

and trustees for designing and improving the said town; and they shall stand seized of an indefeasible estate of the land heretofore laid out, for the use and purposes of the said town, to and for the uses, intents and purposes hereby expressed and declared; and they, or a majority of them, shall have power and authority to meet as often as they shall think necessary, and cause a plan of the said town to be made, observing accurately in making the same, the lines and courses mentioned in the aforesaid plan of said town, made by the said James King, which plan is hereby declared and established to be the true plan of the said town, and therein to insert the number and mark of each lot; and as soon as the said lots are laid off as aforesaid, the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said lands, in lots as aforesaid, to the original purchasers in this act before mentioned, their heirs or assigns, or to him or them who by public or private purchase or sale, have become possessed of the right vested in any of the said original purchasers; which sale or sales of any of the said lots, shall be good and valid to convey and transfer all the right which any of the said original purchasers was possessed of, to the purchasers, any law, usage, or custom to the contrary notwithstanding.

*Lots to be  
sold.*

Sec. 8. *Be it enacted*, That all the lots which do remain of the said lands, belonging to said town, after that deeds for granting shall be made of all the lots severally purchased originally, and appropriated as aforesaid, to the person or persons entitled thereto as aforesaid, shall be sold by the sheriff, in lots of one acre each, by or under the directions of said commissioners, or a majority of them, and in such manner as the said commissioners shall direct, to the best advantage, who, or a majority of them, shall make and execute deeds for granting the said lands, in lots aforesaid, to the purchasers. And every person or persons, claiming or holding any lot or lots, by virtue of such conveyance, shall and may hold and possess the same in fee simple.

Sec. 9. *Be it enacted*, That said commissioners, *Comm'rs* before they enter on their trust, or take into their *give bond* hands any of the monies directed to be collected by this or any former act, shall enter into bond in the sum of four thousand dollars, payable to the governor for the time being, or his successors in office, for the use of the county, conditioned for the faithful discharge of the trust reposed in them; and shall take an oath for the faithful discharge of their respective duties, as commissioners, according to the directions and meaning of this act.

Sec. 10. *Be it enacted*, That the said commissioners, *Buildings* or a majority of them, be, and are hereby appointed *to be erect-* and required, as soon as may be, to agree and con- *ed.* tract with workmen for erecting and building, or repairing and finishing, in the said town of Jonesborough, a court house, prison, and stocks; and when the same is built and finished, it shall be and remain to the use of the district and county of Washington.

Sec. 11. *Be it enacted*, That a tax to enable the *Taxes to* commissioners to carry this act into effect, not exceed *be collect-* ing nine cents on every hundred acres of land; nine *ed.* cents on every white poll, between the age of twenty-one and fifty years; eighteen cents on each slave, between the age of twelve and fifty years, may be collected in the county of Washington, at the direction of a majority of the acting justices of said county, by the sheriff thereof, for two years, and accounted for and paid to the said commissioners, in the same manner, at the same time, and under the like penalties and restrictions, as is or may be directed for collecting, accounting for and laying other public taxes; which monies, together with the monies arising from the sale of all lots in the said town, not heretofore appropriated, shall be applied by the said commissioners, to the uses and purposes aforesaid.

Sec. 12. *Be it enacted*, That the said commission- *Comm'rs* ers are hereby empowered and required, if it should *to bring* by them be deemed requisite, to call to account all *justs.*



holders of monies, collected or accruing in any manner whatever, under any former act or acts, passed for establishing or regulating the town of Jonesborough, to bring suit or suits against the same, by action of debt, in the name of the governor for the time being, and apply the same, when recovered to the uses and purposes aforesaid.

*Disputes  
how de-  
cided.*

Sec. 13. *Be it enacted*, That if any disputes shall hereafter arise, or be respecting any of the lots in said town, between different claimants, in that case none of the commissioners who may be interested or related by consanguinity or affinity to either of the parties, shall sit on the adjustment of such dispute.

*Acts re-  
pealed.*

Sec. 14. *Be it enacted*, That the remaining part of the aforesaid act of North Carolina, not recited in this act; and an act of the governor, legislative council, and house of representatives of the late Territory of the United States of America south of the river Ohio, entitled, "An act for appointing commissioners in the district of Washington, for the purpose of erecting a court house, prison, and stocks, in the county of Washington, for the use of said district; and for levying a tax to compleat the same: also, for the regulation of the town of Jonesborough," be, and the same is hereby repealed and made void.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

# C H A P. XXXIV.

*An ACT to ascertain a line between Knox,  
Jefferson and Sevier counties.*

Sec. 1. *BE it enacted by the General Assem- Commrs  
bly of the state of Tennessee, That appointed*  
Joseph Greer, Abraham M. Clery,

and William Bailes, or a majority of them, be, and they are hereby appointed commissioners to run the lines between the counties of Knox and Sevier, agreeably to an act of the governor, legislative council, and house of representatives of the Territory of the United States of America south of the river Ohio, entitled, "An act to divide Jefferson county into two distinct counties."

Sec. 2. *Be it enacted*, That two dollars per day *Allowance  
to commrs*  
be allowed each of the above commissioner for their services, in running said lines: and one dollar per day, be allowed a marker, the expence to be equally borne by the aforesaid counties of Knox and Sevier.

Sec. 3. *Be it enacted*, That the aforesaid commissioners shall have full power to begin the aforesaid line, at any point they may choose, so as to ascertain the lines, on or before the first day of August next, according to the true intent and meaning of the aforesaid act.

*Their  
power.*

Sec. 4. *Be it enacted*, That the inhabitants living *Disputed  
ground.*  
on the aforesaid disputed ground, shall do their duty in Knox county, until such line shall be ascertained.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.



C H A P. XXXV.

*An ACT to ascertain the lines between  
Blount and Sevier counties.*

*Preamble* **W**HEREAS the lines between Sevier and Blount  
counties have not been sufficiently ascertained,  
to prevent disputes between the citizens of said  
counties,

*Lines to  
be run.*

**B**E it enacted by the General Assem-  
bly of the state of Tennessee, That  
the line dividing Sevier and  
Blount counties, begin at where the said lines inter-  
sect on the top of Bay's Mountain, thence taking the  
ridge that divides the waters of Little River from  
the waters of French Broad, and with said ridge to  
the eastern boundary of this state.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

A Copy, Test.

Wm. MACLIN, Sec'y.



*Vault*

# ACTS

*John Rhea*  
PASSED AT THE

FIRST GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE:

BEGUN AND HELD AT KNOXVILLE, ON MONDAY,  
THE TWENTY-EIGHTH OF MARCH, ONE THOU-  
SAND SEVEN HUNDRED AND NINETY-SIX.

---

KNOXVILLE:

PRINTED BY GEORGE ROULSTONE,

PRINTER TO THE STATE,

M,DCC,XCVI.



June  
122  
1916

235

ACTS

OF THE

FIRST GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE.

CHAPTER I.

*An ACT ascertaining the number of Judges of the Superior Courts of Law and Equity, and fixing their salaries and directing their qualification to office.*

May 17, 1916

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That there shall be three judges of the superior courts of law and equity in this state, any one or more of whom are hereby authorized and empowered to hold any of the said courts. And it shall be the duty of each and every of the said judges to attend each and every term; and in case of failure so to attend, without sufficient cause for such failure be shown, it shall be deemed a misdemeanor in office. *Judges appointed*

Sec. 2. *Be it enacted,* That no person shall be eligible to, or exercise the office of judge of any of the said courts, who has not been an inhabitant of this state three years immediately preceding the *who are eligible.*



time of his appointment to said office. *Provided*, nothing in this act contained, shall be construed so as to exclude from being eligible to said office, any person who was an inhabitant of this State, at the time of making the constitution thereof.

*Judges' oaths.*

ec. 3. *Be it enacted*, That each and every of the said judges, before they act as such, shall, in open court, or before the governor for the time being, take the following oaths:

I *A. B.* do solemnly swear, that I will support the constitution of the United States of America. So help me G O D.

I *A. B.* do solemnly swear, that I will support the constitution of the State of Tennessee. So help me G O D.

I *A. B.* do solemnly swear, that I will well and truly serve the State of Tennessee in the office of judge of the superior court of law and equity of the said State. I will do equal law and right to all persons, rich and poor, without having regard to any person. I will not wittingly or willingly take by myself, or by any other person, any fee, gift, gratuity, or reward whatever, for any matter or thing by me to be done, by virtue of my office, except the salary by law appointed. I will not maintain by myself, or by any other, privately or openly, any plea or quarrel depending in any of the said courts. I will not delay any person of common right, by reason of any letter or command from any person or persons in authority, to me directed, or for any other cause whatever; and in case any letters or orders come to me contrary to law, I will proceed to enforce the law, such letters or orders notwithstanding. I will not give my voice for the appointment of any person to be clerk of any of the said courts, but such of the candidates as appear to me sufficiently qualified for that office; and in all such appointments, I will nominate without reward, the hope of reward, prejudice, favour, partiality, or any other sinister motive whatsoever; and finally, in all things belonging to my office, during my continuance therein, I will faithfully, truly, and justly, according to the best of my skill and judgment, do equal and impartial justice, to the public and to individuals. So help me G O D.

And if any of the said judges shall presume to act in his office, before he shall have taken the oaths hereby directed, he shall forfeit and pay two thousand dollars, to be recovered by action of debt, in any of the superior courts, one half to the use of the State, and the other half to the person or persons who will sue for the same. *Penalty for not taking the oaths*

Sec. 4. *Be it enacted*, That each one of the said judges shall receive the sum of eighty three dollars and thirty three and one third cents, for each term of any of the said courts he may attend: *Their salary.* *Provided*, he shall continue to attend the whole term in the exercise of his office: And in case he shall fail to attend during any part thereof, a deduction shall be made from the amount of his compensation as aforesaid, in proportion to the time he shall so fail to attend, compared with the whole term of said court; and in either case, it shall be ascertained by the clerks of the said courts respectively, whose duty it shall be to certify the same, together with the days of attendance, on the certificate of the said judge or judges, to be filed in his office, under his hand and seal; upon which certificate, the treasurer is hereby authorized to pay the sum which thereby shall appear to be due, to the said judge or judges. *Clerks duty.*

Sec. 5. *Be it enacted*, That the clerk of each of the said courts, shall, each day of any term of any of the said courts, enter on the minutes of said courts respectively, the name or names of the judge or judges who shall be present, at meeting thereof; and on failure, it shall be deemed a misdemeanor in office. And if any clerk shall give a certificate, contrary to the true intent and meaning of this act, such clerk, so offending, shall pay the sum of five hundred dollars, one half to the use of the district, the other half to the person or persons who may sue for the same; and such clerk shall for ever after be rendered incapable of holding any civil or military office in this State.

*Clerks to enter on the minutes the attendance of the judges*

Sec. 6. *Be it enacted*, That each term of any of the said courts, may continue during the space of fifteen judicial days, unless the business shall be sooner

*Court's how long to sit.*



ended, in which case the time employed shall be deemed the term.

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.

## CHAP. II.

*An ACT directing the mode of the qualification of the Secretary of State into office.*

*Secretary to give bond.*

**B**E it enacted by the General Assembly of the State of Tennessee, That the secretary of this state, before he enters on the performance of the duties of his office, shall enter into bond, with two or more sufficient sureties, in the penal sum of twenty thousand dollars, payable to the governor for the time being, and his successors in office, for the use of the state, which bond shall be lodged in the office of the clerk of the superior court of Hamilton district; and shall be the duty of said clerk to keep the same, and produce it, when called for by the legislature, conditioned for his faithful performance agreeably to the constitution, and of the duties enjoined on him by law; and shall also take the following oaths;

*To take oaths.*

I *A. B.* do solemnly swear, that I will support the constitution of the United States of America. So help me G O D.

I *A. B.* do solemnly swear, that I will support the constitution of the state of Tennessee. So help me G O D.

I *A. B.* do solemnly swear, that I will faithfully execute the office of secretary of the state of Tennessee, agreeably to the constitution thereof, and that I will faithfully perform the duties enjoined on me by law, according to the best of my knowledge and abilities. So help me G O D.

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.

## CHAP. III.

*An ACT to provide for the safe keeping of the acts and records of this state.*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the secretary of state to keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the general assembly, at every session. *Secretary to record the official acts of the governor.*

Sec. 2. *Be it enacted,* That whenever a bill shall be passed by the general assembly, and having been signed by the speaker of each house, shall become a law, it shall forthwith thereafter be received by the said secretary, and he shall, as soon as conveniently may be, after he shall receive the same, make out and deliver an attested copy thereof to the printer, that publication be made; and he shall collate the printed copy with the originals, and he shall carefully preserve and keep the originals, and shall cause the same to be recorded in books for that purpose. *He shall deliver attested copies of the acts to the printer.*

Sec. 3. *Be it enacted,* That it shall be the duty of said secretary, to receive into his safe keeping, all bonds for performance, given by public officers to the governor for the time being, for the use of the state, which by law shall be directed to be lodged in his office, and to lay the same before the general assembly when required, to record the same in books for that purpose, and to give attested copies thereof, agreeably to law. *To keep bonds.*

Sec. 4. *Be it enacted,* That the said secretary shall make out and affix the seal of the state to all commissions issued by the governor, except those commissions, to which the governor shall affix the said seal, and shall enter in books for that purpose, the names, rank, and dates of said commissions; but he shall not affix it to any commission, before the same shall have been signed by the governor, nor to any other instrument or act, without the special warrant of the governor. *Affix seal to commissions.*



*Gov. to provide a seal.* Sec. 5. *Be it enacted,* That the governor shall cause a seal of this state to be provided; and all copies of records and papers in the said office authenticated under the said seal, shall be evidence equally as the original record or paper.

*Copies of records how obtained.* Sec. 6. *Be it enacted,* That any citizen shall be entitled, if he requires the same, to have an attested copy of any act, record, or paper in the office of the secretary, on paying the fees in this act directed, except such papers as shall relate immediately to the executive department, and which, in the judgment of the governor, shall require secrecy.

*Fees for the use of the state.* Sec. 7. *Be it enacted,* That there shall be paid to the said secretary, for the use of the state, the following fees of office, by the person requiring the same to be done, except when they are performed for any officer of the state, in a matter relating to the duty of his office, to wit. For making out and attesting copies of records, seventeen cents, for each sheet containing one hundred words, and for authenticating the same, by affixing thereto the seal of office, if required, one dollar.

*Perquisite to the secretary.* Sec. 8. *Be it enacted,* That there shall be paid to the said secretary, by the person or persons requiring the same to be done, as perquisite of office, the following fees, that is to say. For affixing the seal of the state to any paper or instrument of writing, foreign to the records or papers of the said office, one dollar.

*State to provide books.* Sec. 9. *Be it enacted,* That books and other stationery shall be provided for the office of the said secretary, at the expence and charges of the state.

*Salary to secretary.* Sec. 10. *Be it enacted,* That the sum of four hundred dollars shall be allowed and paid yearly and every year, to the said secretary, in compensation for his services, in performing the duties enjoined on him, which sum shall be paid at the treasury, in half yearly payments, and his receipt or receipts to the treasurer shall be a voucher for the same.

*Where to keep his office.* Sec. 11. *Be it enacted,* That the said secretary shall keep his office at the seat of government.

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.

## CHAP. IV.

*An ACT to amend an act, entitled, An act for the promotion of learning in the county of Davidson.*

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* *Trustees appointed*

That in addition to the trustees of Davidson academy, Thomas Johnston, William Fort, James Ford, Thomas Donald, Edward Douglass, Moses Fisk, Seth Lewis, Joel Lewis, James Hoggatt, and John Gordon, be, and they are hereby appointed trustees of said academy.

Sec. 2. *Be it enacted,* That Thomas Hardiman, David Shelby, and Stephen Cantrell, be, and they are hereby appointed auditors, with whom the former trustees of the Davidson academy shall account, within three months, and by sufficient vouchers shew the state of the funds of said academy, and the said auditors shall make a fair report of the said settlement to the next general assembly.

Sec. 3. *Be it enacted,* That if said trustees or either of them, shall refuse to render a true statement of the funds of said academy, the said auditors shall be, and they are hereby authorized, to commence suit or suits against them or either of them, in the name of the aforesaid auditors; and it shall be the duty of the attorney general to prosecute such suit or suits, in behalf of said auditors; and such trustee or trustees, against whom suit shall be brought as aforesaid, shall thence forward be dismissed from the board of trustees; and the remaining trustees shall have the same powers, rights and privileges that are by law vested in the whole board.

Sec. 4. *Be it enacted,* That the building of the Academy shall be erected on the most convenient where to situate, on the hill immediately above Nashville, be built, near the road leading to Buckhannon's mill, and the trustees aforesaid shall proceed to erect



buildings and employ tutors to proceed to the business of tuition, as soon as the funds will permit.

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.

CHAP. V.

An ACT to repeal part of the sixth section of an act, entitled, "An act ascertaining what property in this Territory shall be deemed taxable property," passed September the 30th, one thousand seven hundred and ninety four.

Repealing  
clause.

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That part of the sixth section of

an act, entitled "an act ascertaining what property in this Territory shall be deemed taxable property," passed September the 30th, 1794, which declares, that every person failing or neglecting to attend and return inventories of his or her taxable property, in manner described in said act, shall forfeit and pay the sum of one hundred and twenty five dollars, is hereby repealed and made void.

Fines re-  
leased.

Sec. 2. **B**E it enacted, That all and every fine or fines, which have heretofore accrued, by virtue of the said section, is and are hereby released and declared remitted, in as full and ample manner as if the same had never been incurred, any law, usage, or custom to the contrary notwithstanding. And in any

Judg-  
ment sus-  
pended.

case where a judgment has been entered, for the said fine and double tax, such judgment is suspended so far as it respects the double tax, in said act mentioned, and costs, until the first day of January one thousand seven hundred and ninety seven; and such fine is altogether released, and no judgment shall hereafter be entered against any collector of public

tax, for any default in the execution of his office aforesaid, so far as the fine or fines stand released and remitted, and judgment for double tax suspended, as in this act mentioned, any law, usage, or custom to the contrary notwithstanding.

Sec. 3. **B**E it enacted, That in all cases in future, Lands to where there shall not be any personal goods, on which he advert- the collector can distress, for public taxes, he shall <sup>if</sup> be- report the same to the court of the county, and the <sup>fore</sup> sold. court shall forthwith direct the clerk to make a certificate of the lands and tenements liable to taxation, and payment thereof, and shall cause the same, together with the amount of taxes and costs, for which the land may be liable to be sold, to be published in the Knoxville Gazette, three times at least; for which publication the printer shall be allowed the sum of sixty-six cents for each time he shall publish the same. And if no person shall pay the said taxes, together with all costs and charges, within forty days after the last publication, judgment shall be entered up, but execution thereon shall not be issued, but by the special directions of the court; and such execution may be suspended at the discretion of the court.

Lands to  
be sold at  
the court  
house.

Sec. 4. **B**E it enacted, That when execution issues to expose to sale any lands and tenements, the lands and tenements liable to taxation, or so much thereof as will be sufficient to pay the said tax, and all costs and charges thereon accruing; and no sheriff in future shall in such case expose to sale any lands and tenements, unless he shall advertise the same at the court house of his county, and four other public places therein, at least forty days prior to such sale; and no sale of any lands shall be made, but at the court house of the county wherein the land shall be, any law, usage, or custom to the contrary notwithstanding.

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.



## C H A P. VI.

*An ACT establishing a Treasury Department.**Treasurers appointed.*

Sec. 1.

**B**E it enacted by the General Assembly of the State of Tennessee, That there shall be two treasurers, one for the districts of Washington and Hamilton, who shall keep his office at Knoxville, and one for the district of Mero, who shall keep his office at Nashville.

*Their duty.*

Sec. 2. *Be it enacted,* That it shall be the duty of the treasurer for the districts of Washington and Hamilton, to receive the monies of the state, within the said districts of Washington and Hamilton, and to disburse the same agreeably to law, to keep regular and correct accounts of all the monies he receives or pays away, and to cause the same to be laid before the general assembly, at each and every session, within six days after the commencement thereof. And it shall be the duty of the treasurer of Mero, to receive the monies of the state, within said district of Mero, and to disburse the same agreeably to law, and in like manner to keep regular and correct accounts of all the monies he receives and pays away, and cause the same to be laid before the general assembly, at each and every session, within six days after the commencement thereof. It shall also be the duty of the said treasurer, to keep regular accounts with all holders and collectors of monies for the use of the state; it shall also be his duty to cause all monies in the said Mero treasury, to be delivered into the treasury at Knoxville, within six days after the meeting of each general assembly, and the receipt of the treasurer, of the districts of Washington and Hamilton, shall be received in the settlement with the treasurer of Mero district.

*To give bond.*

Sec. 3. *Be it enacted,* That each treasurer, previous to the entering on the duties of his office, shall enter into bond and security, payable to the governor for the time being, or his successor in office, for the

use of the state, in the penal sum of twenty thousand dollars; which bonds shall be lodged with the secretary of state, conditioned for the faithful discharge of the duty of his or their office; and it shall be the duty of the secretary of state to keep said bonds, and produce them when called on, by the legislature; and each of said treasurers shall also take an oath to support the constitution of the United States of America, and also an oath to support the constitution of the state of Tennessee; and also the following oath, to wit:

*Secretary to keep bonds.**To take oaths.*

I *A. B.* do solemnly swear, (or affirm as the case may be) that I will faithfully execute the office of treasurer, agreeably to law, according to the best of my skill and ability. So help me GOD.

*Their salary.*

Sec. 4. *Be it enacted,* That the salaries of each of the treasurers, to be appointed according to the intent of this act, shall be paid them by an allowance of three per cent. on all monies received and disbursed, as is herein directed, to be allowed them in the settlement of their accounts; which settlements shall be made at each session of the general assembly, except when convened by the governor, except such monies as shall be paid out of one treasury into the other, on which no per cent. shall be allowed the treasurer who receives it.

Sec. 5. *Be it enacted* That books and other necessary stationery shall be furnished by the state.

*Books provided. To commence suits.*

Sec. 6. *Be it enacted,* That it is, and shall be the duty of the said treasurers, to commence suits in the name of the state against any holders or collectors of public monies as aforesaid, who shall fail to account with, and pay to the treasurer of his district, such monies agreeably to law.

Sec. 7. *Be it enacted,* That it shall be the duty of the present treasurers, to deliver to their successors in office, all public monies that may be in their hands, and all books and papers relative to said office.

*Treasurers to deliver over monies.*

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.



## CHAP. VII.

*An ACT to repeal an act, entitled, "An act to regulate & ascertain the several officers fees therein mentioned," passed at Knoxville, the 29th day of September, one thousand seven hundred and ninety four, and also to repeal so much of the act, entitled, "An act to amend an act, passed at Newbern, in December, one thousand seven hundred and eighty five," so far as respects the attorneys fees, in the several courts of law and equity, and to establish the fees of the several officers hereinafter named.*

*Fees to  
Clerks of  
the superi-  
or courts.*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the clerk of the superior courts of law shall receive for every leading process, returnable to the first court, including all services thereon, together with the dismissal, or final judgment, where either happens, one dollar.

For every continuance or reference of every cause, after the second court, including all fees for every necessary service, forty cents.

For entering every presentment or indictment, together with charging the prisoner and entering his plea, sixty cents.

For the court at which the cause is determined, including all fees for every necessary service thereon, and entering final judgment, inclusive, one dollar and sixty cents.

For every subpoena, provided the party insert no more than four witnesses in the same, twenty cents.

For every execution or order of sale, when necessarily issued and returned, including all services thereon, with taxing costs, and copy, and entering satisfaction, forty cents.

For every *scire facias* against bail, with making an issue thereon, or entering judgment without plea,

including fees for every service necessary thereon, provided that the party cast shall not be subject to this, unless the *scire facias* is requisite, and required by the plaintiff, eighty cents.

For getting a copy of the record of any cause, when demanded by either of the parties, sixty cents.

For every recognizance, twenty cents.

For every order or rule of court, made on matters foreign to the suit depending in court, and copy thereof, when demanded, twenty-four cents.

For searching a record out of court, ten cents.

For a commission to take the examination of a *feme covert*, or witnesses in any cause depending: entering the return thereon, and all other services necessary thereon, twenty cents.

For a special *venire facias* in an action of ejectment, or where the bounds of land shall come in question, when the said writ shall be issued, eighty cents.

For a special verdict, demurer, or motion in arrest of judgment, and argument thereon forty cents.

For a writ of error, *certiorari* or appeal, with a transcript of the record, and services thereon, one dollar and sixty cents.

For making certificates of witnesses and jurymen's attendance, six cents.

For each security taken in issuing a writ, twenty cents.

For recording said bond, twenty cents.

To the clerks of the county court of pleas and quarter sessions. *Clerks of the county courts.*

For every leading process returned to the first court, including all services, together with dismissal, or final judgment, where either happens, one dollar.

For every presentment or indictment, charging the prisoner, and entering his plea, sixty cents.

For entering and filing every recognizance, twenty cents.

For every continuance or reference of any cause, after the second court, including all fees for every necessary services thereon, forty cents.

For the court at which the cause is determined, including all services, one dollar.

For every subpoena, provided the party insert no more witnesses than four in the same, twenty cents.



For every execution, or order of sale, when necessarily issued, including all services thereon, with taxing costs and copy, and entering satisfaction, forty cents.

For every *scire facias* against bail, with making up an issue thereon, or entering judgment without plea, including fees for every service necessary thereon, provided that the party paying costs shall not be subject to this, unless the *scire facias* is necessary, and required by the plaintiff, eighty cents.

For a copy of the record of any cause when demanded by either of the parties, sixty cents.

For every order or rule of court made on matters foreign to the suit depending in court, and a copy thereof, if demanded, twenty-five cents.

For entering on the minutes the probate of wills, qualifying executors, making certificates, recording the will and giving a copy thereof, one dollar.

For granting administration, taking bond, and all other services thereon, eighty cents.

For proving and recording at length, in bound books, to be kept for that purpose, and filing an inventory, account of sales or account current exhibited by an executor, administrator or guardian, and for such copy or certificate of the same, sixty cents.

For every marriage licence and bond, seventy-five cents.

For ordinary licence and bond, and all services necessary to be done thereon, seventy-five cents.

For tavern rates, twenty cents.

For searching a record out of court, ten cents.

For proving or entering acknowledgment of a conveyance of land or other estate, and certifying the same with order of registration, or examination of a *feme covert* without commission, twenty-five cents.

For a commission to take the examination of a *feme covert*, or witnesses depending in any cause depending in said court, entering the return thereon, and all other services necessary, twenty cents.

For a guardian or other bond, taken in court, including all services, sixty cents.

For indentures for binding out apprentices, includ-

ing all fees for every necessary service thereon, sixty cents.

For a special verdict, demurer, or motion in arrest of judgment, forty cents.

For a writ of error or appeal, with a transcript of the record, and all services thereon, one dollar and sixty cents.

For making out certificates of witnesses attendance, six cents.

For recording a mark or brand, and granting a certificate thereof, if required, ten cents.

For each security taken in issuing a writ, twenty cents.

For recording such bond, twenty cents.

For every certificate to a power of attorney or other instrument of writing, including the fees for annexing the county seal, eighty cents.

For issuing an order to the sheriff, or subpoena for each surveyor or juryman to attend on the premises on a disputed claim of land, twenty cents.

For receiving and recording at length the pannel and verdict of a jury on the trial of a disputed claim of land, including all fees for every necessary service thereon, sixty cents.

For the copy of a record certifying to the treasurer who is or was sheriff, or for the sheriff's bond or copy thereof, if recorded, to be paid out of the county tax, on the clerk's producing the treasurer's receipt, eighty cents.

For furnishing the treasurer with a list of the amount of the tax for each year, to be paid out of the county tax, on the clerk's producing the treasurer's receipt, one dollar and eighty cents.

For rendering to the treasurer an account of the fines, forfeitures, and amercement, that are due and payable to the use of the state, to be paid out of the county tax, on the clerk's producing the treasurer's receipt, fifty cents.

For every petition of a private nature with argument thereon, excluding such as are the leading process of a suit, twenty-five cents.

For every subpoena to bring in the record, fifty cents.



For the proceedings on a petition for laying off a tract of land agreeable to the contract of a person deceased, when it is part of a larger tract of land, eighty cents.

For the copy of such proceedings, forty cents.

Recording a power of attorney or bond, forty cents.

For a copy thereof, forty cents.

And all public services done for the county, by the clerks of the county courts, are hereby deemed, in virtue of his office, amongst which all notices or writs of notification against jurymen, shall be considered, and the respective courts may allow reasonable satisfaction for the same, annually, out of the county tax, not exceeding the sum of forty dollars.—And no money shall be granted by the court of any county in this state, on any account whatever, unless a majority of the acting justices in such county are present at the time of granting such money, any law, usage or custom to the contrary notwithstanding.

Clerks to  
put up list  
of fees.

Sec. 2. *Be it enacted*, That the clerks of the several superior and county courts of this state shall, and they are hereby required, to put up in some public place in their office, an exact copy of the fees by this act allowed; and also in the court-house during the sitting of each court; and for every such failure or neglect, they shall forfeit and pay the sum of twelve dollars, to be recovered by warrant, for the use of any person who will sue for the same.

Sheriffs  
fees.

Sec. 3. *Be it enacted*, That after the passing of this act, the sheriffs in the several counties in this state shall and may receive for their services, the following and no other or larger fees, for the following services, to wit:

For every arrest, seventy cents.

For every bail bond, twenty five cents.

For serving a copy of a declaration, eighty cents.

For serving a subpoena for each person named in the same, thirty cents.

For pillorying a person, fifty cents.

For an attachment the same as an arrest, and

farther trouble, by moving of goods, to be taxed by the court.

For executing a warrant of distress, or an execution against the body or goods, two and a half per cent.

For summoning, panneling, and attending on every jury in every cause in court, twelve cents.

When a special venire shall issue by order of court, for summoning each juror and attending the same, twenty five cents.

For attending on the premises on a special venire facias, per day, two dollars.

For serving a capias (or writ to take the body) on indictment, one dollar.

Putting a person in the stocks and releasing, fifty cents.

For every commitment, thirty cents.

For every release, thirty cents.

For serving a writ of possession of land, one dollar.

For serving and attending on any person on a habeas corpus, per day, one dollar.

For calling every action in court, four cents.

For imprisonment of felons or debtors, or any other person, for each prisoner, per day, for finding one pound of wholesome bread, one pound of good roasted or boiled flesh, and a sufficient quantity of fresh water, and every other necessary attendance, keeping the prison clean, twenty five cents.

Registers  
fees.

Sec. 4. *Be it enacted*, That the register in each county in this state shall and may take fees for registering each deed or grant, including the certificate thereof, fifty cents.

For every search, six cents.

For a copy of a grant or deed, fifty cents.

For registering any other instrument of writing, fifty cents.

For each attorney, acting in behalf of the state, for every bill found, two dollars and fifty cents.

Solicitors  
fees.

On each ignoramus, one dollar and twenty five cents.

Attorneys  
fees.

Sec. 5. *Be it enacted*, That all fees taken by attorneys in future, in any suits in any of the several courts of law and equity, established in this state, shall be as follows, to wit:

In any suit in equity, the sum of twelve dollars and fifty cents.



In any suit in any of the superior courts, where the title of lands shall come in question, the sum of six dollars and twenty-five cents.

In all other suits originally commenced in any of the said courts, on the law side, the sum of six dollars and twenty-five cents.

In all appeals from any other court to the said superior courts, the sum of six dollars and twenty-five cents.

In all suits in the county courts of pleas and quarter sessions, where the titles of land shall come in question, the sum of six dollars and twenty-five cents.

In all other suits originally commenced in the said county courts, the sum of two dollar and fifty cents.

In every appeal from the judgment of a justice of the peace to the said county courts, the sum of one dollar and twenty five cents.

Sec 6. *Be it enacted*, That the following officers shall be entitled to receive the following and no greater fees, for the following services, to wit,

*Constables fees.* To constables, for every warrant executed, fifty cents

For every summons, twenty-five cents.

For every attachment or execution, fifty cents.

Commission on all sales by execution or attachment, six per cent

*Commissioner of affidavits* For whipping a negro by order of court, or by any justice of the peace, thirty-three cents.

To the commissioner of affidavits for his services in taking the testimony of each witness, together with inclosing and returning the same, fifty cents.

*Rangers fees.* Sec. 7. *Be it enacted*, That the rangers in each and every county in this state, may take and receive the following fees from the persons taking up strays, to wit.

For each and every horse, mare or gelding, including the certificate, entered in his said office, sixty cents.

For each head of neat cattle, twenty-five cents.

For each head of hogs or sheep, twelve cents.

*Coroners fees.* Sec. 8. *Be it enacted*, That the coroner may take and receive for his services, the following fees:

For attending on every inquest, four dollars, and

the same fees for discharging the duties of a sheriff, as such sheriff himself would be entitled to by this act, for performing the same services.

Sec. 9. *Be it enacted*, That it shall and may be lawful for the clerks of the superior and county courts, where suits are determined, and the fees not paid by the party from whom they are due, to make out execution, directed to the sheriff of the county where the party resides; and the said sheriff shall levy the same, by virtue of the said execution, as in other cases, and to the said execution shall be annexed a copy of the bill of costs of the fees on which such execution shall issue, wrote in words at length, without any abbreviation whatever; and all executions issuing without the copy of such bill of costs annexed, shall be deemed illegal, and no sheriff shall serve or execute the same.

Sec. 10. *Be it enacted*, That if the clerk of any court, sheriff, register, coroner, or other officer of any county, shall hereafter be guilty of any breach of the duties enjoined by this act, either by his own confession, or verdict of a jury, it shall, on a second conviction, be adjudged and deemed a misbehaviour in office, for which such clerk or other officer shall be removed from office. *Penalty for misbehaviour.*

Sec. 11. *Be it enacted*, That all laws and clauses of laws, coming within the perview and meaning of this act, are, and the same are hereby repealed and declared to be void. *Repealing clause.*

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.



## C H A P. VIII.

*An ACT ascertaining the number of Attornies General, to be appointed in the State of Tennessee, for fixing their salaries, and directing their duty in office.*

*Attornies General appointed*

*Their duty.*

*Their salary.*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That there shall be appointed three attornies general for said state, viz. One for the district of Washington, one for the district of Hamilton, and one for the district of Merce, whose duty it shall be to prosecute, in behalf of the state, all matters cognizable in the superior courts of law.

Sec. 2. *Be it enacted.* That it shall be the duty of each and every attorney general, to attend each and every of the said courts, which may be holden in and for the district for which he may be appointed; and shall, for such service, be allowed forty dollars for each superior court he may attend, exclusive of such fees as are or may be allowed him by law: And in case any one of the aforesaid attornies general shall fail to attend and do his duty as by this act directed, unless sufficient cause for such failure be shown, it shall be deemed a misdemeanor in office.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

## C H A P. IX.

*An ACT directing the mode of electing the Governor and members of the General Assembly.*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the county courts respectively, at *Inspectors to be appointed.*

the session next preceding the day of election, in every two years, shall appoint three inspectors to superintend the election; and if it shall at any time happen, that any county court shall fail to make such appointment, or any person so appointed shall refuse to serve, the sheriff, with the advice of three justices of the peace, or if none shall be present, three respectable freeholders, shall, before the beginning of such election, appoint inspectors for the purpose aforesaid; and every inspector who shall be appointed by either of the ways aforesaid, and serving pursuant to such appointments, shall be held and deemed lawful inspectors at such elections.

Sec. 2. *Be it enacted.* That the sheriffs or returning officers shall, on the day and at the place for *Boxes to be provided.* holding each respective election, be provided with one box for receiving the ballots for governor and members of the general assembly: The returning officer, or his deputy, shall receive the tickets, in presence of the inspectors, and put each ticket into the box, which box shall be locked, or otherwise well secured, until the election shall be finished: The returning officer shall, at sunset of the first day, and in the presence of the inspectors, put his seal on the place to be made for the reception of the tickets, which shall continue until the election shall be renewed the succeeding day: And it shall be the duty of the said inspectors to take charge of the box until the poll is opened the next day, and shall then be taken off in presence of the inspectors.



*Votes how  
to be given  
in.*

Sec. 3. *Be it enacted*, That every person qualified to vote in manner directed by the constitution, who shall attend for that purpose at any election, shall give to the returning officer, in presence of the inspectors, a ticket or scroll of paper, which ticket shall be put in the box in manner before directed; and at the same time the clerks of the said election shall take down, on separate lists, the name of every person voting; and when the election shall be finished, the returning officer and inspectors shall, in presence of such of the electors as may choose to attend, open the box, and read aloud the names of the persons which shall appear in each ticket, and the clerks, at the same time shall number the ballots, each clerk separately. If there shall be two tickets rolled up together, or if any ticket shall contain the names of more persons than such elector has a right to vote for, in either of these cases such ticket shall not be numbered in taking the ballots, but shall be adjudged void: And when all the tickets are numbered, the persons having the greatest number of ballots shall be declared duly elected; but where two persons shall have an equal number of votes, the returning officer shall have the casting vote.

*Governor  
when bal-  
lotted for.*

Sec. 4. *Be it enacted*, That the governor shall be balloted for, in each and every county, at the time and places that members of the general assembly are elected for such county, and the ballots shall be received by the sheriff or other returning officer, in presence of the inspectors of the poll, under the same rules and regulations as are prescribed by this act for the elections of members for the general assembly; and it shall be the duty of the sheriff or other returning officer of each and every county, to make a correct return of the poll of the election for governor under his hand, in his official capacity, and to cause the same to be delivered to the speaker of the senate, on the first day of the succeeding stated session of the legislature, under the pains and penalties as inflicted by this act, in cases of failure, to make due returns of the persons elected to represent said county.

Sec. 5. *Be it enacted*, That every election hereafter to be made, by virtue of any writ from the governor, shall be conducted and regulated in the same manner as is by this act prescribed, so far as the particular case can be applied to the general rules.

Sec. 6. *Be it enacted*, That every election hereafter to be held in this state, shall begin at twelve of the clock at noon, on the day appointed for such election, and shall be closed at four o'clock on the succeeding day.

Sec. 7. *Be it enacted*, That if any person shall hereafter vote at an election, who by law shall not be entitled to vote at such election, he shall forfeit and pay the sum of ten dollars, to be recovered with costs, by action of debt, in any jurisdiction having cognizance thereof, one-half to the use of the county, and the other half to him or them who will sue for the same.—And where any suit shall be brought against any person for voting, as aforesaid, without having a right to such vote, the proof shall be upon the plaintiff.

Sec. 8. *Be it enacted*, That the inspectors and clerks of every such election, as aforesaid, shall, in the court house before they proceed to business, swear (or affirm, as the case may be), faithfully to perform their respective duties at such election, agreeably to the constitution and laws of this state.

Sec. 9. *Be it enacted*, That if at any time it shall appear, that there shall be no sheriff in any county qualified according to law, the coroner or coroners, of such county is, and are hereby empowered to hold the election for such county; and such sheriff or coroner, within ten days after every election, shall, at the request of any person elected to serve in the general assembly, or other person in his behalf, cause fair copies of the lists of votes, and the number of ballots for each candidate, to be made out and delivered to the person requesting the same, or to his order, which lists and numbers shall be signed by the returning officer; and if any officer should refuse so to do, or shall hold elections in any other manner than is by this act

*Elections  
when to  
begin.*

*Pen. for  
voting if  
not enti-  
tled.*

*Inspectors,  
&c. to  
take oath.*

*Coroner  
to hold e-  
lections,  
&c.*



directed, or shall neglect or refuse to make returns of the elections by him to be held, the officer so offending, shall forfeit and pay the sum of seven hundred and fifty dollars, to be recovered by action of debt in any court of record having cognizance thereof, with costs, one half to the use of the state, and the other half to such person as will sue for the same.

*Elections in new counties, how conducted.*

Sec. 10. And whereas several new counties have been established by the present general assembly, and such new counties are not entitled to separate representation, and it would be inconvenient for the inhabitants of said new counties to attend at the place of holding elections in the old counties, *Be it enacted* That in that case the sheriff or other officer of the counties, shall hold an election at the respective courthouses, or places of holding courts for said new counties, on the same days as other counties shall under this act: And the returning officers of each of the counties shall meet on the succeeding day after the election, if practicable, or as soon as in their power at such places as are heretofore directed, to compare the votes received by them in each county, and the persons voted for in either or both counties having the highest number of votes of both counties shall be declared duly elected, upon the same principles as above. For the counties of Montgomery and Robertson, the returning officers shall meet at the house now occupied by William Prince: And the county of Tennessee having lost its name, the sheriff of Montgomery shall be the returning officer in signing credentials to those elected within the bounds formerly Tennessee, now Robertson and Montgomery: And the returning officer of Carter county shall meet at the town of Jonesborough.

JAMES WINCHESTER,  
Speaker of the Senate

JAMES STUART, S. H. R.

## C H A P. X.

*An ACT directing the mode of electing Representatives, to represent this state in the Congress of the United States.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That* *Division* this state shall be divided and

laid off into two divisions; the first to be called the Holston division, and shall be composed of the districts of Washington and Hamilton; the second to be called the Cumberland division, and shall be composed of the district of Mero, each of which divisions shall be entitled to elect and send one representative to represent the people of this state in the legislature of the United States. The person elected in each division shall be a resident or inhabitant of this state three years, and one year a resident or inhabitant of that division for which he is elected, before and at the time of election: *Provide* nevertheless, That this shall not be construed to extend to any person who was an actual resident or inhabitant of this state, at the time of making the constitution thereof.

Sec. 2. *Be it enacted*, That the elections shall be held in each county, within the said divisions of Holston and Cumberland, on the first Thursday of August next, and the succeeding day, at the respective court house of each county; and shall be conducted in the same manner as elections of members of the general assembly; and the next election for representatives shall be held on the first Thursday in August and the succeeding day, in the year one thousand seven hundred and ninety-seven. *Elections when to be held.*

Sec. 3. *Be it enacted*, That immediately after close Returns of the election in each county, the sheriffs, or other returning officers, shall, in the presence of the inspectors of the election, make out two correct statements of the number of votes given to each candidate in his county, which two statements shall be *how to be made.*



certified by the said sheriff or other returning officer, and a majority of the inspectors; one of which statements shall be by the inspectors filed in the clerk's office of the county, and the sheriff or other returning officer of the county, by himself or deputy, shall attend with the other, on the day and at the place herein after mentioned; and at the same time and place, the polls for the different counties, shall, by the said sheriff or their deputies, or other returning officers, as the case may be, in the presence of three justices of the peace, who are to be summoned and attend for that purpose, be examined and compared, and a certificate, under the hands and seals of the said returning officers, shall be given to the candidate in each division, for whom the greatest number of votes shall have been given; but if two or more candidates shall have an equal number of votes, the said returning officers shall decide which of them shall be representative: And if the said returning officers do not decide, by their votes, who shall be representative, then they shall decide the same, by drawing in like manner as the grand jury are drawn for in the superior court.

*Sheriff to meet at Greeneville.*

Sec 4. *Be it enacted*, That the sheriff or returning officer for Holston division, shall meet on the second Thursday of August next, at Greeneville, and those for Cumberland division, at Nashville, on the same day; And if any accident shall happen to either of the returning officers, which may prevent their meeting on the day aforesaid, the returns of such officers shall be received on the day following. The sheriff or coroner, or his deputy, failing to attend at the time and place before mentioned, shall forfeit and pay the sum of five hundred dollars, to be paid into the treasury of this state, upon due proof thereof, in any court of law within this state, and to be recovered by action of debt, by the treasurer of the division in which the failure may be.

Sec 5. *Be it enacted*, That each and every person who shall be duly elected a representative under this act, shall, upon obtaining a certificate of his election,

according to the directions above mentioned, obtain from the governor a commission certifying his appointment as representative aforesaid, which commission the governor is hereby empowered and required to grant, on his producing such certificate.

Sec. 6. *Be it enacted*, That the sheriffs and other returning officers shall be allowed the sum of one dollar and fifty cents for every thirty miles travelling to and from the places appointed for the returning officers to meet, and the same for each day which they shall necessarily attend at such meeting, comparing the polls.

Sec. 7. *Be it enacted*, That if any person shall be found guilty of having committed any fraud, in executing the duties enjoined on him by this act, he shall, on conviction, forfeit and pay the sum of five hundred dollars, and suffer six months imprisonment, without bail or mainprize.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

## CHAPTER XI.

*An ACT providing for the appointment of Electors to elect a President and Vice-President of the United States.*

Sec. 1. *BE it enacted by the General Assm Gen. Assembly of the State of Tennessee, hereby to* That the general assembly, elect electors shall, from time to time, by joint ballot of both houses, elect such number of electors, as is, or may be, required by the constitution of the United States, for the purpose of electing a president and vice president.



*Gov. to appoint & electors in case of death, &c.* Sec. 2. *Be it enacted,* That if any of the persons so elected, shall die, or refuse to act, the governor shall appoint some person in his stead; and the said electors shall meet at Knoxville, on such day as shall be determined by the Congress of the United States; and being so met, shall proceed as directed by the constitution thereof, in this case.

*Compensation to electors.* Sec. 3. *Be it enacted,* That the said electors shall receive the same compensation for their services as the members of the present general assembly, to be paid upon the warrant of the governor, out of the public treasury: *Provided,* The said electors shall not be entitled to receive pay for more than three days attendance at Knoxville.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

## CHAP. XII.

*An ACT prescribing the mode of electing the militia officers of this State.*

*Elections, when to be held.*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the sheriff of each county in this state to hold an election on the first Thursday of August next, and the succeeding day, at the respective court houses in each county; for the purpose of electing one colonel and two majors; at which election every person who shall be subject to do militia duty, shall be entitled to vote for the aforesaid officers.

Sec. 2. *Be it enacted,* That each candidate shall have been a resident of the county in which he offers, at least six months immediately before the day of election. *Residence of candidate.*

Sec. 3. *Be it enacted,* That when one or more candidates are offered for lieutenant colonel commandant, that when the polls are closed and votes counted out, the person who hath the highest number of votes, shall be the officer as aforesaid. *Lt. Colonel.*

Sec. 4. *Be it enacted,* That when one or more candidates are offered for first major, when the polls are closed and votes counted out, the person having the highest number of votes, shall be the officer as aforesaid: And the second major in the same manner as that of the first major. *Major.*

Sec. 5. *Be it enacted,* That all elections for captains, lieutenants, and ensigns, shall be held at their respective mustering grounds, on the third Thursday of August next, in the manner following: Any justice of the peace, of the company or county, wherein such election is to be held, shall appoint and qualify three men, of good character, as judges of the election; and when one or more are candidates, for captain, lieutenant, or ensign, he having the greatest number of votes, shall be the officer of the grade to which he offered. *Captains, &c.*

Sec. 6. *Be it enacted,* That where two or more candidates are equal, and highest in votes, in the election of field officers, the sheriff, or returning officer, shall determine, by his vote, who is elected: And in the election of company officers, where two or more of the candidates are equal, and highest in votes, the inspectors of said elections, shall, in like manner, determine who is elected. *Equal votes how decided.*

Sec. 7. *Be it enacted,* That the sheriff, or returning officer of the elections, for field officers, in the respective counties, shall certify under his hand and seal, the persons duly elected, as field officers, in his county, to the governor, who is hereby authorized to commission them accordingly. *Returns how to be made.*

Sec. 8. *Be it enacted,* That the inspectors of the elections for commissioned officers of companies,



shall certify, under their hands, in like manner, to the commanding officer of their respective counties the persons duly elected, in the companies for a bill they were inspectors, respectively, which certificates the said commanding officers, are hereby directed to transmit to the governor, certified and sealed up, who shall commission those duly elected.

**Brigadier general.** Sec. 9. *Be it enacted,* That the field officers, for the districts of Washington, Hamilton, and Mero, shall meet on the second Thursday of October next, to elect one brigadier general for each district, that is to say: The officers, for the district of Washington, shall meet at Jonesborough; the officers, for the district of Hamilton, at Knoxville; and the officers, for the district of Mero, at Nashville, to hold their elections as aforesaid, which election the senior officer present, shall superintend; and if two or more of the candidates are equal, and highest in votes, such two, or more, shall decide, by lot, which shall be the brigadier general; and the said senior officer shall, under his hand, certify the same to the governor, who shall commission such person accordingly.

**Major general.** Sec. 10. *Be it enacted,* That the brigadier general and field officers, of each district in this state, shall meet at the above mentioned places, on the second Thursday of November next, and vote for one major general for this state, and transmit the votes of each district, sealed up, to the governor, which he is authorized to open and count out, in presence of the secretary, and commission the person who shall have the greatest number of votes; and if two or more shall be equal, and highest in votes, the governor shall determine who shall be the major general.

**Cavalry** Sec. 11. *Be it enacted,* That the cavalry of each county shall meet at their court houses, respectively, on the third Thursday of August next, to elect one captain, one lieutenant, and one corporal, which election shall be conducted in the same manner as the election described for the officers of the companies of infantry.

**To meet in districts** Sec. 12. *Be it enacted,* That the captains and subalterns of the cavalry, for the districts of Washington, Hamilton, and Mero, shall meet on the second

Thursday of October next, to elect one lieutenant-colonel, one commandant, and two majors, for each district, that is to say: The officers for the district of Washington, shall meet at Jonesborough; the officers for the district of Hamilton, at Knoxville; and the officers for the district of Mero, at Nashville, to hold their elections as aforesaid.

Sec. 13. *Be it enacted,* That when vacancies shall happen by death, resignation, or otherways; if in the grade of major general, the governor shall issue his orders for an election, to fill up such vacancy, giving sixty days notice thereof; if in the grade of brigadier general, the major general shall, in like manner, issue his orders for an election; if in the grade of lieutenant-colonel commandant or major, the brigadier general, shall, in like manner, issue his orders for an election; if in the grade of captain, lieutenant, ensign, or cornet, the commanding officer of such regiment, or corps, in which such vacancy may happen, shall, in like manner, issue his orders to fill up such vacancy; and the said elections shall be held at the same places, and under the same rules and restrictions, that are herein before directed.

### C H A P. XIII.

*An ACT directing the mode of preferring memorials to the General Assembly for the division of counties, and fixing of court-houses.*

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That manner of from and after the passing of this act, any person or persons having a desire to divide a county or counties, shall advertise, at least, six months preceding the next session of the general as-



sembly, at the court-house, and in each captain's company, in said county, their intention of preferring a memorial to the said assembly, describing the line or lines of such division, as intended to be made.

*Plat to be presented.* Sec. 2. *Be it enacted,* That in all cases where any memorial is presented to the general assembly, for the division of a county, there shall also be presented, with it, a fair and accurate plat of the county or counties to be divided, describing the old and new counties, on one and the same plat, which shall be actually surveyed by a sworn surveyor, and by him subscribed and certified to be just and true.

*Memorialists to publish their intentions.* Sec. 3. *Be it enacted,* That in all cases, where any person, or persons, intends to prefer a memorial to the general assembly, for the removal of a court-house, in any county in this state, such person or persons, shall, for six months previous to the meeting of such assembly, advertise at the court house of such county, and at the usual places of holding musters in each company, the intention of such memorial, the reasons of removal, the place it is to be moved to, or within two miles thereof, and shall deliver to the assembly with such memorial, a fair and just plat of the county, the place where the said court house stands, and where it is intended to be moved, all which shall be surveyed and returned, on oath, and paid by the memorialists.

JAMES WINCHESTER.  
Speaker of the Senate.

JAMES STUART, S. H. R.

## C H A P. XIV.

*An ACT to amend an act, entitled, "An act to regulate the descent of real estates, to do away entails, to make provision for widows, and to prevent frauds in the execution of last wills and testaments;" and also to amend an act, entitled, "An act to explain, amend, and supply the deficiencies of the before recited act."*

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That from and after the passing of this act, all real estates of inheritance, as well as personal, shall descend to, and be divided between brothers and sisters as well of the half blood as of the whole blood, in the same proportion as they have heretofore been divided between brothers of the whole and half blood, only, and in the same manner to collateral heirs, for want of such brothers and sisters; and that all and every act or acts, heretofore in force and use in this state, shall be, and they are hereby repealed, so far as they come within the purview and meaning of this act.

*Real estates how divided.*

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.



## C H A P. XV.

*An ACT for the appropriation of certain monies therein mentioned, and for other purposes.**Fines, &c. appropriated to districts.*

Sec. 1.

**B**E it enacted by the General Assembly of the State of Tennessee, That all monies arising from fines and forfeitures, imposed on public offenders, at any of the superior courts, shall be appropriated, to defray the contingent charges of the respective districts, exclusive of those accruing for the district court house, prison, and stocks; and the balance, if any, of the said monies, shall be yearly, and every year, accounted for, and paid by the county trustee into the public treasury of the State; any law, usage, or custom to the contrary notwithstanding.

*To counties.*

Sec. 2. *Be it enacted,* That all monies arising from fines and forfeitures, imposed on public offenders, at any of the county courts, shall be applied to the use of the county, in which such fine, or forfeiture shall be made.

*Clerks duty.*

Sec. 3. *Be it enacted,* That each of the clerks of the superior courts, within this State, shall, within twenty days after the end of each term, render, on oath, an account of all monies, which they shall have received, for fines and forfeitures, and pay the same to the trustee of the county, in which the respective superior courts shall be held.

*To give bond.*

Sec. 4. *Be it enacted,* That each of the clerks of the superior courts, shall, at the first court, to be held for the respective districts, after the first day of May next, enter into bond, with sufficient security, to the governor, for the time being, and his successors in office, in the sum of one thousand dollars, with condition, for the faithful collection and payment of the fines and forfeitures, agreeably to law; which bond shall be, by the different clerks, deposited in the hands of the trustee of the county, in which the superior court may be held, in twenty days after the time of entering into the

same; and on failure, to deposit the bond as aforesaid, the clerks, so failing, shall, for such offence, forfeit and pay, to the use of the district, five hundred dollars, to be recovered by action of debt, in the name of the governor, for the time being, in any court having cognizance thereof.

Sec. 5. *Be it enacted,* That the different trustees, shall, at the court at which they shall be appointed, enter into bond, with sufficient security, to the chairman of the county court, and his successors in office, in the penal sum of two thousand dollars, conditioned, for the safe keeping, and faithful payment, of all district and county monies, which shall be deposited in their respective hands, agreeably to the orders of the court of the county, to which they shall be appointed trustees.

*Trustees to give bond.*

Sec. 6. *Be it enacted,* That it shall be the duty of the different trustees to keep fair and regular accounts of all the district and county monies, which they shall receive, to pay the same agreeably to the different appropriations, that may be made by the county court, and to keep fair and regular accounts of the same, and at the first court, to be held for the county, after the first day of January, in each and every year, to lay the said accounts before the court for their inspection.

*Their duty.*

Sec. 7. *Be it enacted,* That every act and acts, Repealing clause and clauses of acts, that comes within the purview of this act, is hereby repealed and made void.

JAMES WINCHESTER,

Speaker of the Senate.

JAMES STUART, S. H. R.



C H A P. XVI.

*An ACT to appropriate certain monies herein after described.*

*Preamble.* **W**HEREAS the convention, on the sixth day of February last, entered into a unanimous resolution, that it was the wish of the members of that convention, that the monies appropriated to their use, by law, and not by them received, be appropriated, by the general assembly, to the payment of the secretary, clerk, printer, and door-keeper of the said convention, or so much thereof, as will be sufficient to pay them for their services:

*Sums allowed.* **B**E it enacted by the General Assembly of the state of Tennessee, That William Maclin, secretary of the said convention, be allowed one hundred and thirty-three dollars, John Sevier, clerk, sixty-seven dollars and fifty cents, John Rhea, door keeper, seventy-six dollars and fifty cents, James White, twelve dollars and sixty-two cents, and George Roulstone, printer, one hundred and sixty-six dollars and sixty-six cents.

*Duty of treasurers.* **S**ec. 2. *Be it enacted,* That the treasurer or treasurers, or either of them, are directed to pay the aforesaid sums, on a certificate or certificates, signed by the speakers of both branches of the legislature, and countersigned by their clerks, whose duty, or either of them, it shall be to make out the same.

*Allowance to Jos. M. Min & J. White.* **S**ec. 3. *Be it enacted.* That Joseph M. Min, shall be allowed the sum of two hundred dollars, for his services, in going express to Philadelphia and returning; and that the sum of twenty-two dollars and thirty-three cents, be allowed to James White, for

transporting a prisoner from the Warm Springs to this place: the said monies shall be paid by either of the treasurers, in manner directed by this act.

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.

C H A P. XVII.

*An ACT to provide for the payment of the Governor, and directing the place of his residence.*

**S**ec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That of the governor of this state shall

keep his office, and reside at the seat of government, and shall receive the annual sum of seven hundred and fifty dollars, as a compensation for his services, to be paid out of the public treasury, by the treasurer of the districts of Washington and Hamilton, on a warrant or warrants, to be issued by the governor, under his hand and seal, and attested by the secretary, to be paid in half yearly payments; and in case there shall be no money, or not sufficient to pay the sum that may, at any time, be due to the governor, the treasurer for the districts aforesaid, shall certify the same, under his hand and seal, to the treasurer of Mero district, which, together with the governor's warrant, authenticated as aforesaid, shall be sufficient to authorise the said last mentioned treasurer to pay the money that may appear to be due thereon.

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.



CHAP. XLII.

*An ACT making compensation to the Members, Clerks, and Door Keepers, of the General Assembly, and for defraying other necessary contingencies.*

*Allowance to members of assembly.*

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee, That* it shall be lawful for each member to receive the sum of one dollar and seventy-five cents, for each day he shall have attended the general assembly, and the same for every twenty-five miles he shall travel, in going to and returning from the same.

*To clerks.*

Sec. 2. *Be it enacted, That* each first clerk of the general assembly, shall be allowed the sum of two dollars and fifty cents, per day, for their services: That one dollar and seventy-five cents, be allowed, per day, to each assistant clerk; and that the farther allowance be made for contingent expenses, namely: To Thomas H. Williams, twenty-two dollars; to John Sevier, jun. twelve dollars and fifty cents; to George Roulstone, twenty-two dollars; to Nathaniel Buckingham, twelve dollars and fifty cents.

*To Door-keepers.*

Sec. 3. *Be it enacted, That* each door-keeper shall be allowed, for his services, the sum of one dollar and seventy-five cents, for each day he shall attend on the general assembly.

*To H. Lacy.*

Sec. 4. *Be it enacted, That* Hopkins Lacy be allowed forty dollars, for his services, as State's attorney, for the first superior court, held in the State of Tennessee, on the second Tuesday in April, one thousand seven hundred and ninety-six, he being appointed by the court for that purpose, *pro tempore*.

*Speakers to sign draughts.*

Sec. 5. *Be it enacted, That* the speaker of each house of the general assembly, shall sign the separate draughts of appropriations, referred to in this act, and be attested by the clerks thereof.

*To Geo. Roulstone.*

Sec. 6. *Be it enacted, That* George Roulstone, public printer, be allowed two hundred dollars, in

part payment, for the printing, as contracted for, by the special committee, as appears by the journal, to be paid by a warrant from the governor, on either of the treasurers.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

CHAP. XIX.

*An ACT to repeal an act, entitled, "An act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence in the militia service of this Territory, and providing for the widows and orphans of such as have died."*

*BE it enacted by the General Assembly of the State of Tennessee, That* an act, entitled, "An act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, in the militia service of this Territory, and providing for the widows and orphans of such as have died," passed on the seventh day of September, in the year one thousand seven hundred and ninety-four, be, and the same is hereby made void.

*All repealed.*

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.



[ 42 ]

C H A P. XX.

*An ACT making provision for mistakes in surveys of land.*

*Secretary to correct errors.*

**BE** it enacted by the General Assembly of the state of Tennessee, That whenever there has been, or hereafter may be an error by the surveyor, in platting or making out the certificate to the secretary's office, or the secretary shall mistake in making out the courses, agreeable to the said returns, or shall misname the claimant, or otherwise, so as such claimant shall be injured thereby, the claimant so injured, shall prefer a petition to the county court of pleas and quarter sessions where such land is situated, setting forth the injury he, she, or they might sustain in consequence of such error or mistake, with all and singular the matters and things relative thereto; and the said courts are hereby authorized to hear testimony respecting the truth of the allegations set forth in the said petition; and if it shall appear to them, by said testimony, or from the return of the surveyor, or error of the secretary, that the patentee of such lands is liable to be injured thereby, such court is hereby required to direct their clerk to certify such facts as appears to their satisfaction, to the secretary of the state of North Carolina.

*Register to correct errors.*

**Sec. 2.** *Be it enacted,* That any person who discovers there is an error in the registration of his or their grants or mesne conveyances, shall be at liberty to prefer a petition to the county court, in the same manner as in this act before directed; and on hearing the same, if it appears to the satisfaction of the court, that error has been made, they are hereby directed and required to order the register of the county to correct such error so made, and make the records by him kept, conformable to the grant, mesne conveyance, bill of sale, or other instrument of writing, in

which it appears such mistake has been so made: *Provided,* That a majority of the acting justices of the said court shall be present, on hearing of such petitions, and that such petitioner shall prove to the court, that he has notified every person having lands adjoining those mentioned in the petition, thirty days previous to preferring the same; and that he has notified every person who claims title to the lands described in his said petition: *Provided also,* That any person who may be dissatisfied with the judgment of any county court, on his, her, or their petition, shall be at liberty to appeal to the superior court, of the district, as in other cases; and no petition shall be set for hearing the first term. *Provided,* That when any person petitions for the alteration of a deed, mesne conveyance, or bill of sale, the same notice shall be given to the grantor of such deed or mesne conveyance.

**Sec. 3.** *Be it enacted,* That the clerks of the county courts, where such petition shall be preferred, shall receive the sum of sixty cents, for their services, on each petition and no more, to be paid by the party petitioning. *Clerks fees.*

**Sec. 4.** *Be it enacted,* That the county courts, when they think necessary, shall order the surveyor and five freeholders, who are not interested, to examine and survey disputed lands, to ascertain the lines, and to make return thereof to the said court, on oath: *Provided,* That the expence of such examination and survey, shall be paid by the party petitioning as aforesaid. *Courts to appoint surveyors.*

JAMES WINCHESTER,

Speaker of the Senate,

JAMES STUART, S. H. R.,



## C H A P. XXI.

*An ACT for the relief of such persons as have, or may suffer, by the loss of the Records of the Court of Equity, for the district of Mero.*

*Preamble.*

**W**HEREAS the office of the clerk and master of the court of equity, for the district of Mero, was lately destroyed by fire, and the books, records, and papers thereof were lost, whereby many persons are, or may be much injured, for remedy whereof,

*Records renewed.*

**B**E it enacted by the General Assembly of the State of Tennessee, That each and every decree heretofore made, by the said court, be, and they are hereby established and declared to be good and valid, to all intents and purposes, as fully as if the same had not been destroyed, as aforesaid.—And in order to ascertain the substance of the said decrees,

*Decrees renewed.*

**S**ec. 2. *Be it enacted.* That it shall be lawful for the different parties, to any of the said decrees, and their attorneys in presence of the judge or judges, to state, by consent, on their own recollection, or that of the judge or judges, or by proof, on the oath of those who drew up the said decrees, or otherwise came to the knowledge thereof, the true substance of said decrees, which shall be drawn up in form, and signed by, the judge or judges, who signed the original decree, and being enrolled of record, in the office of the said court, shall have the same force as the said original itself; and the said judges, parties, and their attorneys, shall, in making up the said decrees, be guided by a minute docket, of the said court, which was saved from the fire, as far as information can be collected therefrom; and all copies of decrees, that had been made out and certified by the clerk of said court, shall be considered as of the same dignity, and

have the same force in law, as the original would, or ought to have had; and the said clerk shall, and may issue such process of execution, on any of the said decrees, made up and authenticated agreeable to the directions of this act, as ought to have been issued on any of the said original decrees; and where any copy or copies, of a decree or decrees, have been signed by the judge or judges, who signed the originals, and proceedings have been had thereon, it shall be deemed good and sufficient in law; *Provided*, There shall be *Proviso*, the proof and enrollment as before set forth.

**S**ec. 3. *Be it enacted*, That it shall and may be lawful for the said clerk to issue execution for the fees, due on the several suits, mentioned in the following list, without stating the different fees at large, in a fee bill, against the parties who may be chargeable therewith, by the above mentioned minute docket, or by either of the aforesaid methods of ascertaining the substance of the said decrees, to wit, in the suits,

<i>Names.</i>	<i>Officers Fee</i>	<i>Dls.Cts</i>
William Brown, <i>versus</i>	Clerk,	5
Margaret Gibson, administra- trix of John Gibson, dec.	Sheriff, Attorney,	2 5
Zachariah Harmond, <i>versus</i>	Clerk,	18
James M'Kain and Robert Montgomery.	Sheriff, Attorney,	3 25
George A. Sugg, <i>versus</i>	Clerk,	10
William Crutcher and William Loggins.	Sheriff, Attorney,	1 75 25
Isiah Robertson, <i>versus</i>	Clerk, Sheriff,	11 3
Oliver Shelby.	Attorney,	25



<i>Names.</i>	<i>Officers Fees.</i>	<i>Dls. Cts.</i>
Anthony Crutcher, <i>versus</i> James C. Monflorenee and Andrew Armstrong, Exr. of Thomas Tallock.	Clerk, Sheriff, Attorney,	17 50 1 25
John Brown, <i>versus</i> Martin Armstrong and Anthony Crutcher.	Clerk, Sheriff, Attorney,	20 2 25 25
John M'Nairy and wife, <i>versus</i> Eusebius Bushnell and William Dobbins.	Clerk, Sheriff, Attorney,	20 2 25 25
James Bosly, <i>versus</i> Anthony Crutcher.	Clerk, Sheriff, Attorney,	12 50 1 50 25
Anthony Crutcher, <i>versus</i> James Bosly.	Clerk, Sheriff, Attorney,	12 50 1 50 25
John M'Nairy, <i>versus</i> James Freeland's heirs.	Clerk, Sheriff, Attorney,	10 1 50 25
James M'Kain, <i>versus</i> George A. Sugg.	Clerk, Sheriff, Attorney,	17 50 1 50 25
Alexander Moore, <i>versus</i> Noah Suggs.	Clerk, Sheriff, Attorney,	7 50 1 50

<i>Names.</i>	<i>Officers Fees.</i>	<i>Dls. Cts.</i>
James Bosly, <i>versus</i> Daniel Rowan.	Clerk, Sheriff, Attorney,	16 65 6 25
James Hoggatt, <i>versus</i> Daniel Rowan.	Clerk, Sheriff, Attorney,	15 17 2 25
James Bosly, <i>versus</i> Anthony Crutcher.	Clerk, Sheriff, Attorney,	15 50 1 50 25
William M'Ginnis, <i>versus</i> William Blackamore.	Clerk, Sheriff, Attorney,	15 1 25 25
William Anderson, <i>versus</i> John M'Dowell.	Clerk, Sheriff, Attorney,	17 50 1 50 25
Griffith Coffield, <i>versus</i> Abraham Hooper.	Clerk, Sheriff, Attorney,	10 2 25
Thomas Molloy and Joseph Onal, <i>versus</i> George A. Sugg.	Clerk, Sheriff, Attorney,	20 2 25

Whereas many valuable papers were burned in the Obliga-  
said office, whereby many good citizens may ens, &c.  
sustain great loss and injury, for remedy whereof, *renewed*

Sec. 4. *Be it enacted*, That it shall and may be  
ful for the substance contained in such paper or  
to be taken in writing, and the truth thereof  
attested on oath in open court, or before any



judge of the superior court, or justice of the peace, by any credible and disinterested witness, the same shall be received as legal testimony, in any court of record in this State. *Provided*, it shall be lawful for the opposite party to encounter such testimony by contrary proofs, or show the same to have been fraudulently or illegally obtained, if he can.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

C. H. A. P. XXII.

*An ACT for amendment of the law, respecting public roads and ferries.*

Roads  
how laid  
out.

Sec. 1.

**B**E it enacted by the General Assembly of the State of Tennessee, That any public road hereafter to be viewed and laid out, or in turning or straightening of roads, if the said road be viewed and laid out by any number of freeholders, not less than five, nor more than twelve, it shall be held and deemed to be sufficient, and of the same effect as if the said road had been laid out by a jury of twelve freeholders as heretofore used; any law, usage, or custom to the contrary notwithstanding.

Damages  
how as-  
sessed.

Sec. 2.

*Be it enacted*, That in future all damages assessed for any new public road, shall be paid by the county in which such new road is, any law, usage, or custom to the contrary notwithstanding.

Ferries  
free to  
elections.

Sec. 3.

*Be it enacted*, That all and every ferry over any river, rivers, or water courses, shall be free to electors, on days of elections of members of the general assembly, general musters, and for representa-

tives to the Congress of the United States, in going and returning from the same.

Sec. 4. *Be it enacted*, That where any person shall conceive himself injured by laying out any road, as directed by this act, it shall be lawful for the court of the county, on complaint made by such person, to order a jury to be summoned to view such road and assess the damage such person may have sustained, which shall be paid to him as aforesaid: *Provided*, Such person shall apply within nine months after such road shall have been laid out.

Sec. 5. *Be it enacted*, That the justices of the respective county courts shall have power to direct what persons shall work on each road, in their county, so that no person shall be compelled to work on more than one road.

Sec. 6. *Be it enacted*, That all ferry keepers, shall keep the banks of the river, where they or either of them shall keep such ferry, on both sides of the water course, in good and lawful repair, or be subject to the same penalties as overseers of public roads.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

C. H. A. P. XXIII.

*An ACT to prevent the obstruction of the navigation of Red river.*

Sec. 1.

**B**E it enacted by the General Assembly of the State of Tennessee, That the navigation of Red river, from

G



the Kentucky line, or where the said line crosses the same, to the mouth thereof, shall be, and remain open and free.

*Fish dam:* *how fixed.* Sec. 2. *Be it enacted,* That if any person or persons have heretofore erected, or shall hereafter erect any fish dam, on the said river, he shall open, or leave open, in the deepest part of the channel of the river where any such dam is, or may be erected, one-third of the width of said channel, and keep the same open.

*Pen. for breach of the above* Sec. 3. *Be it enacted,* That in case any person or persons shall fail to comply with the above, he shall forfeit and pay, for every such offence, fifteen dollars recoverable before any jurisdiction having cognizance thereof, one half thereof to the person suing for the same, and the other half to the county where such offence shall be committed.

*Pen. for making bridges.* Sec. 4. *Be it enacted,* That if any person or persons shall, after the passing of this act, make any hedges, or cut, or cause to be cut, any tree or trees in said river, shall forfeit and pay, for every such offence, ten dollars, recoverable before any jurisdiction having cognizance thereof, one-half to the use of the person suing for the same, and the other half to the county where such offence shall be committed.

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.

## CHAPTER XXIV.

ACT establishing a town by the name of  
Palmyra.

**W**HEREAS doctor Morgan Brown hath laid out a town upon the south bank of Cumberland river, and upon both sides of Deason creek, and made a plan thereof, containing two hundred and forty six lots, with the necessary streets, and hath settled the same with a number of families: *And whereas,* The establishment of the same will promote the public good, by extending the settlements lower down the Cumberland river, and by facilitating trade and commerce to the district of Mero,

*Be it enacted by the General Assembly of the State of Tennessee,* That the spot of ground laid off into a town, containing two hundred and forty-six lots, numbered from one to two hundred and forty-six, both numbers inclusive, with the necessary streets, is hereby established a town by the name of Palmyra, according to the plan of the said Brown.

*Sec. 3. Be it enacted,* That the said doctor Morgan Brown, Robert Prince, Richard Miles, Benjamin Thomas, and Isaac Titworth, be appointed commissioners of the said town of Palmyra, with power to establish the necessary regulations for its government, and to extend its limits upon the same plan, as much as a majority of the said commissioners may judge necessary; and in case of the death or removal of any of the said commissioners, to appoint others in their stead, with equal power with themselves.

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.



## C H A P. XXV.

*An ACT appointing Commissioners and Trustees, the former to fix on a place in the county of Sumner, and the latter to purchase land, erect a court-house, prison and stocks, and establish a Town thereon.*

*Commissioners appointed*

Sec. 1.

**B**E it enacted by the General Assembly of the State of Tennessee, That William Bowen, John Wilson

Isaac Walton, George D. Blackmore, and Hugh Crawford, or a majority of them, be, and they are hereby appointed commissioners, to make choice of place in the county of Sumner, the most conveniently situated that can be had, upon reasonable terms having regard to good water.

*Trustees appointed*

Sec. 2. *Be it enacted*, That Henry Bradford, David Shelby, and Edward Douglass, be, and they are hereby appointed trustees, with full power and authority to purchase two hundred acres of land, at the place appointed by the commissioners, aforesaid, on the best terms that can be had; and to receive deed or deeds of conveyance for the same, which shall be good and valid in law, and shall vest in them and their successors a complete title, for the uses in this act expressed.

*Trustees power.*

Sec. 3. *Be it enacted*, That the said trustees be called and known by the name of the trustees of the town of *Ca Ira*; and shall have full power to elect a suitable person or persons to fill any vacancy that may happen in their own body, by death, resignation, or otherways.

*Purchaser's land.*

Sec. 4. *Be it enacted*, That the said trustees shall proceed, as soon as may be after purchasing said land, to

put a town thereon, to be called and known by the name of *Ca Ira*, to consist of such number of lots as they may think proper, of not more than half an acre of land in each lot, with convenient streets, allies, and commons, and a public square or contain two acres.

Sec. 5. *Be it enacted*, That the said trustees be, and they are hereby authorized, as soon as the said town shall be laid out, to proceed to sell the said lots at public sale to the highest bidder, at six months credit, first giving thirty days notice of the sale, by advertising the same at four of the most public places in said county, taking bond, with sufficient security, for the payment of the purchase money, to themselves and their successors; and the said trustees, or a majority of them, are hereby authorized to sign, seal and deliver, to each of the purchasers of said lots, a deed of conveyance, in fee simple, for the same, which deeds shall be good and valid to all intents and purposes.

Sec. 6. *Be it enacted*, That the said trustees shall, as soon as the said town is laid out, fix on a convenient place in the public square in said town, to build a court-house, prison, and stocks, for the use of the said county, which court house shall be sufficiently large to contain convenient rooms for juries, and the said prison shall consist of at least two rooms.

Sec. 7. *Be it enacted*, That the monies arising from the sale of the aforesaid lots shall be paid to the trustees, and shall be, by them, applied to the building of the court house, prison, and stocks, aforesaid; and the said trustees are hereby authorized to contract with a suitable person or persons, to erect the same.

*Monies applied.*

Sec. 8. *Be it enacted*, That the justices of said county be, and they are hereby authorized and required to lay a tax, not exceeding six and one fourth cents, on each and every hundred acres of land; a tax, not exceeding six and one fourth cents, on each white poll, between the age of twenty one and fifty years; a tax, not exceeding twelve and one-half cents, on each black poll, between the age of ten and fifty years; and a tax, not exceeding one dollar, on each stud horse within said county; and the said tax or

*Justices to lay tax*



taxes, shall be collected in the same manner that public taxes are; and the monies arising therefrom, shall be paid by the collector thereof, after retaining the same, *per centum*, that is allowed by law, for the collection of public taxes, into the hands of the said trustees, to be by them applied to the purchase of the aforesaid land; and the overplus, if any, shall be an additional fund, to that before-mentioned, to defray the expences of the buildings aforesaid.

*Trustees to give bond.*

Sec. 9. *Be it enacted*, That the aforesaid trustees shall enter into bond, jointly, in the sum of two thousand dollars, payable to the chairman of the court of said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act; and they shall retain a reasonable compensation for their trouble in executing the same, to be judged of and allowed by the said court of Sumner, out of the fund aforesaid:

*Provide.*

*Provided*, That two thirds of the acting justices of said county are present, when such allowance is made.

JAMES WINCHESTER,  
Speaker of the Senate,  
JAMES STUART, S. H. R.

## C H A P. XXVI.

*An ACT to establish the Town of Maryville, in the county of Blount, and for other purposes therein mentioned.*

*Preamble*

**W**HEREAS by an act, entitled, "An act to divide the county of Knox into two distinct counties, and for appointing commissioners with

certain powers therein mentioned, and among others, to obtain a certain quantity of land by purchase or otherwise, to lay the same out into a town, and to sell and execute deeds for lots, and apply the money arising from the sale to the building a court-house, which town shall be called and known by the name of Maryville: *And whereas*, John Craig hath obligated himself to convey to the said commissioners, fifty acres of land, for erecting a court house, prison and stocks, in and for the said county of Blount, to be laid out into a town for the benefit of said county: And the said commissioners having laid out the said fifty acres of land into a town, by the name of Maryville:

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the said fifty acres of land shall

*Maryville established.*

continue to be a town agreeably to the plan of the said commissioners, by the name of Maryville: And that the deed of conveyance, when made, from John Craig the said commissioners, for the said fifty acres of land, although made without value received, shall be good and valid, in law, to them and their successors in office, for the purpose for which the said John Craig hath obligated himself to convey the same.

Sec. 2. *Be it enacted*, That the citizens of the county of Blount, shall have the privilege of holding two fairs in each and every year, at the said town of Maryville, for the purpose of selling all kinds of goods, wares and merchandize, free to every citizen of the state, subject to such regulations as may hereafter be established; and the said fairs shall be held on the last Wednesdays in March and October, and may continue for two days each.

*Fairs to be held.*

JAMES WINCHESTER,  
Speaker of the Senate.  
JAMES STUART, S. H. R.



## C H A P. XXVII.

*An ACT appointing Commissioners to contract for the building a court house, prison, and stocks, in the county of Montgomery, at Clarksville.*

*Commis-  
sioners  
appointed* Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee: That Geo. Neville, sen. Francis Prince, Hayden Wells, Robert Edmonson, and Robert Dunning, or a majority of them, be, and they are hereby appointed commissioners, vested with full power and authority to contract with such person or persons as they may think proper, to build a court house, prison, and stocks, in Clarksville.

*Court to  
lay tax.* Sec. 2. *Be it enacted,* That the county court of Montgomery, be authorised and empowered to lay a county tax for two years, not exceeding twelve and an half cents on each white poll, twenty-five cents on each black poll, twelve and an half on each hundred acres of land, twenty-five cents on each town lot, and one dollar on each stud horse, to be applied to the purpose of building said court-house, &c.

*Tax to  
whom  
paid.* Sec. 3. *Be it enacted,* That such tax so laid, shall be collected by the sheriff, and paid into the hands of said commissioners, or such of the same, as shall be appointed to receive the same, and that he have the same per cent. for collecting it, as for other collections.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

## C H A P. XXVIII.

*An ACT for erecting part of the county of Hawkins, and part of the county of Knox, into a separate and distinct county.*

*Preamble* **W**HEREAS the large extent of the counties of Hawkins and Knox, renders it grievous and burthenome to many of the inhabitants thereof, to attend courts, general matters, elections, and other public meetings therein,

*Lines of  
Grainger  
county.* Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee: That the said counties of Hawkins and Knox, be divided by the following lines: Beginning on the main road leading from Bull's Gap to Haines's iron works, on Mcfly creek, at the house of Falpa Road, leaving said house in the new county, running a direct course to the Kentucky road, on the North side of Holston river, a quarter of a mile above the house of Thomas Henderson; thence north fifty degrees west, to the line that divides this state from the State of Virginia; thence west with said line to a point, north west of the end of Clinch mountain; thence a direct course to the end of Clinch mountain; thence with the ridge that divides the waters of Richland and Flat creeks to Holston river, at the upper end of the first bluff above Boyles's old place; thence up the meanders of said river to the mouth of Panther creek; thence up said creek to the head spring thereof, near the house of John Evans; thence along the main waggon road to the beginning; and all that part of the aforesaid counties of Hawkins and Knox, contained within the lines before described,



be erected into a separate and distinct county by the name of Grainger.

*Comm'rs. appointed* Sec. 2. *Be it enacted,* That David Hayley, Major Lee, Benjamin M'Carty, Bartley Marshall, and James Blair, jun. be, and they are hereby appointed commissioners, and are authorised to purchase and lay off a place, the most central and convenient in said county of Grainger, for the purpose of erecting a court house, prison, and stocks.

*To erect a courthouse* Sec. 3. *Be it enacted,* That the aforesaid commissioners are hereby authorised and required, as soon as may be, after agreeing on the place whereon the court house, prison, and stocks, are to be erected in said county of Grainger, to contract and agree with suitable workmen for erecting and building, at the place aforesaid, a court house, prison, and stocks, for the use and benefit of said county.—And the better to enable the commissioners aforesaid, to carry this act into effect,

*Tax to be laid.* Sec. 4. *Be it enacted,* That a tax not exceeding twelve and a half cents, on each hundred acres of land—a tax, not exceeding twelve and a half cents, on each town lot—a tax, not exceeding twenty-five cents, on each slave, between the age of ten and fifty years—a tax, not exceeding one dollar, on each stud horse—and a tax, not exceeding twelve and a half cents, on each free male, between the age of twenty-one and fifty years, shall be collected in the said county of Grainger every year, not exceeding three years, by the sheriff or collector of the same, and accounted for and paid to the said commissioners, at the same time and in the same manner, and under the like penalties and restrictions, as is, or may be directed for collecting, accounting for, and paying public taxes.

*Comm'rs to give bond.* Sec. 5. *Be it enacted,* That before the said commissioners shall take into their hands, any of the duties directed to be collected by this act, they shall enter into bond, in the sum of fifteen hundred dollars payable to the governor, for the time being, and his successors in office, for the use of the said county

Grainger, conditioned, for the faithful discharge of the trust reposed in them.

Sec. 6. And for the due administration of justice, *Courts to be held.* *Be it enacted,* That the first court of the said county of Grainger shall be held, by the justices of the same, on the second Mondays in June, September, December, and March, every year; and the justices thereof are hereby authorised and empowered to hold the first court, for the same, at the house of Benjamin M'Carty; and all subsequent courts for said county, on the days above mentioned for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house shall be built for the said county of Grainger; and then all causes, matters, and things, depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court house: And all courts held in and for the said county of Grainger, shall be held by commission to the said justices, in the same manner and under the same rules and restrictions; and shall have and exercise the same powers and jurisdiction as are, or shall be prescribed for the courts for the several counties in this state.

Sec. 7. *Be it enacted,* That the aforesaid county of Grainger shall be, and is hereby declared to comprise a part of the district of Hamilton, in the same manner, and for all purposes, civil and military, as other counties in the said district doth: *part of Hamilton district.* *Provided,* Nothing in this act contained shall be so construed as to prevent the sheriff or collectors of the said counties of Hawkins and Knox from collecting all arrearages of public and county tax, within the limits of the said county of Grainger, in the same manner as if this act had not been passed: And the said county of Grainger shall, from and after the passing of this act, furnish four jurors to the superior court of law and equity, for the district of Hamilton aforesaid.

Sec. 8. *Be it enacted,* That John Cocke and William Payne, be, and are hereby appointed commissioners, who are authorised to run the dividing lines between the aforesaid counties, that is, where they are not already run, or particularly pointed out by



natural boundaries; for which services, each of the commissioners shall be allowed two dollars per day, and the marker one dollar per day; the expenses to be paid by the aforesaid county of Grainger.

*Subs in Knox and Hawkins.* Sec. 9. *Be it enacted.* That all proceedings now pending in the county courts of Hawkins and Knox, shall be proceeded on and determined in the same manner as if this law had not been passed: *Provided,* Nothing herein contained shall be construed, so as to give said county of Grainger separate election for governor and members of the general assembly; but the inhabitants of said county, shall be entitled to suffrage in the county from which they were taken, until the first enumeration shall be made.

JAMES WINCHESTER,  
Speaker of the Senate,  
JAMES STUART, S. H. R.

## CHAPTER XXIX.

*An ACT to amend an act, entitled, "An act, establishing a town on Cumberland river, at a place called the Bluff, near the French lick, and for other purposes."*

*Trustees appointed*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That Howell Tatam, Richard Cross, William Tate, and William Black, be, and they are hereby appointed trustees, in addition to those appointed by the said act, for the purpose of regulating the town of Nashville.

*Their duty.*

Sec. 2. *Be it enacted.* That the said trustees shall, and they are hereby authorized to resurvey the said

town, agreeable to the direction of the aforesaid act, as nearly as possible, so as to do the least possible injury to the inhabitants of said town: *Provided,* The streets, buildings, and other improvements, already made in said town, shall not be altered by the said survey.

Sec. 3. *Be it enacted.* That the said trustees shall, and they are hereby authorized to lay off a water street, to begin at the upper boundary line of the said town, and extend down the river a direct course, until it intersects the cross-street, leading through the lower end of the public square, and from the lower line of the said town to the upper end of the lot number eight.

Sec. 4. *Be it enacted.* That the said trustees shall cause the boundaries of the said town, or such part thereof as they may judge necessary, to be marked by sufficient land marks of stone, and shall make out a fair and correct plat, or plan, of the said town, which shall be recorded in the register's office of Davidson county; and shall thence forward be the plat, or plan, by which every claimant or proprietor of land in said town, shall be regulated in ascertaining and establishing their rights.

Sec. 5. *Be it enacted.* That the said trustees shall, and they are hereby authorized to lay off as much of the land in the said town, between the said water-street and the river, as they, or a majority of them, may judge necessary, into lots of such size, and with such number of allies as they, or a majority of them, shall deem proper, so as not to include any spring or well in any of the said lots so laid off, which lots, and allies so laid off as aforesaid, shall be properly numbered and annexed to the plan of said town.

Sec. 6. *Be it enacted.* That said trustees shall, as the said lots are laid off and numbered as aforesaid, proceed to sell the same at public sale, on month's credit, first giving forty days notice of sale, by advertising the same in three of the most public places in the said county, and taking bond



and sufficient security for the payment of the purchase money, to themselves and their successors, to, and for the uses herein after mentioned; and shall perfect titles to the purchaser or purchasers, in the same manner as is directed by the before recited act, at the expense of the purchasers.

*Monies  
to be dis-  
posed of.*

Sec. 7. *Be it enacted*, That the monies arising from the sales of the aforesaid lots, shall be paid into the hands of the commissioners aforesaid, for the purpose of building a district jail and stocks, for the use of the district of Mero, and shall be by them applied to the use of building the said jail and stocks, which they, or a majority of them, are hereby authorized to do, agreeably to the directions of an act of the general assembly, of the Territory south of Ohio, entitled, "An act authorizing the drawing a lottery in the district of Mero," for the purpose of raising a fund for erecting a district jail and stocks in the town of Nashville.

*Re survey  
the town.* Sec. 8. *Be it enacted*, That the said trustees shall have power to contract with an able surveyor, and two chain carriers, to resurvey the said town, and fix marks to the said boundaries thereof, as required by this act, who shall be paid for their services by the said commissioners, for erecting the aforesaid jail and stocks, out of the funds arising from the sales aforesaid.

*Trustees  
to make a  
deed to the  
Methodists* Sec. 9. And whereas the religious society, called the Methodist, have erected a meeting-house on the public square, in Nashville, and ought to have the use thereof secured to them, *Be it enacted*, That the trustees of the town aforesaid, shall, and they are hereby authorized to execute a deed to five persons such as the said society shall appoint, for the land whereon the said house stands, to include twenty feet on each side and end of said house; which shall be in the said appointees of the said society, a title and for the uses, and with the express limitations following, viz. Said meeting house shall be, and remain to the use of the said society, so far only, as to give right to their ministers to preach therein;

shall not extend to authorize them to debar, or deny, to any other denomination of Christians the liberty of preaching therein, unless when immediately occupied by the said society; nor shall the said appointees have power to alien their title to the same, to any person or persons whatsoever, except to the trustees of Nashville, to and for the uses of said town.

Sec. 10. *Be it enacted*, That the trustees of Lay off lot Nashville shall have power to lay off, and appoint for church suitable places, on said public square, for any religious sect, to erect a house or houses of public worship on, under the same rules and restrictions that are above prescribed for the society aforesaid.

JAMES WINCHESTER,

Speaker of the Senate.

JAMES STUART, S. H. R.

## C H A P. XXI.

*An ACT to divide the county of Tennessee into two distinct counties; taking also a part of the west end of Sumner county.*

Sec. 1. *Be it enacted by the General Assen. Lines de-  
scribed.* **B**ly of the state of Tennessee, That scried.  
the county of Tennessee be di-

vided by a line as follows, viz. Beginning at the upper end of the first bluff above James McFarlin's, on Red River, near Allin's Cabbins, running from thence a direct course to the Sulphor Fork, one quarter of a mile below Elias Fort's, thence up the creek, as it meanders, to the mouth of Brush Creek, thence up the same, as it meanders, to the head, thence a direct



course to the Davidson county line, at the mouth of Sycamore creek; thence up said Sycamore Creek, with the Davidson county line, to the Sumner county line, thence with the extreme height of the dividing ridge, eastwardly to the Kentucky road, leading from Nashville, thence northwardly, with said road, to the Kentucky state line, thence west with said line, to such place as a south east course, leaving Joseph French in the lower county, will strike the beginning. And all that part contained in the said boundary, henceforth be erected into a new and distinct county, by the name of Robertson; and the other part thereof be and remain a separate and a distinct county, by the name of Montgomery.

*Comm'rs appointed* Sec. 2. *Be it enacted*, That William Johnston, James N. Hest, John Y. King, John Donelson, and Samuel Crocket, be, and they are hereby appointed commissioners, and authorized to appoint and lay off a place the most central and convenient on said county of Robertson, for the purposes of erecting a court house, prison, and stocks.

*To build a court house.* Sec. 3. *Be it enacted* That the aforesaid commissioners are hereby authorized and required, as soon as may be, after agreeing on the place whereon the court house, prison and stocks are to be erected in said county of Robertson, to contract and agree with suitable workmen, for erecting and building, at the place aforesaid, a court house, prison, and stocks, for the use and benefit of said county.

*Sec. laid.* Sec. 4. And the better to enable the commissioners aforesaid, to carry this act into effect, *Be it enacted*, That a tax not exceeding twelve and an half cents on each hundred acres of land—a tax not exceeding twenty five cents on each town lot—a tax not exceeding twenty five cents on each slave, between the age of ten and fifty years—and a tax not exceeding twelve and an half cents on each white male, between the age of twenty one and fifty years, shall be collected in the said county of Robertson, for two years, by the sheriff or collector of the same, and accounted for, and paid to the said commissioners,

at the same time, and the same manner, and under the like penalties and restrictions, as is or may be directed for collecting, accounting for, and paying public taxes.

Sec. 5. *Be it enacted*, That before the said commissioners shall take into their hands any of the moneys directed to be collected by this act, they shall enter into bond, in the sum of one thousand dollars, payable to the governor and commander in chief for the time being, and his successors, conditioned for the faithful discharge of the trust reposed in them. *Comm'rs to give bond.*

Sec. 6. And for the due administration of justice, *Courts to be held* *be it enacted*, That the court for the said county of Robertson shall be held constantly by the justices of said county, on the third Mondays in January, April, July, and October, in every year: And the justices for said county of Robertson, are hereby authorized and empowered to hold the first court for the same, at the house of Jacob M'Carty: And all subsequent courts for said county, on the days above-mentioned for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house shall be built for the said county of Robertson; and then all causes, matters and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts, held in and for the said county of Robertson, shall be held by commission to the said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed for the courts for the several counties in this state.

Sec. 7. *Be it enacted*, That the aforesaid county Robertson shall be, and is hereby declared to part of a part of the district of Mero, in the same Mero, and for all purposes, civil and military, as



*Proviso.* It did, when it stood undivided: *Provided*, Nothing in this act contained shall be so construed as to prevent the sheriff or collector of the taxes of the county of Tennessee, from collecting the same, both public and county, within the limits of the said county of Robertson, which are, at this time, in arrearages, in the same manner as if this act had not been passed; and the said county of Robertson, from and after the passing of this act, shall furnish six, and the county of Montgomery, six jurors, to the superior court of law and equity, for the district of Merit aforesaid.

*Lines to be run.*

Sec. 8. *Be it enacted*, That Barclay William Pollock and Joseph Carmack, be appointed commissioners, who are authorized to run the dividing lines between the aforesaid counties, that is, where they are not already run, or particularly pointed out by natural boundaries; for which services each of the commissioners shall be allowed two dollars per day, and the markers each one dollar per day, the expenses to be equally paid by the aforesaid counties.

*Suits determined.*

Sec. 9. *Be it enacted*, That all proceedings, now pending in the county court of Tennessee, shall be proceeded on, and determined in that part of said county, now called Montgomery, in the same manner as if this law had not passed.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

# CHAP. XXXI.

## ACT to divide the county of Washington into two distinct counties.

**WHEREAS** the extent of Washington county is so great that the inhabitants living in the upper end thereof, labour under considerable difficulties and inconveniences in attending courts, general-musters, elections, and other public duties—*Preamble* for remedy whereof:

**BE** it enacted by the General Assembly of the State of Tennessee, That Carter county, the county of Washington be divided by a line as follows, to wit:—Beginning on the line that divides this state from the state of North Carolina, at a point from which a line to be drawn north, will strike the house of George Haines—

thence the nearest direction to the top of the Butler mountain—thence along the heights of the said mountain, to the high knob on the same, near the north end thereof—thence a direct line to the house where Jonathan Tipton, junior, now lives, leaving said house in Washington county—thence a direct line to the south bank of Watauga river, at Jeremiah Dungan's ford—thence due north to the Sullivan line; and all that part lying to the east of said line, henceforth be erected into a new and distinct county, by the name of Carter.

*Sec. 1.* *Be it enacted*, That Landon Carter, John Thornton, Andrew Greer, senior, Zachariah Campbell, and David M. Nabb, or a majority of them, and are hereby appointed commissioners, and are authorized to appoint, fix on, and lay out a place the most suitable and convenient in said county, for the purpose of erecting a court house, prison and stocks.

*Sec. 2.* *Be it enacted*, That the aforesaid com-

*Commrs appointed*



commissioners are hereby authorized and required, as soon as may be, after agreeing on the place whereon the prison, court house, and stocks are to be erected in said county, to contract and agree with suitable workmen, for erecting and building, at the place aforesaid, a court house, prison, and stocks, for the use and benefit of said county.

*Tax to be laid.*

Sec. 4. And the better to enable the commissioners aforesaid to carry this act into effect, *Be it enacted*, That a tax of twelve and a half cents on each hundred acres of land—a tax of twenty five cents on each town lot—a tax of twenty five cents on each slave between the age of ten and fifty years—and a tax of twelve and a half cents on each white male between the age of twenty one and fifty years, shall be collected in the said county, for two years, by the sheriff or collector of the same, and accounted for and paid to the said commissioners, at the same time, and in the same manner, and under the like penalties and restrictions, as is or may be directed for collecting, accounting for, and paying public taxes.

*Comm'rs give bond*

Sec. 5. *Be it enacted*, That before the said commissioners shall take into their hands, any of the moneys directed to be collected by this act, they shall enter into bond in the sum of one thousand five hundred dollars, payable to the governor and commander in chief, for the time being, and his successor, conditioned for the faithful discharge of the trusts imposed in them.

*Courts to be held.*

Sec. 6. And for the due administration of justice in said county, *Be it enacted*, That the court for said county of Carter, shall be held constantly by justices of said county, on the first Mondays in April, July, October and January, in every year: And justices for said county of Carter are hereby authorized and empowered to hold the first court for said county, at the house of Samuel Tipton, and all subsequent courts for said county, on the days above mentioned for holding courts therein, at any place which the said justices shall from court to court appoint themselves, until a court house shall be built for the said county of Carter, then all causes, matters

and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said county of Carter, shall be held by commission to said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction as are or shall be prescribed for the courts for the several counties in this state.

Sec. 7. *Be it enacted*, That the aforesaid county of Carter shall be, and is hereby declared to compose a part of the district of Washington, in the same manner, and for all purposes, civil and military, as it did when it stood undivided from the county of Washington: And the said county of Carter, from and after the passing of this act, shall furnish three, and the county of Washington seven jurors to the superior courts of law and equity, for the district of Washington aforesaid.

Sec. 8. *Be it enacted*, That Joseph Brown and Nathaniel Taylor, be appointed commissioners, who are authorized to run the dividing lines between the aforesaid counties; that is, where they are not already run, or particularly pointed out by natural boundaries; for which services the said commissioners shall each be allowed two dollars per day, and the markers one dollar per day, the expence equally to be paid by the aforesaid counties.

Sec. 9. *Be it enacted*, That the present sheriff or collector of Washington county, be authorized to collect all arrearages of public taxes, which by law he was authorized to collect, in the same manner that he might or could do, when the said county of Washington stood undivided.

*Taxes to be collected.*

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.



## C H A P. XXXII,

*An ACT for establishing a Town in Robertson county, by the name of Springfield.*

*Preamble* **W**HEREAS, by an act passed at this session, John Donelson, William Johnson, sen. John Young, James Norflet, and Samuel Crocket, are appointed commissioners, and authorised to lay off, and appoint a place, the most central and convenient in the county of Robertson, for the purpose of erecting a court-house, prison, and stocks: *And whereas* said commissioners are, by the said act, authorised to receive certain monies, therein appropriated, to the aforesaid purposes:

*Money applied.*

Sec. 1.

**B**E it enacted by the General Assembly of the state of Tennessee, That the said commissioners be, and they are hereby authorised to appropriate and lay out such part of said monies, in the purchase of fifty acres of land, to lay the same out into a town, and to sell and execute deeds for lots, and to apply the money (or part thereof) arising from the sale, to the building a court-house, prison, and stocks; which town shall be called and known by the name of *Springfield*: And the said commissioners shall give bond and security to the governor, or his successors in office, in the penal sum of one thousand dollars; conditioned, for the due application of such sums of money as shall come to their hands, for the purposes before expressed; and well and truly to account for the same, to and with the court of the said county of

Robertson, which bond shall be filed in the office of the clerk of the said county.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

## C H A P. XXXIII.

*An ACT for regulating the town of Jonesborough, and for creating, building, or repairing the court house, prison, and stocks, in said town:*

*Preamble* **W**HEREAS the assembly of the state of North-Carolina, in the year one thousand seven hundred and seventy nine, passed an act, entitled, "An act to establish and lay out a town in Washington county," which act is as follows:

Sec. 1. Whereas, one hundred acres of land at the place fixed on for erecting the court house and public buildings of Washington county, hath already been purchased by the commissioners appointed by law to affix the court-house of Washington county, for the purpose of erecting a town thereon: And representation being made to this present general assembly, that the inhabitants of said county would be greatly benefited thereby; also, to traders and artificers, to have a town laid off and established by law on said land:

Sec. 2. *Be it enacted by the general assembly of the state of North Carolina, and it is hereby enacted, by the authority of the same, That a town be established on the land purchased for the use of the county of Wash-* *Town established.*



ington, by the name of Jonesborough; and that John Wood, Jesse Walton, George Russell, James Stuart, and Benjamin Clerk, be commissioners, to lay out and direct the buildings of the said town of Jonesborough; and that the commissioners, or a majority of them, as soon as may be, after the passing of this act, do set apart a lot of ground, convenient and sufficient for the public buildings in said town; and also lay out fifty other lots, to contain one acre each, with convenient squares and streets; and the overplus of said land, if any, to remain as common to the use of said town, until it shall by law be appropriated to other uses; and that the said commissioners, or a majority of them, shall have full power and are hereby directed to make, or cause to be made, a fair plan of said town, and number the lots, and take subscription for said lots of such persons as may be willing to subscribe for the same; and when the whole number of lots shall be subscribed for, the commissioners aforesaid shall give public notice, and appoint a day for drawing said lots, which shall be done by ballot, in a fair and open manner, by the direction and inspection of a majority of said commissioners; and such subscriber shall be entitled to the lot or lots drawn for him, corresponding with the number contained in the plan of said town; and the said commissioners, or a majority of them, are hereby empowered to grant a good and sufficient title, in fee simple, for the said lots, at the costs of the subscribers.

Price of  
lots.

Sec. 3. *Be it further enacted by the authority aforesaid*, That each respective subscriber for any lot in said town, shall, at the subscribing for the said lots, pay seventy-five dollars for each and every lot, into the hands of the said commissioners, or any one of them, as they shall appoint, who, after deducting such part of those monies as the court shall adjudge a reasonable compensation for their trouble, are hereby directed and required, within three months after the lots are drawn for, to pay the remainder of all said monies, into the hands of the aforesaid commissioners, who shall account with their respective coun-

ty courts, who shall apply all the aforesaid monies towards defraying the county contingent tax.

Sec. 4. *Be it enacted by the General Assembly of the state of Tennessee*, That the said act is hereby declared to be in force in this state, except so much as is repealed by this act, or comes within the purview and meaning thereof. *Act of N. Carolina in force.*

Sec. 5. And that the said act may be carried into full effect, *Be it enacted*, That all sales of lots in the said town, under the before recited act, where the purchase money has been paid, are hereby declared good and valid, and shall enure to the respective purchasers without imputation of laches, or to such person or persons who may hold the same, by virtue of any purchase of the right of such first purchaser. *Former sale of lots valid.*

Sec. 6. And whereas the commissioners heretofore by law appointed for the said town, have, by refusal to act, removal, and other occurrences, been reduced to a number too small to act: therefore, *Be it enacted*, That David Deaderick, senior, John Sevier, junior, Christopher Taylor, John Tipton, Adam Reader, John Blair, John Adams, William Chester, Allen Gillespie, Thomas Embree, and Robert Allison, be, and they are hereby appointed commissioners for the said town; and shall and may take upon them the regulation and management, having regard to the manner and form the said town has heretofore been laid off by James King, as if the same had been done, under the directions of any former commissioners, by law appointed for that purpose; and the said commissioners shall have further authority to lay off into one acre lots, any of the said lands belonging to the town aforesaid, which have not yet been sold or appropriated, to be laid out with convenient streets, lanes, and allies. *Comm'rs appointed*

Sec. 7. *Be it enacted*, That the said commissioners, *Their duty* from and after the passing this act, shall be, and they and every of them are hereby constituted directors.



and trustees for designing and improving the said town; and they shall stand seized of an indefeasible estate of the land heretofore laid out, for the use and purposes of the said town, to and for the uses, intents and purposes hereby expressed and declared; and they, or a majority of them, shall have power and authority to meet as often as they shall think necessary, and cause a plan of the said town to be made, observing accurately in making the same, the lines and courses mentioned in the aforesaid plan of said town, made by the said James King, which plan is hereby declared and established to be the true plan of the said town, and therein to insert the number and mark of each lot; and as soon as the said lots are laid off as aforesaid, the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said lands, in lots as aforesaid, to the original purchasers in this act before mentioned, their heirs or assigns, or to him or them who by public or private purchase or sale, have become possessed of the right vested in any of the said original purchasers; which sale or sales of any of the said lots, shall be good and valid to convey and transfer all the right which any of the said original purchasers was possessed of, to the purchasers, any law, usage, or custom to the contrary notwithstanding.

*Lots to be sold.*

Sec. 8. *Be it enacted*, That all the lots which do remain of the said lands, belonging to said town, after that deeds for granting shall be made of all the lots severally purchased originally, and appropriated as aforesaid, to the person or persons entitled thereto as aforesaid, shall be sold by the sheriff, in lots of one acre each, by or under the directions of said commissioners, or a majority of them, and in such manner as the said commissioners shall direct, to the best advantage, who, or a majority of them, shall make and execute deeds for granting the said lands, in lots as aforesaid, to the purchasers. And every person or persons, claiming or holding any lot or lots, by virtue of such conveyance, shall and may hold and possess the same in fee simple.

Sec. 9. *Be it enacted*, That said commissioners, *Commrs* before they enter on their trust, or take into their hands any of the monies directed to be collected by this or any former act, shall enter into bond in the sum of four thousand dollars, payable to the governor for the time being, or his successors in office, for the use of the county, conditioned for the faithful discharge of the trust reposed in them; and shall take an oath for the faithful discharge of their respective duties, as commissioners, according to the directions and meaning of this act.

Sec. 10. *Be it enacted*, That the said commissioners, *Buildings* or a majority of them, be, and are hereby appointed *to be erect-* and required, as soon as may be, to agree and con- *ed.* tract with workmen for erecting and building, or repairing and finishing, in the said town of Jonesborough, a court house, prison, and stocks; and when the same is built and finished, it shall be and remain to the use of the district and county of Washington.

Sec. 11. *Be it enacted*, That a tax to enable the *Taxes to* commissioners to carry this act into effect, not exceed- *be collect-* ing nine cents on every hundred acres of land; nine *ed.* cents on every white poll, between the age of twenty and fifty years; eighteen cents on each slave, between the age of twelve and fifty years, may be collected in the county of Washington, at the direction of a majority of the acting justices of said county, by the sheriff thereof, for two years, and accounted for and paid to the said commissioners, in the same manner, at the same time, and under the like penalties and restrictions, as is or may be directed for collecting, and accounting for and laying other public taxes; which monies, together with the monies arising from the sale of all lots in the said town, not heretofore appropriated, shall be applied by the said commissioners to the uses and purposes aforesaid.

Sec. 12. *Be it enacted*, That the said commission- *Commrs* are hereby empowered and required, if it should *to bring* seem to them be deemed requisite, to call to account all *justs.*



holders of monies, collected or accruing in any manner whatever, under any former act or acts, passed for establishing or regulating the town of Jonesborough, to bring suit or suits against the same, by action of debt, in the name of the governor for the time being, and apply the same, when recovered to the uses and purposes aforesaid.

Disputes  
how de-  
cided.

Sec. 13. *Be it enacted*, That if any disputes shall hereafter arise, or be respecting any of the lots in said town, between different claimants, in that case none of the commissioners who may be interested or related by consanguinity or affinity to either of the parties, shall sit on the adjustment of such dispute.

Acts re-  
pealed.

Sec. 14. *Be it enacted*, That the remaining part of the aforesaid act of North Carolina, not recited in this act; and an act of the governor, legislative council, and house of representatives of the late Territory of the United States of America south of the river Ohio, entitled, "An act for appointing commissioners in the district of Washington, for the purpose of erecting a court house, prison, and stocks, in the county of Washington, for the use of said district; and for levying a tax to complete the same; also, for the regulation of the town of Jonesborough," be, and the same is hereby repealed and made void.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

*An ACT to ascertain a line between Knox,  
Jefferson and Sevier counties.*

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That appointed Joseph Greer, Abraham M. Clery,

and William Bailes, or a majority of them, be, and they are hereby appointed commissioners to run the lines between the counties of Knox and Sevier, agree-  
ably to an act of the governor, legislative council, and house of representatives of the Territory of the United States of America south of the river Ohio, entitled, "An act to divide Jefferson county into two distinct counties."

Sec. 2. *Be it enacted*, That two dollars per day be allowed each of the above commissioners for their services, in running said lines; and one dollar per day, be allowed a marker, the expence to be equally borne by the aforesaid counties of Knox and Sevier.

Sec. 3. *Be it enacted*, That the aforesaid commissioners shall have full power to begin the aforesaid line, at any point they may choose, so as to ascertain the lines, on or before the first day of August next, according to the true intent and meaning of the aforesaid act.

Their  
powers

Sec. 4. *Be it enacted*, That the inhabitants living on the aforesaid disputed ground, shall do their duty in Knox county, until such line shall be ascertained.

Disputed  
ground.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.



C H A P. XXXV.

*An ACT to ascertain the lines between  
Blount and Sevier counties.*

*Preamble* **W**HEREAS the lines between Sevier and Blount  
counties have not been sufficiently ascertained,  
to prevent disputes between the citizens of said  
counties,

*Lines to  
be run.*

**B**E it enacted by the General Assem-  
bly of the State of Tennessee, That  
the line dividing Sevier and  
Blount counties, begin at where the said lines inter-  
sect on the top of Bay's Mountain, thence taking the  
ridge that divides the waters of Little River from  
the waters of French Broad, and with said ridge to  
the eastern boundary of this State.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

A Copy. Test.

WM. MACLIN, Sec'ry.



*Notes*  
**A C T S**

BASED AT THE

SECOND SESSION

O F T H E

FIRST GENERAL ASSEMBLY

O F T H E

STATE OF TENNESSEE;

BEGUN AND HELD AT KNOXVILLE, ON  
SATURDAY THE THIRTIETH DAY OF JULY ONE  
THOUSAND SEVEN HUNDRED AND NINETEEN-61X.

KNOXVILLE;

PRINTED BY GEORGE ROYLSTONE,  
PRINTERS TO THE STATE,

1296



# A C T S

OF THE

STATE OF TENNESSEE.

## CHAPTER I.

*An ACT directing the mode of electing  
one Representative to represent this State  
in the Congress of the United States.*

Sec. 1. **B**E it enacted by the General Assembly  
of the State of Tennessee; That an Election  
shall be held at the re-when  
spective court houses, in each county in this State, on held:  
the first Thursday in October next, and on the day  
next succeeding, to elect one representative to repre-  
sent this State in the Congress of the United States,  
which election shall be conducted under the same  
rules, regulations and restrictions as elections for  
members of the general assembly.

Sec. 2. *Be it enacted, That the person elected shall* Person e-  
have been a citizen, or resident of this State three years lected.  
next immediately preceding the day of election:

May 17, 1916

RECORDED  
INDEXED  
MAY 17 1916  
CLERK OF THE COURT



**Proviso.** *Provided*, That this shall not be construed to extend to any person who was a citizen or resident of this State at the time of making the constitution thereof.

**Returns how made.** Sec. 3. *Be it enacted*, That immediately after the close of the election in each county, the sheriff or other returning officer shall, in the presence of the inspectors of the election, make out two correct statements of the number of votes given to each candidate in his county, which two statements shall be certified by the said sheriff, or other returning officer, and a majority of the inspectors, one of the said statements, shall, by the inspectors, be filed in the office of the clerk of the county; and the sheriff, or other returning officer, by himself, or his deputy, shall attend with the other on the day, and at the place herein after mentioned.

**Returns when made.** Sec. 4. *Be it enacted*, That the returning officers, for the several counties, in the district of Washington, by themselves, or their deputy, shall meet at Jonesborough, on the fourth day after the last day of the election, and in the presence of three justices of the peace, to be summoned for that purpose, proceed to examine and compare the several certified statements aforesaid; and shall make out and certify, under their hands and seals, a general statement of the number of votes given for each of the candidates in the several counties in the said district, which said general statement shall also be certified by the justices attending as aforesaid: And in like manner, the returning officers, for the several counties, in the district of Hamilton, shall meet at Knoxville, on the same day before appointed, and proceed to make out a general statement of the votes given for each of the candidates in the several counties, in the said district, in the same manner as is before directed for the returning officers of the district of Washington: And in like manner, the returning officers for the several counties, in the district of Mero, shall meet at Nashville on the same day before appointed, and shall proceed to make out a general statement of the votes given for each candidate in the several counties, in the said dis-

trict, in the manner before directed, for the district of Washington, which said general statements shall be produced at Knoxville, on the fifteenth day after the day of said election, by one of the returning officers attending with the same from each of the districts aforesaid. And in order to ascertain which of the said returning officers shall so attend, they are hereby required to determine the same by lot, or otherwise: And the said officers being so met, as aforesaid, shall, in the presence of three justices of the peace, to be summoned for that purpose, proceed to examine and compare all the votes given by the electors, in the several counties in this State, and shall certify to the governor which of the candidates shall have the greatest number of votes.

Sec. 5. *Be it enacted*, That if two or more candidates have the same number of votes, the said returning officers shall decide which of them shall be representative, in the same manner as grand jurors are by law drawn for. *Equal numbers born to be divided.*

Sec. 6. *Be it enacted*, That if any sheriff, coroner, or his deputy, shall fail to attend, and return a statement as aforesaid, of the election in his county, on the day and place as required by this act, he shall forfeit and pay the sum of five hundred dollars, one half to the use of the State, the other half to him who will sue for the same, to be recovered by action of debt in any court of record in this State, unless good and sufficient cause be shewn for such non-attendance. *Pen. on sheriff for failure.*

Sec. 7. *Be it enacted*, That the person who shall be duly elected a representative under this act, shall produce the certificate of his election obtained, as by this act directed, to the governor of this State, who, on receiving the same, is hereby empowered and required to grant a commission, certifying his appointment as representative aforesaid. *Gov. to commission the person elected.*

Sec. 8. *Be it enacted*, That each of the sheriffs, or other returning officers attending, as by this act required, shall be allowed the sum of one dollar and seventy-five cents, for every thirty miles travelling to and from the place appointed for the said sheriffs or returning officers, to convene, and the same for each day he shall necessarily attend, comparing the returns



of the said elections, which shall be ascertained on oath before the justices of the peace attending at in this act mentioned, and a certificate thereof signed by the said justices, shall be given to each sheriff or returning officer, respectively, to be paid out of the public treasury of this state, by either of the treasurers of the same.

*Penalty.* Sec. 9. *Be it enacted,* That if any person shall be found guilty of having committed any fraud in performing the duties enjoined by this act, he shall, on conviction thereof, forfeit and pay the sum of five hundred dollars: one-half thereof to the use of the state, the other half to him who will sue for the same, to be recovered with costs in any court of record in this state.

*Act repealed.* Sec. 10. *Be it enacted,* That an act, entitled, "An act directing the mode of electing representatives to represent this state in the Congress of the United States, passed at Knoxville, at an assembly begun and held on the twenty eighth day of March, in the year one thousand seven hundred and ninety six, is hereby repealed and made void:" And that this act shall be in force from and after the passing thereof.  
Passed the 3d day of August, 1796.

JAMES WINCHESTER,  
Speaker of the Senate,

JAMES STUART, S. H. R.

## *An ACT for laying and collecting an additional county tax.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Tax laid, an additional county tax, not ex-

ceeding twelve and an half cents, on every hundred acres of land; a tax, not exceeding twenty five cents, on each town lot; a tax, on each stud horse, not exceeding the sum demanded by the owner for the season of one mare; a tax, not exceeding twenty five cents, on each taxable black poll; a tax, not exceeding twelve and an half cents, on each free male citizen, in each county in this state, may be laid by the justices of the county courts respectively, for the year one thousand seven hundred and ninety seven, for the payment and discharging of county contingencies; And the said tax, when laid, shall be collected, paid, and accounted for, under the same rules, regulations, restrictions, and penalties, as is by law provided in like cases: *Provided,* This tax shall be laid and collected for the year of one thousand seven hundred and ninety seven, and no longer.

Sec. 2. *Be it enacted,* That nothing herein contained shall be so construed as to extend to the counties of Davidson, Montgomery, Sumner, Robertson, Washington, and Hawkins. *Counties excepted.*

Passed the 5th day of August, 1796.

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.



## C H A P. III.

*An ACT directing the mode of electing the several officers, whose appointments are by the constitution vested in the county courts of pleas and quarter-sessions.*

*Appoint-  
ments how  
made.*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That where any vacancy may happen by death, resignation, or otherwise, the right of which appointment is by the constitution vested in the county courts, then and in that case, such court shall hold an open and free election on the second day of the term, in which such appointment is to be made, admitting all citizens to the privilege of offering as candidates, except such as are prohibited by the constitution, or some of the existing laws of this State.

*Ch'man's  
duty.* Sec. 2. *Be it enacted.* That it shall be the duty of the chairman of any of the aforesaid courts or any other justice, acting in his place, to cause public notice, in writing, to be set upon the door of the courthouse, upon the first day of the term in which such election is to be held, signifying and setting forth, under his hand, which of the offices may be vacant, and the time prescribed by this act for filing the same; any law, usage, or custom to the contrary notwithstanding.

*Passed the 6th day of August, 1796*

JAMES WINCHESTER,  
Speaker of the Senate.

JAMES STUART, S. H. R.

## C H A P. IV.

*An ACT providing for the election of Electors to elect a President and Vice-President of the United States.*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That *Electors in districts appointed.* three electors shall be elected, one in the district of Washington, one in the district of Hamilton, and one in the district of Mero, as directed by this act, to elect a President and Vice President of the United States, and that the said electors may be elected with as little trouble to the citizens as possible.

Sec. 2. *Be it enacted.* That John Carter, John Adams, and John McCollister, of the county of Washington—John Scott, Richard Gammon, and James Gains, of Sullivan county—Daniel Kenneday, Joseph Hardin, and James Stinton, of the county of Greene, & Richard Mitchel, John Young, and Barlet Marshall, of the county of Hawkins, are appointed *Electors in counties appointed.* electors to elect an elector for that purpose, for the district of Washington—John Adair, Charles McClung, and Samuel Flannagan, of the county of Knox—Andrew Henderson, Josiah Jackson, and Christopher Hains, of the county of Jefferson—Samuel McGahey, Joshua Gift, Alexander Montgomery, of the county of Sevier, & Robert Boid, William Lowry, and David Colwell, of Wells's station, of the county of Blount, are appointed electors to elect an elector, for the purpose aforesaid, for the district of Hamilton—Thomas Molloy, William Donelson, and George Ridley, of the county of Davidson—Kasper Manscoe, Edward Douglass, and John Hogan, of the county of Sumner—George Neville, sen. Josiah Fort, and Thomas Johnson, of the late county of Tennessee, are appointed electors to elect an elector in the district of Mero, for the purpose aforesaid.

Sec. 3. *Be it enacted.* That where any new county has been erected since the making of the constitution, *Provision for new counties.*



tution of this State, such new county or counties, shall, for the purpose aforesaid, be considered as belonging to the county or counties, from which it was taken: And where a county has been divided into two new counties, such two new counties shall be considered as one until such county or counties be entitled to separate representation.

*Qualification of electors.* Sec. 4. *Be it enacted,* That no person shall be elected an elector, for the purpose aforesaid, who has not been three years a resident in the district for which he is elected, immediately preceding the day of his election: *Provided,* This shall not extend to any person who was a resident of the district at the time of making the constitution.

*Electors where to meet.* Sec. 5. *Be it enacted,* That the electors in this act, before named, shall convene, those for the district of Washington, at Jonesborough; those for the district of Hamilton, at Knoxville; and those for the district of Merriam, at Nashville, on the second Monday of November next: And being so convened, they, or so many of them as shall attend on said day, proceed to elect, by ballot, an elector, qualified as by this act directed for the purpose aforesaid: *Provided nevertheless,* That no person shall be elected an elector, who is not qualified as by law required, to be a member of the general assembly: And if two or more persons shall have the same number of votes, it shall be decided in the same manner as grand jurors are drawn for in the superior courts.

*To give a certificate* Sec. 6. *Be it enacted,* That the electors before named for each district, respectively, shall give to the person elected an elector, as aforesaid, a certificate under their hands and seals, of his election aforesaid, which certificate shall be tested by a justice of the peace summoned for that purpose.

*To meet at Knoxville.* Sec. 7. *Be it enacted,* That the three electors, elected as by this act directed, shall convene at Knoxville, on the first Wednesday of December next, and proceed to elect a President and Vice President of the United States pursuant to act of Congress, in such case made and provided.

*Compensation to electors.* Sec. 8. *Be it enacted,* That each of the electors elected for the purpose aforesaid, shall be allowed the

sum of one dollar and seventy five cents, for every twenty-five miles he shall travel to and from the said place of election, and the same for each day he shall necessarily attend in performing the duties enjoined by this act, to be ascertained on oath before a justice of the peace, who shall give a certificate thereof, under his hand and seal, which being countersigned by the governor, shall be a sufficient warrant for the treasurer to pay the sum therein mentioned to be due; *Provided nevertheless,* That nothing herein contained shall be so construed as to make any compensation to the electors herein named, for electing the electors of President and Vice President of the United States. *Proviso.*

Sec. 9. *Be it enacted,* That the persons by this act appointed to elect electors to elect a President and Vice President of the United States, before they enter on the duties of their office, shall take an oath to support the constitution of the United States, and also the constitution of this State, and the electors to elect a President and Vice President shall, in like manner, take the same oaths. *Electors to take oaths*

Sec. 10. *Be it enacted,* That an act, entitled, "An act providing for the appointment of electors to elect a President and Vice President of the United States, passed at an assembly begun and held at Knoxville on the twenty eighth day of March; one thousand seven hundred and ninety-six, be and the same is hereby repealed and declared void. *Act repealed.*

Passed, 8th day of August, 1796.

JAMES WINCHESTER,  
Speaker of the Senate,

JAMES STUART S. H. R.



## C H A P. V.

**An ACT making compensation to the members, clerks, and door-keepers, of the general assembly, and for other purposes.**

Pay to members.

**BE** it enacted by the general assembly of the State of Tennessee, That each of the members of this general assembly shall be allowed the sum of one dollar and seventy-five cents, for each day he shall have attended the general assembly, and the same for every twenty five miles he shall travel going to and returning from the same.

To clerks

**Sec. 2.** *Be it enacted,* That each first clerk of the assembly shall be allowed the sum of two dollars and 50 cents per day, for their services; and each assistant clerk shall be allowed the sum of one dollar and seventy five cents, per day; and that a further allowance be made for contingent expences, namely to Ludwell Grimes, four dollars, to John Hillsman, four dollars, to George Roulstone, for stationary, eight dollars, and to Nathaniel B. Buckingham, for engrossing eight dollars.

To door-keepers.

**Sec. 3.** *Be it enacted,* That John Rhea be allowed the sum of one dollar and seventy five cents per day, and the sum of four dollars for contingencies; and that Thomas Bounds be allowed one dollar and seventy five cents per day, for their services as door keepers to this general assembly.

Act continued.

**Sec. 4.** *Be it enacted,* That an act, entitled, "An act for the relief of such persons as have suffered, or may suffer by their grants, deeds, and mesne conveyances, not being proved and registered within the time heretofore appointed by law, passed at an assembly begun and held at Knoxville, on the twenty fifth day of August, one thousand seven hundred and ninety-four, is hereby continued in full force until the end of the next stated session of assembly.

Gov. to draw money.

**Sec. 5.** *Be it enacted,* That it shall be lawful for the governor for the time being, to draw from either of the treasurers of this state such sums of monies as

may be sufficient to defray the necessary expence of hiring expresses and other necessary contingent expences of the government: *Provided,* the same does not exceed two hundred dollars, which he is hereby authorized to draw in manner and form directed by an act passed at a general assembly begun and held at Knoxville, on the twenty eighth day of March one thousand seven hundred and ninety six, entitled, "An act to provide for the payment of the governor, and directing the place of his residence."

**Sec. 6.** *Be it enacted,* That the governor shall not be liable for such sums of money as he may draw from time to time by virtue of this act, unless it should appear to the next stated general assembly, that such appropriations were unnecessary, and in no measure tended to promote the general interest of this state.

*Provided.**Gov. not liable.*

Passed the 8th day of August, 1796.

JAMES WINCHESTER,

Speaker of the Senate.

JAMES STUART, S. H. R.

A Copy, Test.

Wm. MACLIN, Secretary.



6 26  
A C T S

PASSED AT THE  
*Theodorick M. Davis*  
FIRST SESSION

OF THE

SECOND GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE

BEGUN AND HELD AT KNOXVILLE, ON MON-  
DAY THE EIGHTEENTH DAY OF SEPTEMBER, ONE  
THOUSAND SEVEN HUNDRED AND NINETY-SEVEN.

KNOXVILLE:

PRINTED BY GEORGE ROULSTONE  
PRINTED TO THE STATE

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# ACTS

OF THE

SECOND GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE

## CHAPTER I.

An ACT directing the mode of electing representatives to represent this state in the Congress of the United States.

Sec. I. **B**E it enacted by the General Assembly of the State of Tennessee, That an election shall be held at the respective court houses, or usual places of holding court, unless otherwise provided for by law in each county in this state, on the second Thursday in October next, and on the succeeding day, to elect one representative to represent this state in the Congress of the United States.

First election when & where to be held.



Future  
elections  
when &  
where to  
be held.

Sec. 2. *Be it enacted*, That the next election for the purpose aforesaid, shall be held on the first Thursday and the succeeding day in August, one thousand seven hundred and ninety nine, and all elections in future shall be held once in every two years, on the first Thursday and the succeeding day in August as aforesaid, and be conducted under the same rules, regulations, and restrictions as elections for members of the general assembly, except where it is otherwise provided for by this act.

Qualifi-  
cation of  
candi-  
dates.

Sec. 3. *Be it enacted*, That no person shall be elected, who has not been a citizen or resident of this state three years next immediately preceding the day of election: *Provided*, that this shall not be construed as to extend to any person who was an inhabitant of this state at the time of making the constitution thereof.

Sheriffs  
to make  
returns.

Sec. 4. *Be it enacted*, that immediately after the close of the first election in each county, the sheriff or other returning officer, shall, in the presence of the inspectors of the election, make out two correct statements of the number of votes given to each candidate in his county, which two statements shall be certified by the returning officer and a majority of the

inspectors, one of which shall be filed in the office of the clerk of the county, by one or more of the inspectors, and the returning officer, by himself or deputy, shall attend with the other on the day and at the place herein after mentioned.

Return's  
officers  
where to  
meet.

Sec. 5. *Be it enacted*, that the returning officers for the several counties in the district of Washington, by themselves or deputies, shall meet at Jonesborough on the Monday next ensuing the election, and in the presence of three justices of the peace, to be summoned for that purpose, proceed to examine and compare the several certified statements; and shall make out and certify, under their hands and seals, a general statement of the number of votes given for each of the candidates in the several counties in the said district; which statements shall also be certified by the justices attending as aforesaid; and in like manner the returning officers for the several counties within the districts of Mero and Hamilton shall meet at the respective places of holding superior courts in each district, on the same day before appointed, and proceed to act as herein is directed for the district of Washington, which said general statements shall be produced at Knoxville, on the thirtieth day of October next, by one



of the returning officers attending with the same from each of the districts aforesaid; and in order to ascertain which of the said returning officers shall so attend, they are hereby required to determine the same by lot, or otherwise, and the said officers being so met, shall in the presence of three justices of the peace, to be summoned for that purpose, proceed to examine and compare all the votes given by the electors in the several counties in this state, and shall certify to the governor which of the candidates shall have the greatest number of votes: *Provided also*, that if two or more of the candidates have an equal number of votes, the said returning officers shall decide which of them shall be representative in the same manner as grand jurors are by law drawn for; and in either case, the certificate of the returning officers, duly delivered to the governor of this state, shall be sufficient authority for him, and he is hereby required to issue a commission agreeably thereto.

Proviso.

Compensation to return'g officers.

Sec. 6. *Be it enacted*, that each of the sheriffs or other returning officers, attending as by this act required, shall be allowed the sum of one dollar and fifty cents, for every thirty miles travelling to and from the place appointed for the said

returning officers to convene, and the same for each day he shall necessarily attend comparing the returns of the said elections, which shall be ascertained on oath before the justices of the peace attending as by this act required; and a certificate thereof, signed by the said justices, shall be given to each returning officer respectively, to be paid out of either of the public treasuries of this state.

Penalty for neglect of duty.

Sec. 7. *Be it enacted*, that if any sheriff or other returning officer shall fail to do and perform the duties enjoined on him by this act, he shall forfeit and pay the sum of five hundred dollars, one half to the use of the state, the other half to him who will sue for the same, to be recovered by action of debt in any court of record in this state; unless good and sufficient cause be shewn for such non-attendance. And if any person shall be found guilty of having committed any fraud in performing the duties enjoined on him by this act, he shall, on conviction, forfeit and pay the sum of two hundred dollars, to be recovered and applied as aforesaid, and be further liable to such pains and penalties as the law inflicts in similar cases.

Sec. 8. *Be it enacted*, that in all future elections for representatives to Con-

Returns in future how to be made.



( 8 )

gress in this state, except the first, the returning officers in the several counties shall transmit to the general assembly the votes for said representatives, in the same manner, and under the same rules and restrictions as votes for governor, which said votes shall be decided on as those for governor, and that the governor commission them accordingly.

JAMES STUART.  
*Speaker of the House of Representatives*

JAMES WHITE.  
*Speaker of the Senate*

September 27, 1797

( 9 )

CHAP. II.

*An ACT to ascertain what property in this state shall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes.*

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all lands to which the Indian claim is extinguished by the treaty of Holston, held by deed, grant, entry, right of dower, or curtesy; all free males and male servants, between the age of twenty one and fifty years; all town lots; all slaves, male and female, between the age of twelve and fifty years; all stud horses, kept for covering mares; and all billiard tables within this state, shall be subject to the payment of public taxes; and the public tax on such property and persons shall be proportioned in the manner directed by this act.

Sec. 2. *Be it enacted, that the public tax for the year one thousand seven hundred and ninety eight, and in each succeeding year, shall be.*

For each hundred acres of land, twelve and a half cents,  
On each town lot, twenty five cents,  
On each free poll, twelve and one half cents,  
On each negro slave, twenty five cents,  
On each stud horse, a sum equal to the fee for one mare,  
On each billiard table twenty five dollars.

Taxable  
property

How tax-  
ed.



Justices  
appointed  
to receive  
tax lists.

Sec. 3. *Be it enacted*, That all taxable property and polls, shall be returned in the county where such property and polls shall be, on the first day of January, one thousand seven hundred and ninety eight, and in each succeeding year; and that at the first court in each county, to be held after the first day of January next, and in each succeeding year, the said courts shall appoint a justice of the peace for each captain's district in the different counties, to receive lists of taxable property for the then present year; and the justices when so appointed, shall, without delay, fix the time and place in each district for receiving lists of taxable property and polls; the said justices so appointed shall advertise the same at six of the most public places in their respective districts, at least fifteen days previous to the time appointed to receive such lists, and the clerks of each court shall furnish each justice, within twenty days after their appointment, with a fair alphabetical copy, at large, of the taxable property and polls within their district the preceding year.

To give  
notice.

Tax lists  
to be re-  
turned on  
oath.

Sec. 4. *Be it enacted*, That the inhabitants of the respective districts in each county, shall attend at the time and place so to be appointed, and shall return, on oath in writing, to the justices appointed to receive the same, all his, her, or their taxable property and polls in such county, the quantity of lands, distinguishing the particular tracts, the number of free males and servants between the age of twenty-one and fifty years, the number of slaves, male and female, between the age of twelve and fifty

years, which to him, her, or them belonged, or who live in his, her, or their families, unless the said person or persons living in said family doth return themselves, on the first day of January one thousand seven hundred and ninety eight, and on the first day of January in each succeeding year; and the oath to be administered by the justice receiving such lists, shall be as follows; You do swear (or affirm as the case may be) that the list by you delivered, contains a just and true account of all the property and polls for which by law you are subject to pay taxes in this county, to the best of your knowledge and belief.

Sec. 5. *Be it enacted*, that it shall be the duty of the sheriff in each county, by such lawful ways and means as shall be in his power, by having recourse to the register's and clerk's offices, or otherwise, to discover such taxable property & polls as shall not have been returned within the time limited by law, and to report the same in writing, under his hand, to the court of the county, which report the said clerk shall enter in his list of taxable property to the treasurer of his district, in the same manner as if it had been taken by a justice of the peace, in manner and form as prescribed by law.

Sheriff's  
duty.

Sec. 6. *Be it enacted*, That every person residing out of this state, and holding land or other taxable property within the same, in manner ascertained by this act, shall by himself, his agent, or attorney, return an inventory thereof, in the county in which the same may be,

agents  
to return  
tax lists.



Justices  
to return  
tax lists.

in manner and form, as by this act prescribed for citizens of this state.

Sec. 7. *Be it enacted*, That the justices who shall be appointed to receive the lists of taxable property and polls, shall make return of their lists respectively to their respective county courts, next after such lists shall be received, and the justices in their returns, shall, exclusive of the original lists by them received, distinguish the persons names, the several tracts of land, the quantity and situation of each tract, the number of free polls, and the number of black polls, in the following manner, viz.

Form.

Persons names.	Quantity in each tract.	Situation or place where each tract lies.	Number of free polls.	Number of town lots.	Number of black polls.	Number of stud horses.	Number of billiard tables.	Amount of each person's taxable property.
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Pen. for  
refusing  
to take  
tax lists.

Sec. 8. *Be it enacted*, That if any person appointed to receive lists of taxable property and polls, as by this act directed, shall fail or neglect to perform the duty of his appointment, the person so failing or neglecting, shall be guilty of a misdemeanor in office.

Pen. for  
failing to

Sec. 9. *Be it enacted*, That if any master, or mistress of a family, his, her, or

their agent, manager, or attorney, after due notice given as before directed, shall fail or neglect to return inventories of his, her, or their taxable property and polls in manner before mentioned, each and every person so failing or neglecting, shall be subject to a fine of fifty dollars and a double tax; which fine and tax shall be collected as herein after directed, the number of free polls and taxable property of such person so failing, to be reported by the justice to the best of his knowledge. And if any executor, administrator, guardian, trustee, agent or attorney, shall, after due notice as aforesaid, fail to return an inventory to the justice appointed to receive the same, of the taxable property in his trust or possession, the property of the testator, intestate, minor, or absentee shall be liable and stand bound to pay a fine of fifty dollars and a double tax, and the justice shall report the same to the best of his knowledge or information; and such fine and double tax shall be levied on the proper estate of such executor, administrator, guardian, trustee, agent or attorney, and collected and paid as hereafter directed; and if any person who is not a resident of this state, shall fail, by himself, his agent, or attorney, to return his, her, or their taxable property, as by this act directed, the property of such person so failing, shall be liable to, and stand bound to pay a fine of fifty dollars, and a double tax, to be collected and paid as by this act directed, and the justice shall report the said property to the best of his knowledge and information as aforesaid.

return  
tax lists.