

C H A P. XXX.

An ACT to establish a town by the name of Bledsoeborough, on the north bluff of Cumberland river, known by the name of Saunder's bluff, between the mouth of Dixon's creek, and Dry creek, in Sumner county, on the lands of Will Sanders.

Bledsoe-
borough
establish-
ed.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That a town shall be laid off on said bluff, consisting of two hundred lots, of half acre each, together with a public square of two acres, with necessary streets and allies, numbered from one to two hundred, both numbers inclusive, by the name of Bledsoeborough, agreeably to the plan of said town, to be laid off by the commissioners hereafter named.

Commrs
appoint-
ed.

Sec. 2. *Be it enacted,* That from and after the passing of this act, Tilmon Dixon, William Alexander, Charles Donohoe, Peter Turney, and Henry McKinney, they and each of them, are hereby constituted commissioners, for the further designing of 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 Will Saunders; to and for the uses and purposes here-

by 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 lots in said town, at the cost and charges 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 for ever.

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 expences, the same shall be paid by them to the said Will Saunders, his heirs, executors, administrators, or assigns. And for continuing the succession of the said commissioners,

Monies
arising
on the
sale of
lots how
disposed
of.

Sec. 4. *Be it enacted,* That in case of death, removal, or refusal to act 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 room and place of him so dead, removing out of the county, or refusing to act, which said commissioner or com-

Success-
ion of
commission-
ers how per-
petuated

missioners so appointed, shall have and exercise all the same powers and authority, in all matters herein contained, as the person in whose room and stead he was appointed, had and exercised.

Donaldson JAMES STUART,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate.

October 24th, 1797.

CHAP. XXXI.

An ACT appointing additional commissioners for regulating the town of Greenville, in the county of Greene.

Additional
comm'rs
appointed.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That John Gilbreath, Alexander Gilbreath, Major Temple, James Strinson, James Penny, Robert Wyley, John Temple, John Ruffel, John Harman, John Gibson, James Taylor, and William Edwiddy, are hereby appointed to act with as many of the old commissioners, as have not removed out of said county, and shall be considered as acting commissioners for the town of Greenville, in the county of Greene, and they shall stand seized with an indefeasible estate of the lands heretofore by law laid out for the purposes and use of said town, in as full and ample a manner as any of the commissioners of said town, heretofore by law were seized.

Sec. 2. *Be it enacted,* That the said commissioners shall and may take upon them, the regulation and management of the said town, having regard to the manner and form the same hath heretofore been laid out by any former commissioners, by law appointed for that purpose.

Green-
ville re-
gulated.

Sec. 3. *Be it enacted,* That from and after the passing of this act, the commissioners aforesaid, shall be, and they and every of them, are hereby constituted, directors and trustees, for the designing, and improving the town aforesaid, and they or a majority of them, shall have power to meet as often as they may think necessary, for all purposes contemplated in this act.

Further
duty of
Comm'rs

Sec. 4. *Be it enacted,* That the said trustees, or a majority of them, shall make and execute deeds for conveying lots, as heretofore by law laid out in said town.

Trustees
to make
convey-
ances.

Sec. 5. *Be it enacted,* That the said commissioners, or a majority of them, shall and may cause the streets of said town to be kept in good repair: *Provided,* They call on none but the inhabitants of said town for that purpose, and said commissioners shall have power to exercise their authority, as regulators of said town, in all respects whatever.

Streets
to be re-
paired.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 4th, 1797.

(93)
C H A P. XXXIII.

An ACT to divorce David Coldwell from his wife Elizabeth.

Preamble **W**HEREAS Elizabeth, the wife of David Coldwell hath not demeaned herself consistent with her solemn vows of matrimony to her said husband:

David
Coldwell
divorced

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

That the said David Coldwell, of Blount county, be and is hereby divorced from the said Elizabeth; and the legal obligations of the rights of matrimony, celebrated between the said David Coldwell and the said Elizabeth, is hereby declared to be null and void to all intents and purposes, any law, usage, or custom to the contrary notwithstanding.

As when
in force.

Sec. 2. **B**e it enacted, That this act shall be in force from and after the passing thereof.

JAMES STUART,

Speaker of the House of Representatives,

JAMES WHITE,

Speaker of the Senate.

October 20th, 1797.

(93)
C H A P. XXXIII.

An ACT to release James Norflet from the penalties of a forfeited recognizance.

WHEREAS James Norflet entered into recognizance for the appearance of William Howell at a superior court, heretofore held for the district of Mero, and the said William Howell having failed to make such appearance, whereby the said James Norflet is likely to be injured, by being compelled to pay the forfeiture of said recognizance. For remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, released. That the said James Norflet is hereby released, and forever let free from the penalties of such forfeited recognizance aforesaid, any law, usage, or custom to the contrary notwithstanding: **Provide** nevertheless, that nothing herein contained, shall be so construed as to exonerate the said James Norflet from the payment of all costs and charges which have heretofore accrued in the before recited case.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

October 20th, 1797.

CHAP. XXXIV.

An ACT to confirm the emancipation of a black man named Jack.

Preamble.

WHEREAS, at July sessions, one thousand seven hundred and ninety-seven, John Stone, of Knoxville, in the state of Tennessee, did apply to the county court of Knox, for a licence to emancipate, and for ever set free, a certain negro man slave, named Jack, agreeably to the acts of the General Assembly, of the state of North Carolina, in such case made and provided, which licence hath issued to the said John Stone: And whereas, the said John Stone, on the thirty-first day of August, one thousand seven hundred and ninety-seven, did, under the authority of the said licence, emancipate, discharge, and for ever set free, from all manner of servitude and slavery whatever, the said negro JACK:

Emancipation of negro Jack.

BE it enacted by the General Assembly of the State of Tennessee, That the said negro Jack shall be, and he is hereby emancipated and for ever set free, to all intents and purposes whatever, and shall in future be known by the name of John Saunders.

JAMES STUART.

Speaker of the House of Representatives.

JAMES WHITE.

Speaker of the Senate.

October 2d, 1797.

CHAP. XXXV.

An ACT authorizing James Guthrey to build a bridge over Lick Creek, on the main road leading from Bull's Gap, to the town of Greenville, in the county of Greene.

Sec. 1. BE it enacted by the General Assembly of the state of Tennessee, That it shall and may be lawful for the said James Guthrey, his heirs, executors, administrators, or assigns, to erect and build a good substantial bridge over Lick Creek at the place aforesaid, and after building the bridge as aforesaid, it shall and may be lawful for the said James Guthrey, his heirs, executors, administrators, or assigns, to keep a sufficient gate thereon, and take and receive from all persons that pass over the same, the following rates, that is to say, for every footman six and a fourth cents, for every man and horse twelve and a half cents, for every horse and chair twenty five cents, for every four wheeled riding carriage including horses drawing the same fifty cents, for every cart and horse twenty five cents, for every waggon and team fifty cents, for every led horse, or work ox six and a fourth cents, Toll allowed.

for each head of net cattle two cents, for every head of hogs, or sheep one cent.

Right of
the bridge
secured.

Sec. 2. *Be it enacted*, That the said James Guthrey, his heirs, executors, administrators, or assigns, shall have the exclusive right and benefit of said bridge, during the term of keeping up said bridge: *Provided*, he keeps the same in good repair, and shall be answerable for all the damages that may be sustained by any person crossing the same, if it is made appear the aforesaid bridge was the cause thereof.

Proviso.

Bridge
not to ob-
struct the
ford.

Sec. 3. *Be it enacted*, That the said bridge when made, shall not be placed so as to obstruct the waggon ford.

Toll not
to be tak-
en on
muster
days.

Sec. 4. *Be it enacted*, That all persons having occasion to attend general or private musters, or any public election, shall not be compelled or required, in going to or returning from the same, to pay any toll for their passage over said bridge, any law, usage, or custom to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

October 10th, 1797.

CHAP. XXXVI.

ACT granting to James Hamilton, his heirs, or assigns, certain privileges therein contained.

WHEREAS James Hamilton of Davidson county, did build a Floating Mill on Cumberland river, between Nashville and Heaton's old Station, and he having obtained a permit from the court of said county agreeable to law, in that case made and provided, and also owning the land on the south side of said river against the island in the said river where said mill was built and he having made known to this general assembly his intention of making great improvement on the plan of said Floating Mill; for encourage-
ment whereof,

Preamble

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act the said James Hamilton, his heirs, and assigns, shall have and enjoy the exclusive use and benefit of all that part of Cumberland river, running on the south side of the aforesaid island, between Nashville and Heaton's old Station, for the express purpose of keeping up a floating mill or mills on, in, law, usage, or custom, to the contrary notwithstanding.

James Hamilton
to keep
floating
mills.

N

A butte
for the
mills.

Provided.

Sec. 2. *Be it enacted*, That the county court of Davidson shall have full power and authority, to condemn so much of said island, as shall be sufficient for a butment for said mill or mills: *Provided*, the said Hamilton, his heirs, or assigns, shall pay unto the proprietor of said island, (if any there be) the value of that part of said island so condemned, to be valued by a jury appointed by said court, any law, usage, or custom, to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

October 20th, 1796.

CHAP. XXXVII.

An ACT to vest the property of James M'Cown deceased, in John Richardson, Jesse Richardson, Robert Richardson, and Sarah Richardson.

Preamble

WHEREAS the said James M'Cown is dec. and he having been born not within the bonds of matrimony, and dying without any heirs of his body begotten. And whereas

the said James M'Cown in his life time, was possessed of property to a considerable value, which property, it is just and right, should be vested in the said John Richardson, Jesse Richardson, Robert Richardson, and Sarah Richardson, the lawful descendants of the mother of the said James M'Cown—Therefore,

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all the title, right, and property of, in, and to four hundred acres of land, lying on the waters of Red River, which was vested in the said J^r M'Cown, in his lifetime, shall be, and is hereby vested in the said Sarah Richardson her heirs and assigns forever; and also all the right, and interest, and property of him the said James M'Cown, in his lifetime, of, in, and to a certain horse, called Childress, be, and is hereby vested in the said Sarah Richardson, and her assigns, any law, usage, or custom to the contrary notwithstanding.

Sec. 2. *Be it enacted*, That that all the right, title, interest, claim, and demand whatever of him the said James M'Cown, in his lifetime, of, in, and to six hundred and forty acres of land, as described in a bond executed and given by Robert Hays to the said James M'Cown, in his lifetime, together with the right of

Property
vested in
Sarah
Richard-
son.

Horse
Childress

A bond
for land.

Robert
Hays to
make a
deed.

property of all the wearing apparel of him the said James M'Cown, in his lifetime, shall be, and is hereby vested in the said John Richardson and his assigns; and it shall be lawful for the said Robert Hays to convey the said six hundred and forty acres of land, as described in said bond, unto the said John Richardson, his heirs and assigns forever, any law, usage, or custom to the contrary notwithstanding.

John O
verton to
convey.

Provided

Sec. 3. *Be it enacted*, That all the right, title, interest, claim, and demand of him the said James M'Cown, in his lifetime, of, in, and to one hundred and sixty acres of land, as described in a bond given by John Overton to the said James M'Cown, in his lifetime, shall be, and is hereby vested in the said John Richardson and his assigns, and it shall be lawful for the said John Overton to convey the same, by deed, to him, his heirs and assigns accordingly: *Provided nevertheless*, That the said two bonds mentioned in the second, and this third section of this act, be proved and recorded according to law, any law, usage, or custom to the contrary notwithstanding.

Bonds &
bills be
made to

Sec. 4. *Be it enacted*, That all the monies due, by bond, bill, note, account, or otherwise unto him the said James M'Cown

in his life time, shall be and pass over to Robert Richardson, the sole use, and benefit of him the said Robert Richardson, and when recovered by the administrator of the goods and chattles, rights and credits of him the said James M'Cown, shall be laid out, and disposed of, for the use, and benefit of him the said Robert Richardson, his heirs and assigns, any law, usage, or custom to the contrary notwithstanding.

Sec. 5. And that fair and honest creditors, may not be barred of recovery of their just debts, *Be it enacted*, That as to bona fide creditors, the fourth section of this act shall be, and is hereby declared to be void and of no effect, any thing therein contained to the contrary notwithstanding. And if that part of the estate of the said James M'Cown, in his lifetime, shall be insufficient to discharge the just demands of the bona fide creditors, then in that case, this act, and every thing contained therein, as to such creditors, is hereby declared to be void and of no effect, any thing therein contained to the contrary notwithstanding.

Sec. 6. *Be it enacted*, That this act shall be in force from and after the passing thereof.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

October 9th, 1797.

C H A P. XXXVIII.

An ACT to restore William Francis, James M'Kean, John Bean, John Reily and Moses M'Coy, to their former capacities and abilities as therein mentioned.

Preamble. **WHEREAS** at October term one thousand seven hundred and ninety five, at a superior court held at Knoxville, for the district of Hamilton, William Francis was indicted, tried, convicted, sentenced and punished for the crime of horse stealing, and thereby suffered, and became liable, to pains, penalties, and legal disabilities. And whereas heretofore at a superior court held at Nashville, for the district of Mero, James M'Kean was indicted, tried, convicted, sentenced, and punished for the crime of horse stealing, and thereby suffered and became liable to pains, penalties, and legal disabilities.

William Francis & others restored, &c. **Sec. 1.** **BE** it enacted by the General Assembly of the state of Tennessee, That henceforth the said William Francis and James M'Kean, and each of them, shall be restored to their former capacities and legal abilities, in as full and ample a manner, as if they, or either of them, had never been convicted of, sentenced to, or punished for the aforesaid crimes.

Sec. 2. **Be it enacted,** That nothing in the first section of this act shall extend, or be construed to extend to do away the force of an act relative to horse stealing, so far as it makes the second offence felony without the benefit of clergy. **Horse stealing for second offence felony.**

WHEREAS at a court of pleas and quarter sessions, heretofore held in and for the county of Sullivan, John Reily was convicted, and publicly whipped, for the alleged crime of hog marking, and thereby incurred legal disabilities. **Preamble.**

Sec. 3. **Be it enacted,** That the said John Reily, shall, and is hereby declared to be restored to all legal abilities and capacities, in as full and ample a manner as if the said conviction had never been made, or punishment inflicted. **John Reily restored.**

WHEREAS at a court heretofore held for Washington county, John Bean was publicly whipped, for the alleged crime of hog stealing, and thereby incurred legal disabilities. **Preamble.** **And whereas** Moses M'Coy was tried at a court held for the county of Greene, on a charge of petit larceny, convicted, and punished, and thereby incurred legal disabilities.

Sec. 4. **Be it enacted,** That the said John Bean and Moses M'Coy be, and they are hereby declared to be restored to all legal abilities and capacities, in as full and ample a manner as if the said convictions had never been. **John Bean and Moses M'Coy restored.**

made, or punishments inflicted, any law, usage, or custom to the contrary notwithstanding.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 29th 1797.

C H A P. XXXIX.

An ACT for taking an enumeration of the free taxable inhabitants of this state.

Magist'rs
to do their
duty.

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, who shall be appointed after the first day of January next, to take lists of taxable property and polls, as directed by law, shall, and are hereby required, and it is hereby declared to be the duty of each of the said justices, to take and make out in writing, an accurate and complete list of the number of free taxable inhabitants, who on the first day of September in the year of taking such lists, do live in the district in which such justice of the peace is appointed to take such lists of taxable property and polls, and it shall be the duty of each of the said justices to return the lists of taxable inhabitants to

Justices
shall re-
ceive a list
of taxabl's

taken by him as aforesaid, signed with his name, to the court of pleas and quarter sessions, which shall be held in and for the county in which he is a justice of the peace, next before the last day of December in said year.

Sec. 2. *Be it enacted,* That it shall be the duty of the clerk of each county court of pleas and quarter sessions, and he is hereby required to take the aggregate number of the taxable inhabitants in the county in which he is clerk, returned as by this act directed, and shall make out two accurate copies thereof, and the presiding justice of the court, together with the said clerk, shall set their names thereto, one of which copies after being entered on the records of the court shall be preserved in the office of the clerk, and it shall be the duty of the presiding justice of the court to transmit, or cause to be transmitted, the other copy to the office of the secretary of this state, on, or before the first day of February, one thousand seven hundred and ninety-nine.

Clerk of
the court
to make
return of
taxables.

Sec. 3. *Be it enacted,* That the secretary of this state, shall, and is hereby required to receive all such lists to him transmitted, as by this act directed, and shall carefully preserve the same, so that he may have them ready to be delivered

Secreta-
ry to re-
ceive re-
turns.

to the General Assembly, at the sessions next hereafter.

Sec. 4. *Be it enacted,* That if any justice of peace, appointed to take a list of the taxable inhabitants, as by this act directed, shall die, or remove out of the county before the day and time, by this act limited, for the return of such lists; then, in that case, any three justices of the court of pleas and quarter-sessions of the county, in which such justice did live, shall appoint another in his place; and it shall be the duty of the justice of the peace so appointed to return a list as prescribed by this act.

Sec. 5. *Be it enacted,* That each justice of the peace shall be allowed one dollar and fifty cents, for each hundred taxable inhabitants enumerated as directed by this act, which sums shall be appropriated for, at the next session of the general assembly.

Sec. 6. *Be it enacted,* That it shall be the duty of the magistrate, when taking the enumeration of any person or persons, to interrogate him or them, whether he or they have been enumerated heretofore under this act, the object of which is, that no citizen shall be enumerated more than once.

Sec. 7. *Be it enacted,* That if any justice of the peace, or clerk, shall neglect, fail, or refuse to perform the duties enjoined by this act, such neglect, failure, or refusal, on due proof thereof, shall be deemed a misdemeanor in office, unless sufficient cause be shewn.

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 28th, 1799.

CHAP. XL.

An ACT to establish a public inspection of tobacco in the county of Davidson, in or near the town of Waverborough, on the north side of Cumberland river, and for other purposes.

WHEREAS the establishing a public inspection of tobacco, in or near the town of Waverborough, on the north side of Cumberland river, will encourage commerce, promote industry, and be an advantage to those citizens of said county on the north side of said river:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the justices, of the laid county of Davidson, in Davidson, shall be and are to be a court of record.

Davidson, shall, and are hereby empowered and directed to cause to be built and erected, a ware-house, as soon as the nature of the case may require it, and other conveniencies fit and necessary for the reception, inspection, and safe keeping of tobacco, in, or near the town of Waynesborough, on the north side of Cumberland river; and the same, when so built and erected, shall, and is hereby declared to be a public ware-house for the reception and inspection of tobacco.

Justices
to ap-
point in-
spectors.

Sec. 2. *Be it enacted*, That the justices of the said county of Davidson, shall from time to time, appoint inspectors, to attend the said inspection, and ascertain their salaries, and order and direct how the said inspectors shall give their attendance at the said ware-house, which said inspectors shall be under the same regulations, rules, and restrictions, and entitled to the same emoluments as are by law appointed for inspectors of tobacco in this state.

Preamble And whereas an inspection of tobacco was heretofore established on the south side of Cumberland river, in the town of Nashville,

County of Davidson to lay a tax. Sec. 3 *Be it enacted*, That the justices of the county court of Davidson are hereby authorized and empowered to lay a tax, annually, on the taxable property

and polls in said county, for the purpose of erecting and building a ware-house, and other necessaries, for the reception, inspection, and safe keeping of tobacco, in or near the town of Waynesborough: Also for erecting and building a ware-house, and other necessaries, for the reception, inspection, and safe keeping of tobacco in the town of Nashville, each house to be built on the same plan, and at the same price, any law, usage, or custom to the contrary notwithstanding.

To erect
a ware-
house in
Nashville.

Sec. 4. *Be it enacted*, That the justices of the said court of Davidson, are hereby authorized and empowered to lay a tax, annually, on the taxable property and polls, in said county, for the purpose of erecting and building the aforeaid ware-houses, and other necessaries, for the reception, inspection, and safe keeping of tobacco, any law, usage, or custom to the contrary notwithstanding.

Court to
lay a tax.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

October 20th, 1797.

CHAP. XLI.

An Act to provide for the safe keeping of the persons and property of idiots and lunatics, and to repeal the third section of an act, entitled, "An Act to prevent unjust appeals, and to empower the county courts in this state, to provide for the safe keeping of the estates of idiots and lunatics;" passed at Hillsborough, one thousand seven hundred and eighty four.

County courts to take care of idiots.

Sec. 1. **Be it enacted** by the General Assembly of the state of Tennessee, That it shall be the duty of the several county courts within this state, upon information made, that any idiot or lunatic does reside within the jurisdiction thereof, to order the sheriff of said county to summon a jury, consisting of twelve free holders, to ascertain by inquisition such idiocy or lunacy, and make return thereof to the next succeeding court; and also such lands and chattels, (if any there be) as the said idiot or lunatic, so found as aforesaid, shall hold or possess, at the time of taking such inquisition, and on return thereof, such court shall appoint him, her, or them, a guardian or guardians, first taking bond with approved security for the faithful administration of the trust reposed in them; and the guardian or guardians thus appointed, shall have the same powers, and be under the same rules and restrictions, as guardians appointed for orphans, and continue to exercise his appointment during the pleasure of the court.

Guardians appointed.

Sec. 2. **Be it enacted,** That where any idiot or lunatic, shall be found not to hold or possess any lands or chattels, or not sufficient for his, her, or their maintenance, then, and in that case, the court shall proceed to let out such idiot or lunatic for the term of one year to the lowest bidder, in the same manner as in cases of other poor persons: **Provided always,** That where the jury from their own knowledge, or information of others, discover any apparent danger of violence being offered to the life or property of any person, such jury shall report accordingly, and the court shall be bound without delay, to let out such idiot or lunatic, for the term of one year, to the lowest bidder, taking bond and security for the safe keeping and providing with sufficient diet, washing, and apparel, for the term aforesaid; and in case any idiot or lunatic, in the recess of court, should offer violence as aforesaid, it shall be lawful for any three justices of the peace, upon due proof thereof being made, to commit such lunatic or idiot, to the jail of the county in which the offence was committed, where he, she, or they shall remain, until the court take such order as appears strictly consistent with the law, the happiness and security of the community: **Provided also,** That the party shall be liable to bail as in other cases.

Lunatics void of property to be sold.

Provide.

Violence re committed to jail.

Provide.

Sec. 3. **Be it enacted,** That the third section of an act, entitled "An Act to prevent unjust appeals, and empower the county courts in this state, to provide for the safe keeping of the estates of idiots or lunatics," passed at Hillsborough, one thousand seven hundred and

Repealing clause.

eighty-four, be, and the same is hereby repealed:

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

October 25th, 1797.

CHAP XLII.

An ACT to continue an act entitled "an act, for the relief of such persons as have suffered, or may suffer, by their deeds, grants, or mesne conveyances, not being proved and registered within the time heretofore appointed by law."

Time pro-
longed
for regis-
tering
grants &c.

BE it enacted by the General Assembly of the State of Tennessee, That an act, entitled "an act, for the relief of such persons as have suffered or may suffer, by their grants, deeds, and mesne conveyances not being proved and registered within the time heretofore appointed by law," passed at an assembly begun and held at Knoxville, on the twenty fifth day of August, one thousand seven hundred and ninety four, be, and the same is hereby continued in full force and effect until the end of the next stated session of the general assembly of this state.

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

October 27th, 1797.

An ACT prescribing what shall be the legal probate of deeds and conveyances of lands, and mortgages, where such probate shall be made without the limits of this state, and within the limits of the United States, and for other purposes

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

That the following described mode of probate of deeds, and conveyances of lands, and mortgages for land, made without the limits of this state, and within the limits of the United States, shall be the only legal mode of probate, and the only mode upon which such instrument shall be admitted to registration in this state, namely, the same shall be either acknowledged by the person or persons executing the same, or the execution thereof proved, by one or more of the subscribing witnesses, in some court of record, in some one of the United States, the evidence of which, shall be the attestation of the clerk of the court in which such acknowledgment or proof was made, under his seal of office, and the attestation of the presiding judge or justice of the said court, except where the party holding such deed or mortgage, shall have the same proved or acknowledged, within the limits of this state, agreeable to the mode heretofore in force and use in this state.

Sec. 2. BE it enacted, That no deed or conveyance of land, after being thus proved, shall be admitted to registration, if not done within the time prescribed by an act, entitled, "An act, to continue an act, for the relief of such persons as have suffered, or may suffer, by their deeds, grants, and mesne conveyances, not being proved and registered within the time heretofore appointed by law," passed at this session of the General Assembly; and no mortgage for land shall be admitted to registration after one year from the execution thereof, and if not registered, within that period, in the county or counties, in which the land

Grants,
deeds &c.
for lands
made in
this state
or the
U. S. le-
gal.

Mortgag-
ed lands
not re-
gistered
liable for
monies

Proviso. does lay, at the time of such registration: *Provided*, That if the land does not lay within the limits of any county, or counties, as aforesaid, then, in that case, in the office of any county, within this state, shall be void as to the creditor or creditors of the mortgagor, and the lands mortgaged, and the mortgage not registered, as above required, shall be liable to the debts and demands against the mortgagor, in like manner as if such mortgage had never been made.

Grantee, &c. by deed or grant for land, must be disposed by law.
Proviso. Sec. 3. *Be it enacted*, That any grantee, or other person claiming, by deed of conveyance, founded upon a grant, hath, by virtue thereof, obtained peaceable possession of any tract of land, and shall, at any time thereafter, be disposed by due course of law, or otherwise put out of possession, without his, her, or their consent, first had and obtained, that then, in that case, the person so disposed, shall be entitled to recover, at common law, from the person, to whose use the disposition was so made, the value of the improvements, which he, she, or they may have made, on the said land: *Provided*, He, she, or they do pay a reasonable rent for the said improvements, to be deducted out of the same.

Preamble And **WHEREAS** doubts have arisen with respect to the true construction of the present existing laws, respecting seven years peaceable possession,

Seven years possession.
Not registering
 Sec. 4. *Be it enacted*, That in all cases, where any person or persons shall have had seven years peaceable possession of any land, by virtue of a grant or deed of conveyance, founded upon a grant and no legal claim by suit, in law, by such set up to said land, within the above said term, that then, in that case, the person, or persons, so holding possession as aforesaid, shall be entitled to hold possession, in preference to all other claimants, such quantity of land as shall be specified in his, her, or their said grant, deed of conveyance, founded on a grant, as aforesaid; and any person, or persons, who shall neglect for the said term of seven years, from the time of such peaceable possession having been obtained, to avail themselves of the benefit of any title or legal claim, which he, she, or they have to any lands

within this state, shall, and is hereby declared to be forever barred: *Provided*, Nothing contained in this act shall, in any manner, tend to effect or injure the rights of minors, feme coverts, idiots, or lunatics, any law, usage, or custom to the contrary notwithstanding.

Sec. 5. *Be it enacted*, That the justices of the county court of Davidson, at the time of laying the county tax, agreeable to law, are hereby authorized to lay an additional county tax, not exceeding six and one fourth cents on each hundred acres of land, not exceeding twelve and a half cents on each town lot, not exceeding six and one fourth cents on each tree poll, not exceeding twelve and a half cents on each black poll, and not exceeding five dollars on each billiard table within said county, for the express purpose of repairing the court-house in the town of Nashville, which tax so laid, shall be actually paid in specie, and put into the hands of the commissioners of said town, by the sheriff, when collected, for the purpose aforesaid, which commissioners are hereby authorized to employ some person to repair the court-house aforesaid.

JAMES STUART,

Speaker of the House of Representatives,

JAMES WHITE,

October 28th, 1797.

Speaker of the Senate.

CHAP. XLIV.

An ACT making compensation to the members, clerks, and door-keepers of the General Assembly, and for defraying other necessary contingencies.

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

That it shall be lawful for each member to receive the sum of one dollar and seventy five cents for each day he shall have attended the general assembly, and the same for every twenty five miles he shall travel in going to, and returning from the same.

Sec. 2. *Be it enacted*, That each first clerk of the general assembly shall be allowed the sum of two dol-

Proviso.

County tax in Davidson.

Members salary.

Allowance to

Clerks. lars and fifty cents per day, for their services, that two dollars and fifty cents per day be allowed each assistant clerk, and that the further allowance be made for contingent expenses, namely to Thomas H. Williams thirty dollars, to Jeff. Whorton thirty dollars, to George Roulstone thirty dollars, to Nathaniel B. Buckingham thirty dollars.

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

To Gen. Robert-son. Sec. 4. *Be it enacted*, That Gen. James Robertson be allowed eight dollars, it being for the same amount of cash advanced by him for purchasing tables and seats for the house of representatives.

To the sec'y. Sec. 5. *Be it enacted*, That the sum of one hundred and seventy dollars shall be allowed to the secretary of this state for contingent charges, for stationary up to the present general assembly.

To commissioners. Sec. 6. *Be it enacted*, That John McClellan, Patrick Sharkey, and James Gillespie, commissioners, who were appointed by this general assembly to trace the boundary line lately designated by the commissioners of the United States, shall be allowed twelve dollars each.

Printing Sec. 7. *Be it enacted*, That the sum of three hundred dollars, in advance, shall be allowed to George Roulstone, for printing the journals and other business of this general assembly.

To Wm. Baldie. Sec. 8. *Be it enacted*, That the sum of seven dollars and fifty cents be allowed to William Baldie, for seats and tables furnished the senate.

To John Rhea. Sec. 9. *Be it enacted*, That John Rhea, door keeper to the house of representatives be allowed the sum of one dollar and fifty cents for water vessels furnished the house of representatives.

Speakers to sign draughts Sec. 10. *Be it enacted*, That the speaker of each house of the general assembly, shall sign the separate drafts of appropriations referred to in this act, and be attested by the clerks thereof.

To Geo: Sec. 11. *Be it enacted*, That George Roulstone, be allowed the sum of fifteen dollars for the use of two

rooms, for the accommodation of the general assembly. And the sum of fourteen dollars for printing three hundred and thirty copies of the report of the commissioners, McClellan, Sharkey, and Gillespie, together with the resolutions accompanying the same.

Printing. Sec. 12. *Be it enacted*, That the sum of three hundred and forty five dollars, and thirty cents and one third of a cent, shall be allowed and paid to George Roulstone for money due to him on settlement for printing the journals, and acts heretofore passed by the general assembly, and other printing for the use of the state, prior to this session of the general assembly, which sum is in full.

Allow- Sec. 13. *Be it enacted*, That one hundred dollars and no more, be appropriated for the purpose of defraying the expenditures of the person to be appointed by the governor to go into the Cherokee nation: *Provided*, The person brings proper vouchers, for his expenditures, and lay them before the governor and on the governor's warrant on either of the treasurers shall pay the same.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

October 14th, 1797.

CHAP. XLV.

An ACT directing the mode of suing, and prosecuting for certain offences therein described.

WHEREAS it hath been found by experience, that the several counties in this state, have been put to great and unnecessary expense in paying the attendance of jurors at the superior courts, on account of the many actions, and indictments, for assault, battery, wounding, and imprisonment.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, all actions of slander, actions, indictments, or presentments for assault, battery, or imprisonment, shall be commenced in the county courts, say law, usage, or custom to the

Proviso.

contrary notwithstanding: *Provided, nevertheless, That* nothing in this act contained, shall be so construed as to bar or prevent the solicitor, or attorney for the county, plaintiff or defendant in any case, from the right of an appeal to the superior court of the district.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

October 28th, 1797.

CHAP. XVI.

An ACT to compel the owners of Salt Petre manufactories, to inclose their works, so as to prevent horses and cattle, from having access thereunto.

Penalty for not inclosing Salt Petre works.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the first day of December next, if any person or persons, shall carry on the manufacturing of Salt Petre, without first having their works lawfully inclosed, such person so offending, shall upon conviction before any jurisdiction having cognizance thereof, forfeit and pay one hundred dollars, one half to the use of the county wherein such offence was committed, and the other half to the person or persons suing for the same.

Penalty for non compliance.

Sec. 2. *Be it enacted,* That if the owners of Salt Petre works, should fail to comply with the requisitions of this act, and the cattle and horses belonging to any other person or persons should thereby be injured, such owner or owners as aforesaid, shall be further liable to an action on the case for damages, at the suit of the person or persons sustaining such injury.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

October 27th, 1797.

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CHAP. XLVII.

An ACT for dividing the Davidson regiment of militia, into two separate and distinct regiments.

WHEREAS the great extent of said county, and the Cumberland river running through the same, renders it inconvenient for those citizens on the north side of said river to attend general musters, and elections in the town of Nashville. For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the first day of November next, all that part of the militia of said county residing on the north side of Cumberland river, shall be a separate and distinct regiment, known by the name of the Davidson second regiment of militia.

Davidson second regiment of militia.

Sec. 2. *Be it enacted,* That the said regiment from and after the passing of this act, shall have, exercise, and enjoy, all the powers, and authorities that any other separate and distinct regiment in this state does exercise and enjoy, any law to the contrary notwithstanding.

Holding general musters.

Sec. 3. *Be it enacted,* That the place for holding general musters for said regiment, shall be in the town of Waynesborough, and for the further completing of said regiment, the militia above recited shall meet on the third Thursday and the succeeding day of February next, at the dwelling house of Capt. Ezekiel Able, for the purpose of electing the field officers of the said second regiment of militia, agreeable to the constitution and laws of this state.

General musters at Waynesborough.

275.
Sec. 4. *Be it enacted*, That it shall
coroner to and may be lawful for the coroner, or sheriff of
sheriff or Davidson county, or said sheriff's proper depu-
open the ty, and he or they are hereby authorized and
election. required to open an election, in the town of
Waynesborough, for a governor, representative
or representatives to the congress of the United
States, and members of the general assembly of
this state, on the days appointed by the consti-
tution 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 county, living on the north side
of Cumberland river, under the rules and re-
strictions for holding elections in this state, and
the ballots so taken shall be sealed up and trans-
mitted to the court house of said county, on
the succeeding day of said election, under the
directions of the coroner, or sheriff, or said she-
riff's deputy, which ballots so taken shall and
are hereby declared to be part of the election
the said county, any thing to the contrary,
notwithstanding.

No citizen
on the
north side
to vote.
Sec. 5. *Be it enacted*, That no citizen
living on the north side of Cumberland river,
in the county aforesaid, shall be entitled to vote
at the court house of said county, under the
penalty of ten dollars, nor any citizen residing
on the south side of said river, in said county,
shall be entitled to vote at any place in said
county, except at the court house, under the
like penalty.

JAMES STUART,

Speaker of the House of Representatives.

October 9th, 1797.

JAMES WHITE,

Speaker of the Senate.

A Copy, Test.

Wm. MACLIN, Sec'y.

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