

Justices
to return
their tax
lists.

Vacancies how
supplied.

Clerks to
record
tax lists.

Courts
may re-
mit fines.

Sec. 10. *Be it enacted*, that the several justices appointed to receive the lists of taxable property and polls, shall make return of their own lists to the county courts, or to some other justice; and if any justice appointed to receive lists of taxable property and polls, shall die, refuse to act, or remove out of the county, before the duty of his appointment shall be performed, any three justices of said county may, and they are hereby directed and authorized, to appoint another to act in the place of such person so dead, refusing to act, or removing; and the person so appointed shall have the same power and authority in all respects, as if he had been originally appointed, and subject to the same pains and penalties.

Sec. 11. *Be it enacted*, that the clerk of each court shall record, at large, in alphabetical order the annual returns to be made by the justices in his county, and the court shall make a reasonable allowance for such services, to be paid out of the county tax.

Sec. 12. *Be it enacted*, that any person incurring the said fine and double tax in this act mentioned, for omitting to return his, her, or their lists of taxable property and polls, may apply to the county court, to which such lists shall be returned, or to the next succeeding court, and such court upon sufficient reason shewn, may direct that such person shall pay in the same manner and form, as if no fine and double tax had been incurred, together such costs as may have accrued, in consequence of such neglect.

Sec. 13. *Be it enacted*, That all taxes by this act imposed, or hereafter to be imposed, shall be collected, paid and accounted for, in manner & form following: The clerk of each county court within this state, shall, within thirty five days after the court to which the lists of taxable property shall be returned in every year, furnish the sheriff of the county, whose duty it shall be to collect the public taxes, with a list of the taxable property and polls within the county; and the sheriff shall appoint the day and place in each district of the said county when and where he will attend for the purpose of receiving taxes; which day shall be as soon as may be after he shall have received the list of taxable property: *Provided* always, that the said sheriff shall give fifteen days previous notice, by advertising it at six of the most public places in said district; and if any person or persons so notified, shall fail to attend, or otherwise to pay their taxes, on or before the day appointed, it shall be the duty of the sheriff to levy the same by distress & sale of the goods and chattels of every person so neglecting: *Provided*, no distress be made within ten days after the day so notified for receiving taxes; and for every distress and sale so made, it shall be lawful for such sheriff, as fees of office, to levy therewith the sum of fifty cents: *Provided* also, that the said sheriff shall give

Taxes
when &
how to
be col-
lected.

Sheriff
to give
notice
of the
time of
collection.

May dis-
tress for
taxes.

at least ten days previous notice of such sale, by advertising the same as in other cases.

Proceed-
ings in
case no
goods or
chattels
can be
found.

Sec. 14. *Be it enacted*, that in case there shall not be any goods or chattels, on which the sheriff can distress for public taxes, he shall report the same to the court of the county, and the court shall forthwith direct the clerk to make out a certificate of the lands and tenements liable for payment of the said taxes, together with the amount of taxes and charges due thereon, and shall cause the same to be published, at least twice in the Knoxville Gazette, setting forth that the same will be sold for taxes, and the printer shall be allowed the sum of seventy five cents for each publication, to be levied off the said land as the tax and other charges; and if no person shall pay the public taxes thereof, agreeable to this act, within thirty days after the last publication as aforesaid, the court shall enter up judgment for the amount of taxes due, and all accruing costs and charges, for which execution, at the direction of the court, shall issue, as in other cases; and the sheriff shall, by virtue thereof, expose to sale, at the courthouse of his county, the said lands and

tenements, or so much thereof as shall be sufficient to pay and satisfy the said judgment and all costs and charges accruing thereon; and the said sheriff is hereby authorized and directed to make out and execute a deed or deeds of conveyance for the land so sold unto the person or persons being the highest bidder, on the receipt of the money paid him, which deed or deeds shall be deemed good and valid in law, against the claimant, or any person or persons claiming by or under him, any law, usage, or custom, to the contrary notwithstanding; and the several clerks and sheriffs shall respectively receive for their services here in the same fees as are allowed by law for similar services in other cases, exclusive of the six per cent, which the said sheriff is entitled to have for collecting and paying the said taxes.

Sheriffs
to make
deeds.

Clerks
sheriffs
fees

Sec. 15. *Be it enacted*, That the sheriff of each and every county, before entering on the collection of public taxes, shall give bond with two or more securities, which the court shall approve of, for double the sum by him or them to be collected, payable to the governor for the time being, and his successors in office, for the use of the state, condition-

Collector
to give
bond, &c.

Oath.

ed for the collection and payment to the treasurer of the district, where such sheriff shall reside, of all taxes by him collected, or which ought to have been collected, on or before the first day of December in each and every year, in which he shall collect the tax, and shall also, in open court, take and subscribe the following oath: I, A. B. do solemnly swear, (or affirm, as the case may be) that I will faithfully collect all taxes for my county, and make a true report of such persons as may fail to return lists of taxable property, according to law, and to the best of my knowledge, skill and ability.

Sheriff's
duty in
collect-
ing.

Sec. 16. *Be it enacted*, that the sheriff appointed by virtue of this act, to collect public taxes, shall each and every of them pay the public taxes collected in his county, into the hands of the treasurer of the district where such sheriff shall reside, and shall receive as commissions for collecting and paying the same the sum of six dollars for each hundred dollars, and so in proportion for a greater or lesser sum, which commissions shall be deducted out of the monies by them collected.

Sec. 17. *Be it enacted*, That if any sheriff or collector, shall presume, under

colour or pretence of this act, or of any act directing the collection of county tax, to collect more money in name of taxes than is directed by law, such offending sheriff or collector, on due proof thereof, shall be guilty of a misdemeanor in office.

Sec. 18. *Be it enacted*, That the clerk of each county court in this state, shall enter of record the bond given by the said sheriff for the collection of public taxes, and shall without delay transmit the same, together with a copy of the tax list of his county, to the treasurer of the district, and also a like copy to the next meeting of the general assembly; and in case any of the aforementioned clerks or sheriffs shall fail to comply with their duties as required by this act, for every such offence he or they shall forfeit and pay a sum not exceeding one hundred dollars.

Clerks
to record
collect-
ors bonds

Sec. 19. *Be it enacted*, that if the sheriff of any county within this state, shall die shortly before, or during the time appointed for the collection of public taxes, so that the court could not have appointed a successor in office before the time for collecting the taxes, in such case it may and shall be lawful for their securities to receive the same, in which business they are hereby declared to have all

Proceed-
ings in
case a
sheriff
should
die, &c.

the powers, authorities, privileges, and emoluments in and for the receipt and collection of all taxes, which the sheriff deceased possessed and enjoyed, and shall be liable for deficiencies.

Treasurer to enter judgment against delinquent sheriffs.

Sec. 20. *Be it enacted*, that if the sheriff or sheriffs of any county in this state, shall neglect or refuse to settle his or their accounts on or within the time limited by this act, as in manner hereby directed, then it shall and may be lawful for the treasurer of the district, in which such sheriff shall reside, to enter up judgment, on motion, in the name of the governor, on the bond of the said sheriff, for the amount of the taxes due from such sheriff or sheriffs, and their securities, in the superior court of the district in which such delinquent sheriff does reside, which is hereby declared to be good and valid in law, and execution may issue thereon, directed to the succeeding sheriff, or to the coroner of the county wherein the delinquent sheriff resides, as if the sheriff and securities had been prosecuted to judgment by the usual process of the said court, any law, usage, or custom to the contrary notwithstanding: *Provided*, that the sheriff shall have credit for all delinquents and deficiency of payment to him in his collections, as shall be certi-

fied by the court of the county in which he is sheriff.

Sec. 21. *Be it enacted*, That if any sheriff or other person holding public monies, shall presume to demand or receive any fee, gift, gratuity, or discount, for paying or taking up any warrant or draft chargeable upon the taxes, as well of the state as of the county, every such offender, upon due conviction in any court of record, shall forfeit and pay a sum equal to double the amount of the draft so taken up, to be recovered by action of debt before any jurisdiction having cognizance thereof, in the name of the person aggrieved, one half to the use of the state or county, (as the case may be) and the other half to the use of the person aggrieved; and in case the aggrieved person will not prosecute as aforesaid, within six months, then in the name of him who will sue for the same, one half to his own use, and the other half as aforesaid.

Penalty for demanding discount on treasury warrants.

Sec. 22. *Be it enacted*, That if it shall appear that the public treasurer or treasurers have failed at any time to pay the public monies in his or their hands, on grants of the general assembly, or monies brought into the treasury by special taxes,

Penalty in case the treasurers refuse to pay public monies, &c.

(24)
to those authorized to apply for and receive the same, or hath neglected, in any instance, to call to account, as by this act directed, any delinquents therein described, by which the public revenue of this state may suffer loss, then in such case, the said treasurer or treasurers shall be held and deemed accountable for the sums due by such delinquents, to all intents and purposes as if the same had actually been paid into his or their office.

No warrant to be paid except the service be expressed.

Sec. 23. *Be it enacted*, That the county sheriff or the public treasurer, shall not discharge any grant of the general assembly hereafter to be issued, unless, in the said grant, it shall particularly express the cause and service for which the same was issued.

Forfeiture how applied.

Sec. 24. *Be it enacted*, That all fines and forfeitures in this act mentioned, shall be recovered in the name of the governor, by action of debt, before any jurisdiction having cognizance thereof, for the use of the state, except as herein before excepted.

Repealing clause.

Sec. 25. *Be it enacted*, That all acts and parts of acts, laws and parts of laws, coming within the perview and meaning of this act, are hereby repealed and made void.

(23)
Sec. 26. *Be it enacted*, that this act shall be in force from and after the first day of January next. Ad. when to commence.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 25, 1797.

CHAP. III.

An ACT for laying and collecting county taxes and for other purposes.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, Property taxed.
That the justices of the several county courts in this state, shall lay a tax annually, 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 stud horse, kept for covering mares,

A tax not exceeding twenty five cents on each taxable black poll,

A tax not exceeding twelve and an half cents on each taxable white poll,

A tax not exceeding ten dollars on each bill-

liard table, to be levied by a majority of the acting justices of the county courts respectively, for the payment of building or repairing a court house, prison and stocks in each county in this state, and other county contingencies.

Knox, &c.
may lay
additional
tax.

Sec. 2. *Be it enacted*, That the following county courts, viz. Knox, Hawkins, and Carter, shall have power to levy and collect an additional county tax, not exceeding the sums on the articles above mentioned, for the purposes of building or repairing court-house, prison and stocks, when the same may be found necessary.

Tax how
collected.

Sec. 3. *Be it enacted*, That the afore-said tax shall be collected in manner and form directed for collecting public tax, and paid agreeable to the directions contained in the act entitled, "An act directing the mode of settling with the collectors of county tax, &c."

Repealing
clause.

Sec. 4. *Be it enacted*, That all laws and parts of laws, that comes within the purview and meaning of this act, so far as respects the levying and collecting county tax, be and the same is hereby repealed and made void.

Act when
to com-
mence.

Proviso
respecting
Hawkins
county.

Sec. 5. *Be it enacted*, That this act shall be in force from and after the first day of January next. *Provided* that nothing contained in this section shall be so construed as to repeal any law passed for the benefit of any county in this state, except the act, entitled, "An act to empower the justices of Hawkins

county to lay a tax for the purpose of erecting a court house, prison and stocks in said county, which is hereby repealed,

JAMES STUART,
Speaker of the House of Representatives

JAMES WHITE,
Speaker of the Senate

October 28, 1797.

CHAP. IV.

An ACT for the purpose of destroying Squirrels, Crows, and Wolves.

Sec. 1. *BE it enacted by the General Assembly of the state of Tennessee*, That from and after the passing of this act, it shall and may be lawful for each county court in this state, at the time of laying the county tax, to lay a tax to be paid in Squirrels or Crows scalps, on every person subject to a poll tax, in their respective counties, not exceeding twenty five Squirrels to each poll.

Courts
authoris-
ed to lay
squirrel
& crow
tax.

Sec. 2. *Be it enacted*, That every person subject to pay a poll tax, shall deliver to the justice of the peace, who is appointed to

Taxables
to deliver
scalps.

D

take in the list of taxable property, in the district where he or she may reside, a sufficient number of scalps to satisfy the number of polls he, she, or they may be liable to pay tax for, agreeable to the number of scalps so laid by the court, on each poll, or one Crow scalp in lieu of two Squirrel scalps; and it shall be the duty of the justice, who is appointed as aforesaid, to burn the scalps so delivered, and enter the number in the tax list, in a column for that purpose.

Penalty
for fail-
ing to de-
liver
scalps.

Sec. 3. *Be it enacted*, That every person who fails to deliver their number of scalps, shall, for every scalp so failing to deliver, pay one cent, to be collected, accounted for, and applied under the same rules and restrictions as other county taxes.

Bounty
on Wolf
scalps.

Sec. 4. *Be it enacted*, That the court of every county is hereby authorized to lay a rate on Wolf scalps, not exceeding two dollars for each scalp, to be paid out of the county treasury, by the trustee of the county.

Persons
claiming
bounty
make
oath, &c.

Sec. 5. *Be it enacted*, That before any person shall be authorized to draw his pay for the scalp of a Wolf, he shall appear before some justice of the peace of said county wherein he killed the same, and make oath, or affirmation, that he did actually kill the Wolf in the county where said justice resides, since the promulgation of this act, and on such qualification, it shall be the duty of said justice, to burn the scalp, or scalps, and grant him a certificate, directed to the trustee of the county,

together with an order to pay the sum the court may appropriate for the killing each Wolf.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 20, 1797.

CHAP. V.

An ACT making provision for the poor.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the justices of the peace in each county in this State, are hereby required and empowered to take cognizance of all poor persons in the county, whom they or a majority of them may adjudge proper to be supported at the charge and expence thereof. *Provided* that no person shall be entitled to the benefit of this act, who has not been an inhabitant of the county, by actual residence, for one whole year next preceding such application.

Justices
to take
cogniz-
ance of
poor per-
sons.

Proviso.

Sec. 2. *Be it enacted*, That the said justices or a majority of them, at the next court of pleas and quarter sessions, which shall be held in each county after the first day of May after the passing of this act, and at the said court in each and every succeeding year, shall and are hereby empowered, if necessary, to assess and le-

Courts
to lay a
tax.

by a tax on the taxable property and polls in each county respectively for the maintenance and support of such poor person or persons, *Provided*, That the said tax shall not exceed six cents on each hundred acres of land, and on each negro not more than six cents, and on each free person taxable by law, not more than three cents.

Tax how collected.

Sec. 3. *Be it enacted*, That the sheriff in each county respectively, shall collect the said tax in each and every year, under the same rules, regulations, and restrictions as other county tax. *Provided*, That nothing shall be received in payment thereof, but money, and the said sheriff in each and every year shall pay the amount of the said tax, after deducting his commissions, and such allowances as shall by the court be admitted for delinquents, to the trustee of the county, on or before the twenty fifth day of December in each year, and shall take receipt accordingly.

Duty of county trustees.

Sec. 4. *Be it enacted*, That the trustee of the county shall, and is hereby required to pay the money by him received from the sheriff in virtue of this act, to the person or persons who shall be authorized to receive the same, by an order of the justices of the court, signed by the presiding justice, and countersigned by the clerk thereof, and the county trustee shall carefully preserve all such orders, *Provided*, That no such order shall be allowed unless a majority of the justices of the county be present in court.

Clerks to enter of record, the name

Sec. 5. *Be it enacted*, That the justices as aforesaid, shall cause the clerk of the court to enter on the journals or minutes thereof, the

name, age, and condition as near as may be, of each poor person whom they shall adjudge proper to be supported at the charge of the county, at the time of such adjudication, and also they shall cause to be entered thereon the quantity of allowance by them decreed, for his or her support, a copy of which entry, signed by the clerk of the court, and a certificate of the amount of the poor tax by him also signed, shall be given to the said trustee, and the said trustee is hereby required to enter the same on his book.

age, &c. of poor persons.

Sec. 6. *Be it enacted*, that in case of failure, neglect, or refusal of the sheriff to pay the amount of the poor tax to the trustee of the county, as by this act required, it shall and may be lawful for the court of the county in which such sheriff lives, on motion of said trustee, to enter up judgment against said sheriff and his securities, at any time, either before or after the expiration of his office, for all such sum or sums of money as he may be chargeable with by virtue of this act, and execution thereupon shall issue against the goods and chattels, lands and tenements, of such sheriff and his securities: *Provided*, That the sheriff shall have written notice of such motion twenty days previous to the making thereof.

Proceedings in case a sheriff should fail to pay taxes collected.

Trustees
to settle
with the
court an-
nually.

Sec. 7. *Be it enacted*, That the trustee of the county, shall once in every year, at the court of pleas and quarter sessions, which shall be held in each county after the first day of May, settle and account with the justices of the county in which such trustee lives, for all sums of money which he may receive in virtue of this act, deducting his commissions; and if any balance does remain over and above what will appear by the order or orders as aforesaid by him to have been paid and disbursed, such balance or balances shall be applied to discharge any arrears that the county may owe for the support of the poor, and all such being paid, afterwards such balances shall remain over in his hands, as a fund in aid of the poor tax of the next succeeding year; and if any trustee of a county, shall fail, neglect, or refuse to settle and account as by this act required, he shall forfeit and pay a sum equal to double the amount of the poor tax, laid by the court, for the year in which he shall make such failure, refusal, or neglect, to be recovered by action of debt, bill, or plaint, in the court of the county in which such trustee shall live, with costs of suit in the name of the presiding justice of the court, and to be applied to the use of the poor of the county.

Penalty
for failing
to settle.

Sec. 8. *Be it enacted*, That the clerk of the court in each county respectively, being thereto required, shall produce to the justices of the court assessing the said poor tax, a list of the taxable property, negroes taxable by law inclusive, and also the number of taxable free persons in the county, as ascertained by the county roll of the preceding year; and it shall also be a duty of the clerk in each county to ascertain the said tax in the roll for collection of the state and county tax; and the justices of the court in each county shall make such compensation to the clerk for his services enjoined by this act, as in their discretion they shall deem just, to be paid out of the county tax.

Clerks to
furnish
tax list.

Compensa-
tion
therefor.

Sec. 9. *Be it enacted*, That the county trustee shall be allowed the sum of two and a half per centum as compensation, for receiving and paying away all monies received by virtue of this act.

Compensa-
tion to
trustee.

Sec. 10. *Be it enacted*, That all and every act and acts, and every clause and article thereof, heretofore made and coming within the perview of this act, is hereby repealed and made void, to all intents and purposes.

Repealing
clause.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 20th, 1797.

C H A P. VI.

An ACT to regulate the times of holding superior courts of law and equity in the districts of Washington and Hamilton, and for the county courts of pleas and quarter sessions therein mentioned.

Time of holding superior courts altered.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That superior courts of law and equity in and for the district of Washington, shall commence on the first Mondays of March and September, and superior courts of law and equity in and for the district of Hamilton, shall commence on the fourth Mondays of the same months in each and every year, any law, usage, or custom to the contrary notwithstanding.

Time of holding county courts altered.

Sec. 2. *Be it enacted*, That the county courts of pleas and quarter sessions in and for the county of Knox, shall commence on the second Mondays of January, April, July, and October; and county courts of pleas and quarter sessions in and for the county of Jefferson, shall commence on the third Mondays of the months last above mentioned. And county courts of pleas and quarter sessions in and for the county of Greene, shall commence on the fourth Mondays of the months last above mentioned. And county courts of pleas and quarter sessions in and for the counties of Washington and Cocke, shall commence on the first Mondays of February, May, August, and November. And county courts of pleas

and quarter sessions in and for the counties of Carter and Sevier shall commence on the second Mondays of the months last above mentioned. And county courts of pleas and quarter sessions in and for the counties of Sullivan and Grainger shall commence on the third Mondays of the months last above mentioned. And county courts of pleas and quarter sessions in and for the counties of Hawkins and Blount shall commence on the fourth Mondays of the months last above mentioned, any law, usage, or custom to the contrary notwithstanding.

Sec. 3. *Be it enacted*, That all actions, suits, writs, plaints, recognizances, indictments, and presentments, whatever, upon the dockets of each and every of the said superior courts of law and equity, and of the county courts of pleas and quarter sessions in and for the said counties, shall be proceeded on by each and every of the said courts respectively, held as is directed by this act, in the same manner as if no alteration of time had taken place.

Sec. 4. *Be it enacted*, That this act shall be in force from and after the first day of January next.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 25, 1797.

Suite &c.
continued over.

Repealing
clause.

CHAP. VII.

An ACT to apportion the grand jurors in the district of Hamilton for the superior courts of law, among the several counties thereof.

Jurors
apporti-
oned.

Sec. 1. **BE** it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the county of Knox shall return to the superior courts of law of Hamilton district, twelve jurors; the county of Blount five jurors, the county of Cocke four jurors, the county of Sevier four jurors, the county of Jefferson seven jurors, and the county of Grainger five jurors.

Repeal'g
clause.

Sec. 2. *Be it enacted*, That all laws, and parts of laws, which come within the perview and meaning of this act, are hereby declared to be repealed and made void, any thing to the contrary notwithstanding.

Courts of
Sevier &
Blount
authoris-
ed to lay
a tax.

Sec. 3. *Be it enacted*, That the county courts of Sevier and Blount are hereby authorized and empowered from and after the first day of January next, to levy a county tax, on the taxable property and polls within said counties, for the years one thousand seven hundred and ninety eight, and one thousand seven hun-

dred and ninety nine, not exceeding fifty cents on each free poll, and not exceeding one hundred cents on each black poll, not exceeding five dollars on each billiard table, not exceeding fifty cents on each hundred acres of land, not exceeding one hundred cents on each town lot, and on each stud horse, not exceeding one fourth of the price of the season of one mare.

Sec. 4. *Be it enacted*, That so much of the laws which are in force and use in this State, as puts it in the power of the sheriff to sell estates, either intestate or otherwise, is hereby repealed and made void to all intents and purposes. Repeal'g
clause.

Sec. 5. *Be it enacted*, That executors, or administrators, are hereby authorized and empowered to employ any person on reasonable terms to make sale of such estates, agreeable to law, for the use of the legatees, any law, usage, or custom to the contrary notwithstanding. Executor
empow-
ered au-
thorise
persons
to sell
estates.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 28, 1797.

C H A P. VIII.

An ACT to divide the county of Jefferson into two separate and distinct counties.

preamble

WHEREAS the citizens of Jefferson county, living on the waters of French Broad and Big Pigeon, above the mouth of Chucky river, are so situated by rivers and mountains, that they cannot with convenience attend courts, general musters or elections in said county; and it being made appear to this General Assembly, that the bounds required by the constitution may be had in each county:

Jefferson
county
divided.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the said county shall be divided by a line to begin on the North Carolina boundary line with this state, on the south side of French Broad river, one mile from said river, thence down said river, one mile distance from the same to where it intersects the Greene county line, thence with said line to Nolichucky river, a small distance below Captain William White's house, thence down the said river to French Broad, leaving all the islands to

Jefferson county, thence down the river French Broad, in the same manner, to the bent of said river opposite Colonel Parmenas Taylor's, and from thence a direct line to the top of English's mountain, within one mile of Sevier county line, thence parallel with that line to the uppermost house on Cozby's creek, and from thence an easterly line, to a point on the North Carolina boundary line, as to leave six hundred and twenty-five square miles in Jefferson county, and from thence with the said boundary line to the beginning, which bounds, so described, shall, from and after the passing of this act, be a separate and distinct county, known by the name of Cocke.

Sec. 2. *Be it enacted, That Henry Ragan, William Job, John Caffee, Peter Fine, John Keeney, Reps Jones, and John McGlochlen, are hereby appointed commissioners, and authorised to lay off and appoint a place the most convenient in said county, for the purpose of erecting a court house, prison and stocks.* Commis-
sioners
appointed;

Sec. 3. *Be it enacted, That the afore-said 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 Cocke, to contract* To erect
a court-
house, &c.

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
paid.

Sec. 4. *Be it enacted*, That a tax not exceeding twelve and an 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 twelve and fifty years—a tax not exceeding one dollar on each stud horse—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 in the said county of Cocke 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.

Commissioners to
give bond

Sec. 5. *Be it enacted*, That before the said commissioners shall take into their hands any of the monies directed to be collected by this act, they shall enter into bond in the sum of fifteen hundred dollars, pay-

able to the governor for the time being, and his successors in office, for the use of the said county of Cocke, conditioned for the faithful discharge of the trust reposed in them.

Sec. 6. And for the due administration of justice in said county, *Be it enacted*, That the court for said county of Cocke shall be held constantly by the justices of said county, on the fourth Mondays in February, May, August, and November, in every year; and the justices for the said county of Cocke are hereby authorized and empowered to hold the first court for the same at the house of Daniel Adams, ^{Court when to be held.} where to commence on the fourth Monday in November next, 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 Cocke, 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 said court house, and all courts held in ^{and how.} and for said county of Cocke, 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 other courts held for the several counties in this state: *Provided*, That nothing herein contained shall be construed so as to prevent the collection of all arrearages of public and county taxes, due the county of Jefferson, in said county of Cocke.

Sec. 7. *Be it enacted*, That the sheriff of Jefferson county is hereby authorized to collect all monies due on judgments or executions, entered up in the county of Jefferson, prior to the passing of this act, and that all proceedings now pending in the county of Jefferson shall be proceeded on, and determined in the same manner as if this law had not been passed.

Sec. 8. *Be it enacted*, That the inhabitants of said county of Cocke shall be entitled to hold an election, at the court house, under the same rules and regulations, as prescribed for elections, in other counties, and shall make returns of the polls in the same manner as pointed out by law, in other cases of separate elections, shall compose a part of the district of Hamilton, and shall send four jurors to the superior court of said district.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 9th, 1797.

An ACT supplementary to an Act, entitled, "An act to divide the county of Jefferson into two separate and distinct counties."

WHEREAS by an act of the General Assembly, passed this session, entitled, "An act to divide the county of Jefferson into two separate and distinct counties," no provision is made directing at what place the citizens of the new county of Cocke shall vote for a Representative to Congress at the ensuing election, to be held on the second Thursday and day following of October instant—
To remedy which,

Be it enacted by the General Assembly of the State of Tennessee, That the electors of the said county of Cocke shall be entitled to vote for a Representative to Congress at the said ensuing election, on the second Thursday and day following of October instant, at the court house of the county of Jefferson, in the same manner as heretofore practiced, and in the said act to the contrary notwithstanding.

JAMES WHITE,
Speaker of the House of Representatives.
JAMES STUART,
Speaker of the Senate.
October 11, 1797.

Proviso.

Sheriff of Jefferson authorized to collect arrearages.

Separate elections allowed.

County of Cocke a part of Hamilton district, &c

Preamble

Citizens of Cocke county authorized to vote in Jefferson county

An ACT to authorize the citizens of Grainger county, to hold elections for Governor, Members of the General Assembly, and Representatives to represent this State in the Congress of the United States, in the county of Grainger, at the usual place of holding courts.

Separate elections allowed to the county of Grainger

Manner of receiving ballots.

Returning officers duty

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all elections for Governor, Members of the General Assembly, and Representatives to represent this State in the Congress of the United States, shall be held at the usual place of holding courts in the county of Grainger, on the same days of holding elections in other counties, until provided for by law, as the constitution provides, in manner and form as follows: The sheriff or returning officer shall provide two boxes for the reception of tickets of such persons as reside in that part of Grainger which was formerly part of Knox, shall be put in one box, & those who reside in that part which was formerly part of Hawkins, shall be put in the other box: the sheriff or other returning officer of the county of Grainger shall attend at Rogersville, on the first Monday after such election, to return the number of votes taken at such election for the county of Hawkins; and the deputy sheriff, or in case there shall be no deputy, then one of the judges of the election

shall attend at Knoxville on the day aforesaid, with the returns of votes taken for the county of Knox, under the penalty of one hundred dollars each for every omission, to be recovered by action of debt in the court of the county where the failure may happen, one half to the use of the county, the other half to him or them suing for the same; and if any person shall be guilty of voting contrary to the true intent and meaning of this act, or voting without being qualified according to law, such person, on conviction, shall forfeit and pay ten dollars, to be recovered before any jurisdiction having cognizance thereof, and applied as in the last mentioned case.

Penalty for failure.

Sec. 2. **B**E it enacted, That the sheriff or returning officer for the counties of Hawkins and Knox shall attend at the court house of said counties on the first Monday after the election for Governor and Members of the General Assembly, to compare the votes taken in either county with those taken in that part of Grainger county that was entitled to suffrage in said county, and after comparing the same, they shall, in the presence of such citizens as think proper to attend, declare them that appear duly elected, and certify under their hands the same.

Votes when & where to be compared.

Sec. 3. **B**E it enacted, That so much of an act of the General Assembly for dividing the counties of Hawkins and Knox, and forming a new county by the name of Grainger, as comes within the purview and meaning of this act, is

Repeal clause.

heroby repealed, any law usage or custom to the contrary notwithstanding.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 25, 1797.

CHAP. XI.

AN ACT authorizing the inhabitants of the

western end of Carter county, to hold electi-

ons and general musters at such place, as

therein mentioned, and for other purposes.

WHEREAS the mountainous situation

of the county of Carter hath rendered

it impracticable to fix the court in or near the

centre of the same, which renders it extremely

inconvenient for the inhabitants living in the

western end of said county to attend elections

and general musters at the court house:

BE it enacted by the General As-

sembly of the State of Tennessee,

That from and after the passing of this act

it shall and may be lawful for the inhabi-

tants of said county of Carter living with-

in the limits of the districts of the two

most easterly or upper companies of

Separate
elections
authoris-
ed.

militia of said county, to meet and hold
elections for Governor, Members of the
General Assembly, and Representatives to
Congress, at the house of William More-
land.

Sec. 2. *Be it enacted,* That it shall
and may be lawful for the coroner or the
sheriff of Carter county, or said sheriff's pro-
per deputy, and he or they are hereby au-
thorized and required to open an election
at the said house of William Moreland,
for a Governor, Representative or Repre-
sentatives to the Congress of the United
States, and Members of the General As-
sembly of this State, on the days appointed
by the constitution and laws of this State,
and subject to the rules and restrictions
therein prescribed, and receive the ballots
of the persons entitled to vote in the said
described companies of militia, under the
the rules and restrictions for holding elec-
tions in this State, and the ballots so taken
shall be sealed up and transmitted to the
court house of said county on the suc-
ceeding day of said election under the di-
rections of the coroner, or sheriff, or said
sheriff's proper deputy; which ballots so
taken, shall, and are hereby declared to
be part of the election of said county,
any thing to the contrary notwithstand-
ing.

Sheriff's
duty re-
pecting
elections.

Sec. 3. *Be it enacted,* That no citizen living in the said described companies of militia, shall be entitled to vote at the court house of said county, under the penalty of ten dollars, nor any citizen residing out of said companies shall be entitled to vote at any other place but at the court house of said county, under the like penalty, any law to the contrary notwithstanding.

Separate
general
musters
authoris-
ed.

Sec. 4. *Be it enacted,* That the inhabitants of the aforesaid county, living within the boundary aforesaid, may, after the passing of this act, hold general musters at the place herein appointed for holding elections at the times appointed by the commanding officer of the county, whose duty it shall be to appoint and cause to be notified one of the majors of the said county to attend each muster by this act directed.

A major
fails to at-
tend gen.
musters.

and

Penalty if
failing.

Sec. 5. *Be it enacted,* That the majors by this act directed to be appointed to attend each & every general muster in the aforesaid boundary, shall for each and every neglect or refusal, forfeit and pay twenty five dollars, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the person who will sue for the same, the other half to the use of the

county; *Provided nevertheless,* That no major of said county shall be bound to attend any such muster unless he shall have at least fifteen days previous notice of his being so appointed.

Sec. 6. *Be it enacted,* That it shall and may be lawful for any five or more of the commissioned officers attending each and every general muster within the boundary aforesaid, to hold courts martial on the day next succeeding such musters, and the major attending them shall preside over the same: *Provided,* That no sentence or decree of said court martial shall be final except the party cast shall agree thereto, but in all cases the right of appeal to a regimental court martial of the county of Carter shall be had.

Separate
Courts-
Martial
authoris-
ed.

Provided.

Sec. 7. *Be it enacted,* That the general musters and courts martial directed to be held by this act, shall be held under the same rules and regulations, as are by law directed for holding general musters and courts martial within the several counties in this state; and it shall be the duty of the majors attending the same, to receive the company returns, and transmit them to the commanding officer of the county as soon as may be.

Courts-
Martial
authoris-
ed.

Sec. 8. *Be it enacted*, That this act shall be in force from and after the first day of January next.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 20th, 1797.

CHAP. XII.

An ACT to ascertain the lines between Washington and Sullivan counties, and for other purposes.

Commis-
sioners
appointed.

Thirdly.

Sec. 1. *BE it enacted by the General Assembly of the state of Tennessee*, That Nathan Shipley, of the county of Washington, and John Anderson, of the county of Sullivan, (surveyors,) are hereby authorized and directed to ascertain with precision, the line between Washington and Sullivan counties, which runs, beginning at the head of Indian creek, where the line divides Washington and Sullivan counties, from thence a straight line so as to include David Hugh's plantation in Sullivan county, from thence a straight line to strike the south side of Francis Hodge's plantation, from thence

a straight line to Watauga river, running down the meanders of said river to its junction with the Holston river, thence to the highest part of the Chimney-Top Mountain, agreeably to original charters of said counties.

Sec. 2. *Be it enacted*, That the said surveyors, as soon as may be after the completion of the duties assigned them by this act, shall report to the next succeeding courts of their respective counties; and shall be allowed two dollars per day, to be paid by the treasurer of each county respectively, upon the certificate of the chairman of said courts.

Surveyors to report.

Sec. 3. *Be it enacted*, That the said Nathan Shipley and John Anderson are hereby authorized, and required when entering on the business as contemplated by this act, to appoint some suitable person, to mark and designate the line as by them ascertained, who shall be allowed for such service, the sum of one dollar per day, to be paid proportionably between the counties aforesaid, upon the certificate of the said surveyors, specifying the number of days he was by them to employed.

A person to be appointed to designate the line.

Sec. 4. *Be it enacted*, That Thomas Berry and Robert Esby, be, and they are hereby appointed commissioners in the room and stead of George Rutledge and

Commissioners appointed.

compen-
sation
made.

Joseph M'Min, who were appointed by virtue of an act, entitled, "*An act appointing commissioners to run the dividing line between the counties of Sullivan and Hawkins, from the mouth of the North Fork of Holston,*" &c. and the said Thomas Berry and Robert Esby shall be allowed the same pay, and be under similar restrictions in all respects whatever.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 20th, 1797.

CHAP. XIII.

An ACT to repeal the second section of an act entitled "An act for erecting part of the county of Hawkins and part of the county of Knox into a separate and distinct county," passed at Knoxville, one thousand seven hundred and ninety six; and for appointing commissioners to purchase and lay off a place the most central and convenient in the county of Grainger for purpose of erecting a court house, prison, and stocks, and for altering the line dividing the said counties of Grainger and Hawkins, from James Blair's senior, to the Virginia line.

Commis-
sioners
appoin'd.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee,

That John Owens, senior, John Brister, Isaac Lane, George Bean, senior, William Stone, Robert Boyd, Henry Howell, James Fears, Jacob Vanhoozer, William Millikin, and Michael Massingill, be, and they or a majority of them, are hereby appointed commissioners in the room of those appointed in the above recited second section, and are hereby vested with similar power, and under the same restrictions in all respects whatever.

Sec. 2. *Be it enacted,* That the said commissioners or a majority of them, are hereby authorized to lay out a town on said land, to consist of forty lots, with proper streets and allies, numbered from one to forty inclusive, to be known by the name of RUTLEDGE, in honor to GEORGE RUTLEDGE, esquire, of Sullivan county. To lay out a town.

Sec. 3. *Be it enacted,* That the said commissioners are hereby required to complete the duties enjoined on them by this act, between the second Monday of December, one thousand seven hundred and ninety seven, and the second Monday of March, one thousand seven hundred and ninety eight. Duties when to be completed.

Sec. 4. *Be it enacted,* That the line dividing the aforesaid counties, shall be extended as follows, viz. Beginning at a line here to be run

marked tree, near the dwelling house of James Blair, senior, on the line from Felps Reed's to Thomas Henderson's, thence to the said Henderson's and Joel Dyer's south west corner, thence a north course with said Henderson and Dyer's line, so as to leave the house of Robert Patterson ten poles in Grainger county, thence a direct line to the upper end of the first island below the mouth of Big War creek, thence to the Black Lick, leaving the house of William Hord in Hawkins county, thence with the last mentioned course to the top of Powell's Mountain, thence north, thirty west to the Virginia line.

Surveyor
appointed,
ed, &c.

Sec. 5. *Be it enacted*, That William Payne, be appointed surveyor, who, with two markers shall run and mark the said amended line as early as practicable, and shall be allowed as follows, viz. The surveyor for each day he shall necessarily attend, the sum of two dollars per day, the markers each one dollar per day, to be paid by the county of Grainger.

Repeal's
clause.

Sec. 6. *Be it enacted*, That the second section of an act, entitled, "*An act for erecting part of the county of Hawkins, and part of the county of Knox, into a separate and distinct county*," passed at Knoxville,

one thousand seven hundred and ninety six, be and the same is hereby repealed.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 22, 1797.

CHAP. XIV.

An ACT directing the mode of settling with collectors of county taxes, and for other purposes therein mentioned.

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That the several county courts in this state, shall, at the next court to be held in each county from and after the first day of January next, appoint three commissioners who shall hold their appointments during the term of four years, and at the expiration of the said term, the respective courts shall appoint the same or others to fill such vacancy under the same rules and restrictions as prescribed in this act. *Provided always*, That such courts shall not appoint any person who is a member of their own body, and the commissioners, thus appointed, shall enter in-

County
courts to
appoint
commis-
sioners.

Provide.

to bond with approved security, in the sum of one hundred dollars, payable to the chairman of the court, and his successor in office, conditioned for the faithful performance of the several duties required by this act.

Duty of commissioners to call upon persons appointed for collecting county tax.

Sec. 2. *Be it enacted,* That it shall be the duty of said commissioners, or a majority of them, to call upon such person or persons as shall be appointed for collecting county tax, in the following manner, viz.—At the expiration of twelve months from and after the collector entering into the duties of his appointment, and in every subsequent term of twelve months shall notify the said collector to appear at such time and place as they may judge proper for the purpose of making a final settlement for the year last past.

Commissioners to cause the clerk and treasurer to make a statement

Sec. 3. *Be it enacted,* That the commissioners aforesaid shall have full power to require the clerk and treasurer of their respective counties to lay before them a copy of such papers as they may judge necessary; and it shall further be the duty of the commissioners to make or cause to be made a full statement of all the specie and certificates collected within the year for which such settlement is to be made, plainly distinguishing the amount of each, together with the disbursements, to whom

paid, and for what purpose, which statement the said commissioners shall cause to be posted up in the court house of their respective counties.

Sec. 4. *Be it enacted,* That there shall be a treasurer appointed in each county whose duty it shall be to receive from the collectors, besides specie, jurors certificates, and all other certificates for which the county by law stands indebted, and for his services done in receiving and disbursing the same, together with the several duties necessary thereunto, shall receive five dollars for every hundred dollars so received and disbursed.

A treasurer in each county.

Sec. 5. *Be it enacted,* That if any clerk or treasurer shall refuse at any time to furnish the commissioners with such papers and vouchers as they may judge necessary for perfecting any settlement or settlements which by this act they are authorized to make, then and in that case, the clerk or treasurer so refusing, shall forfeit and pay the sum of five hundred dollars, to be sued for in the name of the chairman of the court before any jurisdiction having cognizance thereof, and applied to the use of the county wherein such failure was made.

Clerk or treasurer to furnish vouchers.

Sec. 6. *Be it enacted,* That if any Penalty

on collec-
tor or trea-
surer to
refuse
county
certificates
for county
taxes.

collector or treasurer shall refuse at any time to receive in payment of county tax such certificates as are mentioned in the third section of this act, or refuse to pay or settle as by this act directed, he or they so refusing, shall forfeit and pay the sum of five hundred dollars, to be recovered and applied as heretofore directed, and if the commissioners or either of them shall fail at any time to fulfil the duties enjoined by this act, he or they for such failure shall forfeit and pay the sum of one hundred dollars to be recovered and applied as by this act directed.

County
court to
fill vacan-
cies.

Sec. 7. *Be it enacted*, That in case of death, refusal to act, or removal out of the county of either of the commissioners so appointed, it shall be lawful for the said court to proceed to fill such vacancy in the same manner as before directed, which commissioner or commissioners shall have and exercise all the powers and authorities as the original commissioners had and exercised.

Compensation to
commissioners

Sec. 8. *Be it enacted*, That it shall be lawful for the several courts aforesaid, to make such annual compensation to the commissioners as they may judge adequate to their services.

Military
fines how
to be ac-
counted
for.

Sec. 9. *Be it enacted*, That where any military fines have been collected in any county within this state and remain unaccounted for, it shall be the duty of the treasurer of each and every county, and he is hereby authorized, on application made to him for that pur-

pose, to notify the person or persons, who may be informed hath military fines in his or their hands, to appear at a certain time and place in said county within twenty days from and after such notification, then and there to account for and pay such fines to the said treasurer, whose receipt for the same shall be a sufficient voucher for such sums so paid.

Treasurer
to institute
suits
for fines.

Sec. 10. *Be it enacted*, That in case any person in whose hands such fines may remain, shall neglect or refuse to appear at the time and place appointed by the said treasurer, or in case he or they shall attend and refuse to account for the said fines, then and in that case it shall be the duty of the said treasurer, to institute suit or suits in his own name, by action of debt, as in other cases against the person so holding the said fines, and refusing to account therefore: *Provided*, That the monies so received shall be appropriated to the use of the respective regiments in which such fines shall have been collected.

Provided

Sec. 11. *Be it enacted*, That where any military fine has been assessed prior to this date and not collected; then and in that case the sheriff or other person collecting such fines is hereby directed to desist from collecting any such military fines, any law, usage, or custom, to the contrary notwithstanding. And if any person appointed to collect any such fines as aforesaid, shall hereafter presume to collect contrary to this act, such person on conviction shall forfeit and pay one hundred dollars.

Sheriff to
desist from
collecting
fines.

Penalty

JAMES STUART,
Speaker of the House of Representatives,
JAMES WHITE,
Speaker of the Senate.

October 18th, 1797.

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CHAP. XV.

An ACT painting out the manner in which certain debts of the late county of Tennessee shall be discharged.

preamble

WHEREAS prior to the division of the county of Tennessee, the said county was indebted to the citizens thereof for services rendered as jurors, and for other purposes: And whereas no provision was made, at the time of dividing said county, for the payment of said claims:

Citizens of Robertson and Montgomery counties to receive claims.

BE it enacted by the General Assembly of the State of Tennessee, That the citizens of Robertson and Montgomery counties, who have claims granted to them by the late county of Tennessee, shall apply for and receive the same in the county whereof he is a citizen, which claims shall and may be received by the sheriffs in the payment of the county taxes.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 25th, 1797.

CHAP. XVI.

An ACT authorizing the Sheriff of Sumner county to collect the state taxes of all that part of Robertson county that was late part of Sumner, and other purposes.

Sheriff of Sumner to collect

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee,

That the Sheriff of Sumner county, shall have full power and authority to collect the state taxes of all that part of Robertson county, that was late a part of Sumner county, that is due to said county for the year one thousand seven hundred and ninety six.

Sec. 2. BE it enacted, That all dividing lines of counties within this state running through tracts of land, that the owner of said tract or tracts shall, when giving in his list of taxable property, give in said land in the county where his house and improvement may be, and if not improved he shall give it in, in the county where the largest part of said tract or land shall lie, any law, usage, or custom to the contrary notwithstanding.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 27th, 1797.

CHAP. XVII.

An ACT for establishing a Stone Meeting House, in the town of Nashville, to the use and benefit of the Methodist Episcopal Society.

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, Metho-
dism.

inghouse
establish-
ed Nash-
ville.

Trustees
to make
a deed.

That whereas the society called the Metho-
dists, have erected a meeting house on
the public square in the town of Nash-
ville, and ought to have the exclusive use
and privilege thereof secured to them.
Be it enacted, That the trustees of the town
aforesaid, shall and they are hereby au-
thorized to execute a deed to five persons,
such as the said society shall appoint, for
the land whereon the said house stands, to
include fifteen feet on each side and end
of said house, except the side next Cum-
berland river, and that to extend as far as
the line of the public square; which shall
vest in the said appointees of the said so-
ciety as a house of public worship, and
for no other use or purpose whatever, nor
shall the said appointees have power to
alien their title to the same to any per-
son or persons whatever.

Trustees
to lay off
places for
any reli-
gious sect

Sec. 2. *Be it enacted*, That the trust-
ees of Nashville shall have power to lay
off and appoint suitable places on said
public square for any religious sect to e-
rect a house or houses of public worship
on, under the same rules and restrictions
that are above prescribed for the society
aforesaid.

Repeal'g
clause.

Sec. 3. *Be it enacted*, That all laws,
or parts of laws, which come within the
purview and meaning of this act, shall be

null and void, any law, usage, or custom
to the contrary notwithstanding.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 2d, 1797.

CHAP. XVIII.

*An ACT to establish Fairs in the county of
Greene.*

BE it enacted by the General As-
sembly of the State of Tennessee,

Fairs esta-
blished in
Greene.

That the citizens of the county of Greene
shall have the privilege of holding two
fairs in each and every year at the town of
Greeneville, for the purpose of selling all
kind of goods, wares, and merchandize,
free to every citizen of the state, subject
to such regulations as may hereafter be
established by law, and the said fairs shall
be held on the third Tuesdays in the
months of May and November in each
year, and may continue for two days each.

JAMES STUART,
Speaker of the House of Representatives

JAMES WHITE,
Speaker of the Senate.

October 27th, 1797.

C H A P. XIX.

An ACT for the establishment of Fairs in the county of Knox.

Fairs when
held in
Knox.

Be it enacted by the General Assembly of the State of Tennessee, That the inhabitants of the county of Knox, shall have the privilege of holding two fairs in each and every year, in Knoxville, for the purpose of selling all kind of goods, wares, and merchandise, free to every citizen of this state, subject to such regulations as may be hereafter established, and the said fairs shall be held on the fourteenth day of February, and the fourth day of July, in every year, except it should fall on the Sabbath day, in which case such fair shall be held on the succeeding day.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

October 20th, 1797.

C H A P. XIX.

An ACT to establish a town by the name of Port Royal, on the south bank of Red river, at the junction of the Sulphur Fork, in Montgomery county, on the lands of Samuel Wilcox.

Preamble.

WHEREAS a town hath been laid off on the south bank of Red River, at

the junction of the Sulphur Fork, on the lands of Samuel Wilcox, and a considerable number of lots sold by the proprietor; and the purchasers of these lots are desirous that the town should be established by Legislative Authority:

Sec. 1. **B**e it enacted by the General Assembly of the State of Tennessee,

That thirty acres of land lying on the south bank of Red river at the junction of the Sulphur fork, belonging to the said Samuel Wilcox, who has signified his consent for this purpose, be established a town and town common, agreeable to a plan laid off by the said Samuel Wilcox, consisting of thirty six lots of half acre each, together with a square of two acres, with necessary streets and allies, numbered from one to thirty six, both numbers inclusive, is hereby established a town by the name of Port Royal, agreeable to the plan of said town.

Town established
on Red
river.

Sec. 2. *Be it enacted,* That from and after the passing of this act, Francis Prince, Jonathan Stephenson, John Baker, William Mitcherson, and William Connel, be and they and every of them are hereby constituted commissioners, for the further designing, building, and improving the said town, and they shall stand seized of an indefeasible estate in fee simple, of and

Commissioners
appointed.

in the land so laid off, to and for the uses and purposes hereby expressed & declared; and the said commissioners, or a majority of them, shall make and execute deeds to such respective persons as have become purchasers of any lot or lots in said town, at the cost and charge of the grantee or grantees; which lot or lots, by virtue of such conveyance shall be held to such purchaser or purchasers in fee simple; to his, or their heirs and assigns forever.

Monies arising from the sale of lots to whom paid to.

Sec. 3. *Be it enacted,* That all monies which shall arise from the disposal of the lots of the said town, by the commissioners, shall be received by them or their successors, and after deducting their reasonable charges and expenses, the same shall be paid by them to the said Samuel Wixom, his heirs, executors, administrators, or assigns. And for continuing the succession of the said commissioners,

In case of death of commissioners to appoint another.

Sec. 4. *Be it enacted,* That in case of death, refusal to act, or removal of any of the said commissioners, the survivors, or a majority of them, shall assemble, and are hereby authorized to nominate and appoint by instrument in writing under their hands, some other person being an inhabitant and freeholder of the said county, in the place and room of him so dead, refusing to act, or removing out of the coun-

ty, which said commissioner or commissioners so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person in whole room and stead he was so appointed had and exercised. who shall exercise the same powers

JAMES STUART.
Speaker of the House of Representatives.

JAMES WHITE.
Speaker of the Senate.

October 25th, 1797.

CHAP. XXI.

An ACT for the regulation of Knoxville.

WHEREAS an act of assembly was passed at a session of the general assembly, began and held at Knoxville on the twenty fifth day of August one thousand seven hundred and ninety four, establishing Knoxville, and appointing commissioners for the regulation thereof, who with the consent of the proprietor were vested with power to enlarge the same, which they have done by annexing thereto fifty nine lots with the necessary streets. And whereas the power vested in the said commissioners by the aforesaid act were joint, and some of the commissioners having removed, put out of the power of the others to act. preamble

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,*

Additional That the aforelaid fifty nine lots with the
al necessary streets laid out as aforelaid, shall
to Knox- be a part of Knoxville, and that five com-
vile. missioners shall be chosen on the first Sat-
Comm'rs urday in November next, and that the
when sheriff of Knox county or his deputy,
chosen. shall give notice, by advertising the same
at three of the most public places in Knox-
ville, at least ten days previous thereto, and
attend at the court house on the same day,
and that at the hour of ten o'clock in the
forenoon, open the poll and receive the
tickets in the presence of two inspectors,
and close the same at the hour of four
o'clock in the afternoon of the same day,
and shall in the presence of such of the in-
spectors as choose to attend, examine and
number the ballots, and the five persons hav-
ing the greatest number of votes shall be de-
clared duly elected, and in like manner the
sheriff of the said county, or his deputy,
shall on the first Saturday in November
in every second year, hold a similar electi-
on, under the penalty of fifty dollars for ev-
ery neglect or refusal, to be recovered by
action of debt in the county court of
Knox by any person who shall sue for
the same in six months after such neglect

Sheriff to
hold an
election.

Penalty.

or refusal, one half to the prosecutor, the
other half to be paid to the treasurer of the
town, for the use of the said town; and
the commissioners so chosen, shall, before
they enter on the duties of their office,
take the following oath: *I, A. B. do* **The oath**
swear (or affirm as the case may be) that
I will faithfully discharge the office of com-
missioners for Knoxville, agreeable to law,
and the best of my knowledge and abilities.

Sec. 2. *Be it enacted,* That the com-
missioners of the said town shall choose **Comm'rs**
and appoint a proper person to be their **to choose**
clerk, to act as such during good behavi- **a clerk.**
our, who shall be allowed a reasonable
salary, and shall enter into bond to the
commissioners of the said town, and their
successors, with two sufficient securities,
in the sum of three hundred dollars, con-
ditioned for the due and faithful execu-
tion of his office, whole books and pa-
pers every person may have access to, on
paying twenty-five cents, each person;
and on neglect or refusal, by the clerk, to
permit such examination of his books or
papers, he shall forfeit and pay two dol-
lars, to be recovered before any jurisdic-
tion having cognizance thereof.

Persons
may
have ac-
cess to
the
books.

Penalty.

Sec. 3. *Be it enacted,* That the com-

Commrs to appoint a treasurer. Commissioners shall appoint one of their body to act as treasurer of the town for two years, to receive and account for the town monies, and to keep regular accounts thereof; and upon the appointment of a new treasurer, the old one shall immediately deliver up his books and pass his account with him, and pay him any balance there may be in his hands, which treasurer, before he enters upon the duties of this office, shall give bond with two sufficient securities to the other commissioners for the faithful discharge of his duties.

Town tax.

Poll tax.

collector to make distress.

Sec. 4. *Be it enacted*, That the commissioners shall annually levy a tax on each town lot, not exceeding two dollars, and parts of lots in proportion; on each and every taxable white poll, not exceeding seventy-five cents; and on each and every taxable slave not exceeding one dollar and fifty cents, which tax shall be collected by a warrant under the hands and seals of the commissioners, directed to such person or persons, as they shall appoint for that purpose; and the collector to be by them appointed, is hereby empowered and directed to collect and make distress for the same, in like manner as collecting of public taxes; and the monies

arising therefrom, after deducting six per cent for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing and repairing the streets, paying officers for transacting the business of the town, and in such other public work and business as the commissioners may deem necessary.

Sec. 5. *Be it enacted*, That it shall be the duty of one of the commissioners, who shall be by themselves appointed, to attend at the time and place that shall be appointed for the inhabitants of Knoxville to give in their lists of taxable property, and receive a list of the taxable property in Knoxville; and if any person or persons, who are the owners of taxable property in said town, shall fail to make return thereof to the said commissioner, by themselves, their agents or attorneys, the person or persons, so failing, shall pay a double tax and a fine of ten dollars for such failure; and the said commissioner, appointed as aforesaid, shall return, to the best of his knowledge, a list of the taxable property of the person or persons so failing to make return, which fine shall be collected with the tax, and paid to the treasurer for the use of the town.

Streets to be repaired, &c.

Comm'r to attend at the time appointed to receive a list of taxables.

Double tax for not giving in, &c.

Comm'r to make return.

Encroach-
ments on
the streets
to be re-
moved.

Fine, for
non remo-
val.

Ground
rent.

Proviso.

Comm'r
must own
a lot.

Sec. 6. *Be it enacted,* That where any encroachment is made on the streets of Knoxville, that the commissioners may apprehend to be dangerous, they shall order the same to be removed by the owner of such lot; and if it is not removed within sixty days after such order of removal is given, the commissioners may impose and collect such fine as they shall judge proper, not exceeding twenty dollars, and continue to give notices as aforesaid, and on failure as aforesaid, to impose and collect fines as aforesaid, until it shall be removed; and where any encroachment shall be found on any street or streets from which no immediate danger is apprehended, the said commissioners shall impose a ground rent of twenty-five cents for every square yard covered by such encroachment, and collect the same by warrant, under their hands and seals, for the benefit of said town: *Provided,* That no cellar door shall be considered as an encroachment, unless it extend more than four feet into the street.

Sec. 7. *Be it enacted,* That no person shall be deemed qualified to vote for or be elected a commissioner, but those that own a lot, or part of a lot in said town.

Sec. 8. *Be it enacted,* That it shall be the duty of the commissioners, within six months after their appointment, to cause an accurate plan of the said town to be made and registered in the register's office of the county of Knox, for the benefit of all persons concerned, with their names as commissioners, subscribed thereto; and to designate the four corners of the two streets that crossed each other in the centre of the old part of said town, by the fixture of a stone at each corner at least eighteen inches in the ground, and six inches above, and to use good care that they neither be removed nor defaced.

Sec. 9. *Be it enacted,* That a majority of the commissioners shall have the same power to act that the whole of them could have were they all convened together.

Sec. 10. *Be it enacted,* That if any of the commissioners who shall at any time be elected, should die, remove out of the town, or refuse to qualify, the remaining commissioners shall elect others in the room and stead of those dying, removing, or refusing to qualify, which commissioner or commissioners so elected, and qualified, by taking the oath aforesaid, shall have the same powers as the other commissioners have by this act.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 17th, 1897.

A plan of
the town
to be
made.

To designate the
four corners of the
streets.

A quorum
to have
full power

Commissioners
to elect others
in place of
those dying
or refusing.

CHAP. XXII.

An ACT to enlarge the town of Clarksville.

Clarksville enlarged.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the town of Clarksville shall be enlarged by an addition of fifty six town lots, and fifty six out lots, to be laid off on the lands of Peter D. Roberts, with proper streets and allies, and to be contained within the following boundaries: Beginning at a sweet gum and hickory on the margin of Cumberland river, the southwest corner of the aforesaid town, thence east three thousand one hundred and eight feet, thence south, five degrees east, one thousand three hundred and forty four feet, thence west to the aforesaid river, thence down the said river to the beginning.

One-half acre lots.

Out lots one acre

Sec. 2. *Be it enacted*, That each town lot shall be two hundred forty seven feet and one half in length, and eighty-eight feet in breadth, containing one half acre; and each out lot shall be four hundred and seventy six feet in length, and ninety one feet and one half foot in breadth, containing one acre, the longest sides of which lots of land shall be east and west; and the said lots of land, with proper streets and allies, so laid off as aforesaid, shall be part of, and be under the same rules, regulations, and restrictions as provided for in the act of the general assembly for laying off the town of Clarksville.

Sec. 3. *Be it enacted*, That the pro-

prietor of the said land on which the said lots as aforesaid are directed to be laid off, is hereby required to make conveyances, by deed, of the said lots of land to the purchasers, on payment of, or on securing the payment of the purchase money to the said proprietor.

Sec. 4. *Be it enacted*, That this act shall be in force and use from and after the passing thereof.

Ad when in force.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 25th, 1797.

CHAP. XXIII.

An ACT appointing additional Commissioners to the Town of Palmyra.

BE it enacted by the General Assembly of the State of Tennessee, That James Brown, William Downs, and Burrell Marlan Williamson, be, and they are hereby appointed commissioners, with full power and authority to act with those formerly appointed, by an act of the General Assembly of the State of Tennessee, begun and held at Knoxville, on the 28th day of March, one thousand seven hundred and ninety six.

Additional commissioners appointed to Palmyra.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 20th, 1797.

C H A P. XXIV.

An ACT to enlarge the town of Jonesborough, in the county of Washington.

Preamble

WHEREAS it hath been represented to this General Assembly, by a number of the inhabitants of the town of Jonesborough, that very considerable advantage would result to them by enlarging the said town:

Jonesborough enlarged.

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That the commissioners of the town of Jonesborough, or a majority of them, be, and are hereby authorized, by and with the consent of the proprietors of the land adjoining the north-east end of the said town, to lay out six lots on each side of the main street of the said town, so as to run parallel with the same, with such and so many streets and allies, as the said commissioners, or a majority of them, may deem necessary.

Additional lots to be numbered.

Sec. 2. Be it enacted, That the said lots, so laid out as aforesaid, shall be numbered agreeable to the plan thereof, and considered as a part of the town of Jonesborough, and subject to the rules and regulations thereof.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 27th, 1797.

C H A P. XXV.

An ACT to establish a town by the name of Nelsonville.

WHEREAS Major John Nelson hath laid off a town on his own land, lying on the waters of Big Harpeth in the county of Davidson, and has prayed that a law may be passed by the legislature for the establishment thereof:

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That the said town shall be called and known by the name of Nelsonville, agreeably to the present plan of said town, a copy of which the said Nelson is hereby required to file in the Clerk's office of the county of Davidson, in two months after the passing of this act.

Sec. 2. Be it enacted, That Joel Lewis, James Maclean, William Lytle, and John Davis, are hereby constituted and appointed commissioners for the regulation of the said town of Nelsonville, who are hereby declared to be vested with full power and authority for that purpose, but to govern themselves in their arrangements by the original plan of said town, and the rules already established by the proprietor for its regulation.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 9th, 1797.

C H A P. XXVI.

An A C T to establish a town on the south bank of Holston river, in Sullivan county, at Boat's Ford, on the plantation where Samuel M'Corkle now lives.

Preamble

old map

WHEREAS the said Samuel M'Corkle hath laid off a town, containing sixty quarter-acre lots, and as many more as shall be necessary for said town with streets and allies, and a number of lots sold by the said Samuel M'Corkle; and the purchasers of these lots, desirous that the town should be established by legislative authority:

old map

town established

Sec. 1. **B**e it enacted by the General Assembly of the State of Tennessee, That the said town be and is hereby established by the name of Middleton.

Commrs appointed.

Sec. 2. **B**e it enacted, That from and after the passing this act, Robert Allison, Francis Hodge, Andrew Crocket, Jonathan Owens, and Jacob Kneidever, be, and they, and every of them, are hereby constituted commissioners for the further designing, building, and improving the said town.

Sec. 3. **B**e it enacted, That in case of death, refusal to act, or removal out of the county, of any of the said commissioners, the survivors, or a majority of them, shall assemble, and are hereby authorized to nominate and appoint, by instrument in writing, under their hands, some other person or persons, being an inhabitant and freeholder in said county, in the room of him so dead, re-

suing to act, or removing out of the county, which said commissioners, so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person or persons in whose room he or they may be so appointed.

Sec. 4. **B**e it enacted, That this act shall not be in force, or any thing therein contained, until the said Samuel M'Corkle, shall execute good and sufficient deeds, in fee simple, to all such persons as have purchased lots in the town aforesaid, and until the said Samuel M'Corkle shall execute a deed, in fee simple, to the aforesaid commissioners, for four acres, adjoining the town, to be laid out as commons for the use thereof.

This act not in force until the proprietor makes a deed &c.

JAMES STUART,

Speaker of the House of Representatives,

JAMES WHITE,

Speaker of the Senate,

October 2d, 1797.

C H A P. XXVII.

An A C T to repeal an Act, entitled, "An Act, appointing commissioners and trustees, the former to fix on a place in the county of Sumner, and the latter to purchase lands, erect a court house, prison, and stocks, and establish a town thereon," passed at Knoxville in the year one thousand seven hundred and ninety six, and for other purposes herein mentioned,

Sec. 1. **B**e it enacted by the General Assembly of the State of Tennessee,

Repealing clause.

That the said act be, and the same is hereby repealed and of no effect.

Commrs
appointed

to purchase land
to erect
a court-
house, &c.

Commrs
not agree
ing to call
the coun-
ty surveyor

Sec. 2. *Be it enacted*, That James Clendennin, Kalper Mansker, William Edwards, William Bowen, Captain James Wilson, son of John Wilson, James Frazier, More Stephenson, William Gillespie, James White, Wetherel Lattimore, and John Morgan, be, and they are hereby appointed commissioners to make choice of a place the most convenient in the county of Sumner, to purchase land, erect a court house, prison and stocks, and establish a town thereon, having respect to the centre of said county, which is not to extend more than twenty-five miles, on a direct line from the ford of Mansker's creek, on the road leading from Mansker's lick to Bledsoe's lick.

Sec. 3. *Be it enacted*, That if the said commissioners, or two thirds of them, should not agree on a place agreeable to the mode prescribed in the preceding section, then, and in that case, they shall call on the county surveyor, who shall, with two sworn chain-carriers, and under the inspection of the said commissioners, or two thirds of them, measure from the ford to Mansker's creek, aforesaid, up the road leading by John Dawton's to Bledsoe's lick, and at the distance of twelve and an

half miles from the beginning, on the aforesaid direct line, which said beginning is on the lower line of said county, run a parallel line as near as may be with the lower line of said county to the bank of Cumberland river, and the said commissioners, or two thirds of them, shall then proceed to make choice of the most convenient place for the aforesaid purpose, having regard to water, and situation, but shall not fix on any place, which shall exceed one and an half miles from said parallel line.

Sec. 4. *Be it enacted*, That the said surveyor and chain carriers shall be allowed a reasonable compensation for their services, to be ascertained by a majority of the acting justices of Sumner county, on their producing a certificate, signed by two thirds of the commissioners, certifying the number of days they have attended, and the chairman of the court is hereby authorized, on receipt of said certificate, to issue an order to the treasurer of the said county, to pay the sum therein specified, which said order, shall be a sufficient voucher for the treasurer to pay the same.

Sec. 5. *Be it enacted*, That if the county surveyor shall refuse to act, or in case of his death, resignation, or removal out of the county, then the said commission-

Compensation to
surveyor
and chain
carriers

In case the
county
surveyor
refuses to
act, the
Commrs
to appoint
another.

ers, or a majority of them are hereby authorized to appoint any surveyor of known abilities, to run the aforesaid line, who shall, before he proceed to the execution thereof, take an oath faithfully to perform the duties enjoined by this act, and the person so chosen, shall be allowed the same fees as the county surveyor would have been, had he have done the same.

Trustees
appointed

Authoriz-
ed to pur-
chase land

Sec. 6. *Be it enacted*, That Daniel Smith, James Winchester, and Willott Cage, 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 it can be had, and receive a deed or deeds of conveyance for the same, which shall be good and valid in law, and shall vest in them, and their successors in office, a complete title for the use in this act expressed.

Trustees
of *Ca Ira*.

Their
powers.

Sec. 7. *Be it enacted*, That the said trustees, shall 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 otherwise.

To lay off
a town, to
be called
Ca Ira.

Sec. 8. *Be it enacted*, That the said trustees, shall proceed, as soon as may be, after purchasing said land, to lay off 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 or lots, with convenient streets and allies, and commons, and a public square to contain two acres.

Sec. 9. *Be it enacted*, That the said trustees be, and they are hereby authorized, as soon as said town shall be laid out, to sell the said lots at public sale, at six months credit, first giving thirty days previous notice of the sale, by advertising of 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 in office, 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 deed shall be good and valid to all intents and purposes.

Trustees
to sell
lots.

Under
what res-
trictions

Sec. 10. *Be it enacted*, That as soon as the trustees shall have laid out said town, they shall fix on a convenient place in the public square in said town, to build a court house, prison, and stocks, for the use of said county, which court house shall be sufficiently large to contain conve-

To choose
a place
to build
a court
house, &c.

nient rooms for jurors, and the said prison shall consist of at least two rooms.

Trustees
to erect a
court-
house, &c

Sec. 11. *Be it enacted*, That the monies arising from the sale of the aforeaid lots, shall be paid to the trustees, and shall be by them applied to the building of the court house, prison, and stocks aforeaid; and the trustees are hereby authorized to contract with a suitable person or persons to erect the same.

Certain
taxes to
be col-
lected.

Sec. 12. *Be it enacted*, That the tax already laid by the county court of Sumner, for the purpose of purchasing the land so fixed on by the commissioners, shall be paid by the collector into the hands of the said trustees, appointed by this act, after retaining the same per centum, that is allowed him by law for the collection of the public tax, to be by them applied to the purchase of the aforeaid land, and the overplus, if any, shall be an additional fund to that before mentioned, to defray the expences of the buildings aforeaid.

Trustees
to keep a
fair state-
ment of
monies
received.

Sec. 13. *Be it enacted*, That the said trustees, shall keep a fair and regular statement of all monies by them received and expended for the use aforeaid, which statement shall be laid before the court of said county, when required by said court, and if it shall appear, that the monies already appropriated, should not be suffi-

cient to defray the expences of said purchase and buildings, the court shall have full power to lay a county tax, for one year, to make up such deficiency: *Provided*, *Provide*, That two thirds of the acting justices are present when the taxes are laid; and *pro-vided also*, that said tax shall not exceed six and one fourth cents on every white poll, between the age of twenty one and fifty years; a tax not exceeding twelve and a half cents, on every black poll, between the age of ten and fifty years; a tax not exceeding one dollar, on each stud horse; and a tax not exceeding six and one fourth cents, on each hundred acres of land in said county; which said tax (if found necessary to be laid by said court) shall be collected in the same manner, and by the same person as public taxes are; and the monies arising therefrom shall be paid by the collector thereof, after retaining the same per centum as is allowed by law for the collection of public taxes, into the hands of the aforeaid trustees, to be by them applied to the use of the purchase and buildings aforeaid.

Duty of
collector

Sec. 14. *Be it enacted*, That the aforeaid trustees shall enter into bond, *Trustees* jointly, in the sum of two thousand dollars *bond*, each, 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.

Trustees further duty, and shall receive a compensation.

Sec. 15. *Be it enacted*, That the said trustees, when the whole is completed, shall lay before the court of the said county, a fair and just statement of all the expences of said purchase and buildings, and shall be allowed a reasonable compensation for their services, to be adjudged and allowed of by the court. *Provided*, That two thirds of the acting justices of said county are present when such allowance are made.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 2d, 1797.

CHAP. XXVIII.

An ACT establishing a town by the name of Waynesborough, on a north bluff of Cumberland river, known by the name of Lancaster's bluff, below Heaton's old station, in Davidson county, on the lands of Willie Barrow.

Waynesborough established.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That a town shall be laid off on said Bluff, containing of one hundred and fifty lots, of half

acre each, together with a square of two acres, with the necessary streets and allies, numbered from one to one hundred and fifty, both numbers inclusive, is hereby established a town by the name of Waynesborough, agreeable to the plan of said town, so to be laid off by the commissioners hereafter named.

Sec. 2. *Be it enacted*, That from and after the passing of this act, Howel Tatum, William Donelson, Thomas Molloy, Thomas Talbot, and Edmond Gamble, esquires, be, and they and every of them are hereby constituted commissioners for the further designing, building, and improving the said town; and they shall stand seized of an indefeasible estate, in fee simple, of and in the land so to be laid off (except the choice of four lots to the said Willie Barrow) to and for the uses and purposes hereby expressed and declared; and the said commissioners, or a majority of them, shall make and execute deeds to such respective persons as shall become purchasers of any lot or lots in said town, at the cost and charges of the said grantee or grantees, which lot or lots, by virtue of said conveyance, shall be held to such purchaser or purchasers, in fee simple, to his or their heirs and assigns for ever.

Commissioners appointed.

Their duty.

Sec. 3. *Be it enacted*, That all monies which shall arise from the disposal of the said lots of the said town, by the commissioners, shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said Willie Barrow, his heirs, executors,

Further duty of Commissioners.

In case of death, &c. a successor to be appointed

administrators, or assigns: And for continuing the succession of the said commissioners.

Sec. 4. *Be it enacted*, That in case of death, refusal to act, or removal of any of the said commissioners, the survivors or a majority of them, shall assemble, and are hereby authorized to nominate and appoint, by instrument in writing, under their hands, some other person, being an inhabitant and free holder of the said county, in the place & room of him, so dead, refusing to act or removing out of the said county, which said commissioners so appointed, shall have and exercise all the same powers, and authorities in all matters herein contained, as the person in whose room and stead, he was so appointed, had and exercised.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

September 27th, 1797.

CHAP. XXIX.

An ACT to frame a certain tract of land into townships, lying in Sumner county, and set forth to be the property of Thomas Storm, Esq. of New York, and his associates.

Township established.

BE it enacted by the General Assembly of the State of Tennessee, That said tract be distinguished into two townships, one to comprehend the southerly part of

the premises, as follows: Beginning at a sugar tree, poplar, and elm, marked R K, and other letters, standing on the south bank of a large fork, of the Caney Fork of Cumberland river, about three hundred yards above where the path leading to Chickamauga crosses the said fork; thence running south three miles; thence east seven miles; thence north five miles; thence west six miles; thence south two miles; thence west one mile, to the beginning, containing thirty three square miles, to be known and forever denominated by the name of Manningvale. And the other township to comprehend all the residue of the premises, beginning at the north-west corner of the aforesaid township of Manningvale; thence running east by the northern boundary of said Manningvale six miles, to its north-east corner; thence north six miles; thence west six miles; thence south six miles, to the beginning, containing thirty six square miles, and being six miles square, to be known and forever denominated by the name of Fishland: *Provided* nevertheless, That nothing herein contained shall be so construed as to encourage any breach or infraction of any existing law of the United States whatever.

Manningvale

Fishland

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 27th, 1797.