





# ACTS

PASSED AT THE

*Thurston's Manual*

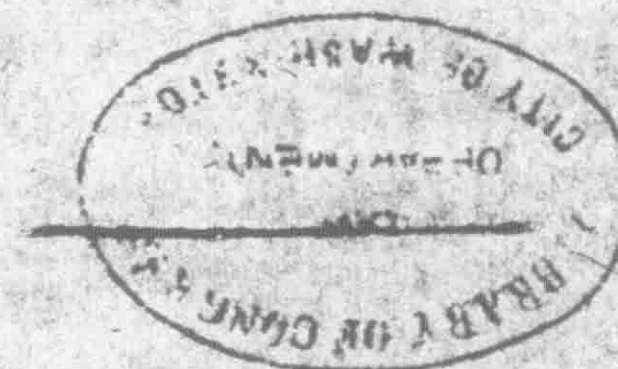
SECOND SESSION OF THE SE-  
COND GENERAL ASSEMBLY

OF THE

STATE OF  TENNESSEE.

+

BEGUN AND HELD AT KNOXVILLE, ON MON-  
DAY THE THIRD DAY OF DECEMBER,  
ONE THOUSAND SEVEN HUNDRED  
AND NINETY EIGHT,



KNOXVILLE:

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M.DCC.XCVIII



# ACTS

OF THE  
SECOND SESSION OF THE SECOND  
GENERAL ASSEMBLY

OF THE  
STATE OF TENNESSEE,

## CHAPTER I.

An ACT, for the better establishment, and regulation of the Militia in this State.

SECTION 1. **B**e it enacted by the General Assembly of the State of Tennessee, That an act, entitled, "An act, establishing a militia in the state of North Carolina, is hereby repealed and made void, so far as respects this state. *Act repeal'd.*

Sec. 2. *Be it enacted,* That all free men, and Persons com-  
indented servants, from the age of eighteen to forty five, shall compose the militia thereof, *litia.*  
judges of the superior courts of law and equity, secretary of state, treasurers, attorneys general, ministers of the gospel of every denomination, ferrymen, justices of the peace, and all  
continental officers who have served three years with reputation, or during the war, post officers who have the care and conveyance of the mail of the United States, shall be exempt *Persons exempted.*



from militia duty, except in case of eminent danger of insurrection or invasion.

Manner of  
organizing  
militia.

*Sec. 3. Be it enacted,* That the said militia, shall be organized in the following manner, viz. The militia of each district shall compose a brigade, the infantry of each county shall form a regiment, except where it is otherwise provided for by law. And also one company of cavalry to be raised by voluntary enlistment, and under the following rules and restrictions, *provided,* That no person shall be enrolled in any troop of horse, until approved of by the field officer of the cavalry, but shall until then do his duty in the infantry.

Proviso.

Number of  
officers and  
men to com-  
pose each  
company.

*Sec. 4. Be it enacted,* That each company of infantry shall consist of one captain, one lieutenant, one ensign, three serjeants, two corporals, one drummer, one fifer, and not less than forty, nor more than eighty privates, all of whom shall reside in the district. And each troop of horse shall consist of one captain, one lieutenant, one cornet, three serjeants, three corporals, one trumpeter, and not less than thirty two, nor more than forty privates; and the cavalry in each district shall compose one regiment.

Number of  
field officers.

*Sec. 5. Be it enacted,* That each brigade shall be commanded by a brigadier general; each regiment of infantry by a lieutenant Col. commandant, and two majors; and each regiment of cavalry, by one lieutenant Col. commandant, and two majors; the brigadier general shall appoint a brigade major to each brigade, the commanding officer of each regiment shall appoint an adjutant, and each captain shall appoint his drummers, fifers, and trumpeters.

*Sec. 6. Be it enacted.* That it shall be the Officers duty of commanding officers of companies to proceed forthwith to divide their companies into divisions by ballot from one to ten, for the purpose of a regular routine of duty, when called into actual service, and to return a roll of each division and its number in rotation within thirty days thereafter to the commanding officer of his regiment, who shall cause the same to be recorded by the judge advocate, and every militia man removing out of the bounds of one company into another, shall apply to the commanding officer of the company to which he did belong, who shall give him a certificate, certifying the class wherein he was arranged, & whether he had served his tour of duty or not, and also the time & date of such service, which certificate the said militia man shall produce to the captain, or commanding officer of the company into whose bounds he shall so have removed, within ten days after his settlement, and such officer is hereby required to enrol him in the numerical class specified therein, and every militia man so removing and failing to produce such certificate, shall be arranged and enrolled in the class destined to perform the next tour of duty, and if any captain or commanding officer of a company, shall refuse to grant such certificate upon application made to him for that purpose, he shall for such refusal, forfeit and pay a sum not exceeding ten dollars, to be recovered and applied as other fines imposed by this act.

*Sec. 7. Be it enacted,* That the commanding officer of each and every regiment, shall

Days for  
holding  
musters.



Equipment.

hold two regimental musters of their respective regiments, in each and every year, at their respective court houses, except where it may be otherwise provided for by law, on the following days, viz. on the last Thursday in May & November; & every captain or commanding officer of a company, shall once in every three months, at such place as he shall judge most convenient, on the following days, viz. on the last Saturday in March, June, September, and December, muster, train, and exercise his company, at which musters, as well regimental as company musters, the officers and privates shall appear armed in the following manner, viz. each commissioned officer of the infantry, with side arms or esponton, and each private, and non commissioned officer, shall be provided either with a musket and cartouch box, with nine charges of powder and ball, made into cartridge, or a rifle, powder horn, and shot pouch, with an equal quantity of ammunition suitable thereto, in good condition, one spare flint, one picker and worm. That every officer and private belonging to each troop of horse, shall appear at such muster, with a strong serviceable horse at least fourteen hands high, with a good saddle, bridle, holsters, and one pistol at least, an horseman's sword and cap, a pair of shoe boots and spurs, with a cartouch box, and cartridges in good order, and dressed in the uniform of the regiment to which he belongs.

Hour to attend musters.

Sec. 8. *Be it enacted*, That every officer and private shall appear at their respective muster fields, by eleven o'clock in the forenoon, on the day appointed, as well for regimental as

company musters; and the better to understand the duties of officers and soldiers at such musters, it is hereby declared, that the adjutant of each regiment, when the different companies are assembled, shall lead off the same by files, into one regimental line, after which the commanding officer of each company shall cause his roll to be called, examine every person belonging thereto, and note down all delinquencies accruing therein, as well those not attending, as those attending and not armed as by this act directed, and make report thereof to the regimental court martial, the Col. shall then command the adjutant to proceed to train and discipline the regiment agreeably to Stubbs's military guide.

Sec. 9. *Be it enacted*. That the Col. or commanding officer of each regiment of cavalry, shall hold one muster, to be held of their respective regiments in each and every year at their district court house, on the third day of the Fall session of the superior courts, under the same rules, regulations, and restrictions, as are observed at the regimental musters of the infantry. And the officers composing said regiment, shall hold courts martial agreeably to the directions of this act for holding regimental courts martial in the several counties; and in order to explain the duties of cavalry in the respective counties at regimental musters which they shall attend, each company of cavalry shall enjoy equal privileges, and suffer similar penalties to those in the infantry

Col. or commanding officer of each regiment to hold one muster in the year.



in all respects whatever, and it shall further be the duty of the Col. or commanding officer of each regiment of cavalry, to make a fair statement of the number of men and arms in his regiment, and return the same to the brigadier general of his district, on or before the first day of July annually, who shall return the same to the major general, whose duty it shall be, to return the same to the governor.

Commandi'g  
officer to  
train & dis-  
cipline his  
men.

Sec. 10. *Be it enacted*, That the commanding officer of each company, as well cavalry as infantry, when met for the purpose of training their companies, shall cause their roll to be called, and note down all delinquencies, train and discipline his men, in the same manner as at regimental musters. The captain and his subalterns shall have power to hold courts martial when the same may be found necessary, to hear all complaints, and determine according to law, and the nature of the case.

Penalty for  
non-attend-  
ance.

Sec. 11. *Be it enacted*, That if any officer shall fail to appear at such muster as aforesaid, or neglect to appear properly armed, such officer shall on conviction before a court martial, forfeit & pay, if a lieutenant col. commandant or major, a sum not exceeding ten dollars, if a captain, lieutenant, ensign,

cornet or adjutant, a sum not exceeding five dollars, unless he or they shall render to the court, such reasons as they shall judge sufficient, and every non-commissioned officer and private, who shall fail to appear at such muster, or appearing not armed and provided as directed by this act, shall for every such neglect, forfeit and pay, if at a general muster a sum not exceeding two dollars, if at a company muster, a sum not exceeding one dollar, *Provided always*, that every delinquent shall be allowed until the next regimental or company court martial, as the case may be, to render his or their reasons for such delinquency; and if upon trial, those reasons should be deemed insufficient, the court shall then proceed to impose such fine as they may judge proper within the limits aforesaid.

Sec. 12. *Be it enacted*, That it shall be the duty of each officer of the infantry, commanding a company, to make out a fair statement of the strength and condition of his company, and return the same to the commanding officer of the regiment to which he belongs, on the last Thursday of May annually, and the commanding officer of each regiment, shall make out a regular statement of the strength and condition of his regiment, and return

The officers  
commandi'g  
companies of  
infantry to  
make out a  
fair state-  
ment of the  
strength and  
condition of  
his company



the same to the brigadier general of the brigade to which he belongs, on or before the first day of July annually, and each brigadier general shall make out a regular statement of the strength and condition of his brigade, and return the same to the major general on or before the first day of August annually, and the major general shall in like manner make out a regular statement of the strength and condition of the different brigades under his command, and return the same to the governor, on or before the first day of September annually, and it shall be the duty of the governor, when requested, to lay the same before the general assembly.

Holding re-  
gimental  
courts marti-  
al.

Sect. 13. *Be it enacted*, That the day succeeding a regimental muster, a court martial shall be held, to consist of at least nine members, the eldest of whom shall be president, & be of the grade of field officer. The court shall be warned to that duty by the adjutant of the regiment, and the said court when convened, shall have power to enquire into the age and abilities, of all persons brought before them, and exempt such as may be judged incapable of service, and also all neglects or omissions, as well by officers as by privates, to hear and determine all appeals, which shall be made by non commissioned officers or privates, who may think themselves aggrieved by any sentence or decree of their company court martial, and to order and dispose of all fines and forfeitures arising under this act, unless otherwise disbursed by law.

Sect. 14. *Be it enacted*, That all fines and forfeitures imposed by virtue of this act, shall be collected by the sheriff of the county in which such fines have been assessed, and paid into the hands of the col. or commanding officer of said county, under the following rules and restrictions. The col. for that purpose, shall enter into bond with approved security, in the sum of one thousand dollars, payable to the brigadier general, which bond shall be lodged in the hands of the judge advocate for the use of the regiment, conditioned for the receiving, safe keeping, and disbursing the same, and shall for all the necessary services thereon, be allowed the sum of six dollars, for each and every hundred dollars so received and disbursed, and so in proportion for a greater or less sum, first retaining his fees of office, provided, That the sheriff shall not at any time collect any fines as aforesaid, unless there be first put into his hands, an execution to the following effect viz: State of Tennessee, To the sheriff of \_\_\_\_\_ county, You are hereby commanded, that of the goods and chattels of \_\_\_\_\_ you cause to be made the sum of \_\_\_\_\_ dollars, which sum the said \_\_\_\_\_ was fined in (at a regiment or company court martial as the case may be) on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_ which sum you are to render to the col. of said county, within thirty days after the receipt hereof. Given under my hand, this day and date above written.

Sheriffs to  
collect fines

The form of  
an execution  
to collect  
fines.

Attest,

Colonel Commandant,  
Judge Advocate.



And it shall be the duty of the sheriff upon the receipt of such execution, to proceed without delay to the collection of the sums therein specified, and such fees for his services therewith as directed by law in other cases, and to return all such executions to the regimental court martial next ensuing the day of issuing the same, and to render the monies thereon collected, as directed by such executions; the said Col. is hereby empowered and required to continue such executions until satisfied, returnable as before mentioned, and it shall be the duty of the judge advocate, to enter on the minutes of the court martial the return of the sheriff on each and every execution, and the court martial of each and every regiment, shall order the judge advocate (whose duty it shall be) to advertise annually at the spring court martial, the amount of all monies arising by fines, agreeable to this act, in the hands of the colonel or commanding officer of each regiment, or in what manner the same is disbursed.

The manner  
of appropri-  
ating fines.

Sec. 15. *Be it enacted*, That it shall be the duty of the col. to appropriate the monies thus paid him by the sheriff, in the first place to buying drums, fifes,

and colours for the use of the regiment, and secondly, to buying arms, and other necessary implements of war.

Sec. 16. *Be it enacted*, That when either the major general, brigadier general, or brigade major, shall be charged with mal-administration, or neglect of duty in office, in the major general it shall be lawful for any militia officer not under the grade of field officer, to exhibit to the governor for the time being, a fair statement of the charge, and the facts intended to establish the same, who is hereby authorized to order a general court martial, to consist of at least nine members, none to be under the grade of field officer, who, when convened, shall take and subscribe the oaths hereinafter directed for regimental courts martial, the said court thus sworn, shall have power to enquire into the nature of the offence, and if it should constitute a misdemeanor in office, he shall be removed from the same; if a neglect of duty, he shall forfeit and pay a sum not exceeding twenty dollars, to be recovered and applied as in similar cases, *Provided also*, That the governor be directed to furnish the said maj. general with a copy of his charge, as early as practicable, and the brigadier general shall be bound to give

General officers  
punish-  
ment for mis-  
conduct.



notice to the said major general, setting forth the time and place for trial, and if a brigadier general or brigade major, shall be guilty of either of the aforesaid offences, the charge shall be exhibited to the major general, whose duty it shall be to issue his orders to the senior col. commandant in the district in which the person charged does reside, by virtue of which order, said col. commandant is hereby directed to hold a court martial and proceed in the same manner as prescribed for the trial of major general, *Provided also*, That the major general be directed to furnish the brigadier general or brigade major, (as the case may be) with a copy of the charge exhibited against him, and the officer ordering the court martial shall be bound to notify him of the time and place appointed for trial.

Election for  
judge advocate.

Sec. 17. *Be it enacted*, That each regimental court martial, shall by ballot, elect a suitable person as judge advocate, whose appointment shall continue during good behaviour, his duty shall be to provide a book in which he shall state from time to time the proceedings of said court, and make all other necessary entries for the regiment, and as a compen-

sation for his services, shall be exempt from performing any tour of duty, unless when the regiment shall be called into actual service, and likewise one dollar per day, to be paid out of the fines arising by virtue of this act, when attending the courts martial: *Provided also*, that in case of death, resignation, or removal out of his county or office, the journals and proceedings shall be kept by the col. or commanding officer, until a judge advocate be appointed in the room and stead of him so dead, refusing to act, or removing as aforesaid.

Sec. 18. *Be it enacted*, That each judge advocate, previous to his entering into the duties of his appointment, shall take an oath to support the constitution of this state, and also the following oath, viz. I, A. B. do solemnly (swear or affirm, as the case may be,) that I will well and truly perform the duties of judge advocate of this court according to law, and the best of my skill and abilities, SO HELP ME GOD; the judge advocate thus sworn, shall administer the following oath to the officers present. You, and each of you do (swear or affirm, as the case may be) well and truly to enquire into all delinquencies which appear on the return to be laid before you, and will assess the fines thereon as shall seem just, without favor, affection, partiality, or prejudice, and that you will not disclose, or discover, the vote or opinion of any particular member of the said court, unless required to give evidence thereof in a court

Judge advocate to take oath.



of justice, in a due course of law, SO HELP YOU GOD. No variation to be made in the form of this oath, except as circumstances arising from different offences may require.

Officers to be cashiered for unmilitary conduct.

Sec. 19. *Be it enacted*, That if any commissioned officer belonging to said regiment, shall be charged with unmilitary or ungentlemanly conduct, such court shall have power on conviction thereof, to cashier the person so charged and convicted, from office, and if any officer shall be guilty of disobedience to his superior officer when on duty, he shall be arrested and tried as herein directed, and if the sentence should be to impose a fine, the same shall not exceed twenty dollars, & should any member of said court, be guilty of any conduct unbecoming the character of an officer, he shall for the first offence, be reprimanded by the president, and for the second and all others, be fined in a sum not exceeding five dollars, and if any bystanders shall interrupt, molest, or insult said court while sitting, such person on conviction, shall forfeit and pay a sum not exceeding twenty dollars, to be recovered as by this act directed.

Non-commissioned Officers and privates to be fined for disobeying orders when on duty.

Sec. 20. *Be it enacted*, That if any non-commissioned officer or private, shall, during the time of muster, resist his commanding officer, or refuse his lawful command, if a non-commissioned officer, he shall be fined not exceeding three dollars, reduced to the ranks, and kept under guard during such muster, if a private, he shall be fined not exceeding two dollars, and be kept under guard as aforesaid, which fine shall be assessed as heretofore directed.

Sec. 21. *Be it enacted*, That it shall be the duty of the colonel or commanding officer of each regiment, to number by ballot the several companies therein contained, and also to number the commissioned officers, plainly setting forth the number of each company, and the officers destined to command the same, which statement he shall cause to be duly registered by the judge advocate in his journal, the object of which is to direct the colonel or commanding officer, how, and in what manner he shall call men into actual service; and to establish the rank of the different companies in his regiment.

Duty of the colonel or commanding officer of each regiment.

Sec. 22. *Be it enacted*, That no officer or private, ordered or directed by this act to appear as aforesaid, shall be liable to be taken or arrested by any officer, in any civil action or process whatever, on the day such person or persons is, or are directed to appear, or in any reasonable time, going to, continuing at, or returning from the same, but every such arrest is hereby declared to be void, and every person required by this act to attend musters, going to, and returning from the same, shall be suffered to pass over any bridges, and shall be put over any ferry without delay, free from any charge whatever, and if any ferryman demand pay for, delay, or refuse to put such person or persons over, or master of a toll bridge, impede the passage of any person, he shall forfeit and pay for every such offence, the sum of two dollars, to be recovered by a warrant from a justice of the peace, one half to the informer, and the other half to the use

Freedom for officers and privates on muster days.



of the county where the offence was committed, and no non commissioned officer or private, shall be deprived of his arms and accoutrements required by this act, by execution, or other process of law, civil or military whatever.

An officers  
place vacated by removing.

Sec. 23. *Be it enacted*, That if any commissioned officer, shall remove out of the bounds of his proper division, brigade, regiment, or company, or offer himself a candidate for any other military appointment, or shall be absent therefrom, otherwise than on militia duty, for more than twelve months, his office shall thereby become vacated, & if a lighthorseman shall remove, or be absent in like manner from the bounds of his troop, or be appointed or elected a commissioned officer in any part of the militia, his place shall likewise be vacated, and if any commissioned officer shall think himself injured by his commanding officer of the regiment, and shall upon due application made to him, be refused redress, he may complain to the brigadier general, who shall order a brigade court martial to be held under the same rules and restrictions as heretofore mentioned, if any inferior officer or private, shall think himself injured by his captain, or other superior in the regiment, troop, or company to which he belongs, he may complain to the commanding officer, who shall summon a regimental court martial, and said court shall determine the complaint agreeable to the nature of the case, *Provided always*, That the complainant shall exhibit his charge

in writing, supported by oath or affirmation;

Sec. 24. *Be it enacted*, That all elections in the militia department, which may hereafter be contested, shall be determined in the following manner, viz. If the election of a major general should be contested, the party contesting such election, shall furnish the governor with a fair statement of his reasons in writing, upon the receipt of which, he shall order a general court martial to be held at the seat of government, at which court each militia officer, not under the grade of field officer shall be entitled to a seat, & if the election of a brigadier general should at any time be contested, the complainant shall make application in the manner before mentioned to the major general, who is hereby directed to order a brigade court martial as in other cases, and where the election of a lieutenant colonel commandant or major shall be contested, application shall be made to the next highest officer in command, who shall order a regimental court martial accordingly; if under the rank of field officer, all complaints shall be directed to the commanding officer of the regiment where the contest exists, and in order to explain, and fix a principle to govern the several courts martial in their duties respecting contested elections, it is hereby declared, that the person contesting

Elections in  
the militia  
department



in all cases, shall be bound to give satisfactory proof to the court, that the person whose election is contested did receive a number of illegal votes, which if deducted, would give a majority to the person contesting, and if the person contesting, should fail at any time to establish his charge, or if the charge shall be sufficiently supported, in either case the court shall report in favor of the person having the greatest number of legal votes as being duly elected,

President of  
the Court  
Martial to  
certify and  
direct to the  
governor  
the names  
of persons  
elected.

Sec. 25. *Be it enacted*, That the president of each court martial shall certify under his hand, the name or names, of the person or persons thus duly elected, which certificate shall be directed to the governor, *Provided*, The officer shall be of the grade of general or field officer, if commissioned officers of companies the certificate shall be signed as aforesaid, and directed to the lieutenant colonel commandant, and by him to the governor, who shall issue commissions in either of the above mentioned cases, and in order to provide more amply for deciding contested elections, it is hereby declared, that where the cause should at any time arise from any illegal proceedings of any person ordering, inspecting, or judging any election on proof

thereof being made to a court martial, such election shall be declared void, and the president by and with the authority of said court shall direct the proper officer to issue a writ, or writs of election to fill such vacancy, having respect to the directions contained in the act entitled "An act prescribing the mode of electing the militia officers of this state, passed at Knoxville in the year one thousand seven hundred and ninety-six, *Provided always*, That the parties contesting any election of an officer or officers, shall not be permitted to vote in any court martial authorized to decide on such contested election or elections.

Sec. 26. *Be it enacted*, That in case of an actual invasion or insurrection, or an invasion threatened or premeditated against this state, or any part thereof, then it shall be lawful for the governor, for the time being, or any officer by him directed, to order into actual service such part of the militia as the exigency may require, and to discharge the said troops, as soon as he may judge it consistent with the interest of this state, and if a sudden insurrection shall be raised, or an invasion made upon any county, within this state, the commanding officer of the militia of such county is hereby authorized and directed to order out such part of the militia as he may think necessary for

Case of an  
invasion or  
insurrection.



suppressing or repelling such invasion; *Provided always*, That it shall be the duty of such officer to transmit to the governor as early as practicable a statement of his proceedings, setting forth his reasons for exercising such authority, and in order to explain an invasion premeditated, it must be understood as a special requisite, that the oath or oaths of one or more respectable persons shall be required, and in all cases where any part of the militia is called into service by virtue of such authority, the commanding officer shall in transmitting his reasons to the governor enclose a copy of each deposition so taken, and the said militia shall be discharged within thirty days from and after their rendezvous except they be continued in service for a longer time by the executive of this state.

Neglect of  
non-com-  
missioned  
officers mu-  
sicians and  
privates.

Sec. 27. *Be it enacted*, That every non-commissioned officer, musician, or private who shall refuse or neglect to appear either by himself, or substitute at such time and place as shall be appointed by his commanding officer, or appear and not armed as by this act directed, such person on conviction before a court martial shall forfeit and pay a sum not exceeding thirty dollars, and if any commissioned officer shall be guilty of the like offence, such officer on conviction before a regimental brigade, or general court martial (as the case may be) shall be subject to a fine not exceeding fifty dollars, and reduced to the ranks; *Provided also*, That each commissioned, non commissioned officer and private shall be notified of such requisition, which

must depend upon circumstances, for if the person be notified it shall be available in law.

Sec. 28. *Be it enacted*, That if any person shall be called upon to perform a tour of duty, such person shall be acquitted from the same, provided he furnish his commanding officer with an able bodied substitute in his room and stead, no substitute shall be received unless armed as by this act directed, but if such substitute in his own turn shall be called into actual service, previous to the expiration of the term for which he shall have been enrolled, then the person procuring such substitute shall march in his room, or be liable to the same penalties, as if called upon in his own name; any person called upon to perform a tour of duty as aforesaid, and serving by himself or substitute, or otherwise paying such fine as a court martial shall adjudge adequate to the offence, such person shall not be bound to perform any tour of duty until regularly called upon in rotation.

On being  
called into  
service.

Sec. 29. *Be it enacted*, That the said militia shall not be compelled to serve a longer time in any one tour than three months after their arrival at the place of rendezvous.

The time  
serving.

Sec. 30. *Be it enacted*, That all fines and forfeitures arising by virtue of this act from the twenty-fourth section and onward, shall be assessed, collected and paid, as heretofore directed, and applied by the lieutenant colonel commandant, to the express purpose of hiring substitutes when the same may be found necessary, and if his fund for that purpose be inadequate he shall order into service a sub-

Fines for  
hiring sub-  
stitutes.



icient number to complete the quota required, of those destined next for duty who shall be bound to perform accordingly, under the same penalties as heretofore declared, and set forth in this act, and where a vacancy may happen in the ranks of commissioned officers, the commanding officer of each regiment shall proceed to fill such vacancy by calling into service any officer of the same grade next in order for command.

Persons being fined & moving out of the county,

Sec. 31. *Be it enacted*, That in case any person or persons are fined as by this act directed, and shall remove out of the bounds of the county where such fine is assessed previous to his or their satisfying the same, it shall be lawful for the court martial to issue an execution, signed by the president of said court as directed by this act, authorising the sheriff of the county into which he or they may have removed to collect and account with the colonel of the county from which the said execution issued.

Commissioned officers to take rank.

Sec. 32. *Be it enacted*, That all commissioned officers shall take rank according to the office they hold, and the date of their commission, and where two or more officers of like rank shall have been commissioned on the same day, their rank in the brigade or regiment to which they belong shall be decided by lott, drawn before the commanding officer of such brigade or regiment, who shall have the same recorded by the brigade major, or judge advocate.

Sec. 33. *Be it enacted*, That if any commissioned officer shall be charged with behaving himself in a scandalous, or infamous manner, either in or out of service, unbecoming the character of an officer and a gentleman, he shall be arrested, and tried by a general, or regimental court martial agreeable to the rules contained in this act, if found guilty shall be cashiered, and enrolled as a private in the company within the district of his residence.

Commissioned officers to be cashiered for misbehaviour.

Sec. 34. *Be it enacted*, That if any person shall vote at any election prescribed in this act, and not duly qualified, shall on conviction forfeit and pay five dollars, to be recovered as in other cases, to the use of him or them suing for the same.

Voting.

Sec. 35. *Be it enacted*, That no person belonging to any religious denomination the tenets of which is opposed to bearing of arms, shall be fined for not attending general or private musters, but shall nevertheless be enlisted, drafted, and ordered on duty, as other privates, in all other cases, and in case of non-performance shall be subject to the same penalties.

Attending musters.

Sec. 36. *Be it enacted*, That it shall be the duty of the captain or commanding officer of companies, as well cavalry as infantry, to cause this law to be read twice in each year on two several days, to their respective companies.

Captain or commanding officer to have this law read on muster days.



Act when in  
force.

Sec. 37. *Be it enacted*, That this act shall be in force and use, from and after the first day of January next.

JAMES STUART,

*Speaker of the House of Representatives.*

WILLIAM BLOUNT,

*Speaker of the Senate.*

December 19, 1798.

CHAP. II.

An ACT, *respecting the admission and licence of persons, to practice as attorneys in the several courts in this state.*

Fourth section  
of an act  
repealed.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That so much of the fourth section of an act, entitled "An act, to amend an act, establishing courts of law, and for regulating the proceedings therein," passed at the first session of the general assembly of the Territory of the United States of America south of the river Ohio, as respects the residence of attorneys, is hereby repealed and made void, any thing to the contrary notwithstanding.

Manner of  
admitting at  
tornies at law

Sec. 2. *Be it enacted*, That from and after the passing of this act, all persons who shall hereafter apply for admission to practice as an attorney at law, shall undergo an examination before two or more judges of the superior courts of law

and equity for this state, and if such person so applying, be found to possess a competent share of law knowledge, and be a person of upright character, such judges shall grant him a licence under their hands to practice in any court in this state, for which they may judge him qualified.

Sec. 3. *Be it enacted*, That no person coming into this state from any other state, or any foreign country, with an intention to practice the law, shall be admitted to practice as an attorney, until he produces sufficient voucher, from under the hand or hands of some known person or persons of veracity, that he so applying as aforesaid, is a person of good moral character, and such attorneys before they shall be admitted to practice in any court in this state, shall in open court, take and subscribe the following oath, viz. I, A. B. do swear, that I will truly and honestly demean myself in the practice of an attorney, to the best of my skill and abilities.

Attornies  
to produce  
vouchers be-  
fore admitted

JAMES STUART,

*Speaker of the House of Representatives.*

WILLIAM BLOUNT,

*Speaker of the Senate.*

December 20, 1798.



## C H A P. III.

An ACT, to revise the sixth section of an act, passed by the general assembly of the State of North Carolina, entitled "An act for raising troops for the protection of the inhabitants of Davidson county," passed at Fayetteville, in the year of one thousand seven hundred and eighty six.

Preamble.

**W**HEREAS the said sixth section authorized the justices of said county, to lay a tax on the taxable property of the county aforesaid, for the purpose of supporting said troops, and the said law having expired before the accounts of the collector were liquidated; for remedy whereof:

Sixth section kept in force.

**B**E it enacted, by the General Assembly of the State of Tennessee, That from and after the passing of this act, so much of the said sixth section as relates to the power given to the justices of the county aforesaid, in making allowances to, and settling the accounts of, the said collector, be, and the same is hereby declared to be in full force, and whereas the counties of Montgomery and Robertson, were part of the said county of Davidson at the passing of the above recited act; *Be it enacted*, That two thirds of the justices of Davidson county, two thirds of

Magistrates to appoint 1 man in each county settle with the collector.

the justices of Montgomery county, and two thirds of the justices of Robertson county, shall separately appoint one man on behalf of each county, who shall have full power to settle and liquidate the accounts of Daniel Rowan as collector, in pursuance of the law above recited, and on said settlement, if it should appear to the three men appointed as aforesaid, they shall report to the justices of each county aforesaid when in session, which report shall be full authority for two thirds of the acting justices of said counties to enforce the act above recited, so as to pay what may appear due to said Daniel Rowan as collector aforesaid, said counties shall pay in proportion to the amount of taxable property in each.

JAMES STUART,

Speaker of the House of Representatives.

WILLIAM BLOUNT,

Speaker of the Senate.

December 21, 1798.

## C H A P. IV.

An ACT, to explain an act, entitled "An act to vest the property of James M. Cowan deceased, in John Richardson, Jesse Richardson, Robert Richardson, and Sarah Richardson.

**B**E it enacted by the General Assembly of the State of Ten-

Provision for the creditors of J. M. Cowan deceased.



*ness*, That the said act can only be understood to vest such part of the property of the said James M'Cown deceased, in any person or persons, as shall remain after all the just debts and demands of creditors against the said estate are fully paid and satisfied.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

December 22, 1798.

C H A P. V.

An ACT, to restore Robert Young to certain legal capacities and privileges.

R. Young  
restored &c.

SECTION I. **B**E it enacted by the General Assembly of the State of Tennessee, That Robert Young, who has heretofore been convicted of horse stealing, shall and is hereby declared to be restored to all and singular, the legal capacities and privileges, which he heretofore has been by law deprived of, in consequence of the said conviction; *Provided*, That nothing in this act contained, shall extend, or be construed to prevent the punishment by law prescribed for a second offence of horse stealing.

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

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

December 22, 1798.

C H A P. VI.

An A C T, extending and describing the bounds of Blount county.

**B**E it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the county of Blount shall be contained within the following described bounds. Beginning upon the south side of Holston, at the mouth of Little River, thence up the meanders of Little River on the south side, to the mouth of Stock creek, and up the meanders of Stock creek upon the south side, to the head of Nicholas Bartlett's mill pond at high waters; thence a direct line to the top of Bay's mountain, leaving the house of James Willis to the right, within forty rod of the said line; thence along Bay's mountain to the line of the county of Sevier; thence with that line, to the eastern boundary of the state; thence southwardly with the said eastern bound- Bounds of Blount county.



dary, to the line lately run and marked agreeably to the late treaty between the United States and the Cherokee Indians, and with that line to the river Tennessee; thence down the Tennessee, with the meanders thereof, to the mouth of Holston; and thence up the meanders of the said river Holston, to the beginning.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

December 28, 1798.

C H A P. VII.

An ACT, appointing additional commissioners to the town of Springfield, to act with those heretofore appointed by law.

Commission-  
ers appoint-  
ed.

**B**E it enacted by the General Assembly of the State of Tennessee, That Thomas Johnson, Archer Cheatham junior, Lias Fort of Miller's creek, and George Bell, be appointed commissioners, to act with those heretofore appointed by law, with full power to regulate the said town, and carry into effect the public buildings, agreeably to an act of the general assembly, passed at Knoxville the twenty eighth day of March, one thousand seven hundred and ninety-six, establishing a town

in the county of Robertson, by the name of Springfield.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

December 29, 1798.

C H A P. VIII.

An ACT, authorizing and establishing a town on the point formed by the confluence of Powell's river, with the Clinch, on the lands of John Umstead.

**W**HEREAS it is represented to this General Assembly, that the establishment of a town at the point formed by the junction of the Powell's river with the Clinch, will contribute to the interest of commerce, and promote the settlement of that tract of country lately ceded by the Cherokee Indians. And whereas it appears to be the wish of the proprietor, that such town be established. Therefore, Preamble

**B**E it enacted by the General Assembly of the State of Tennessee, That a town be established at the said point formed by the junction of the Powell's river with the Clinch, to consist of one hundred acres, to be laid out in convenient streets, lots, squares, and commons, under the direction of James Grant, Jacob Womack, and John Owens senior, who are hereby declared commissioners for laying out, and regulating the said town, which town shall Town established.



be called and known by the name of Grantsborough.

JAMES STUART,

*Speaker of the House of Representatives.*

WILLIAM BLOUNT,

*Speaker of the Senate.*

Dec. 29, 1798.

CHAP. IX.

An ACT, respecting the ninth and twenty fourth sections of an act, entitled "An act ascertaining what property in this State shall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes," passed October the twenty fifth, one thousand seven hundred and ninety-seven.

Section 1. *Be it enacted,*

Release-  
ment  
of persons  
fined for not  
returning  
taxable pro-  
perty.

That all persons who have incurred the fine and double tax under the act above recited, by not returning their taxable property and poll, either by themselves, their agents, attornies, or managers, for the year one thousand seven hundred and ninety eight, shall be released from said fine and double tax; *Pro- vided* they return a true list of all such property and polls as described by the above recited act, unto the clerk of each and every county court, at the second court in each county, in the ensuing year, and pay the single tax, as described by said act, together with all costs and charges accruing thereon, for their non-

performance as aforesaid, unto the sheriff or collector of each and every county within ten days after the list so returned to the clerk, as aforesaid.

Sec. 2. *Be it enacted,* That all fines and double taxes hereafter arising and accruing, under and by virtue of the said ninth section, shall be collected, accounted for, and paid in the same manner, that public taxes are collected, accounted for, and paid. Taxes to be collected and accounted for.

Sec. 3. *Be it enacted,* That so much of the twenty fourth section of the said act, as comes within the purview and meaning of this act, shall be, and the same is hereby repealed and made void, any law to the contrary notwithstanding. Act repealed

JAMES STUART,

*Speaker of the House of Representatives.*

WILLIAM BLOUNT,

*Speaker of the Senate.*

December 29, 1798.

CHAP. X.

An ACT, to extend the bounds of Davidson and Sumner counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act, the bounds of Davidson county shall be as follow, viz: beginning on the south bank of Cumberland river opposite the mouth of Sycamore creek, runs south to the Indian boundary line, thence eastwardly with said Indian boundary line to the main west fork

Davidson & Sumner counties extended.



of Stone's river, thence down the middle of said fork to the old continental line, continued down said fork with the boundary line of said county heretofore established by law, and continuing with the bounds described heretofore to the beginning.

Bounds of  
Sumner  
county.

Sec. 2. *Be it enacted*, That from and after the passing of this act the bounds of Sumner county shall be as follow: beginning on the Kentucky state line where Robertson county strikes the same, runs eastwardly with said state line to where the Indian boundary line strikes the same, thence a southwestwardly course with said Indian boundary to the main west fork of Stone's river, thence down said fork with Davidson county line, and continuing with said county line and Robertson county line as established by law heretofore to the beginning.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

December 29, 1798.

#### C H A P. XI.

An ACT, to repeal the second section of an act, entitled  
"An Act for laying and collecting county taxes so  
far as respects Hawkins county.

**As repealed** SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the second section of an act, entitled, "An Act for laying and collecting county taxes, be and the same is hereby repealed and made void so far as it respects Hawkins county.

Sec. 2. *Be it enacted*, That this act shall be ~~as when~~ in force from and after the passing thereof. ~~force.~~

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

December 30, 1798.

#### C H A P. XII.

An Act to establish a town by the name of Leesburgh, on the lands of Michael Fraker, Abraham Campbell and John Campbell, in the county of Washington.

**W**HEREAS a town hath been laid off in the county of Washington, on the Preamble lands of Michael Fraker, Abraham Campbell and John Campbell, and a considerable number of lots sold by the proprietors, and the purchasers of these lots are desirous that the town should be established by legislative authority.

Section 1. *BE it enacted by the General Assembly of the State of Tennessee*, That ninety acres of land, lying in Washington county, belonging to Michael Fraker, Abraham Campbell and John Campbell, who have signified their consent for this purpose, be established a town, and town common agreeable to a plan laid off by the said Michael Fraker, Abraham Campbell and John Campbell, consisting of one hundred lots of half acre each, together with a square of two acres, with necessary streets and allies, numbered from one to one hundred; both numbers inclusive is hereby established a town by the name of Leesburgh, agreeable to the plan of said town. Town established.



Commis-  
sioners.

Sec. 2. *Be it enacted*, That from and after the passing of this act, Alexander M'Linn, John Blair, John Cowan, John Ferguson and Joseph Tucker, be and they and every of them are hereby constituted commissioners for the further designing, building and improving the said town.

Commission-  
ers to ap-  
point ano-  
ther in case  
of death.

Sec. 3. *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 are hereby authorized to nominate and appoint by instrument in writing under their hands some 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 county, 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 whose room and stead he was so appointed, had and exercised.

JAMES STUART,

*Speaker of the House of Representatives.*

WILLIAM BLOUNT,

*Speaker of the Senate.*

January 1, 1799.

#### C H A P. XIII.

*An Act to add part of Greene County to the County of Cocke.*

Part of  
Greene  
county to  
be added to  
Cocke.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, the line that divides the county of Greene from the county of Cocke, shall begin at the corner of Greene and Jefferson counties, on

Nolichucky river, at the end of Bay's mountain, from thence up Nolichucky river to the mouth of Oven creek, from thence a direct line to Major Gragg's so as to leave his plantation in Greene county, from thence a direct line to the Painted Rock on French Broad river, below the Warm Springs; from thence south to the Cocke county line, and all that part lying south of the said line shall be a part of Cocke county.

Sec. 2. *Be it enacted*, That the sheriff of Greene county shall have the same power and lawful authority to collect and receive all his arrearages of taxes, and executions, in that part of Cocke county that was formerly part of Greene county in the same manner as if this act had never been passed.

Sheriff of  
Greene  
county to  
collect ar-  
rearages in  
Cocke.

JAMES STUART,

*Speaker of the House of Representatives.*

WILLIAM BLOUNT,

*Speaker of the Senate.*

January 2, 1799.

#### C H A P. XIV.

*An ACT, authorizing the taxing of lands ceded by the Cherokees at a late treaty held at or near Tellico, and for taxing the lands lying south of French Broad and Holston between the rivers Tennessee and Big Pigeon claimed or held by occupancy, or presumption.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all lands ceded by the Cherokees by the treaty lately concluded at or near Tellico, held by deed, grant, entry, legacy, descent, by lease or by right of dower, shall be liable to taxation, in the same manner as all other lands within the bounds of the treaty of Holston.

Lands to  
be taxed.



( 40 )

Sec. 2. *Be it enacted*, That all lands lying south of French Broad and Holston rivers, and between the rivers Tennessee and Big Pigeon, held, or claimed by occupancy or preemption shall be liable to taxation in the same manner and under the same restrictions and penalties as all other lands within the bounds of the treaty of Holston held by deed, entry, or lease, or right of dower.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

January 4, 1799.

CHAP. XV.

An ACT, appointing additional commissioners for Sevierville.

Commissioners appointed.  
BE it enacted by the General Assembly of the State of Tennessee, That Josiah Rogers, William Henderson, Samuel Blair, and Isaac Thomas, are hereby constituted and appointed commissioners for Sevierville in addition to those heretofore appointed by law.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

January 5, 1799.

CHAP. XVI.

An ACT, fixing and apportioning the number of Senators and Representatives to represent the people of this State in General Assembly, in conformity to the first article of the Constitution.

Number of Senators & Representatives.  
Section 1. BE it enacted by the General Assembly of the State of Tennessee, That in conformity to the second, third, and fourth sections of the first article of the constitution, the

( 41 )

Number of senators and representatives to represent the people of this State in General Assembly shall and is hereby declared to be fixed, that is to say, the number of senators shall be twelve, and the number of representatives shall be twenty-four, which shall be and are declared to be apportioned as by this act hereafter directed.

Sec. 2. *Be it enacted*, That four senators and eight representatives shall be and are hereby declared to be apportioned to the district of Washington in manner following: Washington county, two representatives; Carter county, one representative; the counties of Washington and Carter as a district, one senator; Sullivan county, one senator and two representatives; the county of Greene, one senator and two representatives; the county of Hawkins, one senator and one representative.

Senators and Representatives apportioned to Washington district.

Sec. 3. *Be it enacted*, That four senators and eight representatives shall be and are hereby declared to be apportioned to the district of Hamilton in manner following: the county of Knox, one senator and two representatives; the county of Grainger, one senator and two representatives; the county of Blount, one representative; the county of Sevier, one representative; the counties of Blount and Sevier, as a district, one senator; the county of Jefferson, one representative; the county of Cocke, one representative; the counties of Jefferson and Cocke, as a district, one senator.

Senators and Representatives apportioned to Hamilton district.

Sec. 4. *Be it enacted*, That four senators

Senators and



Representa-  
tives appor-  
tioned to Mero  
district.

and eight representatives shall be and are here-  
by declared to be apportioned to the district  
of Mero in manner following: the county of  
Davidson, one senator and three representa-  
tives; the county of Sumner, one senator and  
three representatives, and Davidson county,  
shall be entitled to elect two senators at the  
election held agreeable to the constitution and  
law in that case in the year one thousand seven  
hundred and ninety-nine, Sumner county shall  
be entitled to elect two senators at the election  
held in the year one thousand eight hundred  
and one, Davidson county shall be entitled to  
elect two senators at the election held in the  
year one thousand eight hundred and three,  
Sumner county shall be entitled to elect two  
senators at the election held in the year one  
thousand eight hundred and five, the county  
of Robertson one representative, the county of  
Montgomery one representative, the counties  
of Robertson and Montgomery as a district  
one senator.

Senators and  
Representa-  
tives how to  
be elected.

Sec. 5. *Be it enacted*, That the senators  
and representatives apportioned as by this act  
directed shall be elected as prescribed by law,  
in the several counties in each district, and in  
cases of joining counties, in forming a sena-  
torial district, an election for such senator shall  
be held in each county respectively at the  
time and places, and under the same rules,  
regulations, and restrictions as provided by  
law in cases of counties heretofore joined to  
elect a representative.

Sheriff's  
where to  
meet.

Sec. 6. *Be it enacted*, That the Sheriffs of  
Blount and Sevier counties shall meet at the

house of Joseph Vance, the Sheriffs of Jeffer-  
son and Cocke shall meet at the house of  
Parmenas Taylor on French Broad, the She-  
riffs of Robertson and Montgomery shall meet  
at the house of William Connel on Brush  
Creek, the Sheriffs of Washington and Carter  
shall meet at the Court House in Jonesbor-  
ough, to compare the votes for senators, for  
those senatorial districts respectively, on the  
first Monday succeeding the election, who shall  
declare the person having the greatest number  
of votes duly elected, and give certificates of  
election accordingly.

Sec. 7. *Be it enacted*, That this act shall be Act when in  
force.  
in force from and after the passing thereof.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

January 5, 1799.

# CHAP. XVII.

An ACT, to amend an act, entitled "An Act for the  
regulation of Knoxville."

**W**HEREAS, by omission the com- Preamble.  
missioners authorized to be e-  
lected by the first section of the above  
recited act never have been elected, nor  
can be elected without further authority  
for so doing, for remedy whereof:

**B**E it enacted, by the Go- Election to  
commission-  
ers when not  
State of Tennessee, That elections shall be  
held for five commissioners as authorized



by that act on the first Saturday in February in every second year, the first on the first Saturday of February next, and the Sheriff of Knox county shall advertise such elections at three of the most public places in Knoxville at least ten days previous to such election, and the commissioners elected under this act shall be vested with all the power and authority that commissioners could or would have had elected under that act, on the days therein authorized.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

January 5, 1799.

C H A P. XVIII.

An ACT, for the establishment of Fairs in the county of Sullivan.

Fairs to be  
held in  
Blountville.

**B**E it enacted by the General Assembly of the State of Tennessee. That the inhabitants of the county of Sullivan shall have the privilege of holding two fairs in each and every year in Blountville, for the purpose of selling all kind of goods, wares and merchandize free to every citizen of this state, subject to such regulations as may by law be hereafter established; and the said fairs shall be held on the first Thursdays and Fridays

of May and November in each and every year.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

January 5, 1799.

C H A P. XIX.

An ACT, respecting Dollars and Cents, and contracts, and the manner of keeping accounts, so far as respects the currency in which contracts shall be made and accounts kept.

**S**ECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all verdicts, and judgments in courts of record, and by justices of the peace out of court, shall be rendered in dollars and cents, or such parts thereof as the nature of the case may require, and all executions thereon, and all bills of costs shall issue accordingly.

Verdicts Ac-  
to be rendered  
in Dollar  
and Cents.

**S**ec. 2. **B**e it enacted, That from and after the first day of January one thousand eight hundred, all accounts shall be kept, and contracts made where money is stipulated for in dollars and cents or such parts thereof as the nature of the case may require; and all accounts kept or contracts entered into where money is stipulated for other than is by this act

Accounts  
to be kept in  
Dollar and  
Cents.



directed, shall be void, and not recoverable by law.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

January 5, 1799.

CHAP. XX.

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

Section 1. **B**E 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.

Section 2. *To Clerks.* **B**E it enacted, That each principal clerk of the General Assembly shall be allowed the sum of two dollars 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 expences; namely, to Edward Scott thirty dollars, to Stephen Heard thirty dollars, to George Roulstone thirty dollars, to N. B. Buckingham thirty dollars.

Section 3. **B**E it enacted, That each door keeper shall be allowed for his services two dollars for each day he has attended on the General Assembly. *To door-keepers.*

Section 4. **B**E it enacted, That George E. Wilson be allowed the sum of one hundred and twenty dollars for the use of two rooms for the accommodation of the General Assembly, and fire wood &c. *To Geo. E. Wilson.*

Section 5. **B**E it enacted, That Joseph Greer be allowed the sum of six hundred and sixty-eight dollars and twenty-one cents for provisions, liquors &c. furnished the agency of this state attending the late treaty with the Cherokees; said Greer shall nevertheless be bound to give credit for all monies which he hath received in consequence of the same. *To J. Greer.*

Section 6. **B**E it enacted, That the sum of four hundred dollars be paid into the hands of Joseph Greer of Knoxville for the use of George Roulstone and John R. Parrington for printing the acts, journals, and other papers of this General Assembly; *Printing.* **P**rovided always, That said Joseph Greer esquire shall retain said money in his hands to be rendered to the next General Assembly, unless the print-



ing be done agreeable to the contract entered into between said Roulstone and Parrington on one part, and the General Assembly on the other.

To the Secretary.

Sec. 7. *Be it enacted*, That the secretary of state be allowed the sum of fifty-four dollars and forty-three cents for stationary, and ten dollars for the postage of public papers heretofore expended.

To R. H. Dyer.

Sec. 8. *Be it enacted*, That Robert Henry Dyer be allowed the sum of twenty-five dollars, for his services as sergeant at arms.

To George Roulstone.

Sec. 9. *Be it enacted*, That George Roulstone be allowed the sum of two hundred and fifteen dollars, the ballance due for printing the last acts and journals of last General Assembly, and other public papers printed prior to the present assembly.

To S. Hanes

Sec. 10. *Be it enacted*, That Stephen Hanes be allowed nine dollars and sixty-six and two thirds cents, for service, and damage done his house by fire &c. when in use of the Senate.

JAMES STUART,

*Speaker of the House of Representatives.*

WILLIAM BLOUNT,

*Speaker of the Senate.*

January 5, 1799.

C H A P. XXI.

AN ACT, *describing and extending the bounds of Grainger County.*

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the bounds of Grainger county shall be ascertained and known by the following lines, viz, beginning on the main road leading from Bulls Gap to Haines's Iron Works on Mosley Creek, at the house of Phelps Reed, leaving said house in Grainger county, thence to a marked tree near the dwelling-house of James Blair senior on the line from Phelps Reed's to Thomas Henderson's, thence to the said Henderson's and Dyer's south west corner, thence a north course with said Henderson's and Dyer's line, so as to leave the house of Robert Patterson ten poles in Grainger county, thence a direct line to Clinch river a quarter of a mile 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 the same course to the Virginia line, thence with said line to the Indian boundary line at Cumberland mountain, thence with said boundary line to where the present Knox line intersects the same,

Bounds of  
Grainger  
county.



thence with Knox line to the top of the Cross Mountain, thence with said Mountain to Clinch river, thence up said river to a point, that a south east line will strike the end of Clinch mountain, thence with the ridge that divides the waters of Richland creek from those of Flat creek, to the first Bluff below Boyles's old place on Holston river, thence up Holston river to the mouth of Panther creek, thence up said creek to the road leading from Bulls Gap to Haines's Iron works, thence up said road to the beginning.

Number of  
jurors for Jef-  
ferson and  
Grainger  
counties.

Sec. 2. *Be it enacted*, That the county of Jefferson shall send five jurors to the superior courts, and the county of Grainger seven jurors to each superior court for the district of Hamilton.

Act when in  
force.

Sec. 3. *Be it enacted*, That this act shall be in force and use from and after the passing the same.

JAMES STUART,

*Speaker of the House of Representatives*

WILLIAM BLOUNT,

*Speaker of the Senate.*

January 5, 1799.

C H A P. XXII.

An ACT, describing and extending the bounds of Knox county, and for authorizing the taxing the lands ceded by the treaty at or near Tellico for the year of one thousand seven hundred and ninety-nine, and all succeeding years.

Section 1.

**B**E it enacted by the General Assembly of the State of Tennessee, That from and after the tenth day of January, instant, the county of Knox shall be contained in the following described limits or bounds: beginning upon the south side of Holston at the mouth of Little river, thence up the meanders of Little river upon the south side to the mouth of Stock creek, and up the meanders of Stock creek upon the south side to the head of Nicholas Bartlett's Mill pond at high waters, thence a direct line to the top of Bay's mountain, leaving the house of James Willis within forty rod to the right hand, thence with the extreme height of the said mountain to its intersection with the river French Broad, a small distance below the house in which Andrew Evans lived, in the year of one thousand, seven hundred and ninety-six, thence across French Broad to a ridge, the continuation of the said mountain, which ridge or continuation of the said mountain divides the waters of Tuckahoe creek, from those of Dumplin creek, and with the extreme height of that ridge or mountain to the line run by Greer, Bayles, and M-Cleary, in the year of one thousand, seven hundred and ninety-six, thence with that line to the mouth of Criswell's creek, thence up the Holston to

Bounds of  
Knox county



the upper end of the first Bluff above Boyles's old place, thence with the ridge which divides the waters of Richland creek from those of Flat creek to the end of Clinch mountain, thence a north west course to Clinch river, thence down said river opposite the end of the Cross mountain, thence with said mountain to the Indian boundary line at Cumberland mountain, and with Cumberland mountain agreeably to the treaty lately entered into at or near Tellico, between the United States and the Cherokees to Emery's river, thence down Emery's river according to its meanders to the river Clinch, and down the Clinch to the point where the line of the said treaty strikes the said river, and with that line to the river Tennessee, thence up the meanders of that river to the point formed by the junction of the Holston therewith, thence up the Holston with its meanders upon the south side to the mouth of Little river.

Lands taxed.

Sec. 2. *Be it enacted*, That the lands ceded by the Cherokees by the treaty entered into at or near Tellico, shall be liable to taxation for the year of one thousand, seven hundred and ninety-nine, and every succeeding year in the same manner and under the same regulations and penalties as all other lands within the bounds of the treaty of Holston are liable.

JAMES STUART,

*Speaker of the House of Representatives,*

WILLIAM BLOUNT,

*Speaker of the Senate.*

January 5, 1799.

CHAP. XXIII.

An ACT, authorizing the governor of this state to assign and transfer administration bonds of the description therein mentioned to the person or persons thereto entitled.

**W**HEREAS there are many bonds Preamble.  
called administration bonds given and executed by administrators and their securities during the time this state was part of the state of North Carolina, made payable to the governor and his successors in office of the said last mentioned state; and it being expedient that any person or persons who may deem themselves injured in any matter or thing appertaining to such administration, and who may be entitled to a remedy for such injury, should have such bond or bonds assigned and transferred to him, her, or them, therefore,

SECTION 1. **B**E it enacted by the General Assembly of the state of Tennessee, Clerk to give an attested copy &c.  
That the clerk of the court of any county in this state, in whose office any such administration bond may be filed, shall on application of the party entitled thereto and requesting the same, give a true, perfect, and attested copy of any such bond, and for the same the clerk may demand the sum of fifty cents.

Sec. 2. *Be it enacted*, That the governor for the time being, of this state, shall and may exercise all and every power of assigning and transferring such administration bond to the party entitled thereto on exhibition of such attested copy in as full and ample manner to Governor to assign over administration bonds &c.



all intents and purposes as the governor of the state of North Carolina was by law authorized to do, and such assignment and transfer shall be good and sufficient in law; any law to the contrary notwithstanding.

An attested copy to be taken as evidence &c.

Sec. 3. *Be it enacted*, That an attested copy as by this act directed of, any administration bond with such assignment and transfer thereto annexed, shall be taken as evidence of the bond given by any administrator or administrators, and his, her, or their securities, and the parties injured shall and may have and maintain his, her, or their action thereon in his, her, or their own names, and proceed to judgment and execution: *Provided nevertheless*, That nothing in this act contained shall be construed to prevent either party, plaintiff or defendant, in case such copy should be contested from having a subpoena to bring with him the original bond of which such contested copy was given for the clerk of the court who issued the said contested copy.

Act when in force.

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

JAMES STUART,

*Speaker of the House of Representatives.*

WILLIAM BLOUNT,

*Speaker of the Senate.*

January 5, 1799.

C H A P. XXIV.

**An ACT, for establishing offices for receiving entries of claims for all vacant lands within the several counties in this state, and ascertaining the method of obtaining titles to the same.**

Entry takers and surveyors to be appointed.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That there shall be appointed one entry taker and one surveyor in each and every county in this state, who shall hold their appointment during good behaviour.

Sec. 2. *Be it enacted*, That the claimant of any land shall produce to the entry taker a writing setting forth the name of the county wherein the land shall be situated, the nearest water course and remarkable places, and such water courses, lakes, or ponds as may be therein, the natural boundaries and lines of any other person or persons, if any, which divide it from other lands, and every such writing shall be endorsed by the entry taker with the name of the claimant, and the number of acres claimed, and a copy thereof shall be entered in a book well bound and ruled, with a large margin, and into spaces of equal distance; every space to contain only one entry, and every entry shall be made in the order of time in which it shall be received and numbered in the margin, and if no person shall appear within three months after to make claim for the same lands, the entry taker shall deliver to the party a copy of the entry with its proper number and order to the county surveyor to survey the same, which order shall be written or printed on at least a quarter of a sheet of paper; but if any person shall appear within the time aforesaid and set up a claim to any lands which shall be entered, the entry taker shall note the same in the margin of the book of entries opposite, to the claim in dispute, and shall transmit a copy of the whole to the county court to be proceeded on as by this act directed, and in the mean time shall forbear to issue any order to the surveyor relative thereto.

Occupancy disputed &c.

Sec. 3. *Be it enacted*, That where any person or persons have settled or improved with an intention to become lawful proprietors thereof, and by reason there was no method for ascertaining the bounds of their respective claims, it may happen that disputes may arise respecting bounds and priority of occupancy, and it is expedient that all such disputes be terminated with as little delay and expense as possible, consistent with the laws and constitution of this state.

Sec. 4. *Be it enacted*, That the inhabitants south of French Broad river in all cases shall have the preference to enter by pre-occupancy, provided the entries are made within the time prescribed by law, preference &c.



and for the better ascertaining what shall be deemed a lawful improvement it shall be as follows, viz. an house built, land enclosed and cultivated, or part thereof:

Entry taker  
to certify dis-  
putes &c.

Sec. 5. *Be it enacted*, That when the entry taker shall certify to the county court the disputed claim as by this act directed, the said court shall order the sheriff to summon a jury of good and lawful men unconnected by affinity or consanguinity with the contending parties, who shall be above all exceptions, and having given the parties ten days previous notice shall go with the said jury on the premises, and the jury being sworn to do equal right between the parties, to cause the witnesses on both sides to be examined, and the allegations of the parties to be made before such jury, and to receive the verdict of the said jury, and return the same together with the panel to the next county court, and at the said court if it shall appear that the jury have found generally for any of the parties, then the court shall order an authentic copy of the verdict to be delivered to the party for whom the same shall be found, who entering the same with the entry taker and performing the requisites by this act required, shall obtain a certificate and order of survey in like manner as if he had made entry of a claim for the same premises, and the entry taker shall refund to the other party all the money which he has received from him, except the fees to himself for the services actually performed, and in all cases where the jury shall find a special verdict, the county court shall decide thereon according to the right of the case, and shall order such determination to be delivered to the party, who may thereupon proceed as in case of a general verdict; *Provided*, That where it may be made appear to the county court that the jury were partial, or not all good and lawful men as required, or influenced by unfair practices of the party for whom they shall find the said court shall order a new trial, and the proceeding shall be as before directed.

Claimant to  
give bond &c

Sec. 6. *Be it enacted*, That where any claim shall be made to any lands for which a prior claim has

been duly entered before such subsequent claim shall be received, the party making the same shall enter into bond with the entry taker with sufficient security payable to the adverse party in the sum of five hundred dollars, that he will prosecute the said claim with effect, and if he shall fail therein he shall pay all cost and damages which shall accrue, which cost shall not exceed the fees in cases of jurors of view, in cases respecting the title or bounds of lands, and the clerks and attorneys fees, as by law established in other cases, but may be diminished by the courts respectively, as they shall judge right.

Sec. 7. *Be it enacted*, That every county surveyor upon receiving the copy of the entry and order of survey for any claim of lands shall as soon as may be, lay out and survey the same agreeably to this act, and make thereof two fair plats a scale, whereon shall be mentioned on such plats, and shall set down in words the beginning angles, distances, marks and water courses, and other remarkable places, crossed or touched, by or near to the lines of such lands, and also the quantity of acres, and shall transmit the plats to the Secretary's office, together with the warrant or order of survey, one of which shall be filed by the Secretary, and the other annexed to the grant, and no survey shall be made without chain carriers, who shall actually measure the land surveyed, and shall be paid by the party for whom the survey shall be made; and such chain carriers shall be sworn to measure justly and truly, and to deliver a true account thereof to the surveyor, which oath every surveyor is hereby empowered & required to administer, & every survey shall be bounded by conditional or natural boundaries, or right lines running east, west, north and south, and shall be an exact square or oblong, or the length not exceeding double the width, unless where such lines interfere with lands already granted or surveyed, or unless where the survey shall be made on any navigable water, in which last case the water shall form one side of the survey, and no survey shall exceed six hundred and forty acres, and it shall be the duty of each surveyor in this state to enter in a well bound book kept by him for that purpose, a

County sur-  
veyors to  
make out  
plats &c.



draught of the plot and every thing thereunto appertaining within twenty days after the survey is made.

Secretary to  
make out  
grants.

Sec. 8. *Be it enacted*, That the secretary of state shall make out grants for all surveys returned to his office, which grants shall be signed by the governor, and countersigned by the secretary, and recorded in his office ready to be delivered to the parties to whom the same shall be made within three months from and after the return of the surveyor of the works to his office, and every person obtaining a grant for land, shall within twelve months after such grant shall be perfected as aforesaid, cause the same to be registered in the register's office of the county where the land shall be, otherwise such grant shall be void.

Entry takers  
&c. to receive  
fees.

Sec. 9. *Be it enacted*, That the several entry takers, surveyors, registers and secretary, shall be entitled to have and receive the fees hereafter particularly specified, and no more; that is to say, for the entry taker for all services the sum of fifty cents, to the surveyor for three hundred acres or a less quantity two dollars, and twenty-five cents, for each hundred acres over, to the secretary for making out the grant and recording the same and for the seal of the state one dollar and fifty cents, to the register for registering the grant fifty cents.

Entry takers  
to pay mo-  
nies &c.

Sec. 10. *Be it enacted*, That every entry taker shall on or before the first Monday in September in each and every year pay into the public treasury all such monies as he shall receive for entries, and in consideration of the said service and the risk of such monies, and for carrying the grants from the secretary's office to his county, and delivering the same when called for to the persons to whom they shall be made, which he is hereby required to do, it shall and may be lawful for him to retain four per cent.

Entry takers  
& surveyors to  
take oath.

Sec. 11. *Be it enacted*, That every entry taker and surveyor, before entering upon the execution of their respective offices, shall take and subscribe in open court the oath prescribed for the qualification of officers, and also an oath that they will well and impartially discharge the several duties of their respective offices, and shall enter into bond with sufficient security, to

be approved by the county court in the sum of ten thousand dollars to the governor for the time being, and his successors in office for the faithful discharge of their respective duties, which bond upon a breach of the condition thereof, shall be assigned by the governor to the party or parties injured, who shall and may maintain an action or actions thereon in his, her, or their own name or names, and shall not become void upon the first recovery, or if judgment be for the defendant, but may be put in suit from time to time until the whole penalty shall be recovered.

Sec. 12. *Be it enacted*, That every entry taker and surveyor who shall neglect or refuse to perform the several duties by this act required, or shall knowingly suffer the provisions and restrictions thereof to be eluded or evaded, or shall ask demand, or receive, directly or indirectly, any greater fees than are by this act made lawful, shall forfeit the sum of five hundred dollars, to be recovered by action of debt, bill, or plaint, and shall forfeit all right to office.

Entry takers  
& surveyors  
to be fined for  
misconduct.

Sec. 13. *Be it enacted*, That any person who hath possessed and actually improved any vacant or unappropriated lands for which no just claim shall have been made, shall be entitled in preference to all others, to enter and obtain a grant or grants for the same, so that such entry or entries be made on or before the first Monday in March, in the year of one thousand eight hundred; *Provided*, That no such grant, shall contain more than six hundred and forty acres, but subject nevertheless to the payment of twenty five dollars for every hundred acres, & so in proportion for a greater or less quantity.

Claimants to  
have prefer-  
ence to ob-  
tain grants.

Sec. 14. *Be it enacted*, That the entry takers office for the reception of all entries for lands as before described, shall be opened for that purpose on the first Monday in January, one thousand, eight hundred, and continue so until altered by the legislature of this state; and if any person or persons entering any lands as by this act directed, shall neglect or fail to pay the purchase money, to wit: twenty-five dollars for every hundred acres into the entry

Entry takers  
office when o-  
pened.



takers office within twelve months from and after the making thereof, such entry or entries shall be void and of no effect.

JAMES STUART,  
*Speaker of the House of Representatives.*  
WILLIAM BLOUNT,  
*Speaker of the Senate.*

January 5, 1799.

▲ Copy Tette.

WILLIAM MACLIN, Sec'y.

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— They cannot  
 Amuse a stranger to answer  
 Such a contract as this might  
 as well clandestinate as other  
 Contracts which are also  
intrinque obligatoria  
 — It babrys us with endless toys  
 — The terroe filial tried! —  
 Imagination wanders for afecto —  
 Filiating a bastard child  
 Marital Rights of the parties  
 Proof less latitudinous  
 So as to render that onerous

C J. H. 22  
 13

1000000000

He most affects the form least like himself  
 His slender self — hence barely corpulence  
 to his familiar wear, & sleek disguise —  
 Behind the rosy bloom he loves to look  
 Or ambush in a smile; or wanton dive  
 In deeper depths: Love's addies, which draw in  
 Unwary hearts, and sink them in despair —



502

ACTS  
*John Vance Esq*

PASED AT THE

FIRST SESSION

*Spurter of the Peace*

OF THE

THIRD GENERAL ASSEMBLY



OF THE



STATE OF TENNESSEE

BEGUN AND HELD AT KNOXVILLE, ON MONDAY  
THE SIXTEENTH DAY OF SEPTEMBER, ONE  
THOUSAND SEVEN HUNDRED AND  
NINETY-NINE.

KNOXVILLE

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