such constable and his security or securities, or either of them in writing, that at the next circuit or county court for said county, he, she, or they will suggest to said court that said return is
false, and on the said constable and his security or securi-
ties, or either of them, having five days notice of said mo-
tion, said court shall, at said term, cause an issue to be made up to try the falsity of said return; and if the said return be found false, judgment shall be rendered against said con-
stable and his security or securities, or such of them as may have been notified, for the amount of money specified in said execution, together with ten per centum damages on
the amount of the said execution, and also all costs.

Sec. 10. And be it further enacted, That whenever any constable, to whom an execution shall have been delivered, shall fail to make the money on or before the return day thereof, it shall be lawful for the plaintiff or plaintiffs, his, or their agent or attorney, to notify said constable and his security or securities, or any or either of them, that at the next circuit or county court for said county, he, she or they will suggest to said court, that the money could have been made by said constable with due diligence; and said court shall, on being satisfied that said notice has been served five days before said court, on said constable and his security or securities, or every or either of them, cause an issue to be made up to try the fact; and if it shall be found by the jury, that the said money could have been made by said constable, with due diligence, judgment shall be rendered against said constable and securities, (if notice was served on them severally; if not, against such of them as are notified,) for the sum of money specified in the said execution, together with ten per centum on the amount of said execution, as damages, and also all costs.

Sec. 11. And be it further enacted, That this act shall commence and be in force, from and after the first day of March next.

Approved, January 29, 1829.

AN ACT

To repeal in part, and amend an act, entitled "An Act defining the liability of endorsers, and for other purposes," approved, January 15th, 1828.

Section 1. Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama in General Assembly convened,
That so much of an act, approved January the fifteenth, one thousand eight hundred and twenty-eight, entitled "An act defining the liability of Endorsers, and for other purposes," as authorizes the assignee or endorsee, to maintain a joint action against the maker and endorser of any bond, obligation, note or other contract in writing, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That that part of the provi-
sio in the second section of the before recited act, which re-
quires suit to be brought to the first court shall be constru-
ed to be, that suits be brought to the first court to which the writ can properly be made returnable.

Sec. 3. Be it further enacted, That suits shall be brought on assigned or endorsed obligations, notes, or other con-
tracts in writing for the payment of money or other thing endorsed
when the sum or balance due thereon, does not exceed fifty dollars, within thirty days after the same become due and payable, or if endorsed after becoming due within thirty days after said endorsement, unless the endorser or assignor consent in writing, that a further time may be given to the maker or obligor, or unless the maker or obligor is absent from the place of his residence, or residence unknown, or unless the assignor or endorser require, in writing; the assignee or endorsee to bring suit immediately after the maturity of said bond, note or other instrument in writing, or if endorsed after the same become due, immediately thereafter, then and in these cases the endorsee or assignee shall commence suit within five days thereafter, and no assignor or endorser of any bond, obligation, note or other writing shall be liable on said assignment or endorsement, unless suits be brought within the time prescribed by this act, or the act to which this is an amendment.

Sec. 4. Be it further enacted, That when judgment shall be recovered either in the circuit or county courts, or before a justice of the peace, by the assignee or endorsee of any assigned or endorsed bond, note or other writing, and a writ of fieri facias shall be returned by the proper officer of “no property found,” the said assignee or endorsee may commence his action against the assignor or endorser, on said assignment or endorsement, and the return on said fieri facias shall be sufficient evidence of the insolvency of the maker or obligor to authorize a recovery against him on his said assignment or endorsement.

Sec. 5. And be it further enacted, That any right which may have accrued under and by virtue of the act to which this is an amendment, shall in no wise be impaired by the passage of this act.

Approved, January 30, 1829.

AN ACT

Making an appropriation in part for the payment of the Members of the General Assembly

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the unexpended balance in the Treasury of the appropriation made for the payment of the members of the last General Assembly, be, and the same is hereby appropriated towards the payment of the members of the present General Assembly.

Approved, December 15, 1828.

AN ACT

To annex a part of the county of Dale to the county of Pike.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the township line between township seven and eight, from the range line between ranges twenty-four and twenty-five, east, to the line of Henry county, shall be the line between Pike and Dale; and the territory so taken from Dale county, shall belong to, and constitute a part of Pike county aforesaid.

Approved, December 20, 1828.
AN ACT

To refund to the County Treasury of Wilcox county a sum of money therein mentioned.

Whereas, the judge of the county court and commissioners of roads and revenue of Wilcox county did, on the fourteenth of April, one thousand eight hundred and twenty-three, appropriate a sum of money to the payment of the expenses incurred by keeping certain state prisoners in the jail of Conecuh county, which sum was properly chargeable upon and payable out of the state treasury:

Section 1. Therefore, be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of one hundred and thirty-four dollars and forty cents be, and is hereby appropriated, to be paid into the county treasury of said county; and it shall be the duty of the comptroller of public accounts to issue his warrant in favor of the county treasurer of said county for the above mentioned sum, on the treasurer’s producing to the comptroller a certificate from the judge of the county court of said county, certifying that he is treasurer as aforesaid.

Sec. 2. And be it further enacted, That the said county treasurer, after receiving the sum of money above mentioned, shall be required to account for the same in the same manner as he is required to account for other county revenue.

Approved, January 22, 1829.

AN ACT

To amend an act entitled an act to provide for keeping in repair a certain road therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be the duty of the commissioners appointed under the first section of an act entitled an act to provide for keeping in repair a certain road therein mentioned, to examine the same as far south as the north boundary line of the eighth township, ninth range, west of the meridian of Huntsville, and to divide the same into districts as pointed out in said act.

Sec. 2. And be it further enacted, That the judges of the county courts for the counties of Lawrence and Franklin shall, at their first commissioners’ court after the passage of this act, proceed to comply with the provisions of the above recited act, if they have not previously done so.

Sec. 3. And be it further enacted, That it shall be the duty of the Secretary of State to furnish immediately after the passage of this act, the judges of the county courts of Lawrence and Franklin, a manuscript copy of the same.

Sec. 4. And be it further enacted, That, if the said judges shall fail to comply with the provisions of this act, and the act to which this is an amendment, at the first term of the commissioners’ courts after the passage hereof, it shall be lawful for them to do so at their next term, any law to the contrary notwithstanding.

Approved, January 15, 1829.
AN ACT

To increase the Salary of the State Printer.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the State Printer, elected in pursuance of law shall be entitled to receive the sum of two thousand five hundred dollars, in lieu of the compensation now allowed by law: Provided, Said Printer accurately print and distribute the laws, resolutions, memorials and journals; five hundred dollars of which salary shall become payable by the adjournment of the the General Assembly, and the balance as now provided for by law.

Sec. 2. And be it further enacted, That all acts and parts of acts, coming within the purview and meaning of this act be, and the same are hereby repealed.

Approved, January 10, 1829.

AN ACT

To extend the limits of Clark county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all that part of the county of Monroe which is west of the river Alabama, and the west half of the centre line of townships seven, eight, nine and ten, in range five, be added to, and compose a part of the county of Clark.

Sec. 2. And be it further enacted, That all officers, civil and military, in that part of Monroe county, by this act attached to the county of Clark, shall have, hold and enjoy the same rights and privileges as officers, civil and military, of the county of Clark, in the same manner, as if this act had not passed.

Sec. 3. And be it further enacted, That all that part of Wilcox county, lying west of the middle of range four, including the Chocow Corner Settlement in said county, be, and the same is hereby attached to the county of Clark.

Approved, January 26, 1829.

AN ACT

To appoint a Commissioner for the county of Pike.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That James Lankins be and he is hereby appointed a Commissioner for the county aforesaid to fill the vacancy occasioned by the resignation of Alexander Jackson with all the powers allowed to any one of said Commissioners.

Approved, January 15, 1829.

AN ACT

To exempt certain persons from performing Military duty in this State therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act the Cashier of the Bank of the State of Alabama and the Teller and Clerk or Clerks thereof, and the Register and Receiver of Public Monies at the Land Office of the State of Alabama, be and they are hereby exempted from performing military duty in this State, except in time of insurrection or invasion.

Approved, January 27, 1829.
AN ACT
To repeal a certain act therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That an act entitled “An act to prohibit the importation of Slaves into this State for sale or hire,” passed the thirteenth day of January, in the year of our Lord, one thousand eight hundred and twenty-seven, be, and the same is hereby repealed.

Sec. 2. And be it further enacted, That this act shall be in force from and after the passage thereof.

Approved, January 22, 1829.

AN ACT
Authorizing William Burns and William W. Pruitt to continue their mill on Paintrock River.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That William Burns and William W. Pruitt be, and they are hereby permitted to continue, and continually keep in repair, their milldam across Paintrock river, notwithstanding the provisions of an act entitled “An act declaring Paintrock River a Public Highway”.

Sec. 2. And be it further enacted, That this State shall have power, by the General Assembly, to repeal this act whenever they shall deem it expedient.

Approved, January 24, 1829.

AN ACT
To repeal in part a resolution, entitled a resolution relative to the Militia laws of this State, approved on the 15th day of January, 1827.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the resolution, entitled a resolution relative to the Militia Laws of this State, approved the thirteenth of January, one thousand eight hundred and twenty-seven, as attaches the militia of the county of Blount to the twelfth brigade, be, and is hereby repealed; and that the militia of Blount county shall hereafter be attached to and compose a part of the third brigade of the militia of 3d brigade this State.

Approved, January 9, 1829.

AN ACT
Amendatory of an act entitled “an act establishing Schools in the County of Mobile,” passed January 10, 1836.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That, from and after the passage of this act, it shall be the duty of the tax collector of the county of Mobile, within the time prescribed by law for the paying over of taxes, to pay over the twenty five per centum of the ordinary county tax of said county, which is appropriated and set apart as a special fund for the endowment and support of schools in the said county of Mobile, to such officer or person as the board of commissioners may, by their by-laws, appoint to receive the same.
Sec. 2. And be it further enacted, That it shall be the duty of the clerks of the circuit and county courts of the said county respectively, and they are hereby required, immediately after the adjournment of the said courts, to make out for the use of the Mobile school commissioners, a true and correct statement of all the fines, penalties and forfeitures inflicted and incurred in the said courts, and of the person or persons respectively, liable for the same; and the said board of commissioners are hereby authorized and empowered to cause execution to be issued for the recovery of the same, and the amount thereof, when collected, shall be paid over to them, or to such officer or person as they shall appoint by their by-laws to receive the same.

Sec. 3. And be it further enacted, That the justices of the peace in and for said county of Mobile, shall hereafter account to and with the said Mobile school commissioners, on the first Monday of each and every month, of and concerning all sums of money which shall or may come to their hands respectively, and which are or may be appropriated and set apart as a special fund for the endowment and support of schools in said county; and they are hereby required to pay over the same to the said commissioners, or to such person or officer as they shall, by their by-laws, appoint therefor on the first Monday of each and every month.

Sec. 4. And be it further enacted, That the auctioneers in said county of Mobile respectively, shall hereafter account to and with the said Mobile school commissioners, on the first Monday of each and every month, of and concerning two per centum on the amount of all sales at auction of real estate, slaves, horses, mules, and all other objects which were rendered liable to taxation by an act passed the twentysixth of December, one thousand eight hundred and twentyfour, entitled "an act concerning the revenue of Mobile county;" and they are hereby required, on the first Monday of each and every month, to pay over to the said commissioners, or to such officer or person as the said board of commissioners may, by their by-laws, appoint to receive the same, all such sums of money proceeding from the tax on auction sales to which the said commissioners are entitled under and by virtue of this act, and of the act of which this is amendatory.

Sec. 5. And be it further enacted, That in each and every case when licenses are, or may be hereafter required to be taken out by law for any purpose or purposes, the proceeds of which have already been and shall or may hereafter be appropriated and set apart as a special fund for the endowment and support of schools in said county of Mobile, it shall be the duty of the person or persons authorized or required by law to grant such license or licenses, to account to and with the said Mobile school commissioners whenever thereto required by the said commissioners, of and concerning the proceeds of the said licenses or licenses, and to pay over the said proceeds, on the first Monday of each and
every month, to the said commissioners, or to such officer or person as the said board of commissioners shall or may, by their by-laws, appoint to receive the same.

Sec. 6. And be it further enacted, That if any person or persons shall wilfully neglect the requisites of this act, any such person or persons, on conviction thereof, shall pay a fine not less than one hundred dollars nor exceeding five hundred dollars, at the discretion of the jury, for each and every offence against this act. Approved, January 29, 1829.

AN ACT
To extend the jurisdiction of the State of Alabama over the Creek Nation.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all the territory within the following boundaries, to wit: Beginning on the bank of Coosa river at the mouth of Kiamulga creek, and running thence with McIntosh’s road to the Georgia line; thence with the said line northwardly to the boundary line between the Creek and Cherokee Nations; thence westwardly with the said last named boundary to the mouth of Will’s creek on Coosa; thence down Coosa to the beginning, shall be added to and form a part of the county of St. Clair. And all the territory in the following boundaries, to wit: Beginning at the mouth of Kiamulga, and running thence down the Coosa river to Fort Williams; thence in a direct line to Miller’s bend on the Chatahoochie; thence with the boundary line between Alabama and Georgia, to where it crosses McIntosh’s road; thence with said road to the beginning, shall be added to and form a part of the county of Shelby. And all the territory within the following boundaries, to wit: Beginning at Fort Williams and running down Coosa river to Wetumpka falls; thence along the Indian boundary line to the road leading from Pensacola to Kendall Lewis’ old stand on the Federal road; thence along said road to the Chatahoochie river, and all territory north of the aforesaid line and not attached to any other county, shall belong to and form a part of the county of Montgomery; and all Indian territory lying south of the before described line, shall belong to and form a part of the county of Pike.

Sec. 2. And be it further enacted, That the jurisdiction of the circuit courts of the above named counties be, and the same is hereby extended over their respective limits as established in the preceding section.

Sec. 3. And be it further enacted, That the jurisdiction of the orphans’ courts and courts of revenue of the above named counties shall, after the first day of March, one thousand eight hundred and thirty, be extended over so much of their respective limits as now constitutes a part of the Creek Nation.

Sec. 4. And be it further enacted, That it shall be the duty of the court of roads and revenue in the above counties, on the first Monday in July next, or shortly there-
after, to appoint a suitable person, whose duty it shall be to
make an accurate census of the Indian population residing
in his county, classing them into separate classes, to wit:
those under ten years; over ten and under twenty-one; over
twenty-one and under forty-five; and those over forty-five,
the males and females into separate columns, noting the
number of mixed blood, and also the number of slaves
owned by the Indian population, and make return thereof
to the clerk of the county court of the county respectively,
and to the Secretary of State as soon as practicable.

Sec. 5. And be it further enacted, That the person so ap-
pointed shall be entitled to three dollars a day for the
length of time that the court of revenue shall certify is ne-
necessary to perform said service, and that the same be a
charge upon the State Treasury, subject to be reimbursed
by such new counties as may hereafter be established out
of the Creek Indian territory.

Sec. 6 And be it further enacted, That nothing in this
act shall be so construed as to impose taxation or militia
duty on the Indians, until the same be specially authorized
by the State Legislature.

Sec. 7. And be it further enacted, That the sheriffs of said
 counties, for the service of any process in the Creek Na-
tion, shall be entitled to such compensation as the presiding
judge of the circuit court to which such process is return-
able shall certify, at the trial, is just and proper, and the
same shall be taxed in the bill of cost.

Sec. 8. And be it further enacted, That the Secretary of
State be required forthwith to furnish the agent of the
Creek Indians, and each of our Senators in Congress, with
a copy of this act.

Approved, January 29, 1829.

AN ACT
To amend an act passed at the last session of the General Assembly,
authorizing a lottery in Henry County, and for other purposes

Section 1. Be it enacted, by the Senate and House of Represen-
tatives of the State of Tennessee in General Assembly convened,
That Sion Smith and H. R. Wood be, and they are hereby
appointed managers in lieu of Bartlett Smith and James
Bennett, resigned, with the same powers and subject to the
same rules and restrictions.

Sec. 2. And be it further enacted, That it shall be the
duty of the managers to pay all just claims that now exist
against the county out of the fund first raised, commencing
at the oldest claim first; and proceeding according to their re-
spective dates, until they pay all demands which now exist
against the county; and the balance of the funds shall be
applied exclusively to building an academy at the town of
Columbin, in Henry county.

Sec. 3. And be it further enacted, That all acts and parts of
acts, coming within the purview of this act, be, and the
same are hereby repealed.

Sec. 4. And be it further enacted, That the judge and
commissioners of said county, shall be, and they are hereby
authorized to make good and legal titles to any number of lots, not exceeding two, to Bartlett Smith, in consideration of the house which he, the said Smith, transferred and delivered to the said judge and commissioners for the use of said county as a court house.

Sec. 5. And be it further enacted, That the said judge and commissioners are hereby authorized to select and reserve a suitable lot in the town of Columbia, for the purpose of erecting thereon an academy; and the said lot shall not be used for any other purpose, without the order and consent of said judge and commissioners.

Approved, January 16, 1829.

AN ACT

To amend an act entitled 'an act to establish and improve a certain road therein mention'd', approved January 13, 1826.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the judge and the commissioners of roads and revenue for the county of Monroe shall appoint overseers, in the manner prescribed in said act, on that part of said road which lies between the Burnt corn creek and the northern boundary line of Baldwin county, and the said judge and the commissioners for the county of Conecuh shall, in like manner, according to the provisions of said act, appoint counts of overseers on that part of said road which lies between the said Burnt corn creek and the western line of Butler county; and the said courts respectively, shall keep up a succession of overseers on said roads as on other public roads.

Sec. 2. And be it further enacted, That the commissioners of apportionment in the several beats or districts adjoining said road in the counties of Monroe and Conecuh afore said be, and they are hereby required to apportion and furnish a sufficient number of hands to keep said road in good repair, to each and every overseer appointed hereon according to law, without regard to the county in which such overseer may reside.

Sec. 3. And be it further enacted, That no person living within two and a half miles of said road in the county of Monroe or Conecuh, shall be liable to work on any other road than the one mentioned in this act.

Sec. 4. And be it further enacted, That the part of said road lying south of the creek, as mentioned in the first section of this act, shall hereafter form a part of the county of Monroe; and the part of said road north of the creek, as mentioned in the aforesaid section, shall hereafter form a part of the county of Conecuh.

Sec. 5. And be it further enacted, That each and every commissioner appointed according to law to apportion hands to any road or roads, who shall refuse or neglect to perform the duties assigned him by law, shall forfeit and pay for every such refusal or neglect, the sum of ten dollars, to be recovered in the manner provided for the recovery of penalties against overseers of roads for neglecting or refusing to perform their duties.

Judge and commissioners to make title to certain lots to R. Smith

To reserve a suitable lot for an academy

Judge and

counts, &c.

of Monroe
c. to ap't

overseers,
&c.

Judge and

counts, &c.

of Conecuh
c. on what
to ap't

same

of overseers on said roads as on other public roads.

Apportionment of hands, how & by whom made

Who not liable to work on other roads

Roads, as to past, to wh't c'ty attached

As to other part

Penalty on commissioner appointed according to law to apportion hands to any road or roads, who shall refuse or neglect to perform the duties assigned him by law, shall forfeit and pay for every such refusal or neglect, the sum of ten dollars, to be recovered in the manner provided for the recovery of penalties against overseers of roads for neglecting or refusing to perform their duties.
Sec. 6. And be it further enacted, That, instead of the commissioners heretofore appointed, David Smith, James Dale, Robert Chambers, and John D. Rogers, or a majority of them, be, and are hereby, appointed commissioners to view and mark out that part of the state road leading from Pickens' mill to Canton, between said mill and Dale Town.

Sec. 7. And be it further enacted, That the county road from Dale Town to Canton be, and is hereby, constituted part of said road; and that said commissioners shall be governed by the provisions of the third section of the act establishing said road.

Approved, January 27, 1839.

AN ACT

To authorize the draining of certain ponds in the county of Madison.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the county court and commissioners of roads and revenue in the county of Madison, be, and they are hereby authorized to cause to be apportioned and placed under a suitable overseer, such portion of the lands subject to road duty within the following limits, as they, in their discretion, may think proper, and as may not be prejudicial to the roads: that is, in that part of Madison county which is bounded eastwardly by the road leading from Huntsville to Leeman's Ferry; southwardly by the road leading from Ditto's Landing to Triana, from its intersection with the aforesaid road to Indian Creek; westwardly by Indian Creek and Bird's Spring Branch; and northwardly by the north boundary line of David More's Turner tract of land.

Sec. 2. And be it further enacted, That the hands appointed as aforesaid, shall be compelled to labour the whole number of days which is required by law upon roads, in draining such ponds and marshes, to be designated by the county court and commissioners, within the limits aforesaid, as are believed to be productive of disease in the neighborhood: Provided, That no person shall be appointed an overseer, or shall be appointed as a hand to perform said labour, without his consent or the consent of his owner, if a slave.

Sec. 3. And be it further enacted, That the overseer appointed as aforesaid, shall be subject to prosecution in the same manner and liable to the same penalties for failure to comply with the requisitions of this act, as are imposed by law for neglect of duty as an overseer of the road.

Approved, January 22, 1829.

AN ACT

To divide the twenty-first Regiment of the Militia of this State, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all that part of the twenty-first regiment of the militia of this State, which lies west of the road from Montevallo, passing the old court house in Bibb county, to Oakmulgee in Perry county, shall constitute one regiment, to be called the fifty-third regiment of the Alabama Militia.
Sec. 2. And be it further enacted, That it shall be the duty of the Brigadier General of the sixth brigade, to order elections to be held for colonels to command the said twenty-first and fifty-third regiments, whose duty it shall be to organize said regiments in the manner prescribed by law.

Sec. 3. And be it further enacted, That it shall be the duty of said colonels commandant, as soon as elected and qualified, to severally appoint their staff officers, and with their assistance proceed to divide their respective regiments into two battalions, and cause to be elected, according to law, a lieutenant colonel to command the first battalion, and a major to command the second battalion of his said regiment.

Sec. 4. And be it further enacted, That the said colonel commandant, together with the said lieutenant colonels, majors (when qualified) and staff officers, shall, in court martial to be of a majority of said officers convened and organized for that purpose, severally proceed to lay off their respective regiments into as many companies as to them may seem proper, not less than two nor more than six companies in each battalion.

Sec. 5. And be it further enacted, That it shall be the duty of said lieutenant colonels and majors in their respective battalions, to cause to be elected such officers as are required by law to command and officer said companies; and said regiments, when organized as aforesaid, shall be governed in all things by the laws made and provided for the government of the militia of this State.

Sec. 6. And be it further enacted, That, hereafter, when any militia officer moves from and out of the bounds of the regiment, brigade, regiment, battalion, or company, for which he may have been elected as an officer, it shall be the duty of the officer next in command, to give notice thereof to the officer, whose duty it shall be to order an election to be held to fill the place of the officer who has so moved from the bounds, for which he was elected, any law or usage to the contrary notwithstanding.

Sec. 7. And be it further enacted, That any person dissatisfied with the decision of any battalion court martial, shall be allowed ten days to appeal therefrom to the next regimental court martial, upon applying for said appeal to the judge advocate of said battalion court martial.

Sec. 8. And be it further enacted, That all acts and parts repeal of acts contravening the provisions of this act, be and the same are hereby repealed.

Sec. 9. And be it further enacted, That General Ira Griffin, Colonels Robert H. Foster and Elias Jenkins, be and they are hereby appointed commissioners, whose duty it shall be to divide the militia of Tuscaloosa county into more equal regiments, and for this purpose they are authorized to meet in the town of Tuscaloosa on the second Tuesday of February next, or any other day thereafter they or a majority of them may agree upon, and proceed to divide the militia of Tuscaloosa county into two equal regiments.
vide the militia of the county aforesaid, as nearly as may be, into two equal regiments, regarding public convenience, and such division shall be recorded in the respective regimental books by the judge advocates, and the line so made and designated shall be the line between the seventeenth and eighteenth regiments, and the officers of one of the regiments, by said line attached to the other, shall be officers of the like rank in the regiment to which they may be attached, when it may not be incompatible with the authority or rank of any other officer or officers.

Sec. 10. And be it further enacted, That the militia of Perry and Bibb counties shall compose one brigade, to be called the fourteenth brigade.

Sec. 11. And be it further enacted, That it shall be the duty of the major general of the third division to cause an election to be held for brigadier general, who shall proceed to organize said brigade. Approved, January 29, 1829.

AN ACT

To allow additional compensation to M. D. Williams and John D. Terrell for their services as Commissioners to close the unsettled accounts between the States of Alabama and Mississippi.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Comptroller of Public Accounts, he and he is hereby required, to issue his warrants, on the Treasurer in favour of Marmaduke Williams and John D. Terrell, for the sum of thirty-six dollars each, in addition to the sum of one hundred and sixty-four dollars heretofore allowed them by the Legislature, as a further consideration, and in full for their services, as Commissioners, on the part of this state.

Approved, January 29, 1829.

AN ACT

To amend in part the 4th Section of an act passed at the last General Assembly appointing commissioners for Dale county and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the fourth section of the act passed at the last General Assembly as authorizes the circuit court of Dale county to be held at the old court house of, formerly, Henry county be, and the same is hereby repealed.

Sec. 2. And be it further enacted, That from and after the passage of this act, the circuit courts of Dale county shall be held at the house of Creed Collins.

Approved, Januar, 26, 1829.

AN ACT

To authorize guardians to bring the slaves of their wards into this state without restriction

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, it shall be lawful for any guardian, resident of this state, to bring into this state the slaves belonging to his or her ward, and to hire the same out for the benefit of his or her ward, any law to the contrary notwithstanding: Provided nevertheless, That the said guardian comply with the requisitions of the existing laws on the subject of guardians and wards.

Approved, January 22, 1829.
To discontinue and establish certain election precincts therein specified.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the election precincts heretofore established by law at the places following to wit: at the Falls of Cahawba river, and at the house of John Allen in the county of Bibb; at Cotton Bluff, and at the house of George Constantine, in the county of Conecuh; at the house of Thomas Franklin, in the county of Covington; at the Covington store of William Foster, on Cedar creek, in the county of Dallas; at the house of Christopher Tompkins, in the county of Franklin; at the house of Samuel Turner, near the head of Canoe creek, in the county of Jefferson; at the house of William Howe, Esq. in the Jefferson county of Lauderdale; at the house of William H. Rogersdale, on the military road, and at the house of William Smith, senior, in the county of Marion; at the house of David Darden, in the county of Perry; at the house of Benjamin Hawkins, and at the house of Perry John McKinney, in the county of Dale; at M. Cane's, and at Matthew Payne's, on the Sipsey, near Cheatham's road, in the county of Walker; at Warren's, and at James Folk's, in Pike county, &c.; and the same here are hereby abolished and discontinued.

Sec. 2. And be it further enacted, That election precincts be and the same are hereby established at the places following to wit: one at the house of Samuel H. Bogle, and one at the old court house at Bibbville, in the county of Bibb; one at the grove of John Still and Travis Bryant, and one at the house of Thomas Frump, at Fort Crawford, in the county of Conecuh; one at the house of William Padgett, in the county of Covington; one at the house of Covington John Sylvester, one at the house of Obadiah Dick, and one at the house of John Aed, in the county of Dale; one at the store of Abner C. Deweese, at Pleasant Hill, in the county of Dallas; one at the house of James Riches, one at the house of Jonathan Massey, one at the house of Odell Childress, and one at the house of William Adams, on Turkey creek, in the county of Jefferson; one at the house of Jacob McGee, in the county of Lauderdale; one at the Lauderdale house of Vincent Anderson, in the county of Marengo; one at Marengo Pierce Stevens, in the county of Montgomery; one at the house of Montgomery John Boyd, and one at the Battlefords on the ground, where John Ws. Welic formerly lived, in the county of Perry; one at the house of Perry Mason Cole, one at the house of Henry Fak, senior, and at Daniel Lewis, and one at the house of William Cox, senior, in the county of Pike; one at the house of Samuel Pledger, in the county of Pike Shelby; one at the house of Zachariah Middlebog, in the county of Shelby Tuscaloosa; one at the house of William Calvert, one at the house of Daniel Payne, on Seipise river, one at the house of William Bar, one at the house of Stancel Cobb, one at the house of David Brown on Lost creek, and one at the house of William McNiece at the Pine Grove in the county of Walker; one at the house of Jim Mathewson, in the county of Henry; and one at the house of Gardner Cherry in Monroe county.

Sec. 3. And be it further enacted, That the election precinct heretofore established at the house of Jesse Williams in Jackson county be and is hereby abolished, and that one be established at the house of Thomas Wilson, and also that an additional precinct be established at the house of David Hamilton in Bennett's Cove in said county.

Sec. 4. And be it further enacted, That the election precincts heretofore established by law, at the houses of Horatio Robertson
and Parsons Breeders, in Fayette county, be discontinued, and in lieu thereof, an election precinct established at the house of Benjamin Pennington, also the election precinct heretofore established at the houses of Grief Johnson, William M. Strong, and Josiah Boxes of said county be discontinued, and in lieu thereof, one at the house of Hance McColl, George Berry's Mill, and Reuben Cook.

Sec. 5 And be it further enacted, That an additional election precinct be and the same is hereby established at William G. Lincoln's farm, in the county of Lawrence; and the precinct heretofore established at Samuel Elliott's in said county is hereby discontinued.

Sec. 6 And be it further enacted, That an additional election precinct be established in the county of Wilcox, at the house of Stephen Day; and that the precinct heretofore established at the house of William Stabbfield, be and the same is hereby discontinued, and that in lieu thereof an election precinct be and is hereby established at the house of Samuel S. Larkin, in said county.

At Reeve's, in Greene, at the house of Thomas Reeves, in the county of Greene, be and the discontin'd same is hereby discontinued.

Sec. 8. And be it further enacted, That the election precinct heretofore established at the house of John Davison, in the county of Pickens, be and the same is hereby discontinued, and that an election precinct be and the same is hereby established at the house of Solomon Bennett in said county.

Sec. 9. And be it further enacted, That the election precinct heretofore established at the house of John Collier, in the county of Washington, be and the same is hereby discontinued, and in lieu thereof be and the same is hereby established at the house of Robert Bowling, senior, in said county.

Sec. 10. And be it further enacted, That the election precinct heretofore established at Doyal's Mill, in Jackson county, be hereby discontinued, and that in lieu thereof one be established in the town of Bolivar in said county.

Sec. 11. And be it further enacted, That an election precinct be and is hereby established at the house commonly known as Malden McKechnie's, near the mouth of Bon Secour river, in the county of Baldwin.

Sec. 12. And be it further enacted, That the election precinct at the house of Joseph Bullock be discontinued, and that in lieu thereof be established at the dwelling house of Moses Dunn, Esq., in Tuscaloosa county.

Approved, January 22, 1829.

AN ACT

Making appropriations for certain Claims against the State.

Section 1 Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following sums be and the same are hereby appropriated for the payment of certain persons herein named, for furnishing provisions for prisoners confined in the jails of their respective counties, to wit: To Joel D. Harris, jailer of Lawrence county, two hundred and twenty-seven dollars and sixty cents; to Aaron Redus, jailer of Limestone county, one hundred and nineteen dollars and sixty cents; to James Yates, jailer of Greene county, four hundred and twenty-six dollars; to Eli Abbott, jailer of Autauga county, one hundred and eighty-four dollars; to Sterling E. Harrison, jailer of Dallas county, sixteen dollars and eighty cents; to John Dickey,
Jailer of Lauderdale county, two hundred and eighty-six dollars and forty cents; to Ephriam Pharr, jailer of Wilcox county, twenty-two dollars and forty cents; to John H. Sneed, jailer of Jackson county, one hundred and thirty-seven dollars and twenty cents; to Roland Edison, jailer of Perry county, seventy-eight dollars; to Thaddeus A. Reed, jailer of Jefferson county, one hundred and forty dollars; to A. Reed sixty-three dollars and twenty cents; to George W. Myers, sheriff of Washington county, twelve dollars; to Joseph Bates, and T. L. Toudmin, administrators of James P. Bates, late sheriff of Mobile county, one thousand six hundred and eighty-six dollars; to Michael Shafer, jailer of Blount county, thirty-two dollars.

Sec. 2. And be it further enacted, That the following sums be and are hereby appropriated to certain persons herein named, for making returns of elections for electors of President and Vice President and for members of Congress, to wit: to James Finklen, sheriff of Covington county, thirty-six dollars; to Elisha Duvall, sheriff of Walker county, fifteen dollars and twenty-five cents; to Caswell C. Thompson, sheriff of Fayette county, nine dollars and twenty-five cents; to Austin Hood, returning officer for St. Clair county, twenty-five dollars; to Jesse B. Nave, sheriff of Perry county, nine dollars; to James Savage, sheriff of Clarke county, twenty-seven dollars; to John E. Anderson, the returning officer from Marengo county, twenty-seven dollars; to Jonathan L. Owens, sheriff of Morgan county, twenty-four dollars; to George W. Myers, sheriff of Washington county, fifteen dollars and fifty cents; to William Payne, sheriff of Butler county, thirty-six dollars; to Andrew J. Edmondson, sheriff of Limestone county, six dollars; to Nathaniel Jamison, sheriff of Wilcox county, nine dollars.

Sec. 3 And be it further enacted, That the following sums be and are hereby appropriated for the payment of persons herein named for prosecuting slaves, to wit: to Argyle Campbell, for prosecuting slave Allen, for the crime of arson, ten dollars; to James B. Wallis, ten dollars for prosecuting slave Jo, for grand larceny.

Sec. 4. And be it further enacted, That the sum of fifty dollars be and the same is hereby appropriated for the payment of John S. Smith, for apprehending and prosecuting to conviction JS Smith Peter Placket for horse stealing.

Sec. 5. And be it further enacted, That the sum of six dollars be and the same is hereby appropriated for the payment of John J Cuncle, for attending the Circuit Court of Bibb county, in the year one thousand eight hundred twenty-two, as Bailliff.

Sec. 6. And be it further enacted, That the sum of one hundred and sixteen dollars and twenty-five cents be and the same is hereby appropriated for the payment of John F. Mills, sheriff of Madison county, for removing, by order of court, William McMahan from Huntsville to Morgan county, and Lewis Geno from Huntsville to Lawrence county.

Sec. 7. And be it further enacted, That the sum of fifty-four dollars and fifty cents be, and the same is hereby appropriated for the payment of A. Lynch for nine writing desks and other repairs. A Lynch

Sec. 8. And be it further enacted, That the sum of one hundred and twenty-five dollars be, and the same is hereby appropriated for the payment of Charles Lewen, quarter-master general, for house rent, for the safe keeping of the public arms.

Sec. 9. And be it further enacted, That the sum of three hundred and forty-five dollars fourteen and three-fourths cents be, and the same is hereby appropriated for the payment of James H. Dearing & Co.
ing and company for books, stationary and room furniture, furnished this session.

Sec. 10. And be it further enacted, That the sum of twenty-five dollars be, and the same is hereby appropriated for the payment of Hiram Shortridge, Esquire, for administering the requisite oath to the members of the General Assembly and their officers the present session and the session of one thousand eight hundred and twenty-six.

Sec. 11. And be it further enacted, That the sum of twelve dollars and twenty-five cents be, and the same is hereby appropriated for the payment of Richard Chilton, acting coroner of Walker county, for making returns of the congressional election in the year eighteen hundred and twenty-seven.

Sec. 12. And be it further enacted, That the sum of seventy-one dollars and twenty-five cents be, and the same is hereby appropriated for the payment of Sims and Scott, for books furnished Henry Minor for the use of the supreme court.

Sec. 13. And be it further enacted, That the sum of twenty dollars and twenty-five cents be, and the same is hereby appropriated for the payment of John Tatum, door-keeper, for wood, brooms; repairs to the speaker’s seat, and for extra official services performed the present session of the Legislature.

Sec. 14. And be it further enacted, That the sum of ten dollars be refunded to Michael Cody, which was paid by him as security for Berryman D. Barksdale, deceased, late clerk of the county court of Pickens county, on a licence founded on a permit, dated the seventeenth of October, one thousand eight hundred and twenty-seven; and which said sum of money was previously paid by the said Berryman D. Barksdale, in his lifetime, on said permit.

Sec. 15. And be it further enacted, That the sum of seventy-three dollars and twenty cents be appropriated to the payment of John A. Cunningham, jailer of Butler county, for victualing a certain state prisoner during the year one thousand eight hundred and twenty-eight, charged with horse stealing, in the jail of said county; and that the comptroller of public accounts be authorized to issue his warrant for the same as soon as said account shall be proved and allowed by the circuit court of said county, as prescribed by law, or for so much thereof as may be allowed by said court.

Sec. 16. And be it further enacted, That the sum of twenty dollars be, and the same is hereby appropriated to Benjamin Fitzpatrick, solicitor of the sixth judicial circuit, for prosecuting to conviction two negro slaves charged with the crime of murder.

Sec. 17. And be it further enacted, That the sum of two hundred and eighty-three dollars be and is hereby appropriated to Dougall McFarlane, for printing done for the House of Representatives at the present session of the General Assembly.

Sec. 18. And be it further enacted, That the sum of sixty dollars be, and the same is hereby appropriated for the payment of Joseph Bates and T.L. Toulman, administrators of J.P. Bates, late sheriff of Mobile county, for re-taking Rachel, a slave, condemned for murder, who escaped from prison; and the further sum of fifteen dollars and sixty cents, for victualing Henry Loyd, committed to jail as a witness in a state case.

Sec. 19. And be it further enacted, That the following sums be, and the same is hereby appropriated, for the payment of persons herein named, for furnishing prisoners in the jails of their respective counties, to wit: to William Magee, jailer of Mobile county, one hundred and eighty-seven dollars and sixty cents; to Samuel Den-
quis, jailer of Montgomery county, eighty-one dollars and twenty cents; to Hiram P. Cochran, late sheriff of Tuscaloosa county, two hundred and ninety-six dollars and forty cents; to Bartholomew Gates, jailer of Franklin county, two hundred and seven dollars and twenty cents; to John Gregg, jailer of Lawrence county, twenty-six dollars and eighty cents; to Theophilus L. Toulmin, sheriff of T. L. Toulmin Mobile county, three hundred and ninety-seven dollars and twenty cents; to Fielding L. White, jailer of Madison county, two hundred and six dollars and forty cents; to William Houson, jailer of Madison county, eleven dollars and sixty cents; to Garrett Fitzgerald, sheriff of Marion county, two dollars.

Sec. 20. And be it further enacted, That the sum of thirty-five dollars be, and the same hereby appropriated for the payment of John Chinaman, sheriff of St. Clair county, for conveying Benjamin Camp from the jail of St. Clair county to the jail of Bibb county.

Sec. 21. And be it further enacted, That the sum of one hundred and thirty-nine dollars and twenty-five dollars be, and the same hereby appropriated for the payment of Benjamin Hudson, for removing David M. Smithson from the jail of Franklin county to the place of holding court in Walker county.

Sec. 22. And be it further enacted, That the sum of sixteen dollars be, and the same hereby appropriated for the payment of James I. Thornton, secretary of state, for having copies of the chart of the bank of the State of Alabama printed for the use of the members of the Legislature, by Granlund and Mitchell.

Sec. 23. And be it further enacted, That the sum of two hundred and fifty-two dollars and sixty-two and a half cents be, and the same hereby appropriated for the payment of Hiram P. Cochran, late sheriff of Tuscaloosa county, for personal attendance on the supreme court, in the January and the July terms of said court, in one thousand eight hundred and twenty, including house rent, furniture, servant hire and fuel.

Sec. 24. And be it further enacted, That the sum of ten dollars be, and the same hereby appropriated for the payment of David Ligon, G. Ligon, for prosecuting Jack, a slave, the property of James Shelton and James Jackson, charged with an assault with intent to murder Lewis G. Massingale, tried in the circuit court of Lawrence county.

Sec. 25. And be it further enacted, That the sum of thirty dollars and seventy-five cents be, and the same hereby appropriated for the payment of John M. Kinney, for travelling three hundred miles, to make return of major general's election at Fort Claiborne.

Sec. 26. And be it further enacted, That the sum of thirty-five dollars be, and the same hereby appropriated for the payment of John W. S. Napier, for receiving, taking care of and returning the furniture belonging to the state house, under contract made under a resolution of the General Assembly.

Sec. 27. And be it further enacted, That the sum of thirty-eight dollars and fifty cents be, and the same hereby appropriated for the payment of Elias Jenkins, sheriff of Tuscaloosa county, for personal attendance on the supreme court, at the January term, one thousand eight hundred and twenty-nine, including house rent, fuel, servant hire, &c.

Sec. 28. And be it further enacted, That the sum of forty dollars be, and the same hereby appropriated for the payment of Henry Garrard, tax collector of Lauderdale county, for expenses in defending a suit in Lauderdale county, which sum he has been allowed by an act of the present General Assembly.
Sec. 29. And be it further enacted, That the sum of two hundred and twenty-eight dollars and fifty-four cents be, and the same is hereby appropriated for the payment of James A. Bates, doorkeeper of the Senate, for stationary, fuel, &c. furnished the Senate the present session, including repairs to table locks and furnishing new ones; and twenty-five dollars for servant hire, to bring water, cut wood, &c.

Sec. 30. And be it further enacted, That the sum of one hundred and eighty-five dollars be, and the same is hereby appropriated to pay and reimburse William McGee and Isaac Johnston, for losses, by them sustained, in pursuing and bringing to justice and execution, a convict for murder, who had broke jail and fled from Mobile to the state of Kentucky, to be paid out of any money in the treasury not otherwise appropriated.

Sec. 31. And be it further enacted, That the sum of nine dollars and fifty cents be, and the same is hereby appropriated to James A. Bates, doorkeeper of the Senate, for serving notices and subpoenas in relation to the investigation had on the charges preferred by William Kelly, Esq. against Judges White, Saffold and Crenshaw.

Sec. 32. And be it further enacted, That the sum of eleven dollars and sixty-two cents be, and the same is hereby appropriated to the payment of James H. Dearing & Co for a box of candles for the use of the two Houses of the General Assembly.

Sec. 33. And be it further enacted, That the sum of four dollars be, and the same is hereby appropriated to the payment of Dugald McFarlane, for two quires of blank certificates and bank warrants, to be paid out of any money in the treasury not otherwise appropriated.

Sec. 34. And be it further enacted, That the sum of two hundred and forty-two dollars be, and the same is hereby appropriated for the payment of Dugald McFarlane for printing done for the Senate at its present session, to be paid out of any money in the treasury not otherwise appropriated.

Sec. 35. And be it further enacted, That the sum of fifty dollars be, and the same is hereby appropriated for the payment of T. B. Grantland for printing done for the Senate at its present session, to be paid out of any money in the treasury not otherwise appropriated.

Sec. 36. And be it further enacted, That the sum of two hundred dollars be, and the same is hereby appropriated to the payment of William G. Parish for office rent for the secretary of state and treasurer during the last year.

Sec. 37. And be it further enacted, That the further sum of five dollars and twenty-five cents be appropriated to James H. Dearing & Co for stationary furnished the General Assembly.

Approved, February 1829.

AN ACT

Making appropriations for the year 1829.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following sums of money be, and they are hereby appropriated to defray the expenses of the civil list and other necessary charges upon the government, namely:

For the payment of the annual salary of the Governor of this State, two thousand dollars; for the payment of the annual salary of the Secretary of State, Comptroller and Treasurer, one thousand dollars each, making three thou-
sand dollars; for the payment of the annual salary of the Judges of the Circuit Courts each seventeen hundred and fifty dollars, making twelve thousand two hundred and fifty dollars; for the payment of the annual salary of the Attorney General, four hundred and twenty-five dollars; for the payment of the annual salary of the Solicitor of the first Judicial Circuit, three hundred and fifty dollars; for the payment of the annual salary of the Solicitors of the second, fourth, fifth, sixth, and seventh Judicial Circuits, two hundred and fifty dollars each, making twelve hundred and fifty dollars; for the payment of the Adjutant General, one hundred dollars; for the payment of the Quarter Master General, one hundred dollars; for the payment of the Secretary of the Senate and the Clerk of the House of Representatives, each seven dollars per day; for the payment of the Assistant Secretary of the Senate, and the Assistant and Engrossing Clerks of the House of Representatives, each five dollars per day; for the payment of the Doorkeepers of the Senate and House of Representatives, each four dollars per day, to be paid out of any money in the treasury not otherwise appropriated.

Sec. 2. And be it further enacted, That the sum of two thousand dollars be, and the same is hereby appropriated as a contingent fund subject to the Governor's draft.

Sec. 3. And be it further enacted, That the sum of one hundred dollars be, and the same is hereby appropriated to the payment of the Secretary of the Senate for completing the journals and arranging the papers of the Senate; and for the Clerk of the House of Representatives for completing the journals and arranging the papers of the House of Representatives.

Sec. 4. And be it further enacted, That the sum of two hundred and seventy-five dollars be appropriated as a compensation to the Secretary of State, for copying and making an index to the laws, for copying the journal of each house of the General Assembly for the present session; preparing the whole for the press, and superintending the printing of the same; and that the sum of two hundred and fifty dollars be appropriated and allowed to the Comptroller of Public Accounts for clerk hire during the present year.

Sec. 5. And be it further enacted, That the sum of two thousand five hundred dollars be, and the same is hereby appropriated to the payment of the salary of the State Printer for the present year; and that the sum of seventeen hundred and forty-nine dollars be appropriated to the payment of the State Architect as his salary for the present year.

Sec. 6. And be it further enacted, That the sum of six thousand dollars be, and the same is hereby appropriated, in addition to the sum heretofore appropriated, for defraying the expenses of the present General Assembly; which
sums shall severally be paid out of any money in the treasury not otherwise appropriated.

Approved, January 29, 1829.

AN ACT

Making a certain appropriation therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of three hundred dollars be and the same is hereby appropriated to Peter Donaldson, for the payment of house rent for the use of the General Assembly and of the supreme court, according to a contract made with said Donaldson by John L. Tindall, James Hogan, James H. Dearing, Henry Minor and Samuel B. Ewing, commissioners appointed for that purpose by a “joint resolution to provide a house for the accommodation of the next General Assembly,” approved, tenth of January one thousand eight hundred and twenty-eight.

Approved, January 2, 1829.

AN ACT

Making further appropriations for the payment of officers of the present General Assembly, and for other purposes

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of one hundred dollars be, and the same is hereby appropriated, out of any money in the Treasury, not otherwise appropriated, for the compensation of additional clerks employed by the House of Representatives.

Sec. 2. And be it further enacted, That the sum of two hundred dollars, be and the same is hereby appropriated for the payment of the salary of the quarter master general.

Sec. 3. And be it further enacted, That the sum of fifty dollars be and the same is hereby appropriated to such persons as the commissioners for the erection of the State Capitol, may appoint to take charge of and safely keep the furniture and stationary of the two houses of the General Assembly after the execution of a bond with good and sufficient security made payable to the Governor and his successors in office, in such sum as the said commissioners may approve, conditioned for the safe keeping of said furniture and stationary until the meeting of the next General Assembly.

Sec. 4. And be it further enacted, That the sum of forty five dollars be and the same is hereby appropriated for the payment of an additional Clerk to the Senate during the present session.

Approved, January 20, 1829.

AN ACT

Making a further appropriation for the payment of the members of the present General Assembly.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of twenty-five thousand dollars be, and the same is hereby appropriated for the pay of the members of the present General Assembly, and officers of the two houses out of any money in the State Treasury not otherwise appropriated.

Approved, January 1, 1829.
AN ACT

Prohibiting certain persons from exercising the powers of justice of the peace and constable of the State.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That any person who may have been, or may hereafter be elected to the office of justice of the peace or constable, for any county in this State, and may thereafter move out of the captain’s beat in which he may have been elected, after such removal, shall discharge any act or duty pertaining or belonging to any such office by reason, or under pretence of colour or right to act in said office, by reason of having been so elected as aforesaid, such person so offending against the provisions of this act, shall forfeit and pay the sum of forty dollars, for each and every act so illegally done and performed by him, to be recovered by action of debt, before any justice of the peace of the proper county, one moiety to the use of the party aggrieved, and the other to the use of the poor of the proper county, with costs of suit: Provided, That the provisions of this act shall not be construed to apply to justices of the peace and constables of the city of Mobile, who leave the city during the summer months for their health.

Sec. 2. And be it further enacted, That this act shall be and remain in full force from and after the first day of May next.

Sec. 3. And be it further enacted, That the sixth section of an act entitled “an act to authorize the election of a justice of the peace in the town of Columbus, in Shelby county,” approved January twelfth, one thousand eight hundred and twenty-eight, providing for the election of an additional constable in beat number six, seventeenth regiment, Alabama militia, be, and the same is hereby re-enacted, and that the same shall continue in force until altered or repealed by the legislature; and that the election thereby provided for shall be held at the same time and under the same rules and provisions as other elections of the same officers in this State. Approved, January 15, 1829

AN ACT

To Divorce Matilda S. Chunn from Lancelot Chunn.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in conformity with the decision and decree of the Circuit Court of Morgan county exercising chancery jurisdiction pronounced and entered, at the October Term of said Court, eighteen hundred and twenty-eight, the bonds of matrimony heretofore solemnized and subsisting between Matilda S. Chunn and Lancelot Chunn, her husband, be, and the same are hereby annulled and made void, and that the said Matilda S. Chunn be henceforth divorced from the said Lancelot Chunn.

Sec. 2. And be it further enacted, That the name of the said Matilda S. Chunn, be, and the same is hereby changed, and the said Matilda shall hereafter be called and known by the name of Matilda S. Read.

Approved, January 9, 1829.
AN ACT

To divorce John Layman from his wife, Rebecca Layman.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That, in conformity with the decree of the Circuit Court of Madison county, exercising chancery jurisdiction, pronounced at the November term of said Court, eighteen hundred and twenty-eight, the bonds of matrimony heretofore solemnized and subsisting between the said John Layman and his wife, Rebecca Layman, be and the same are hereby dissolved, and that the said John Layman be henceforth divorced from the said Rebecca Layman.

Approved, January 24, 1829.

AN ACT

To Divorce Elizabeth S. Littlepage, from Thomas W. Littlepage.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That in conformity with the decision and decree of the Circuit Court of Madison county, exercising chancery jurisdiction, pronounced and entered at November term of said Court, eighteen hundred and twenty-eight, the bonds of matrimony heretofore solemnized and subsisting between Elizabeth S. Littlepage, and Thomas W. Littlepage, her husband, be and the same are hereby annulled and made void, and that the said Elizabeth S. Littlepage be henceforth divorced from the said Thomas W. Littlepage.

Approved, December 20, 1828.

AN ACT

To Divorce Hugh McVay from Sophia W. McVay.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That in conformity with the decision and decree of the Circuit Court of Lauderdale county, exercising chancery jurisdiction, pronounced and entered at the October term of said Court, eighteen hundred and twenty-eight, the bonds of matrimony heretofore solemnized and subsisting between Hugh McVay, and Sophia W. McVay, his wife, be and the same are hereby annulled and made void, and that the said Hugh McVay be henceforth divorced from the said Sophia W. McVay.

Approved, December 20, 1828.

AN ACT

To Divorce Benjamin D. Hassell from his wife Mary Hassell.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That in conformity with a decree of the Circuit Court of Montgomery, exercising chancery jurisdiction, pronounced at the March term of said Court, eighteen hundred and twenty-seven, the bonds of matrimony heretofore solemnized between Benjamin D. Hassell, and his wife Mary Hassell, be and the same are hereby dissolved, and that the said Benjamin D. Hassell be henceforth divorced from his said wife Mary Hassell.

Approved, January 28, 1829.

AN ACT

To Divorce Robert C. Price from Elizabeth Price.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That Robert C. Price be henceforth divorced from Elizabeth Price, his wife, and that the bonds of matrimony heretofore existing between the said Robert and Elizabeth be forever annulled.

Approved, January 29, 1829.
To Divorce Margaret Trimble from her husband Robert C. Trimble.

Section 1. Be it enacted by the Senate and House of Representa-
tives of the State of Alabama in General Assembly convened,
That in conformity with the decision and decree of the Circuit
Court of Lawrence county, exercising Chancery Jurisdiction, in the case of
Margaret Trimble against Robert C. Trimble for divorce, the bonds of
matrimony heretofore solemnized and subsisting between Mar-
garet Trimble and Robert C. Trimble, be and the same are hereby
annulled and made void, and that the said Margaret be henceforth
divorced from the said Robert C. Trimble, and that the said Mar-
garet be hereafter known and called by the name of Margaret
Weir.

Approved, January 29, 1829.

AN ACT
To Divorce Leecy Lewis from Mordica Lewis.

Section 1. Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama in General Assembly convened,
That in conformity with the decision and decree of the Circuit
Court of Bibb county, exercising chancery jurisdiction, pronounced
and entered, at the April Term of said Court, eighteen hundred
and twenty-eight, the bonds of matrimony heretofore solemnized
and subsisting between Leecy Lewis and Mordica Lewis, her
husband, be, and the same are hereby annulled and made void;
and that the said Leecy Lewis be henceforth divorced from the
said Mordica Lewis, and that the said Leecy Lewis be restored to
all the rights and privileges of a single woman.

Approved, January 20, 1829.

AN ACT
To Divorce Clarissa Wade from George W. Wade.

Section 1. Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama in General Assembly convened,
That in conformity with the decision and decree of the Circuit
Court of Limestone county, exercising chancery jurisdiction, pro-
nounced and entered at September Term of said Court, eighteen
hundred and twenty-eight, the bonds of matrimony heretofore
solemnized and subsisting between Clarissa Wade and George W.
Wade her husband, be and the same are hereby annulled and made
void, and that the said Clarissa Wade be henceforth divorced from
the said George W. Wade.

Approved, December 26, 1828.

AN ACT
To Divorce Ambrose Saunders from his wife Elizabeth Saunders.

Section 1. Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama in General Assembly convened,
That, in pursuance of a decree of the circuit court of Tuscaloosa
county, exercising chancery jurisdiction, rendered at the term of
the said court of the fourth Monday after the fourth Monday of
September, one thousand eight hundred and twenty-eight, the bonds
of matrimony heretofore subsisting between Ambrose Saunders and
Elizabeth Saunders his wife, be, and the same are hereby dissolved;
and that the said Ambrose Saunders be henceforth released from
every obligation incident to the said marriage contract, and divorced
from his said wife, Elizabeth Saunders.

Approved, January 26, 1829.
To Divorce John Lindsey from his wife Abbey Lindsey.

AN ACT

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in conformity with the decree of the Circuit Court of Shelby county, exercising chancery jurisdiction, pronounced and entered at the November Term eighteen hundred and twenty seven, the bonds of matrimony herebefore solemnized and subsisting between John Lindsey and his wife, Abbey Lindsey be, and the same are hereby annulled and made void, and that the said John Lindsey be henceforth divorced from the said Abbey Lindsey.

Approved, January 24, 1829.

AN ACT

To repeal in part and to amend an act entitled "An Act to authorize John Smith of Jefferson county to emancipate a certain slave therein named."

Whereas, the acts of the last Session of the General Assembly did not arrive in the county of Jefferson in time for the said Smith to embrace the benefits of said act; therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of said act as requires said Smith to remove said slave out of the State, never to return to reside therein, and the same is hereby repealed, and that said Smith shall be entitled to the benefit of said law on his entering into bond and security, to be approved by the Judge of the county court, that said slave shall never become a charge to said State or any county, town or city therein.

Approved, January 12, 1829.

AN ACT

To emancipate a certain slave therein named.

O. Fowles authorized to emancipate a certain slave

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Betty, the wife and slave of Oxer Fowles of the county of Montgomery, is hereby emancipated and set free from the bonds of slavery; Provided, that the said Oxer Fowles shall enter into bond and security in the sum of two hundred dollars, to the Judge of the county court of Montgomery county and his successors in office, conditioned that the said Betty shall never become a charge to any county, city or town, in this State, and provided further that this act shall not be so construed as to interfere with the right of creditors.

Approved, January 29, 1829.

AN ACT

To authorize Lewis Tyus of Autauga county, to emancipate certain slaves therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Lewis Tyus, executor of the last will and testament of Baxter Smith, deceased, be, and is hereby authorized to emancipate the foregoing negroes, to wit: Tom Harriet, Theodrick, William, Matilda, Sarah, Bob and Charity, in pursuance of the will of the said Baxter Smith, deceased.

Sec. 2. And be it further enacted, That the said Lewis Tyus, before he shall be entitled to the benefit of this act, shall enter into bond with sufficient security, to be approved by the judge of the county court of Dallas county, payable to the Governor for the true being and his successors in office, in the sum of two thousand dol-
This conditioned that the said slaves, or either of them, shall never become a charge to the State, or any county, town or city within.

Approved, December 24, 1828.

AN ACT

To emancipate a certain slave therein named,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Jacob, a slave, the property of William Blake, of the county of Madison, be, and he is hereby emancipated and forever freed from slavery and bondage, reserving, however, to creditors all their just rights, on the express condition, that the said William Blake enter into bond with security, in the penal sum of one thousand dollars, to be approved by the judge of the county court of Madison, made payable to the Governor for the time being and his successors in office, to be filed in the clerk’s office of the said county court, conditioned that the said slave, Jacob, shall not become a public charge to the State, or to any town, county or city the said.

Approved December 20, 1828.

AN ACT

To authorize Simon Bowdon to emancipate a certain slave named Peter,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Simon Bowdon of the county of Pickens, be, and he is hereby authorized to manumit and emancipate a certain boy slave named Peter, the property of the said Simon Bowdon, from and after the seventh day of January, in the year of our Lord, one thousand eight hundred and forty seven next ensuing; saving, however, to creditors and claimants all their just rights, and provided, that the said Simon Bowdon enter into bond in the sum of five hundred dollars, with security to be approved by the judge of the County Court of Pickens county, conditioned, that the said slave shall not become chargeable to any county, city, or town of this state which bond shall be filed in the office of the clerk of the county court of said county.

Sec. 2. And be it further enacted, That the said boy Peter shall hereafter be denominated and known by the name of Peter Lewis Bowdon.

Approved, January 22, 1829.

AN ACT

To legitimize and change the name of Nancy Steel, to that of Nancy Curl.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the name of Nancy Steel, the natural child of Wm. Curl, be hereafter known and called by the name of Nancy Curl, and that said child be legitimized, and that she be entitled to all the rights and privileges of the legitimate children of the said William Curl.

Approved, December 20, 1828.

AN ACT

To change the names of certain persons therein named, and to legitimize the same

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the names of Rebecca Amanda Reynolds, Adelaide
An Act for the relief of Hoscan Halcomb, Tax Collector of Jefferson County.

Whereas, Hoscan Halcomb, tax collector of Jefferson County, has, by mistake, paid into the treasury of this State the sum of ninety-three dollars and fifty-seven and a half cents more than was due from him; therefore, the Comptroller of Public Accounts is required to issue his warrant in favor of Hoscan Halcomb on the Treasurer, for the aforesaid sum of ninety-three dollars fifty-seven and a half cents, to be paid out of any money in the treasury not otherwise appropriated.

Approved, December 24, 1828.

AN ACT For the relief of Jeremiah W. Thomas, tax collector for Lawrence County.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Jeremiah W. Thomas, tax collector for Lawrence County, for the year eighteen hundred and twenty-eight, be, and he is hereby, allowed until the first day of April next to complete his collection; Provided, he shall pay into the state and county treasuries all the taxes due the state and county for that year, from him, by the first day of March next, any law to the contrary notwithstanding.

Approved, January 26, 1829.
AN ACT

For the relief of the securities of Daniel Harrison, tax collector for the
County of Bibb, for the year 1828.

Section 1. Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama in General Assembly con-
vened, That, upon Green B. Woolley, one of the securi-
ties of Daniel Harrison, tax collector for the county of Bibb,
for the year one thousand eight hundred and twenty-eight,
and Eleanor Gates, administrator, and Hugh Henry, admin-
istrator of the estate of John Gates, late of said county,
deceased, the other security of said collector, or either of
them, entering into bond with two good securities, in the
sum of two thousand dollars, payable to the Governor of
the State of Alabama for the time being and his successors
in office, to be taken by and approved of by the judge of
the county court of Bibb county, conditioned for the pay-
ment, on the first day of January, eighteen hundred and
thirty, of such sum of the taxes of the year eighteen hun-
dred and twenty-eight, due from the said tax collector, as
shall not be collected ere that time; the said Woolley
and the legal representatives of the said Gates, shall be in-
dulged until the said first day of January, eighteen hundred
and thirty, and no motion shall be commenced, prosecuted
or sustained against them before that day; but from and
after the said first day of January, eighteen hundred and
thirty, if default be made in their compliance with the con-
dition of said bond, they and their securities, or any or
either of them, shall be subject to a motion and recovery
on said bond, in the same manner as collectors and their
securities are now liable; which bond shall be filed in the
comptroller's office, on or before the first day of March
next: Provided, That this act shall not prohibit the com-
ptroller from proceeding against said Daniel Harrison, by
separate motion, in the manner now authorized by law.

Approved, January 29, 1829.

AN ACT

For the relief of Elisha Duval, sheriff of Walker county.

Section 1. Be it enacted by the Senate and House of Repre-
sentatives of the State of Alabama in General Assembly con-
vened, That it shall be the duty of the comptroller of
public accounts to pay out of any monies not otherwise ap-
propriated, to Elisha Duval, sheriff of Walker county such
sum as the clerk of the circuit court of the county of Walk-
er shall certify was allowed by the judge thereof, as legal
and proper compensation to Elisha Duval, for services
rendered and necessary expenses incurred by having in
custody, by order of said court, two prisoners, charged
with murder, for whom there was a change of venue, Pe-
ter Jones from the county of Fayette, and David Smither
from the county of Franklin; Provided, The comptroller
shall be satisfied that said account is legally charged
on the state treasury.

Approved, January 27, 1829.
AN ACT

For the relief of Stith Evans, of Greene county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Stith Evans, of the said county of Greene, shall be allowed for his laudable and meritorious exertions in pursuing and apprehending in the state of Louisiana, and bringing back from thence, to the said county of Greene, Thomas C. H. Gantt, charged with slave and horse stealing, and grand larceny, the sum of one hundred dollars, to be paid out of any monies in the treasury of this state not otherwise appropriated.

Approved, January 27, 1829.

AN ACT

Supplemental to an act for the relief of Stith Evans, of the county of Greene, passed at the present session of the General Assembly.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the additional sum of one hundred and twenty-three dollars and fifty cents be, and the same is hereby, appropriated for the payment of Stith Evans, and the sum of ninety-six dollars and eighty-seven and a half cents, for the payment of William C. Gillespie, for services performed by them, in bringing from the city of New Orleans to Linc, in the county of Greene, Thomas C. H. Gantt, charged with slave and other stealing and grand larceny, in obedience to an order from the Governor of this State.

Approved, January 28, 1829.

AN ACT

For the relief of John Bolksun.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John Bolksun be and is hereby reinstated in such rights of citizenship as he was deprived of in consequence of a conviction for petit larceny in the circuit court of Henry county.

Sec. 2. And be it further enacted, That this act shall be in force from and after the passage of the same.

Approved, December 12, 1828.

AN ACT

For the relief of George A. Campbell, assessor and tax collector for the county of Autauga.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the treasurer of this state be authorized and required to receive of George A. Campbell, assessor and tax collector for Autauga county, for the year one thousand eight hundred and twenty-seven, the sum of forty dollars of bills of the bank of Tombeckebe, being the amount by him received for taxes previous to receiving official notice of the failure of said bank, and pay to George A. Campbell the amount thereof in any money in the treasury not otherwise appropriated.

Approved, January 22, 1829.
AN ACT

For the relief of David M. Smithson.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the presiding judge of the circuit court of the county of Franklin, at the next term of said court, after the passage of this act, may change the venue for the trial of David N. Smithson, charged with murder, to Morgan county.

Sec. 2. And be it further enacted, That no judgment rendered in said prosecution in the county last before named shall be reversed, arrested, annulled or set aside by said David M. Smithson for or on account of any irregularity of the change of venue as allowed by this act. Approved, January 29, 1829.

AN ACT

For the relief of Joseph Bates, Tax Collector of Mobile county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Joseph Bates, jr. tax collector of Mobile county be, and he is hereby allowed until the first Monday in May next to complete the collection of the taxes in said county, and to pay the same into the treasury of the state, upon condition that the said Joseph Bates, jr. file in the office of the comptroller of of public accounts, on or before the first day of March next, a complete copy of the assessment of the taxes of Mobile county, for the year eighteen hundred and twenty-eight, duly certified by the clerk of the county court of said county; and also upon condition, that the securities of the said Joseph Bates, jr. shall consent to the provisions of this act, and shall file their consent, in writing, in the office of the secretary of state, on or before the fifteenth day of February next, otherwise the forfeitures heretofore incurred shall be and remain in full force.

Approved, January 6, 1829.

AN ACT

For the relief of Henry Garrard, tax collector of Lauderdale county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the comptroller of public accounts be and he is hereby required to issue his warrant on the treasurer, in favour of Henry Garrard, tax collector of Lauderdale county, for the sum of forty dollars, expended by him in defending a suit George Boggs against him, while legally discharging his duty as tax collector.

Approved, December 14, 1828.

AN ACT

For the relief of Henry T. Anthony.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the judge and commissioners of revenue and roads, for the county of Tuscaloosa, be, and they are hereby, authorized to refund to Henry T. Anthony the amount of county monies that they may be satisfied was stolen from him while clerk of the county aforesaid.

Approved, January 29, 1829.
AN ACT

For the relief of Andrew O. Horn, tax collector of Lawrence county.

Whereas, Andrew O. Horn, tax collector for the county of Lawrence, one thousand eight hundred and twenty-six, has received no allowance from the Treasury for his insolvent list, as appears by a statement from Samuel Pickens, Esq. and whereas no law now in force will authorize the payment of said insolvent list, for remedy thereof,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, (or)

That the Comptroller, be and he is hereby authorized to issue his warrant on the Treasury in favour of Andrew O. Horn, for the sum of eighty-one dollars and ninety-one cents the amount due said Horn for his insolvent list as tax collector for the county of Lawrence, for the year one thousand eight hundred and twenty-six.

Approved, January 1, 1829.

AN ACT

For the relief of Henry S. Foote.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, (or)

That hereafter, in all cases where it may be necessary for Henry S. Foote to take the oath prescribed by the act of the General Assembly of this state, passed January seventh, eighteen hundred and twenty-six, entitled an act to alter and amend the several acts now in force in this state to suppress the evil practice of duelling, the oath shall be so administered as to permit him to swear that he has not violated any of the provisions of said act since the first day of January, eighteen hundred and twenty-eight.

Sec. 2. And be it further enacted, That the said Henry S. Foote be, and he is hereby relieved from all and every disqualification created by the existing laws now in force in this state on the subject of duelling.

Approved, January 2, 1829.

AN ACT

For the relief of Henry Linton.

Whereas, it appears that Henry Linton, of the county of Blount, has been heretofore convicted of a violation of the criminal laws of this state; and whereas, the said Henry has, ever since the said conviction, among his neighbors and the most respectable citizens of the county of Blount, sustained a good moral character; therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, (or)

That the said Henry Linton be, and he is hereby restored to the full and free exercise and enjoyment of said rights and privileges of citizenship of which he has been deprived by virtue of the conviction aforesaid.

Sec. 2. And be it further enacted, That this act shall be in force from and after the passage thereof.

Approved, January 22, 1829.
AN ACT
For the relief of William May and James Reynolds.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
That the sum of one hundred and eighteen dollars and seventy-five cents be allowed and the same is hereby appropriated to the payment of William May and James Reynolds, or his legal representatives, to indemnify them for losses sustained by the lease of the public ferry across the Alabama river in the year one thousand eight hundred and twenty-three, in consequence of the reduction in the rates of ferriage, established by the county court of Dallas county, subsequent to the period the said ferry was leased to the parties aforesaid, payable out of the seat of government fund.

Sec. 2. And be it further enacted, That the county court of Dallas shall not hereafter reduce the rates of ferriage of said ferry to take effect during the existence of any contract for the lease of said ferry: Provided, That, if the whole of the seat of government fund be already appropriated to the erection of the state capitol, then the aforesaid amount shall be paid out of the treasury, and out of monies not otherwise appropriated.

Approved, January 27, 1829.

AN ACT
For the relief of Elijah Smith, Tax Collector of Franklin County.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,
That Elijah Smith, tax collector of Franklin county be, and he is hereby allowed until the first day of January, one thousand eight hundred and thirty, to complete the payment of the taxes of the said county: Provided, the securities of said Elijah Smith shall, within sixty days from the passage of this act, file with the Comptroller their consent in writing to the indulgence, and that their bond shall bind them, or provided further, that the said Elijah Smith file with the Comptroller another bond with ample security, payable to the Governor of the State of Alabama and his successors in office, in the sum of three thousand dollars, approved by the judge of the county court of Franklin county, for the payment of any deficiency which may be due to the State of Alabama, from him as such tax collector of Franklin county, which last mentioned bond shall be filed by said Smith with the Comptroller in sixty days after the passage of this act.

Approved, January 22, 1829.

AN ACT
For the relief of Benjamin S. Bramley.

Whereas, it is represented by a large and respectable number of the citizens of the counties of Baldwin and Mobile, that Benjamin S. Bramley of the county of Baldwin, who was, at the May Term of the Circuit Court of the said county of Baldwin in the year 1822, convicted of manslaughter, is
1828.

a gentleman of industry and honor, a husband and father, in the prime of life and eminently calculated to be useful; the act of violence for which he was suffered was committed under the greatest provocation and the highest excitement of passion.

Section 1. Be it therefore enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the said Benjamin S. Brumley, be and he is hereby restored to the full and free exercise and enjoyment of the rights and privileges of citizenship, of which he has been deprived by virtue of the conviction aforesaid.

Section 2. And be it further enacted, That this act shall be in force from and after the passage thereof.

Approved, January 26, 1829.

AN ACT

For the payment of Martin Wells.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of twenty-nine dollars be and the same is hereby appropriated for the payment of Martin Wells, of the county of Marengo, for attending the superior court of Washington county, Alabama Territory, in the case of the Territory against James Denson, at the instance of the Territory.

Sec. 2. And be it further enacted, That the further sum of ten dollars thirty one and one fourth cents, be appropriated and paid to Job P. Weatherly for his fees and expenses for taking and conveying to the jail of Lauderdale county, James Berry, who was charged with aiding and abetting a certain Eli W. Kerr in the murder of James Parmley, and that the same be paid out of any money in the Treasury not otherwise appropriated.

Approved, January 27, 1829.

AN ACT

To compensate John Elliot for services rendered the State.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John Elliot be, and he is hereby allowed the sum of twenty-five dollars, to be paid out of any monies in the treasury not otherwise appropriated, for his services, rendered by order of the Governor, in the suit of the State against the Tombecbecke Bank, in the circuit court of Washington county.

Approved, January 26, 1829.

AN ACT

For the relief of the Legal Representatives of Charles Peerson.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Comptroller be, and he is hereby directed to enter a credit of thirty one dollars and six cents on a judgment obtained against the securities of Charles Peerson, tax collector of Lawrence county for the year one thousand eight hundred and twenty-seven.
Sec. 2. And be it further enacted, That the comptroller be, and he is hereby directed to suspend the issuance of an execution on a judgment obtained against the securities of Charles Peerson, tax collector of Lawrence county, for the year one thousand eight hundred and twenty-seven, until the first day of July next.

Sec. 3. And be it further enacted, That the legal representatives of Charles Peerson be hereby vested with full power and authority to coerce the payment of any balance which may remain due of the taxes of Lawrence county for the year one thousand eight hundred and twenty-seven, in the same manner as tax collectors are now allowed by law to collect arrears of taxes.

Approved, January 29, 1829.

AN ACT
To emancipate a certain slave therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Silvain Beaureaux, a free man of colour, of the county of Mobile be, and he is hereby authorized to emancipate his female child named Erma, who was born in slavery, so soon as the said Silvain Beaureaux shall have executed to the judge of the county court of Mobile county, and his successors in office, a bond with sufficient security, to be approved by said judge, conditioned that the said Erma shall never become a charge to the State of Alabama, or to any county or town therein.

Approved, January 28, 1829.

AN ACT
To authorize Hector Garrett to emancipate certain slaves therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Hector Garrett, a free man of color, of Autauga county be, and he is hereby authorized to emancipate and forever free from slavery his wife Melissa, and his five children, Benjamin, Leonidas, Luke, Anderson and Mary; Provided, that nothing contained in this act shall be so construed as in any manner to interfere with the rights of creditors.

Approved, January 24, 1829.

AN ACT
To authorize George W. Stoneroad to emancipate certain slaves therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That George W. Stoneroad, of the county of Lawrence, be, and he is hereby authorized to emancipate and forever set free from bondage his two negro women slaves, Winney and her daughter Ann, saving however the rights of creditors, and on the express condition that the said George W. Stoneroad enter into bond, payable to the Judge of the county court of Lawrence county, in the sum of one thousand dollars, conditioned that the said slaves, shall never become a public charge to this State or any county, city or town thereof.

Approved, January 24, 1829.
AN ACT

To emancipate a certain slave therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

That Jack Walton of the county of Jefferson be, and he is hereby authorized and empowered to manumit and set free his wife Sucker, the property of the said Jack, so soon as the said Jack Walton shall have executed to the judge of the county court of Jefferson county, and his successors in office, a bond with sufficient security, to be approved of by the said judge, conditioned, that the said slave shall never become chargeable to the State of Alabama, nor any city, county or town therein: Provided, that nothing herein contained shall be so construed as to prejudice the creditors of the said Jack Walton.

Approved, January 22, 1829.

AN ACT

Authorizing the liberation of certain slaves.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

That William Bryant be, and he is hereby authorized to liberate and set free from slavery the following named slaves. viz. Sally, Robert, Eliza Ann Maria, Mary Ann and Julia, saving however, the right of creditors, and on the express condition, that the said William Bryant shall, previous to the commencement of this act, enter into bond with good and sufficient security to be approved of by the Judge of the county court of Tuscaloosa county, payable to the Governor and his successors in office, in the sum of fifteen hundred dollars, conditioned that the slaves by this act liberated shall never become a charge to any county, city or town of this State.

Approved, January 16, 1829.

AN ACT

To emancipate certain slaves therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

That Solomon Perette, a free man of colour, be, and he is hereby authorized and empowered to manumit and set free certain slaves. to wit: his wife Lucinda and child Jackson, also William, the son of his wife, when he shall have attained the age of twenty-eight years, the property of the said Solomon Perette; reserving however to creditors all their just rights.

Sec. 2. And be it further enacted, That Zaddock Love, a free man of colour, be, and he is hereby authorized and empowered to manumit and set free certain slaves. to wit: his wife Margaret, and his three children Mary, Eliza and James; also his wife's daughter Serena, when she shall have arrived at the age of twenty-eight years, or at the death of the said Zaddock Love if he should sooner die; reserving however to creditors all their just rights.

Sec. 3. And be it further enacted, That before this act shall take effect in any respect, the aforesaid Solomon
Persect shall enter into bond, in good and sufficient security, made payable to the Governor for the time being and his successors in office, in the sum of twelve hundred dollars, to be approved of by the judge of the county court of Tuscaloosa county; and also, the said Zadock Love in a similar bond, of the same amount, conditioned, in each case, that the slaves, by this act emancipated, shall never become chargeable to the state of Alabama, or any county, city or town thereof.

AN ACT

To authorize Zachariah Holly to emancipate certain slaves therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Zachariah Holly be, and he is hereby authorized and empowered to emancipate and forever free from slavery and bondage certain slaves, to wit: Maria, Nelly, and Nelly's two children, Maria and Nelson, and their offspring, the property of said Zachariah Holly, so soon as he shall have executed to the judge of the county court of Perry County and his successors in office, a bond with sufficient security, to be approved of by said judge, conditioned that said slaves shall not become chargeable to the State of Alabama or any county or town therein: Provided, That nothing herein contained shall be so construed as to prejudice the creditors of said Zachariah Holly.

Approved, January 16, 1829.

AN ACT

To change the name of, and legitimate a certain person therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John Preston Farrar, the natural child of Elias E. Byrn, be and the same is hereby legitimated, and made capable in law of inheriting the estate of the said Elias E. Byrn in as full and ample a manner as if the said John Preston Farrar had been born in lawful wedlock.

Sec. 2. And be it further enacted, That the name of said John Preston Farrar shall hereafter be called and known to Byrn by the name of John Preston Byrn.

Approved, January 29, 1829.

AN ACT

To authorize Celia Burgess a free woman of colour to emancipate her daughter Fanny.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Celia Burgess, a free woman of colour, of the county of Tuscaloosa, be, and she is hereby authorized to emancipate a certain female slave by the name of Fanny, daughter of said Celia, upon condition that said Celia Burgess shall execute to the judge of the county court of Tuscaloosa county and his successors in office, bond with approved security in the sum of one thousand dollars, conditioned that said slave Fanny shall never become a public charge to the
State of Alabama, or any county, city or town therein; And provided also, that nothing contained in this act shall be so construed as in any manner to interfere with the rights of creditors.

Approved, December 20, 1828.

AN ACT

To emancipate a certain slave therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Mourning, a female slave, the property of John Vining, of the county of Madison, be, and she is hereby emancipated and forever freed from slavery and bondage, reserving, however, to creditors their just rights, on the express condition that the said John Vining enter into bond with security, in the penal sum of five hundred dollars to be approved by the judge of the county court of Madison county, made payable to the Governor for the time being and his successors in office, to be filed in the clerk's office of the said county court, conditioned that the said female slave, Mourning, shall not become a public charge to the State, or to any county, city or town thereof.

Approved, December 20, 1828.

JOINT RESOLUTIONS

Proposing amendments to the Constitution of the State of Alabama, so as to limit the tenure of the Judges' office to six years.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following amendments to the Constitution of the State of Alabama, be proposed to the people of said State, which, when agreed to by a majority of all the citizens of said State voting for representatives, and ratified by two thirds of each house of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purposes whatever, as a part of the Constitution of the State of Alabama, to wit: Strike out the thirteenth section of the fifth article, and insert in lieu thereof the following: "The judges of the several courts in this State shall hold their offices for the term of six years; and for willful neglect of duty, or other reasonable cause which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of two thirds of each house of the General Assembly: Provided, however, That the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each house: And provided further, That the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays and entered on the journals of each house respectively: And provided also, That the judges now in office may hold their offices until the session of the General Assembly which shall be held in the year one thousand eight hundred and thirty-
three, and until their successors shall be elected and qual-
ified, unless removed by address or impeachment.

Approved, January 26, 1829.

JOINT RESOLUTIONS

To the Congress of the United States, requesting the survey of a Canal route to con-
nect the waters of the Tennessee and Coosa rivers.

Be it resolved by the Senate and House of Representatives of the State of
Alabama in General Assembly convened, That our Senator, in the Congress
of the United States be instructed, and our Representatives requested, to use
their best exertions, to obtain the services of the engineers of the United States,
to survey and examine the country between the Tennessee river, and the waters
of the Coosa river, with a view to ascertain the practicability of a Canal to con-
nect the waters of the aforesaid rivers, and also to survey, and examine said
Coosa river from such point of connexion to its confluence with the Talapoosa
river, with a plan of such improvements as may be requisite to render the Coosa
and such of its tributaries as may be connected with the Tennessee river naviga-
gible for steam or other boats, and to furnish estimates of the expense of ef-
flecting the same.

Resolved, That His Excellency the Governor of this state, be requested to
furnish each of our Senators and Representatives in the Congress of the Unit-
ed States, as early as practicable, with a copy of the foregoing resolution.

Approved, January 29, 1829.

JOINT MEMORIAL

To the Congress of the United States asking a postponement of the land sales in
Jackson and Madison counties, and a change of the law regulating such sales, and
to allow to occupants a preemption right.

The Legislature of the State of Alabama in General Assembly convened,
Respectfully represents by memorial, that they are induced from a late communica-
tion from George Graham, Esq Commissioner of the General Land Office,
to the Honorable Gabriel Moore, a member of Congress, to expect the public
lands in Jackson and Madison counties, will be exposed to sale sometime in
the month of November next, which is viewed with some concern by the Ge-
eral Assembly. Your memorialists believe if their lands are then exposed at
auction, because of the great scarcity of the men with which to purchase, ow-
ing to the very reduced price of the staple commodity of the country, but little
will be realized from the sales. They therefore respectfully advise a post-
ponement of the sales until the pressure of the times shall be in some degree
removed. If such postponement should not be thought expedient, your me-
orialists respectfully ask a delay until sometime in the month of February
next; and for this reason, that earlier than February the cultivators of your
lands who may wish to become purchasers, will not have realized money for
their crops, and hence many who with such indulgence will be enabled to make
purchases will not have it in their power to procure for themselves a home if
the sales should be as early as November.

Your memorialists, with much earnestness, respectfully urge a change of the
law regulating the manner of disposing of the public lands. They highly approve
of the plan proposed in the bill introduced and advocated by the Honorable
Thomas H. Benton, in the Senate of the United States, providing for the fu-
ture sales of public lands by entry at fixed graduated prices, and reserving to
the actual settler or occupant in all cases the right of preemption, for a limited
time to any quantity not exceeding one entire section

Your memorialists deplore the auction system because it is a weapon of es-
pression in the hands of, and in every instance wielded by, speculators and fre-
quently to the utter ruin of the honest planters. Your memorialists ask leave
to state that at the late land sale in the Cullman district the lands were gener-
ally purchased by a company of speculators at the minimum price, and imme-
Gately afterwards transferred to others, who wished to reside upon them, at
from three to eight dollars per acre, in pursuance of a previous agreement, ex-
tacted at the mercy of the merciless, from the sub-purchaser under duress of losing
his home or submitting to the terms. The terms are, you must pay the
price which we ask and must not bid against our phalanx, for our combined
purses are strong and we will overreach you; break asunder every tender tie
which binds you to your home and drive you from it. This destroys compe-
tition in bidding and the government gets one dollar and a quarter per acre for best
lands. Under this speculating system if the lands were at graduated prices ac-
cording to quality, this temptation to speculation would be removed; the go-
vernment would receive a fair price for her lands and the honest citizen would
not be oppressed by the merciless speculator. If it should be thought inexped-
dient to pass such a general law, let the experiment be tested by confining its
operation to the lands in the above mentioned counties. Your memorialists
have full confidence that this small experiment would so recommend the sys-
tem as that all would unite with one voice to make it a general law.

Resolved therefore by the Senate and House of Representatives of the
State of Alabama in General Assembly convened, That His Excellency the
Governor be requested to transmit to each of our Senators and Representa-
tives in Congress, a copy of the foregoing memorial, and that our Senators be
instructed and our Representatives requested to use their utmost endeavours to
obtain such amendment of the law and such postponement of the land sales as
are asked for in said memorial.

Approved, January 29, 1829.

JOINT MEMORIAL

To the Congress of the United States asking relief for the purchasers of public land,
and for other purposes.

To the Honorable the Senate and House of Representatives of the United
States in Congress assembled.

The Memorial of the General Assembly of the state of Alabama respectfully re-
resents unto your honorable body, that in the years 1818 and 1819, for the pur-
pose of contributing to the revenue of the General Government, large quantities of
the public lands in the State of Alabama were offered for sale and sold to numer-
ous purchasers resident citizens thereof, in many instances at the most extra-
vagant and exorbitant prices; the said lands having then commanded prices which
are justly and correctly estimated at four times their fair and intrinsic value;
inasmuch as in their present improved condition they would scarcely bring the
fourth part of the amount at which they were originally sold. That the said
citizens, who thus purchased at the said sales, became involved in heavy
pecuniary responsibilities to the government, which they solaced themselves
with the hope that industry and economy would remove—This expectation has
proved delusive; a sum of money far beyond their means of repayment has been
accumulated upon them, until they are constrained to contemplate their impending
and irretrievable ruin, unless the kind and liberal hand of a protecting and
munificent government should be extended to them. Impressed with the truth of
the foregoing statements your memorialists deem it unnecessary to enter into a
minute detail of the series of causes and events, which have produced this most
unhappy result—Many of them will be found portrayed in striking and impres-
usive colors in the memorials heretofore presented by the General Assembly of
Alabama to your honorable body, to which with becoming deference they again
refer you. But they feel they would be doing the greatest injustice to the citi-
zens of Alabama if they were wholly to omit the exposition of some of the most
prominent circumstances which preceded their unfortunate purchases of land
at the then most exorbitant prices. It is a matter which none can controvert that
a few years previous to the sales of public lands above adverted to, our country
had been involved in an extensive war, which drained the Treasury of the
United States of a large portion of its available funds; which thus withdrawn
and forced into a promiscuous circulation, offered more money to our citizens
than their necessities required; that Cotton the great staple of this State commanded between twenty and thirty cents per pound; that an unhappy banking mania then pervaded the greater part of the Union; that numerous Banks were then established which emitted paper that proved, in the sequel, to be the mere representation of money to a very large amount, and which then formed in a great measure the circulating medium of the country; that several millions of Mississippi Stock were at the same time offered for sale, and purchased at heavy discounts, which, in the hands of the holders, could only be employed or invested in the purchase of public lands in Alabama; and that the value of lands in the cotton growing part of the country was, by the most prudent, estimated by the price of cotton; to which may the rage for land speculation, and indeed speculation of every description which pervaded this and every other country; the anticipated products of which promised to gratify the avarice of the most covetous and miscreant. These causes combined subjected many of our best and most prudent citizens, who were desirous of securing to themselves settlements (which they then hoped would be permanent) to all the disadvantages incident to unequal competition in the purchase of lands. To secure their lands, they promised more than they afterwards were bound to be able to perform, a part thereof in cash, and the balance on short credits. Before the second installment became due the cotton market sustained a depression of upwards of twenty cents per pound, which awakened them to the sober realities of their situation and convinced them that their pleasing anticipations of future advancement and prosperity were not only fallacious but, that without adequate relief from the General Government, the sun of their prosperity was forever set. From the difficulties and perplexities of their unhappy situation they were however relieved by the liberal interposition of Congress, which, in applying the corrective permitted the purchasers of public lands to retain such portion of the lands purchased by them respectively, as the amount of the payments they had severally made would pay for at the stipulated price, to relinquish the remainder to the Government or to retain it subject to a liberal and generous deduction of thirty-seven and a half per cent of the principal they contracted to pay. This liberal measure was calculated to produce and did elicit the warm gratitude of the citizens of our state. They felt that the policy of the Government strictly accorded with the true interests of the nation; that in this policy it had pursued towards them it tacitly recognized the orthodoxy of the doctrine, that the true interest of the nation is best consulted in parceling out its lands to its citizens, and thereby multiplying the number of its freemen; that it better comports with the true interests of the nation, to sell its lands (the most valuable of all property) to its citizens for a fair price, or even below it in preference to disposing of it beyond its value; that thereby you enable the middling classes of the community, who are the bone and sinew—the main pillars of this and every other country in times of danger and emergency, to become the permanent lords of the soil they inhabit, and to connect and identify their interests with those of the country in which their all is at stake; that the prosperity of the citizen is the foundation of the wealth and prosperity of the nation, and that it ill comports with a just and enlightened policy, which so strongly characterizes every measure of the Government in relation to the sale, dispossession of public lands, to hold its debtors, rendered such by unfortunate purchases of lands, toruous contracts entered into; it is true, in good faith, merely because they have placed themselves within its power. Your memorialist further represent to your honorable body, that the laws passed for the relief of the citizens of Alabama will soon expire by their own limitation; that although they have partially extended relief; yet they have failed to effect much of the good designed by them, so powerful has been the combination of speculators upon the public lands, under the auction system; so extensive and aeful in its windings and various ramifications, that the first purchasers were deterred, by the dangers of their situation, from availing themselves of the benefit of relin-
quishment, secured to them by the act of Congress, as related either to their improved or timbered lands as far as the same were necessary to them; because, when the same were thrown into market, under the auction system, the combination, arrangement, art, and cupidity of the speculators would begin to operate on their lands would be pushed greatly above the government minimum, unless, by a heavy bonus to the speculators, extorted from their actual wants, the occupant secured from them a tacit permission to purchase his home.

Your memorialists further respectfully represent, that the history and experience of the past furnish the melancholy truth, that, although the citizens of Alabama have been greatly impoverished by the excessive high prices they have been constrained to pay for public lands, yet they believe that in Alabama, the United States, upon an average for the last eight years, have not received the one half part of the amount paid by the settlers for their lands; that the balance has been filched from them and went into the pockets of the artful and designing speculators who attended the sales, not to purchase lands with the view of retaining them, but to speculate on the wants or too confiding credulity of the honest settler. Your memorialist believe that a corrective remedy to the existing evils they have but faintly delineated may be found in the wisdom and power of Congress. They believe that the proper antidote would be applied if Congress were to pass the bill graduating the price of public lands, as proposed by Mr. Benton of Missouri, and to secure by law a pre-emption right to all actual settlers of public lands, subject to the following modifications and restrictions, to wit: To permit one class of the purchasers of the public lands, who were actual settlers and had relinquished a part of their necessary purchases, to enter the relinquished part at the minimum price established by the government, provided, the part so retained and entered should not exceed six hundred and forty acres. To permit a second class, who were actual settlers at the time of relinquishing, to enter at the minimum price as many acres of any unappropriated land, unoccupied by third persons, as he, she, or they had paid for at a price above ten dollars per acre; and to admit an entry in like manner of the number of acres as he, she, or they had paid for, at a price above five dollars per acre. Your memorialists believe that the general government, in extending the terms of relinquishing, and securing preferences to lands in the manner above specified, will sustain no serious pecuniary loss; and should it, in its wisdom, allow its debtors to relinquish and to receive stock in lieu of the amount they have paid for lands, to be reinvested in the purchase of the same lands and other lands (if there should be a residuum) whilst the citizen as of our state would be rendered prosperous and happy, the public debt in Alabama would, in a short time, be extinguished; the delinquent credit system no longer be felt, and the foundation of demoralizing speculation be entirely removed. Your memorialist further represent that there is another la of our citizens having, in their opinion, an equitable claim upon the liberality of the government; they allude to those citizens, the extent of whose means and facilities enabled them to pay up the amount of their purchases, at the exorbitant prices at which their lands sold as is aforesaid. These by their punctuality to the government, lost the deduction of the thirty seven and a half per cent on the amount of their purchases, which was accorded to those less punctual. Your memorialists believe that the due measure of justice would be meted out to them if their heirs were permitted to enter at the minimum price as many acres of unappropriated land unoccupied by third persons, as they paid for at a price above five dollars per acre, or by issuing stock in their favour equal to the amount of the difference such purchasers lost by not obtaining the thirty-seven and a half per cent discount extended to others.

Your Memorialists humbly hope that the facts and suggestions embodied in this memorial will receive the attentive consideration of your honorable body; that it found true and just, our citizens may receive relief commensurate and co-extensive with the grievances complained of. They therefore request that your honorable bodies will be pleased to bestow upon this important subject.
the attention it may be esteemed to deserve. And, as in duty bound, your
memorialists will ever pray, &c.

Resolved, That our Senators be instructed, and our Representatives be re-
quested, to use their best exertions to procure the relief mentioned in the for-
going memorial; and that His Excellency the Governor be requested to for-
ward, as soon as practicable, a copy of the foregoing memorial to the President
of the Senate of the United States, and to the Speaker of the House of Repre-
sentatives, and one to each of our Senators and Representatives in the Congress
of the United States.

Approved, January 27, 1829.

JOINT MEMORIAL

Of the General Assembly of Alabama to the Congress of the United States, asking
an extension of the Circuit Court System of the Federal Judiciary, to the Western
and Southwestern States of the Union.

To the Honorable the Senate and House of Representatives of the United
States in Congress assembled.

The Memorial of the Senate and House of Representatives of the State of
Alabama in General Assembly convened, respectfully represent, that they
consider every State admitted into the Union, may claim, as a constitutional
right, a full participation of the privileges and immunities enjoyed by other
members of the confederacy, and that it is the duty of Congress to provide for
its exercise so far as legislative action may be requisite. Entertaining this
sentiment, your memorialists beg leave to invoke the attention of your honor-
able body to the organization of the Federal Judiciary.

By the act of Congress of 1807, the appointment of an additional Judge of
the Supreme Court was provided for, and the judiciary system, as modified by
the act of 1802, was extended to the States of Ohio, Kentucky, and Tennessee.
This act is the last law which makes an extension of the system; all States,
therefore, which, since that period, have become members of the confederacy,
are without the pale of constitutional jurisdiction.

By the act of 1802, it is provided that when cases of difference of opinion
occur between judges of the district and judges of the supreme court, in dis-
charge of their circuit court duties, reference shall be made of the points in
dispute to the supreme court. By a subsequent law, the district judges are
invested with circuit powers in those districts where there is no circuit court.
This devolution of power upon the district court does not, however, place the
States, where it is exercised, upon an equality with the older States in regard to
the administration of justice; litigants are deprived of the benefits resulting
from the consultation and opinion of two judges, and the chance of having their
cases referred for adjudication to the supreme court, upon a certificate of divi-
sion, entirely denied them, which is the only mode by which they can reach that
tribunal, unless the amount in controversy shall exceed two thousand dollars.

Your memorialists conceive the judiciary to be a coordinate branch of the
government, and that every section of the Union should have its proper weight
and influence on the bench of the supreme court; not an influence proportioned
to the population, but to the business in the courts. Your memorialists can
speak advisedly of the number of suits annually brought in the two districts in
their own State. It stands about thus: In the northern district, forty cases; in
the southern district, one hundred and seven cases; making, in the aggregate,
one hundred and forty-seven cases. It is not believed there will be any dimin-
ution of business in our courts. The causes which produced it still continue
and with increased operation. Our citizens contract many engagements with
citizens of other States, which, we conclude, will long be the case, judging from
our habits and local situation. Where the amount of the contract is sufficient
to give jurisdiction, creditors prefer the aid of the federal, to that of the state
courts, to enforce compliance.

It may, perhaps, be objected, that an extension of the circuit court system
would render necessary too great an increase of judicial machinery, and cen-
sequently, too numerous the judges of the supreme court. If this objection prevail, the present system must be abolished and some other devised which will operate alike in every section of the Union. It would seem that the judges of that court might be increased without retarding, or rendering less satisfactory, the administration of justice, than with the present number. The court of the Exchequer Chamber, in England, is composed of twelve judges, with whom is sometimes associated the Lord Chancellor. This number in that court has never been found inconvenient, but has so well answered the purposes of its institution, that there has not, in the last century, been any change in the number of its judges, or the manner of its procedure.

Your memorialists further represent, that they conceive the mixed plan, requiring the judges of the supreme court to discharge the duties of the circuit court judges upon the present circuit court system, as far preferable to any plan proposed since the organization of the government. It is deemed of great importance to the satisfactory administration of justice, that the judges of the supreme court should be in habits of personal intercourse with the people in every part of the country over whom their decisions are to operate; inasmuch as the supreme court has no other avenue through which it can be touched by the community than by requiring its members to perform circuit court duties. It is only by personal observation that a judge can acquire a correct knowledge of the habits and character of the people. An additional reason may be found in the fact, that each state has many usages, customs and local regulations peculiar to itself, which, though seemingly of little general concernment, influence the adjudication of most valuable rights. It is idle to say that the books of legal reports impart ample information. Professional experience can testify to the reverse. Again, it is a proposition well established, that the mental faculties become sharpened by being frequently called into action. Make the supreme court distinct from the circuit courts, and you give to the judges of the former employment for only about eight weeks in the year, leaving them to spend the balance of the year in a state of inaction. Besides, practice is essential to constitute a lawyer. No matter how extensively he may be taught in theory, how well acquainted with general principles, unless he has seen his knowledge illustrated and analyzed by practice, he is less competent to discharge the duties of the bench, than one without equal theory and more practice. Considering the extensive jurisdiction of the supreme court, it should be a desideratum, in the organization of that court, to organize it upon such principles as seem most likely to inspire confidence and respect. This cannot be acquired by relieving its judges of circuit court duties. The people would view with jealousy the location of a body of judges at the seat of government; they would expect them to endeavor to increase their powers and magnify their official consequence; and should the time arrive when the government shall become corrupt, they will dread a priesthood of their high functions to aid in the subversion of the republic. It cannot but be evident to every mind that has bestowed any reflection upon the subject, that in a government, popular as ours, it is of the first importance that justice should be administered as to obtain for it the affections of the people. Nothing can conduct more to effect a result so desirable, than an extension of the mixed system as it now exists. Reflection upon the extensive jurisdiction exercised by the supreme court, must lead to the conclusion, that no other plan, which has been proposed since its creation, will be acceptable to the people. It is within the legitimate competence of the supreme court to pronounce the enactments of Congress, and of the different States, imperative and void, when repugnant to the power which invested them with legislative action. It has the further right to construe treaties, expound international law, and to decide upon numerous other matters scarcely less important. Can it be supposed that the people, whose views are not known and heard in a court exercising such vast and unparalleled powers, will be satisfied?
Your memorialists, sensibly impressed with the justice of their claims to the consideration of your honorable body, respectfully ask you to pass such a law as may remove the inconvenience and injustice complained of.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to use their best endeavors to procure the passage of a law, embracing the object contemplated in the foregoing memorial.

And be it further resolved, That His Excellency the Governor be requested to transmit one copy of the foregoing memorial to each of our Senators and Representatives in Congress.

Approved, January 28, 1829.

REPORT AND JOINT RESOLUTION

On the subject of the Tariff of eighteen hundred and twenty eight.

The special committee to whom was referred that part of the Governor’s Message, which relates to the late imposition of an increased tariff on certain importations, have had the same under consideration, and have instructed me to make the following report:

That, with becoming deference and respect for the General Government, but with the sincerity becoming freemen, they are constrained to say the act passed at the last session of Congress, imposing additional duties on certain importations, contains principles and details which deeply affect, in their opinion, the rights and interests of almost every class of citizens in the southern section of the union; whilst the tendency of its operations must be to decrease the general commercial prosperity of the government and reduce its revenue. Your committee have always believed that the true and legitimate object of taxation is revenue, to be raised according to the emergencies of the country, and in strict pursuance of the spirit of our constitution and laws.

Immediately after the late war with Great Britain, for the purpose of affording increased facilities to the General Government, by adding to its revenue, and also to afford encouragement to the manufactories in the country; the National Legislature, as a measure of policy, as well as an act of justice, established a tariff of duties, which, while it did not operate severely on the other great interests of the community, afforded, by the restrictions it imposed on foreign commerce, protection to those who had been induced to invest capital in manufacturing establishments. It was then supposed the protection thus afforded, and at the time deemed ample, would have satisfied the manufacturing interest; but the course since pursued shews how delusive has been the expectation. That the object aimed at and constantly kept in view by the manufacturing interest, was a monopoly, the creation and establishment of which was to be effected through the medium and instrumentality of increased duties on foreign importations, which in fact amounted to their prohibition and exclusion from our country, at the same time lessening the public revenue, from the attendant and concomitant decrease of commerce and navigation; whilst the people of the south were oppressed by the imposition of heavy burdens in the shape of prohibitory duties, to foster, protect, and promote a particular interest.

Your committee believe that the power “to lay and collect taxes, duties and imposts,” which is given by the constitution to Congress, was not granted that it might be so exercised as to cherish and elevate one class at the expense of all the other classes of our citizens. They believe also that the clause in the constitution which imposes on Congress the great duty of “promoting the general welfare,” was not intended that it should be so exercised as to impose extravagant taxes to operate as prohibitions and restrictions on trade for the ostensible purpose of promoting an exclusive interest at the national expense, and to impose heavy burdens on the many, to give to the few the benefit of a monopoly. They believe that such a course is inconsistent with that sacred duty; because, if we prohibit directly, or what will produce the same result, it we
extravagantly tax foreign productions, they cannot be imported into our country, or if imported contrary to the intent of the prohibition, those articles which are consumed by the poor or more laborious classes of our inhabitants (course cottons and woollens) are loaded with enormous duties, whilst those used almost exclusively by the rich are taxed at a comparatively low rate. Then the same spirit of patriotism which taxed the many for the benefit of a few, has also laid burdens on the poor and exempted the rich. The operations of this law will inevitably produce paralyzing collisions between the great manufacturing and agricultural interests of the country. It arrays in hostile attitude, the one against the other, when they ought to co-operate. It subjects the industry of the laboring part of the community to the arbitrary and interested arbitrament of another. In fact it raises up one interest and prostrates every other. It lessens the confidence in the protecting influence of the Government, because the people are oppressed when the burdens imposed are not equally distributed, and when laws imposing taxes, having a sectional bearing, are resorted to.

The people of the south are almost exclusively agriculturalists. They have few or no manufactories. Can it promote those feelings of common interest on which our union was founded, and which is its strongest cement, to lay onerous duties on the consumptions of the inhabitants of the south, to establish great work shops in the other parts of the country? Your committee think not. They are of the opinion that the act of Congress passed at their last session imposing an increased tariff on certain importations, ought to be repealed, or so modified, as so be founded and adapted to the wants, wishes and feelings of the various interests of the community. Your committee, therefore, propose the adoption of the following resolutions:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the tariff of 1828 is in its operation impolitic and unjust, producing the most unhappy effects on the interests of the great body of our citizens, by its exclusive bearings on them; prostrating agriculture, commerce and navigation, while it cherishes and elevates manufactures and which is an exercise, on the part of the general government, of a power not delegated by the constitution under which we live, and too well calculated to disturb the harmony of the union.

Resolved, That all duties imposed by Congress on imports, not for revenue, but to control the industry of the country, are contrary to the spirit of the constitution.

Resolved, That when the general government transgresses the powers delegated to it by the constitution, the legitimate mode of opposition becoming the dignity of a Sovereign State is, by respectful remonstrance until argument and entreaty are exhausted; and that open and unqualified resistance should be the last and desperate alternative between submission on the one hand and the liberty of the people on the other.

Resolved, That our Senators in Congress be instructed, in the name of the State of Alabama, to record, on the Journals of that body, a solemn protest against the tariff act of 1828, as unconstitutional, unequal, unjust and oppressive in its operation.

Resolved, That the Governor be requested to forward to each of our Senators in the Congress in the United States a copy of the foregoing remonstrance and resolutions.

Approved, January 29, 1829.

JOINT MEMORIAL

To the Congress of the United States, in favour of Colonel David White.

To the Congress of the United States, the Joint Memorial of the Senate and House of Representatives of the General Assembly of the State of Alabama, respectfully represents and shews the situation of Colonel David Whirr, of Wilcox county, of said state, with the view that the General Government may, with its wisdom and liberality, do whatever may appear just and proper.
Your memorialists shew that the said David White was a citizen of that part of the Mississippi territory, now the state of Alabama, before the commencement of the war in 1812, and during the continuance of said war; and, that said David White was, at the commencement of said war, over the age that the laws of the country required men to take the field; notwithstanding which, the said David White disdained to shield himself from the perils and dangers of war, by reason of age, when his country required his services, and when men were scarce in the country, and the families of all the settlers demanded from every arm, manly exertion in favour of defenceless women and children, against a savage foe, who waged a war of extermination, and regarded neither age, sex, or condition, and who were excited by an enemy, to their bloody course, and perhaps paid for the scalps of all ages and sexes, and whose protection was mainly the few men in the section of country before named.

Under the considerations before stated the said David White, and many others placed themselves in the service of their county, and between the foe and their families; and that the said David White continued his services, except when disabled by wounds, during the war, and fought in several of the battles and skirmishes had by the whites with the savage foe, and that in one of the skirmishes the said David White was wounded in the head, which wound has been extremely painful, and has caused him to lose one eye, and to be from that age unable to labour.

Your memorialists further represent that the said White is poor and indigent and has a large family to support, and has never applied for a pension, being disposed if possible to live without the liberality of his Government, but that declining age, and the continued and increased injury of his wound, together with the pressure of the times, have rendered it necessary for private or public charity to be extended to Colonel White; wherefore your memorialists respectfully request the Congress of the United States to secure to the said David White a suitable pension, or to permit him to have a donation of land equal to his pressing necessities, or at least competent for the purposes of a home for himself and family.

Your memorialists believe the services of said White were valuable, and that he well deserves, and needs the aid of his Government.

Resolved, That his Excellency the Governor, be requested to forward to our Senators and Representatives in Congress, a copy of the foregoing memorial to be submitted for the consideration of Congress.

Approved, January 26, 1829.

JOINT MEMORIAL

Of the two Houses of the General Assembly of the State of Alabama to the Congress of the United States, requesting that the unappropriated lands within the State of Alabama may be ceded to the State for the purposes of internal improvement and education in the same.

The memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened, respectfully represents to the Congress of the United States, that the citizens of Alabama have paid to the Government of the United States a much larger amount of money for their lands purchased, than the citizens of any other State; that they are now largely indebted to the General Government; and the State, in consequence, is unable to commence and continue such works of internal improvement as the situation of the country requires; that to connect the waters of the Tennessee with the waters of the Coosa and Tombeckbe rivers are objects of the first importance to the State of Alabama, and greatly to be desired in a national point of view, as such connection would open a market for the productions of that vast section of country, watered by the upper part of the Tennessee river, with the Alabama seaport towns, whilst the citizens of that country are now driven, by a very circuitous route, to carry the products of their industry to New-Orleans, and there to compete with the cultivators of that rich and immense tract of
country, watered by the Mississippi, Ohio and other western waters. The
market is often glutted to the injury of the grower of the article in both sec-
tions of the western country, whilst if a communication was opened directly
south with the seaport towns of Alabama, a more equal division of the markets
would be the consequence; all parties who cultivate the earth, would be bene-
fitted—the consumers in Alabama would not be under the necessity of obtain-
ing their supplies of provisions through New-Orleans, but would be enabled to
obtain them fresh and wholesome, directly from the interior. Further your
memorialists represent, that in the event of a future war with a great naval
power, and in the event of an attack upon New-Orleans, Mobile must at all e-
vents be defended, and it is of the utmost importance to the nation, that an ar-
my stationed there should be supplied. Such a communication would enable the
Government to furnish supplies of troops, munitions, &c. with great facility,
whilst experience has taught us, that without such direct communication, such
needful supplies are difficult to be obtained, and when had, the expense would
be immense, in proportion to what it would be, were the proposed communica-
tions made; and your memorialists entertain little doubt, but that more would be
saved to the nation at large, in one year’s war in the south, than the General
Government would ever realize from the present expensive Land System, out
of all the lands situated in the State of Alabama, and which are now to be sold.
Your memorialists therefore, pray your honorable body to grant to the State
of Alabama, for purposes of internal improvement and of education, all the
unsold lands, within said State, with power to sell and graduate the price of
said lands, according to the quality and value, so as to enable the State to sell
all the barren and refuse lands, for such sum as the same are reasonably
worth.

Resolved by the Senate and House of Representatives of the State of Ala-
busa in General Assembly convened, That our Senators in Congress be in-
structed, and our Representatives requested to use their efforts to obtain the
passage of a law in conformity with the foregoing memorial, and that the Gov-
ernor be requested to furnish them a copy of the foregoing memorial and reso-

Approved, January 28, 1829.

JOINT MEMORIAL
To the Congress of the United States, in behalf of Sally Halton and William Merrell.
The Select Committee, appointed for the purpose, report the following memora-
list to the Congress of the United States, in behalf of Sally Halton and
William Merrell—

To the Senate and House of Representatives of the United States in Congress
assembled.

The joint memorial of the Senate and House of Representatives of the Gen-
eral Assembly of the State of Alabama, respectfully represents and sheweth
the situation of Sally Halton and William Merrell, of Marengo county of said
State, with the view that the General Government may in its wisdom and liber-
ality do whatever may appear just and proper.

Your memorialists show that the said Sally Halton, during the last Creek In-
dian War, (she being then the wife of a certain Wm. Merrell, who was from home
engaged in fighting, and endeavouring to repel that savage and ruthless foe,) resided in the county of Clark, in this State, was in her house attacked
by the Indians, tomahawked, scalped and left for dead. That the stepmother
and several of the brothers and sisters of the said Sally, were at the same time
attacked and slain by the Indians. That the said William Merrell, one of the
children of the said Sally Halton, was also at the same time attacked, toma-
hawked, and left for dead by the Indians. That by a peculiar interposition of divine providence the lives of the said Sally Halton and her son, William
Merrell were spared, although the skulls of both of them had been fractured,
and they yet remain imperfect and unhealed, and at times attended with
much pain, and their minds impaired by the influence of said wounds. That William Merrell, the former husband of the said Sally, and father of the before named William Merrell, never returned from the army, he being slain in battle, as it is believed, and being before extremely poor. That the means of living, for the said Sally and William, have been so scant, as to place them in a situation of extreme indigence and misery; that the said Sally has since been married to a very poor man, by the name of Haltom, and the means of support and assistance, not in consequence thereof more largely afforded, and her family increasing.

Your memorialists further represent that the said Sally Haltom and William Merrell, or either of them, have not at any time before applied for a pension, being disposed if possible, to live without the liberality of their Government, but that their peculiar, indigent and miserable situation, together with the pressure of the times, have rendered it necessary for private or public charity to be extended to the said Sally and William.

Your memorialists believe, that the said Sally and William, well deserve and need the aid of their Government; wherefore, your memorialists respectfully request the Congress of the United States to grant some of their unappropriated land, in the neighbourhood of their residence in Marengo county aforesaid, to the said Sally Haltom and William Merrell.

And the Select Committee aforesaid, further report for adoption, the following resolution:

Resolved. That his excellency, the Governor be requested to forward to our Senators and Representatives in Congress, a copy of the foregoing memorial, to be submitted by them for the consideration of Congress.

ERRATUM.

Page 75, section 21, line 2, in the "Act making certain appropriations for certain claims against the State," read "twenty four cents," instead of "twenty-five dollars," wherever it occurs in said section and line. A few copies were struck off before the mistake was corrected.

DEPARTMENT OF STATE,
TUSCALOOSA, FEBRUARY 17, 1829.

I have carefully examined the foregoing Acts and Resolutions, and find them to be true copies of the original rolls deposited in this Office.

JAMES I. THORNTON, Secretary of State.
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