

**A C T S**  
OF THE  
**STATE OF TENNESSEE,**

— 222 —

**CHAPTER I.**

*An ACT increasing the jurisdiction of  
Justices of the Peace, and regulating pro-  
ceedings therein.*

Sec 1. **B**E it enacted by the General As-  
sembly of the State of Tennessee, Justices' ju-  
risdiction  
increased.  
That a single Justice of the Peace, shall,  
from and after the passing of this act, have  
jurisdiction of all debts, dues and de-  
mands of fifty dollars and under, where  
the balance becomes due on any specialty,  
contract, note, or agreement, or for goods,  
wares and merchandize sold and deliver-  
ed, or for work and labour done, all which  
matters and things are hereby declared



Execution  
how long to  
be stayed.

cognizable and returnable before any one Justice of the Peace, out of Court, and judgment may be given, and execution awarded accordingly, as directed by an act, entitled, "An act for establishing courts of law, and regulating proceedings therein," subject, nevertheless, to appeal of either party, to be tried in court by a jury of good and lawful men, as in other cases, the first court, and the determination thereon shall be final: *Provided always*, That judgment given by a Justice of the Peace, execution shall be stayed in the following manner, to wit. For all sums under five dollars, twenty days.—For all sums over five dollars, and not exceeding ten dollars, forty days.—For all sums over ten dollars and not exceeding twenty dollars, eighty days.—For all sums over twenty dollars, and not exceeding fifty dollars, six months; for the full and true performance of which, with costs and interest until paid, the party requiring such stay of execution, shall give sufficient security, if required by the adverse party; and if the judgment shall not be discharged at the time to which the execution may have been stayed, then it shall and may be lawful for any Justice of the Peace of the county, to issue execution in the usual form, against the principal and his securities.

Sec. 2. *Be it enacted*, That in all cases where the sum is upwards of ten dollars, the sum should, and is required to be put in the warrant.

Sums over  
10 dollars to  
be put in the  
warrant.

Sec. 3. *Be it enacted*, That in all cases where any constable shall serve a warrant on any person for a demand of ten dollars and upwards, he shall take bond, with sufficient security, for his appearance before some magistrate, to have the same tried, and for a compliance with the judgment, in double the amount, at least, of the sum set forth in the warrant; and in case any such person, so bound, shall fail to comply with such judgment, when given, the constable shall make an assignment of such bond to the party injured, who shall proceed thereon, as in cases of bail bonds, given in suits commenced in courts of law, any law, usage, or custom to the contrary notwithstanding.

Where the  
sum is up-  
wards of 10  
dollars, con-  
stables to  
take bond.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

23d October, 1799.

A 2.



( 6 )  
C H A P. II.

An ACT reducing the limits of Sumner county, and establishing two new counties, and repealing an act passed October the second, one thousand seven hundred and ninety seven, respecting commissioners for purchasing lands, laying out a town, and erecting a court house, prison and stocks in the said county, and appointing other commissioners for that purpose.

**B**E it enacted by the General Assembly of the state of Tennessee, That the county of Sumner shall be reduced to constitutional limits, to wit: Six hundred and twenty five square miles, exclusive of such part of Cumberland river as shall be contained therein, and shall be bounded on the west by a line beginning upon the south bank of the said river, at low water mark, immediately opposite the mouth of Mansker's creek, thence directly across the river to the mouth of said creek, and up the same with the line of the county of Davidson to the line of the county of Robertson, and with that line to the northern boundary of the state; on the south, by the south bank of the said river Cumberland according to its meanders; on the north by the northern boundary of the state, and on the east by

Sumner  
county re-  
duced to  
constituti-  
onal limits.

( 7 )  
a north and south line extended from the northern boundary of the state, to the said south bank of the river Cumberland.

And be it enacted, That Wallace Harris and Edward Guinn, are hereby appointed with power to both or either to ascertain by actual survey, the eastern boundary of the said county, from the northern boundary of the state, to the south bank of Cumberland river, and mark it, also to extend and mark a north and south line through the said county, from the said northern boundary to Cumberland river, so as to leave as near as may be, one moiety of the said county to the west, and the other moiety to the east of said line, for which service they shall be paid by the county, each two dollars per day, and each chain carrier and marker by them employed, one dollar per day.

And be it enacted, That a new county be established by the name of Smith, to be contained within the following described bounds; beginning upon the south bank of Cumberland river, at the south end of the eastern boundary of Sumner county, thence north with the said eastern boundary, to the northern boundary of the state, and with the said boundary, east to where it is intersected by the Cherokee boundary, run and marked agreeably to the treaty of Holston, thence with that

Surveyors  
appointed  
to run a  
north and  
south line.

County of  
Smith esta-  
blished.



boundary, to the Cany Fork of Cumberland river, thence with the said fork according to its meanders, to the mouth thereof, thence down the south bank of Cumberland river according to its meanders, to the beginning.

County of  
Wilson esta-  
blished.

*And be it enacted,* That another new county be established by the name of Wilson, to be contained within the following described bounds; beginning upon the south bank of the river Cumberland at low water mark, at the mouth of Drake's lick branch, the north east corner of Davidson county, thence with the line of Davidson county, to the Cherokee boundary, as run and marked agreeably to the treaty of Holston, and with the said boundary to the Caney Fork, and down the Caney Fork according to its meanders to the mouth thereof, thence down the meanders of Cumberland river, by the south bank to the beginning.

*And be it enacted,* That an act, entitled an act, to repeal an act, entitled "An act appointing commissioners and trustees, the former to fix on a place in the county of Sumner, and the latter to purchase lands, erect a court house, prison and stocks, and establish a town thereon," passed at Knoxville, in the year one thousand seven hundred and ninety-six, and for other purposes therein mentioned, be and the same is hereby repealed.

*And be it enacted,* That David Shelby, David Beard senior, James Crier, Edward Guinn, and Captain James Wilson, son of John Wilson, be, and are hereby appointed commissioners, who, or a majority of them, shall have full power and authority to purchase sixty acres of land, situate within one mile and an half of the north and south line dividing as before directed, the said county into two moieties, on some part of which shall be erected the court house, prison, and stocks of the said county, on the best terms on which it can be obtained, and to take a deed or deeds of conveyance for the same in their own names as commissioners, in trust for the county, which shall be good and valid in law, and shall vest in them and their successors in office, a complete title for the uses in this act expressed. And the said commissioners shall, by a majority, have full power to elect any suitable person or persons to fill any vacancies that may happen in their own body, by death, resignation, or otherwise.

commission-  
ers appoint-  
ed to pur-  
chase land  
for a town.

*Be it enacted,* That the said commissioners, or a majority of them, shall as soon as may be after purchasing and obtaining a title to sixty acres of land as aforelaid, cause a town to be laid off thereon, to be called and known by the name of Rutherford, for county purposes, reserving two acres near the centre thereof, on which shall be erected the court-house, prison and stocks of the said county, which two acres in the plan of the said town shall be denominated the public square.

which town  
shall be call-  
ed Ruther-  
ford.



Lots to be  
sold at a  
credit of six  
months,

*Be it enacted,* That the said commissioners be, and they are hereby authorized to sell the lots of the said town at public sale at a credit of six months, giving thirty days previous notice of such sale, by advertisement, at four or more of the most public places in the said county, taking bond, with sufficient security, for the payment of the purchase money to themselves and their successors in office. And the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance, in fee simple, for the same, to the purchasers, which shall be good and valid in law, to all intents and purposes.

And the  
proceeds  
thereof to  
be laid out  
in building  
a court-  
house, &c.

*Be it enacted,* That the money arising from the sales of the aforesaid lots, shall by the said commissioners be applied to the building of the court house, prison and stocks; and they are authorized to contract with a suitable person or persons to erect the same: the court house to contain convenient rooms for the juries, and the prison to consist of two rooms at least.

*Be it enacted,* That the monies already appropriated by the county of Sumner, for the purposes aforesaid, shall be paid into the hands of the said commissioners, and be by them, or a majority of them, applied in paying for the lands purchased; and the overplus shall be an additional fund to that arising from the sale of the lots, to defray the expences of erecting and completing the court house, prison and stocks.

Further  
powers of  
commission-  
ers.

*Be it enacted,* That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which

shall be laid before the court of the said county, when demanded; and if the monies already appropriated, shall not be sufficient to defray the expences of the sixty acres of land, and erecting of the court house, prison and stocks, the court shall have full power, by a county tax to make up the deficiency: Provided, that two thirds of the acting justices be present when the taxes are laid; and provided also, that the said tax shall not exceed six and a fourth cents on every white poll between the age of twenty one and fifty years, a tax not exceeding twelve and an half cents on every black poll between the age of twelve and fifty years; a tax not exceeding one dollar on each stud horse kept for the purpose of covering mares, and a tax not exceeding six & a fourth cents on each hundred acres of land in any one year, which shall be collected in the same manner, and by the same persons as public taxes are; and the monies arising from the said taxes shall be paid by the collector thereof, first deducting the same per centum for collection as is by law allowed for the collection of public taxes, into the hands of the aforesaid commissioners, or a majority of them, to be applied to the purposes aforesaid.

*Be it enacted,* That the aforesaid commissioners shall give bond with sufficient security, in the sum of five thousand dollars, payable to the chairman of the court of the said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act. Commission-  
ers to give  
bond.

*Be it enacted,* That the said commissioners, when the buildings are completed, shall lay



before the court of the said county, a fair and just statement of the costs and expences of said purchase and buildings, together with their receipts, and shall be allowed a reasonable compensation for their services by the said court; Provided that two thirds of the acting justices of said county be present when such allowance is made.

Sheriff of Sumner to collect certain taxes.

*Be it enacted,* That it shall and may be lawful for the sheriff of Sumner county to collect the taxes for the year one thousand seven hundred and ninety nine, and all arrearages of taxes for every and any preceding year, in the same manner, and with as full authority, as if this act had not been passed; and Sumner county shall be liable to the payment of every demand that any of the citizens of Wilton or Smith counties, heretofore a part of the said county, may legally have for services rendered the said county, in the same manner as if this act had never been passed.

Courts of the counties of Smith & Wilton when to be held, &c.

*Be it enacted,* That courts of pleas and quarter sessions shall be held in the county of Smith, and the county of Wilton, with the same power and authority of the courts of pleas and quarter sessions of the counties heretofore by law established. The courts of the county of Smith shall commence on the third Mondays of the months of December, March, June, and September; and the courts of the county of Wilton shall commence on the fourth Mondays of the months of December, March, June, and September, with authority to continue by adjournment, from day to day, until the succeeding Saturday inclusive.

*And be it enacted,* That the first court for the county of Wilton shall be held at the house of Captain John Harpole; and after at such place as the court shall adjourn to; and for the county of Smith, at the house of Major Tilman Dixon; and after at such place as the court shall adjourn to.

Court of Wilton county when to be held.

*And be it enacted,* That elections for members to the General Assembly, the Governor and member of Congress, shall be held at the court houses of the counties of Smith and Wilton, on the days on which elections for such purposes are authorized to be held; and the sheriffs of those counties shall meet the sheriff of Sumner county, at the court house of said county, on the succeeding Monday, and with him examine the respective polls of election for the three counties, heretofore the county of Sumner, and declare the persons duly elected members to the General Assembly, and give certificates accordingly to the persons duly elected; and it shall be the duty of the said sheriff to transmit a statement of the poll of election for Governor and member of Congress to the Speaker of the Senate, in the same manner as directed by law, as the duty of sheriffs of counties heretofore established.

Certain elections how and when held.

*Be it enacted,* That it shall be the duty of the sheriffs of the counties of Wilton and Smith, each to hold an election at the place of holding court in their respective counties, on the first Thursday and the succeeding day of February next, for the purpose of electing one Colonel and two Majors for their respective counties, under the same rules, regulations and re-

And for militia officers.



Elections  
for compa-  
ny officers.

strictions as prescribed by law for the election of such officers.

*Be it enacted*, That the elections for company officers for the counties of Smith and Wilson, shall be held at their respective company muster grounds, on the third Thursday in February next, in the same manner and form as appointed by law for electing company militia officers.

Counties of  
Smith and  
Wilson part  
of Mero.

*Be it enacted*, That the counties of Smith and Wilson, shall be in all cases whatsoever, considered as a part of the district of Mero.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



### C H A P. III.

*An A C T to divide the county of Davidson into two distinct counties.*

Davidson  
county di-  
vided.

Sec 1. **B**E it enacted by the General Assembly of the State of Tennessee, that the county of Davidson be divided by a line as follows, viz. Beginning at a point forty poles due north of the dwelling-house of Thomas M'Crory, on the waters of Little Harpeth, running thence East,

two miles and one hundred and four poles, thence South seventy degrees East, sixteen miles and two hundred and seventy poles, thence due South to the Indian boundary line, thence with said line Westwardly to the Robertson county line, thence with said Robertson county line, North to a point due West from the mouth of Little Harpeth, thence a direct line to a point on South Harpeth, South-West from the mouth of said Little Harpeth, thence north east to the mouth of said Little Harpeth, thence a direct line to the beginning; and that county, so laid off on the South, be known and distinguished by the name of Williamson.

Williamson  
county esta-  
blished.

Sec. 2. *Be it enacted*, That John Johnson, senior, Daniel Perkins, James Buford, William Edmondson, and Captain James Scurlock, be commissioners; and they, or a majority of them, are hereby authorized to fix on a place the most central and convenient in said county of Williamson, for the purpose of erecting a court house, prison and stocks.

commission-  
ers appoint-  
ed

Sec. 3. *Be it enacted*, That the afore-said commissioners are hereby authorized and required as soon as may be after agreeing on the place on which the court-house, prison and stocks are to be erected in said county of Williamson, to agree

To erect a  
court house  
&c.



and contract with suitable workmen for erecting and building the same for the benefit of said county.

Court to lay  
a tax, &c.

Sec. 4. *Be it enacted*, That the court of said county, shall have power to lay a tax not exceeding twelve and a half cents on each hundred acres of land, nor twenty five cents on each town lot or slave between the age of twelve and fifty years, nor twelve and a half cents on each free poll between the age of twenty one and fifty years, nor one dollar on each stud horse kept for covering mares, to be collected in said county of Williamson for two years by the sheriff or collector of the same, to be accounted for and paid to the said commissioners, at the same time, in the same manner and under the like penalties and restrictions, as are or may be directed for collecting, accounting for and paying public taxes, which said monies hence arising, are to be appropriated for carrying this act into effect.

commission-  
ers to give  
bond.

Sec. 5. *Be it enacted*, That before the commissioners shall take into their hands any of the monies which may be collected in pursuance of this act, they shall each of them jointly enter into bond in the sum of two thousand dollars, payable to the Governor or Commander in Chief for the time being, and his successors in office, conditioned for the faithful discharge of the trust reposed in them.

Sec. 6. *Be it enacted*, For the due administration of justice, that the court of said county of Williamson shall be held by the Justices of said county on the first Monday in February, May, August and November; and the Justices of said county are hereby authorized and empowered to hold the first court for the same at the town of Franklin; and all subsequent courts for said county on the days above mentioned for holding courts therein, at any place to which said Justices shall from court to court adjourn, until a court house shall be built for said county of Williamson, and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house. And all courts held in and for said county shall be held by commission to said Justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction as are or shall be prescribed for the courts for the several counties in this state.

Courts.  
when and  
where to be  
held, &c.

Sec. 7. *Be it enacted*, That the said county of Williamson be, and it is hereby declared a part of the district of Mero, in the same manner, and for all purposes civil and military as it did previous to

Williamson  
part of  
Mero.



a division : *Provided*, That nothing herein contained, shall be so construed as to prevent the sheriff or collector of the taxes of Davidson county from collecting the same within the limits of the said county of Williamson, which are at this time due, in the same manner as if this act had not been passed.

Commissioners to run dividing line.

Sec. 8. *Be it enacted*, That Henry Rutherford and John Davis, be commissioners, and they are hereby authorized to run the dividing line between the aforesaid counties, where they are not already run or particularly pointed out by natural boundaries, for which services each of the commissioners shall be allowed the sum of two dollars per day, and the chain carriers and the markers, each one dollar per day, which expences are to be equally paid by both counties.

Williamson county an election district, &c.

Sec. 9. *Be it enacted*, That said county of Williamson be a part of the district for electing a governor, representative or representatives to congress, and senators and representatives in the General Assembly, to which it has heretofore belonged, and that the elections be held at the place of holding courts in said county, at the time and in the manner by law directed, and that the sheriff or returning officer make a return of the polls at the court house in Nashville, on the day next succeeding

each election, to the sheriff or proper returning officer for the county of Davidson.

Sec. 10. And whereas there are debts remaining due from the county of Davidson, *Be it therefore enacted*, That nothing herein contained, shall so operate as to exonerate said county of Williamson from payment of a part of said debts, to be apportioned between the two counties, agreeably to the amount of taxable property and polls in each, which shall remain liable in the same manner as if this act had not been passed.

Certain debts to be discharged.

Sec. 11. And in order to have all accounts liquidated, and prevent future disputes between said counties : *Be it enacted*, That the second courts which shall hereafter sit in each county, shall each appoint a commissioner, which said commissioners shall be invested with full power, and it shall be their duty, to settle said accounts, and apportion them between said counties ; and that all claims against said county of Davidson be presented properly authenticated, to said commissioners, on or before the first day of January, one thousand eight hundred and one, or the payment thereof be ever after barred ; and for the services herein mentioned, said commissioners shall be allowed two dollars per day, to be paid out of the monies belonging to said counties.

Accounts to be audited.

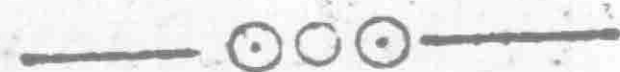


Sec. 12. *Be it enacted, That the Justices of the said county of Williamson are hereby authorized and empowered, at the second court to be held for said county, in each and every year, to lay a tax on the taxable property and polls within said county, for the purpose of carrying into effect the true intent and meaning of the tenth and eleventh sections of this act.*

WILLIAM DICKSON,  
*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 26, 1799.



#### CHAP. IV.

An ACT to authorize the several county courts to exempt persons rendered incapable of labour, from the payment of taxes.

Certain persons exempted from taxation. Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, that whenever any person shall be rendered incapable of labour, the court of the county whereof such person shall be an inhabitant, upon sufficient testimony thereof, produced before them, shall have power to exempt such person or persons from the payment of any poll tax

on himself, and cause the same to be entered of record by the clerk of said court.

Sec. 2. *Be it enacted, That when any person shall wish to be exempted from the payment of taxes as by this act directed, it shall be the duty of the several county courts respectively at the first session in each year, to hear and determine all cases that may come before them, and there shall be at least ten or a majority of the acting justices of said county present when such application and determination shall be made.*

Exemption from taxation how obtained.

WILLIAM DICKSON,  
*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 23, 1799.



#### CHAP. V.

An ACT to establish the town of Elizabethton, in the county of Carter, and for making valid certain deeds therein mentioned.

**W**HEREAS by an act, entitled "An act to divide the county of Washington into two separate and distinct counties," and commissioners were appointed to fix on and lay out a place the most suitable and con-

Preamble.



venient in said county, for the purpose of erecting a court-house, prison and stocks: And whereds the said commissioners hath fixed on a place as aforesaid, and Samuel Tipton having obligated himself to the said commissioners to appropriate fifty acres of land at the place aforesaid, for the purpose of laying out the town aforesaid, and having conveyed to the said commissioners several lots for the purpose of erecting the aforesaid court house, prison and stocks, and a house of divine worship, the said commissioners having laid out the said fifty acres of land into a town, at the expence of the county aforesaid, by the name of Elizabethton:

Elizabethton established.

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That the aforesaid fifty acres of land shall continue to be a town, agreeably to the plan of said commissioners, filed in the clerk's office of said county of Carter, by the name of Elizabethton; and that the deeds of conveyance made from Samuel Tipton to the said commissioners, for the lots aforesaid, shall be good and valid in law and equity, to them and their successors in office, for the purposes for which the said Samuel Tipton hath conveyed the same.

Commissioners appointed.

Sec. 2. *Be it enacted*, That Landon Carter, Andrew Greer, David M'Nabb, Zachariah Campbell, Reuben Thornton,

Rowland Jenkins, William Cunningham, and Samuel Tipton, be appointed commissioners for the said town of Elizabethton, with full power to establish the necessary regulations for its government.

WILLIAM DICKSON,  
*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 23, 1799.

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## CHAP. VI.

*An ACT to authorize the county court of Washington, to lay an additional county tax, for certain purposes therein mentioned.*

**W**HEREAS the court house, prison and stocks for the county and district of Washington are incomplete, and certain sums of money due for building the same; *Preamble.*

Sec 1. **B**E it enacted by the General Assembly of the State of Tennessee, that the county court of Washington be, and is hereby empowered to lay an additional county tax, for the year one thousand eight hundred, and one thousand eight *Tax to be laid.*



hundred and one, not exceeding twelve and a half cents on each white poll, nor twenty five cents on each black poll, nor twelve and a half cents on each hundred acres of land, nor ten dollars on each billiard table, nor one dollar on each stud horse, known to be kept for the covering of mares, nor twenty five cents on each town lot, to be collected by the sheriff, and accounted for and paid into the hands of the commissioners appointed for the regulation of the town of Jonesborough, in the district of Washington, for the purpose of discharging the arrearages due, and completing the aforesaid buildings.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.



C H A P. VII.

An ACT for the better accounting for county tax.

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That if any collector of county tax shall neg-

lect or refuse to pay unto the county treasurer the amount of the tax he is charged with the collection of, against the first day of January next succeeding the time of levying the tax, as well those now due as those to become due, it shall be the duty of the county treasurer, and he is hereby required and authorized, to enter up judgment against such delinquent and his securities, for the balance that may be due by said collector, in the county court to which they belong, which judgment is hereby declared good and valid in law; and execution shall issue thereon, as if said collector and securities had been prosecuted to judgment in the usual way:

*Provided always,* such collector shall have Proviso. credit for all such deficiencies of payment in his collection, as shall be certified by the court.

Sec. 2. *Be it enacted,* That it shall be the duty of the commissioners appointed by court to settle with the county collectors, also to settle yearly with the county treasurers, and make a report of the state of the treasury of their county, to have the same power to call on the clerk of the court, and others, for papers and information, and to publish the result in the same manner as required by law, to do in settlement with collectors, and for which the said commissioners shall

Comm'rs to settle with collectors, &c.



be allowed by the court, as for their other services.

Duty of  
county  
treasurers.

Sec. 3. *Be it enacted*, That if it shall appear that the county treasurer or treasurers have failed, or shall fail, at any time, to pay the public monies in his or their hands, to those authorized to apply for and receive the same, always giving preference to the oldest order or claim, or hath neglected, or shall neglect in any case, to call to account as by this act directed, any delinquent therein described, by which the county revenue may suffer loss, then and in such case, the treasurer or treasurers shall be accountable for the sums due by such delinquents, to all intents and purposes as if the same had been paid into his or their hands.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.



## C H A P. VIII.

*An ACT to suppress excessive gaming.*

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That from and after the first day of May next,

every promise, agreement, note, bill, bond, or other contract, to pay, deliver, or secure money or other thing won or obtained by playing at cards, dice, billiards, horse racing, or any other species of gaming whatsoever, or by wagering or beting on either of the parties, who shall play at such games, or run such races, or to repay or secure money or other thing lent or advanced for that purpose, or lent or advanced at the time of such gaming, playing, beting, laying, or adventuring, shall be void, and every conveyance or lease of land, tenement and hereditaments sold, demised or mortgaged, and every sale, mortgage or other transfer of slaves, or other personal estate, to any person, or for his use to satisfy or secure money so won, lent, or advanced, on due proof thereof made before any jurisdiction having cognizance thereof, shall be and is hereby declared void.

Sec. 2. *Be it enacted*, That if any person or persons, after the first day of May next, shall encourage or promote any match or matches, or shall play in any match or matches, at cards, dice, billiards or any other game of hazard, or address, for money or other valuable thing, every such person so offending, shall upon conviction thereof, before any justice of the peace of the county wherein such offence

As when to  
be in force.

Penalty on  
playing at  
certain  
games.



shall have been committed, forfeit and pay the sum of five dollars for every such offence; and if any person or persons shall enter, start, or run any horse, mare or gelding, for any plate, prize, wager, bet, sum of money, or other valuable thing, every such person so offending, shall upon conviction thereof as aforesaid, forfeit and pay the sum of twenty dollars for every such offence.

Sec. 3. And whereas games of address, hazard, horse racing, and all other kinds of gaming, are frequently promoted and held at or near to taverns, or other public houses, as well licenced as tipling houses, and the houses of persons who retail spirituous liquors or other strong drinks: *Therefore be it enacted*, That if any tavern keeper, public house keeper, keeper of a tipling house, or other retailer of wine, spirituous, or other strong drink, shall incite, promote, or encourage any games of address, hazard, horse racing or any other gaming whatsoever, whereat any money or other valuable thing shall be betted, staked, striven for, won or lost, or shall knowingly furnish any wine, spirituous or other strong drink, to any of the persons who shall be attending upon any game of address, hazard, horse racing or any other gaming whatsoever, who shall be legally thereof convicted before

Tavern-  
keepers  
prohibited

any justice of the peace as aforesaid, shall forfeit and pay for every such offence the sum of ten dollars; and if such convict be a licenced public house keeper, or retailer of wine, spirituous or other strong drink, the licence of such person shall be thereupon null and void, and such offender shall be incapable of being again licenced in like manner for one year thereafter. *Provided always*, That where Proviso. any such licenced public house keeper or retailer as aforesaid, who shall be convicted as aforesaid, before any one justice or justices, shall think him or herself aggrieved by such conviction, it shall and may be lawful for such licenced public house keeper or retailer, to appeal to the next county court wherein such offence was committed (and not after) which said court shall proceed thereupon, as in all other appeals from justices of the peace.

Sec. 4. *Be it enacted*, That if any person or persons shall lose any money or other valuable thing, at or upon any game of address or of hazard, or on horse-racing, or on any other play or game whatever, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying, or delivering the same, shall have a right within ninety days then next or thereafter to sue

Money  
staked, &c.  
may be re-  
covered.



for and recover the money or goods so lost and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt or case, for the value of the money or thing so lost, founded on this act, to be prosecuted in any court of record having cognizance thereof, or before any justice of the peace, if the sum so won is under twenty dollars, subject, nevertheless, to an appeal as in all other cases, and in which action it shall be sufficient for the plaintiff or plaintiffs to alledge that the defendant or defendants is or are indebted to him, her or them, or hath or have received to his, her or their use, the money so lost and paid, or converted the goods won of him, her or them to the use of the defendant or defendants, whereby the action of the plaintiff or plaintiffs accrued to him, her or them, according to the form of this act.

Penalty for  
suing in  
certain cases

Sec. 5. *Be it enacted*, That any person instituting a suit before any justice of the peace, or in any court of record within this state, for the recovery of money won, lent or advanced at any species of gaming whatsoever, on due proof being made thereof, shall forfeit and pay the sum of one hundred dollars, recoverable in any court having cognizance thereof, one half to him who will sue for the same,

the other half to the county wherein such cause shall originate.

Sec. 6. *Be it enacted*, That every act or parts of acts, coming within the per-view and meaning of this act, is hereby repealed and declared void. Repealing  
clause.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

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C H A P. IX.

*An ACT to prevent the wilful and malicious killing of Slaves.*

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That if any person or persons shall wilfully or maliciously, with malice aforethought, kill any negro or mulatto slave whatsoever, on due and legal conviction thereof, in any superior court of the district wherein such offence shall have been committed, be deemed guilty of murder, as if such person, so killed, had been a free man, and shall suffer death without benefit of clergy, any law, usage or custom to the contrary notwithstanding.

Murder of a  
slave punish-  
ed with  
death.



Goods and  
chattels lia-  
ble for the  
payment of  
murdered  
slaves.

Proviso.

Sec. 2. *Be it enacted*, That if the slave so killed shall be the property of another, and not of the offender, his goods, chattel, lands and tenements, on conviction thereof, shall be liable to the payment of the value of such slave so killed, to be assessed by a jury of the county wherein such slave shall have been killed. *Provided always*, That this act shall not extend to any person killing any slave outlawed by virtue of any act of the General Assembly of this state, or to any slave in the act of resistance to his lawful owner or master, or to any slave dying under moderate correction.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.

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CHAP. X.

*An ACT respecting the road as stipulated for by the treaty of Holston.*

Preamble.

**W**HEREAS by the treaty of Holston, made and entered into on the second day of July, one thousand seven hundred and ninety one, between the United States and the Cherokees, by the fifth article thereof it is stipulated and agreed, that the citizens and

inhabitants of the United States shall have the free and unmolested use of a road from Washington district to Mero district, whereby a power became vested in the United States to mark out and open a road for the use and benefit of their citizens, through the lands claimed by the Cherokees, the levellest and most direct way, having regard to the most convenient passage of mountains, and fords of rivers: And whereas the road at present in use through the Cherokee country was not opened or marked by the authority of the United States, but came into use by one traveller first picking out a way for himself through the wilderness, and others following his track: And whereas the said road is neither the most direct nor the most level, nor free and unmolested to the citizens of the United States, inasmuch as one of the contracting parties, the Cherokees, exact and receive to their use a toll upon all travellers crossing the river Clinch, which forms a part of the said road, in violation of the stipulation of the said article: And whereas this General Assembly cannot doubt but the United States will, in this particular, as well as all others, cause their treaties to be executed in good faith, to the benefit of their citizens, when the particular circumstances as above recited shall be made known: Now, to the end that the violation and the non execution

E



of the said article may be made known, and  
and the execution thereof enforced :

Duty of the  
Governor.

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That it shall be the duty of the Governor to lay before the President of the United States, through the Senators and Representative of this state in Congress, a copy of this act, and request him to appoint persons well acquainted with the country claimed by the Cherokees, separating the districts of Washington and Mero, to mark out the road stipulated for by the said fifth article of the treaty of Holston, the levellest way through the said country, paying as much regard to distance as shall accord with the convenience of passing the water courses at fords, and the mountains at the gaps most easy of ascent.

Commrs  
appointed.

Who shall  
clear the  
road,

And lay a  
tax.

Sec. 2. *Be it enacted*, That so soon as the President of the United States shall have caused the said road, as stipulated for by the fifth article of the treaty of Holston, to be so marked out, that William Walton, William Martin, both of Smith county, and Robert Koyle, of Hawkins county, be, and are hereby appointed commissioners, who, or a majority of them, are authorized to have the same cleared out at the cost and expence of the state, and having completed it fit for travelling, agreeably to the laws in force and use respecting roads generally in this state, to cause to be collected a toll thereon, first for the purpose of repaying to the state the sum expended in clearing and completing it, and after for the purpose of

raising a fund for keeping it in repair, namely, upon every waggon, team and load, seventy-five cents; upon a four wheeled carriage for the conveyance of people, and the people and horses, one dollar and fifty cents; upon every chair, horse and rider, seventy five cents; upon every man and horse, twelve and one half cents; upon every slave between the age of twelve and fifty years, six and one fourth cents; upon every led or loose horse, six and one fourth cents; upon every cart, team and load, thirty seven and one half cents.

Sec. 3. *Be it enacted*, That the said commissioners, or a majority of them, be authorized to draw upon the treasurers, or either of them, for a sum not exceeding one thousand dollars, for the purpose aforesaid, who are directed to pay their drafts, and take their bond for the sum of two thousand dollars, payable to the governor for the time being, and his successors in office, conditioned to be void on their faithfully accounting for said monie, at the stated meeting of the General Assembly next ensuing the passing of this act; and it shall be their duty to settle at each and every stated session of the General Assembly, until said road shall be completed; and they shall then be allowed a reasonable compensation for their services; and in case of death or refusal to act of either of said commissioners, the Governor for the time being, shall appoint another in the room of him so dead or refusing to act, who shall have the same power and authority, and be under the same restrictions that he was in whole

Commrs to  
draw on the  
treasurers.

Treasurers  
to take  
their bonds.



room and stead he was appointed, had or could have by virtue of this act.

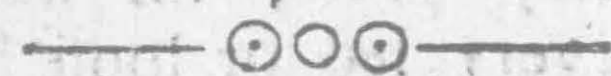
WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



C H A P. XI.

*An ACT to amend the laws now in force, prescribing the mode of making partition of lands.*

Manner of  
presenting  
petition.

Sec 1. **B**E it enacted by the General Assembly of the State of Tennessee, that where any person or persons now do, or hereafter shall hold any lands, tenements or hereditaments, in fee simple, or for a less estate, as tenant or tenants in common, or as joint tenants, or in coparcenary, or other undivided estate, and any one or more of such tenant or tenants in common, joint tenant, or tenant by coparcenary or otherwise, is desirous of dividing and making partition of the same, so as to hold his or their share therein divided and in severalty, that such person or persons being so desirous of making

such partition and division, shall, previous to his or their presenting a petition for that purpose, to any court having jurisdiction thereof, advertise and publish such his or their intention, three different times at least, in some one of the newspapers printed within this state, or shall cause to be served on every person therein concerned, a notice in writing, at least ten days previous to the time of presenting such petition, stating the time intended for presenting it, and the court to which such petition is to be presented: And no petition shall be presented for the purpose aforesaid, until six months after such publication, or in case of a service of notice, ten days after such service.

Sec. 2. *Be it enacted*, That such publication of notice shall be considered as sufficient information to all persons concerned in such lands and tenements, as tenants in manner aforesaid; and a partition made in consequence thereof, shall be forever binding on all and every person or persons, who shall or may have claim or title to any such lands or parts thereof, as tenant in common, joint tenant, or tenant in coparcenary, or other undivided estate.

Notice to be  
binding, &c.

Sec. 3. *Be it enacted*, That all laws and parts of laws heretofore made, or in force within this state, directing or ap-

Repealing  
in clause.



pointing the mode of making partition or division into severalty of any undivided interest, in any estate real, in fee simple, or otherwise, are hereby repealed and made void, except one law, passed by the state of North Carolina, in the year one thousand seven hundred and eighty seven, entitled, "An act authorising and empowering the county courts of pleas and quarter sessions to divide and appropriate the real estates or intestates," and also one other act passed by the state of North-Carolina, in the year 1789, entitled "An act to amend and enlarge an act, passed at Tarborough in the year one thousand seven hundred and eighty seven, entitled 'An act authorising and empowering the county court of pleas and quarter sessions to divide and appropriate the real estate of intestates, which two last mentioned laws are hereby declared to be in full force, except as herein altered or amended.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

C H A P. XII.

*An ACT for the limitation of writs of error.*

Sec. 1. **B**E it enabled by the General Assembly of the state of Tennessee, That no writ of error shall be granted or allowed, to reverse any judgment or decree of any court in this state, unless the same be sued for within two years from the ratification of this act, or within two years next after the judgment or decree shall have been rendered or given as aforesaid, any law to the contrary notwithstanding. *Provided nevertheless*, that infants, feme coverts, persons *non compos mentes*, imprisoned, beyond seas, or persons in the military service of the United States, may prosecute writs of error, so as the same be sued for within two years next after their coming to full age, discovery, sound mind, at large, returned from beyond seas, or discharged from the military service of the United States, in the same manner as persons having no such impediment, might have done.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



## CHAP. XIII.

*An ACT to annex part of Montgomery county to Robertson county.*

Sec 1. **B**E it enacted by the General Assembly of the State of Tennessee, that from and after the passing of this act, the bounds of Robertson county shall be as follows, viz —

Bounds of  
Robertson  
county de-  
scribed.

Beginning at the upper end of the first bluff above James M. Farland's, on Red river, near to Allen's cabins, running from thence a direct course to the Sulphur Fork, one quarter of a mile below Elias Fort's, thence a direct course so as to leave the plantation whereon Colonel James Ford lives in Montgomery county, and the plantation whereon Major John Baker lives, in Robertson county, and to strike the road leading from Davidson's ferry, to Robertson court house, one quarter of a mile east of captain James Hollis's, thence a direct course to the mouth of Big Brush creek, which empties into Cumberland river near colonel John Hogan's, thence continuing the same course to the Indian boundary line, thence running eastwardly with said Indian boundary line to Davidson county line, thence north with said Davidson county line to the mouth of Sycamore

creek, thence up said Sycamore creek, with the Davidson county line, to the Sumner county line, thence with the extreme height of the ridge, eastwardly to the Kentucky road leading from Nashville, thence northwardly with said road to the Kentucky state line, thence west with said line to such place as a south-east course, leaving Joseph French in the lower county, will strike the beginning.

Sec. 2. *Be it enacted*, That nothing in this act contained, shall be so construed as to prevent the sheriff or collector of the state taxes of the county of Montgomery from collecting the same within the limits of that part of Robertson county which was taken from Montgomery, which are at this time in arrearages, in the same manner as if this act had not been passed; and the sheriff, collector, or treasurer, as the case may be, shall be bound to refund, when called on, all the monies they may have received, as county monies, for the year one thousand seven hundred and ninety nine, unto those citizens which live in that part of Montgomery county, which is by this act annexed to Robertson county.

Certain taxes how to be collected.

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

Repealing clause.



null and void, any thing to the contrary notwithstanding.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.

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C H A P. XIV.

*An ACT to amend the law now in force in this state, for selling lands under execution.*

Preamble.

**W**HEREAS great injuries may arise, and insecurity in land titles be produced from the present mode in use, of selling lands under execution, and such sales may be so secretly and clandestinely conducted, that real estates may be sold without any regard to their value, and fair claimants may be defrauded out of their just rights by judgments and executions which have long lain dormant : For remedy whereof

Manner of  
selling land  
under exe-  
cution.

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That in every sale hereafter made of any lands or tenements, under any execution here-

after issued and levied, or to be issued and levied on such land and tenements, where the defendant is in actual possession and occupation of the land so executed, it shall be the duty of the sheriff or coroner levying such execution, to serve the defendant with written notice, stating that the said execution is levied on the said land, and mentioning the time and place appointed or to be appointed for the sale thereof, at least twenty days previous thereto, and in every case where the defendant or defendants in execution are not in actual possession or occupation of such land and tenements as shall be so executed, it shall be the duty of the sheriff or coroner to whose hands such execution shall come, to advertise and publish, at least three different times, in some newspaper printed within this state, the tract or tracts of lands and tenements on which he may have levied such execution, the first of which publication shall be made at least sixty days previous to the sale of such lands and tenements, and shall mention the name of the plaintiff and defendant, and describe the said lands and tenements particularly, and mention the time and place appointed for the sale thereof, and the cost of such publication shall be recovered and paid out of the



sale of such land, or satisfied by the defendant.

Lands under execution how to be sold.

Sec. 2. *Be it enacted*, That no execution on lands shall be levied, or sale of lands or tenements under execution shall be made, which may affect the titles of any person purchasing *bona fide* from, through, or under a defendant in any judgment, unless such execution shall be issued and levied on such land, and sale thereof be made in twelve months from the time of the said judgment being rendered; and every sale of land or tenements under execution, made contrary to the provisions of this act, shall be null and void to all intents and purposes. *Provided always*, that nothing herein contained shall be construed to effect the laws now in force, directing the sales of lands for the payment of taxes or levies.

Lands may be divided.

Sec. 3. *Be it enacted*, That in all cases where an execution shall be levied on any lands and tenements, it shall and may be lawful for the defendant in execution, to divide the lands and tenements executed or levied on, into such divisions as he shall judge proper; and on the day of sale, if the execution be not previously satisfied, to sell such lands or tenements, a division at such a time according to the plan of division delivered to him by the defendant in execution, until said execu-

tion with costs of sale is fully satisfied and paid, and no more: *Provided*, That *Provide* if the defendant in execution shall not deliver to the sheriff or coroner, a plan of division subscribed with his proper name, and bearing some date subsequent to the date of the advertisement, previous to the day of sale, or on the day of sale, at or before twelve o'clock, that it shall be the duty of the sheriff or coroner to sell the lands so executed, without any division.

Sec. 4. *Be it enacted*, That this act shall not be in force and use until the first day of February next. *Act when to be in force.*

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

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## CHAP. XV.

*An ACT authorizing the inhabitants North of Clinch river, in Grainger county, to hold separate elections and general musters at such place as therein mentioned.*

**WHEREAS** the mountainous situation and large bounds of the county of Grain- *Preamble.*



ger renders it inconvenient for the citizens north of Clinch river, to attend the court-house or place of holding courts in said county: For remedy whereof

Elections  
where to be  
held.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, that from and after the passing of this act, it shall and may be lawful for the inhabitants of Grainger, north of Clinch river, to meet and hold elections for governor, members of the general assembly, and a representative or representatives to the Congress of the United States, at the house of George Yokin.

Duty of  
sheriffs, &c.

Sec. 2. *Be it enacted*, That it shall be lawful for the coroner, or deputy sheriff of the county of Grainger, to open and hold an election at the house aforesaid, for the purpose of electing a governor, representative or representatives to the Congress of the United States and members of the general assembly of this state, on the days pointed out by the constitution and laws of this state, and subject to the rules and restrictions therein prescribed, and receive the ballots of the persons entitled to vote in said bounds, under the rules and restrictions as is for holding elections in this state, and the ballots so taken and sealed up and transmitted to the court-house, or place of holding court in said county, on the succeeding day of

said election, under the direction of the coroner or deputy sheriff, which ballots, so taken, shall be counted out by the sheriff holding said election, at the court-house or place of holding court, and are hereby declared to be a part of the election of said county of Grainger, any law to the contrary notwithstanding.

Sec. 3. *Be it enacted*, That no citizen living north of Clinch river shall be entitled to vote at the court house or place of holding courts in said county, under the penalty of ten dollars, nor no citizen living south of Clinch river, shall be entitled to vote at any other place than at the court house or place of holding courts in said county, under the like penalty.

Citizens  
where to  
vote.

Sec. 4. *Be it enacted*, That the inhabitants aforesaid, from and after the passing of this act, shall hold general musters at the place herein appointed for holding elections, on the days appointed by law for holding general musters; and it shall be the duty of the commanding officer of said county to appoint and notify one of the majors to attend said musters by this act directed.

General  
musters to  
be held.

Sec. 5. *Be it enacted*, That it shall and may be lawful for any five or more of the commissioned officers attending each

Courts  
martial to  
be held.



Proviso.

and every general muster north of said river, to hold a court martial on the day next succeeding the general musters, and the major attending them shall preside over the same : *Provided*, That the right of appeal to a regimental court martial of the county of Grainger, shall be had by the person aggrieved, within six months after such sentence being passed ; and the person aggrieved shall make application to the major commanding the battalion, for a transcript of the cause of the fine, which the judge advocate shall make out and attest the same, and deliver to the major commanding, who shall deliver to the colonel commandant, whose duty it shall be to have the appeal tried the first regimental court martial held for said county.

Musters  
how to be  
held.

Sec. 6. *Be it enacted*, That the general musters and courts martial directed to be held by this act, shall be held under the same rules and restrictions as are by law directed for holding general musters and courts martial within the several counties in this state ; and it shall be the duty of the major attending the same, to receive the company returns, and transmit them to the commanding officer of the county as soon as may be.

Sec. 7. *Be it enacted*, That this act

shall be in force from and after the passing thereof.

WILLIAM DICKSON,  
*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 26, 1799.



## C H A P. XVI.

*An ACT to amend an act, entitled " An Preamble  
act to ascertain what property in this state  
shall be deemed taxable, and the mode of  
collecting, accounting for and paying pub-  
lic taxes," passed at Knoxville, on the  
twenty fifth day of October, one thousand  
seven hundred and ninety seven.*

Sec. 1. **B**E it enacted by the General Assem- Insolvencies  
how ac-  
counted for.  
bly of the state of Tennessee, That from and after the passing of this act, no sheriff or collector of public taxes shall obtain and receive a credit with the treasurer of his district, for any insolvencies or deficiencies of payments in the collections of the public taxes in his county, without first making oath in open court, that the list of insolvents by him exhibited, is just and true to the best of his

G



knowledge, and that he had used all legal ways and means in his power to collect the taxes contained in the said list, from the time he received the tax list of his county from the clerk thereof, and that he could not find any property to enable him to collect the said taxes; and on such oath being made, the court of the county in which such sheriff or collector resides, shall order their clerk to certify to the public treasurer, that they have allowed the collector of the public taxes in their county, a credit for the amount of the list so exhibited and sworn to, or such part thereof as the court shall deem reasonable and just, plainly distinguishing the year for which the credit is to be allowed.

Treasurers  
to enter up  
judgment.

Sec. 2. *Be it enacted*, That it shall and may be lawful, from and after the passing of this act, for the public treasurers to enter up judgments against all delinquent collectors of public taxes and their securities, in the superior court for the district in which the treasury is kept, and executions shall issue in manner heretofore prescribed by law.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

CHAP. XVII.

*An ACT to preserve order in conducting elections.*

**B**E it enacted by the General Assembly of the State of Tennessee, That if any person or persons shall by force or violence break up any election, by assaulting the officers thereof, depriving them of the ballot box, or using other forcible or violent means to prevent an election from being fairly and legally conducted, such person or persons, his or their aiders and abettors, shall be adjudged guilty of a misdemeanor, and upon conviction shall suffer three months confinement in goal, there to remain without bail or mainprize, and until he pays such fine as the court before whom such conviction is made, shall judge proper; *Provided*, it shall not exceed fifty dollars, and all costs and charges.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



( 52 )  
C H A P. XVIII.

An ACT granting to citizens of Knox county the privilege of holding separate general musters.

Musters  
where to be  
held.

Sec 1. **B**E it enacted by the General Assembly of the State of Tennessee, that the different companies south of Clinch river, below Captains Gamble's and Hendrick's companies, shall for their convenience, hold general musters and courts martial at the house of David Miller, on the days prescribed by law, which court is hereby authorized to appoint a judge advocate, who shall be under the same restrictions as other judge advocates in this state, to divide and lay off companies, agreeably to an act of assembly in that case made and provided, and try and determine all matters and things coming before them in as full and ample manner as a regimental court martial could do, and that all fines assessed, shall be collected by warrant from the field officer presiding at the said courts martial, and disposed of in the same manner, as is by law directed.

Duty of the  
second major.

Sec. 2. *Be it enacted*, That it shall be the duty of the second major of the Knox regiment to attend the said musters and courts martial, and he is hereby

( 53 )

required to issue writs of election where vacancies may happen, and also to require the captains within said bounds to make returns to him of the strength and condition of their respective companies, and shall transmit the same as soon as may to the colonel commandant of said regiment.

Sec. 3. *Be it enacted*, That the companies of Captains Grills, Butler, Jeoffery, Lowe and England shall hold general musters and courts martial on the last Thursdays of April and October every year at the house of Nathan Aldridge, which court shall have power to appoint a judge advocate, who shall be under the same restrictions as other judge advocates in this state, and also to divide and lay off companies, agreeably to an act of assembly in that case made and provided, and try and determine all matters and things coming before them, in as full and ample manner as a regimental court martial could do, and that all fines assessed, shall be collected and disposed of in the same manner as is by law directed.

Musters  
when and  
where to be  
held.

Sec. 4. *Be it enacted*, That it shall be the duty of the colonel commandant and first major of the Knox regiment, to attend at said musters and courts martial.

Duty of the  
Colonel and  
first major.



Act when to  
be in force.

Sec. 5. *Be it enacted* That this act shall be in force from and after the first day of January next.

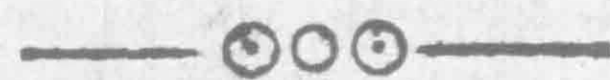
WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



## C H A P. XIX.

### *An ACT concerning divorces.*

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That where a marriage hath heretofore, or may be hereafter contracted and celebrated between any two persons, and it shall be adjudged in the manner herein after mentioned, that either party at the time of the contract was, and still is naturally impotent, and incapable of procreation, or that he or she hath knowingly entered into a second marriage, in violation of a previous vow made to a former wife or husband, whole marriage is still subsisting, or that either of them hath been guilty of acts and deeds inconsistent with the matrimo-

In case of  
impotency,  
&c mar-  
riage may  
be dissolved.

nial vow, by adultery, or wilful and malicious desertion or absence without a reasonable cause, for the space of two years, in every such case it shall and may be lawful for the innocent and injured person to obtain a divorce from the bond of matrimony.

Sec. 2. *Be it enacted*, That if any person hath been or shall be injured in any of the ways above mentioned, the husband in his own proper person, or the wife by her next friend, may exhibit his or her petition to the judge or judges of the superior court, in or out of term time, setting forth therein particularly and specially the causes of his or her complaint, and shall, together with such petition, also exhibit an affidavit, taken on oath or affirmation before one of the said judges, or some justice of the peace within the county in which he or she resides, that the facts contained in said petition are true, to the best of his or her knowledge and belief, and that said complaint is not made out of levity, or by collusion between husband and wife, and for the mere purpose of being freed and separated from each other, but in sincerity and truth, for the causes mentioned in said petition; and thereupon a subpoena shall issue from said court, signed by the clerk thereof, directed to the person

Petitions  
how to be  
presented, &  
acted upon  
by the  
court.



so complained against, commanding him or her to appear at the next superior court to answer said petition, and upon due proof upon the return of said process, that a copy thereof was served, either personally on the said party, and the original shewn to him or her, under the seal of the court, or that he or she could not be found, and that a copy thereof was left at his or her usual or last abode, at least fifteen days before the day of said return inclusive, if he or she shall refuse or neglect to appear, then an alias subpoena shall issue, returnable the first day of the next term, and be served personally in manner aforesaid; but if he or she cannot be found, then proclamation shall be made publicly by the sheriff on three several days at the court house, during term time, for the party to appear and answer as commanded by subpoena, and that notice be also given in some of the public news papers in the state, for four successive weeks previous to the return day of said process, and in the mean time the said court shall make preparatory rules and orders in the cause, that the same may be brought to issue, or a hearing at the second term, when the court may determine the same *ex parte*, if necessary. But if the defendant shall appear and answer agreeably to the rules of the court,

and either of the parties shall desire any matter of fact that is affirmed by the one and denied by the other, to be tried by a jury, the same shall be so tried in said court.

Sec. 3. *Be it enacted*, That if any husband or wife upon a false rumour, apparently well founded, of the death of the other (where such person has been absent for the space of two whole years) hath married, or shall marry again, he or she shall not be subject to the pains of adultery, but it shall be at the election of the party remaining single, at his or her return, to insist to have his or her former husband or wife restored, or to have his or her own marriage dissolved, and the other party to remain with the second husband or wife; and in any suit or action instituted for this purpose, within one year after such return, the court shall sentence and decree accordingly.

Certain  
marriages  
how to be  
annulled,  
&c.

Sec. 4. *Be it enacted*, That in any action or suit commenced for a divorce in said court, for the cause of adultery, if the defendant shall allege and prove that the plaintiff has been guilty of the like crime, or has admitted the defendant into conjugal society and embraces, after he or she knew of the criminal fact, or that the said plaintiff (if the husband) allowed of the wife's prostitutions and

Participati-  
on of plain-  
tiff in the  
same crime  
may be giv-  
en in evi-  
dence by  
defendants



received hire for them, or exposed his wife to lewd company, whereby she became ensnared to the crime aforesaid, it shall be good defence, and a perpetual bar against the same.

Manner of making up decrees.

Sec. 5. *Be it enacted*, That it shall and may be lawful for the superior court, after hearing the cause commenced before them, by virtue of this act, to determine the same as to law and justice shall appertain, by either dismissing the petition, or sentencing and decreeing a divorce and separation from the nuptial ties, or bonds of matrimony, or that the marriage is null and void, agreeably to the prayer thereof. And after such sentence nullifying or dissolving the marriage, all and every the duties, rights and claims accruing to either of the said parties, at any time theretofore, in pursuance of said marriage, shall cease and determine, and the said parties shall severally be at liberty to marry again, in like manner as if they had never been married: *Provided always nevertheless*, that he or she who hath been guilty of adultery, shall not marry the person with whom the said crime was committed, during the life of the former husband or wife: *Provided also*, that nothing herein contained, shall be construed to extend to, or affect, or ren-

Proviso.

der illegitimate any children born of the body of the wife during coverture.

Sec. 6. *Be it enacted*, That when any woman shall be divorced as aforesaid, and shall afterwards openly cohabit at bed and board with the person named in the petition, or proved to be the partaker in her crime, she shall not, and she is hereby declared to be incapable to alienate, directly or indirectly, any of her lands, tenements, or hereditaments; but that all deeds, wills, appointments, and conveyances thereof shall be absolutely void and of no effect; and after her death, the same shall descend and be subject to distribution in like manner as if she had died seized thereof in testate.

A woman cannot alienate her property if she cohabits, &c.

Sec. 7. *Be it enacted*, That no person shall be entitled to a divorce from the bond of matrimony by virtue of this act, who is not a citizen of this state, and who has not resided therein at least one whole year previous to filing his or her petition. This act to extend to citizens only.

Sec. 8. *Be it enacted*, That the court shall award costs to the party in whose behalf the sentence or decree shall pass, or that each party shall pay his or her own costs, as to them shall appear reasonable and just. Costs how to be paid.

Sec. 9. *Be it enacted*, That if any husband shall maliciously abandon or turn his wife out of doors, or by cruel or barbarous treatment endanger her life, or offer such indignities to her person as to render her condition intolerable, and thereby force her to withdraw, it shall be lawful for the court, upon due proof thereof, in manner aforesaid, upon the first or any subsequent term, to grant the wife a di-

Alimony may be allowed in certain cases.



force from bed and board, and also to allow her such alimony as her husband's circumstances will admit of, so that it exceed not one third part of the annual profit or income of his estate, or occupation, or labour, which shall continue until a reconciliation take place, or the husband shall by his petition offer to cohabit with her again, and use her as a good husband ought to do. And then and in such case the court may suspend the aforesaid decree, or in case of her refusal to return and cohabit under the protection of the court, to discharge and annul the same at their discretion; and if he fail in performing said engagements, the former sentence or decree may be revived and enforced, and the arrears of the alimony ordered to be paid.

Court to  
cause pro-  
perty to be  
divided.

Sec. 10. *Be it enacted*, That it shall be the duty of the court on making up their decree, to decree to the wife so divorced, such part of the real and personal property as they shall think proper, consistent with the nature of the case, and shall appoint three freeholders, as commissioners, to make division accordingly, whose duty it shall be, without delay, to divide the same, which commissioners shall receive an adequate compensation for their services, to be paid by the party praying, at the discretion of the court.

Certain  
persons di-  
vorced.

Sec. 11. *Be it enacted*, That Mark Noble, of Robertson county, and his wife Caty, Thomas Buzby of Grainger county, and his wife Mary, and John Chis-

holm, late of Knoxville, and his wife Patty, be, and are hereby dissolved from the bonds of matrimony, to all intents and purposes; and it shall and may be lawful for either and every of the said parties again to marry, in the same manner as if neither of them had ever been married: *Provided*, nothing herein contained, shall be construed to bastardize the issue either of Mark Noble and Caty his wife, or Thomas Buzby and Mary his wife, or John Chisholm and Patty his wife.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

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C H A P. XX.

*An ACT for the punishment of horse-stealing.*

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That from and after the passing of this act, any person who shall be guilty of feloniously stealing, taking or carrying away any horse, mare, or

Horse Steal-  
ing punished  
with death.



gelding, shall, for such offence, suffer death without benefit of clergy.

Repealing  
clause.

Sec. 2. *Be it enacted*, That all laws, or parts of laws, which come within the perview or meaning of this act, are hereby declared null and void, any law, usage or custom to the contrary notwithstanding.

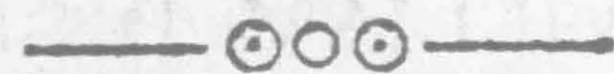
WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.



# CHAP. XXI.

*An ACT to suspend the second section of an act, entitled "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.*

**B**E it enacted by the General Assembly of the State of Tennessee, That the second section of the above recited act is suspended until the next stated general assembly.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

# CHAP. XXII.

*An ACT authorizing the inhabitants of Hawkins county, north west of Clinch mountain, to hold general musters at such time and place as therein mentioned.*

**W**HEREAS the mountainous situation of that part of Hawkins county, which lies north west of Clinch mountain, renders it inconvenient for the citizens thereof to attend general musters at the court house of said county: For remedy whereof

Preamble,

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, that it shall and may be lawful for the inhabitants north-west of Clinch mountain to hold general musters at the time and place by this act directed.

Separate general musters authorized.

Sec. 2. *Be it enacted*, That it shall be the duty of the colonel commandant of the regiment of said county of Hawkins to order one of the majors of the said regiment to attend each and every muster herein directed to be held; and it shall be farther the duty of said colonel to give to the said major so appointed, ten days notice of his appointment previous to said muster, who is hereby required to proceed and cause to be disciplined the mili-

Duty of the Colonel.



tia within the bounds aforesaid, in the manner as by law directed.

Penalty on  
the major.

Sec. 3. *Be it enacted*, That if the said major so appointed shall neglect or refuse to attend and perform the duties by this act required, he shall, on conviction before the regimental court martial of his county, forfeit and pay a sum not exceeding thirty dollars, to be collected, accounted for, and appropriated as other fines for similar offences.

Courts martial to be held.

Sec. 4. *Be it enacted*, That it shall and may be lawful for any six or more of the commissioned officers attending each muster by this act directed to be held, to hold courts martial on the day next succeeding such muster, and the major attending them shall preside over the same: *Provided*, that no sentence or decree of the said court martial shall be final, except the party cast shall agree thereto; but in all cases the right of appeal to the regimental court martial of the county of Hawkins shall be had.

Musters when and where to be held.

Sec. 5. *Be it enacted*, That the general musters and courts martial directed to be held by this act, shall be held on the third Friday in February and July annually, at the house of David Day; and shall be held under the same rules and regulations as are by law directed for holding general musters and courts mar-

tial within the several counties in this state; and it shall be the duty of the majors attending the same, to receive the company returns, and transmit them to the commanding officer of the county as soon as may be.

Sec. 6. *Be it enacted*, That this act shall be in force from and after the first day of December next. Act when to be in force.

WILLIAM DICKSON,

*Speaker of the House of Representatives,*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



C H A P. XXIII.

*An ACT giving original and concurrent jurisdiction to the superior courts of law, of all indictments for assaults and batteries committed during term time, and within the bounds therein mentioned.*

**B**E it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the superior courts throughout this state shall have original and concurrent jurisdiction with the county courts, of all indictments for assaults



and batteries committed, during the term of said courts, and within the bounds of said town wherein such superior courts are held, any law, usage or custom to the contrary notwithstanding.

WILLIAM DICKSON,  
*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,  
*Speaker of the Senate.*  
October 23, 1799.



C H A P. XXIV.

*An ACT to authorize the field officers of the county of Jefferson, to hold two separate general musters in each and every year, at the house of Major Robert M'Farland, to consist of the Captains Lane's, Dameron's, M'Donnell, and Vanshears's companies.*

**B**E it enacted by the General Assembly of the state of Tennessee, That from and after the passing of this act, it shall be the duty of the field officers of the county of Jefferson to hold two general musters in each and every year, at the house of Major Robert M'Farland, on the second Thursdays of May and November in each year, to consist of the following four companies, viz. Lane's, Da-

maron's, M'Donnell's, and Vanshears's, which musters shall be held and conducted by the field officers under the same rules and regulations as directed by the militia law of this state, and that the officers and men of the said companies be exempted from attending any other general muster in the said county.

WILLIAM DICKSON,  
*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,  
*Speaker of the Senate.*  
October 26, 1799.



C H A P. XXV.

*An ACT authorising constables to levy attachments for sums above the jurisdiction of a single magistrate.*

Sec 1. **B**E it enacted by the General Assembly of the State of Tennessee, that from and after the passing of this act, constables shall on all occasions have full power and authority to levy attachments where debtors are about to abscond or remove, so as to evade the ordinary process of law, and a true return thereof to make to the next county court, in as full and



ample a manner as sheriffs might or could do, any law, usage or custom to the contrary notwithstanding.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.

—○—  
C H A P. XXVI.

*An ACT to establish a town by the name of Kingston, on the lands of Robert King, near South West Point, in Knox county.*

**B**E it enacted by the General Assembly of the state of Tennessee, That a town be established on the lands of Robert King, near South West Point, in Knox county, to consist of fifty acres, to be laid out in convenient streets, lots, squares and commons, under the direction of David Miller, Alexander Carmichael, George Preston, John Smith, William L. Lovely, Merriweather Smith and Thomas N. Clark, who are hereby declared commissioners for laying out

and regulating the said town, which town shall be called and known by the name of Kingston.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.

—○—  
C H A P. XXVII.

*An ACT authorising the superior and county courts to make allowances for services herein mentioned.*

Sec 1. **B**E it enacted by the General Assembly of the State of Tennessee, that it shall be the duty of each court, on due proof being made of services done, or necessary expences incurred, in moving prisoners from any jail to the jail of such court, to examine such accounts, and make such reasonable allowances as they may think proper, and order the same to be paid out of the fines and forfeitures arising in said court.

Claims for removing prisoners to be allowed.

Sec. 2. *Be it enacted,* Where any gaoler has or may hereafter keep a prisoner or prisoners, who have been confined in any district or county goal, and the same has

Sustenance for prisoners to be paid for



been released by legal authority without payment of costs, the superior or county courts are hereby authorized to examine said claim or claims, and it just to issue a warrant to the county trustee to pay said compt.

WILLIAM DICKSON,

*Speaker of the House of Representatives,*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



C H A P. XXVIII.

*An ACT to prevent harbouring or trading with slaves.*

Penalty on trading with slaves.

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That if any citizen of this state shall trade with any slave, without a pass from his or her master, mistress, or overseer, expressing the time when, and the business for which they go, every person so offending shall for every such offence forfeit and pay to the owner of such slave the sum of ten dollars, recoverable by action of debt before any justice of the peace in the coun-

ty in which such offence shall be committed; and if any slave shall produce a forged pass or certificate, he or she so offending shall on conviction, suffer such corporal punishment as a justice of the peace shall think proper to inflict, not exceeding thirty nine lashes.

Sec. 2. *Be it enacted,* That if any person shall hereafter entice or persuade any servant or slave to absent him or herself from his or her owner's service, or shall harbour or maintain under any pretence whatever, any run away servant or slave, such person shall for every such offence forfeit and pay to the owner of such servant or slave, the sum of fifty dollars, to be recovered by action of debt, before any justice of the peace within the county where such offence shall be committed, and be further liable to said owner in an action of damages.

Penalty on harbouring slaves.

WILLIAM DICKSON,

*Speaker of the House of Representatives,*

ALEXANDER OUTLAW,

*Speaker of the Senate,*

October 26, 1799.



## C H A P. XXIX.

*An ACT appointing commissioners to fix on a place to build a court house, prison and stocks in the county of Grainger, and to lay off a town thereon.*

Commis-  
sioners ap-  
pointed.

Sec 1. **B**E it enacted by the General Assembly of the State of Tennessee That William Nall, Robert Patterson, William Clay, Phelps Reed, William Hankins, John Evans, of Panther Creek, and Ethan Davis, or a majority of them are hereby authorized to fix on a place in the county of Grainger, for the purpose of erecting a court house, prison and stocks as near the centre of said county as situation will admit of, having regard to the survey made by William Paine for that purpose.

And the better to enable the commissioners to carry this act into effect :

Court to  
lay a tax.

Sec. 2. *Be it enacted*, That the court of Grainger county shall lay a tax in the bounds of said survey made by William Paine, not exceeding twelve and an half cents on each white poll, between the age of twenty one and fifty years ; a tax not exceeding twenty-five cents on each black poll between the age of twelve and fifty years a tax not exceeding twelve and

an half cents on each hundred actes of land ; and a tax not exceeding twenty-five cents on each town lot, which tax shall not be laid more than three years, and shall be collected, accounted for, and paid into the hands of the said commissioners, at the same time, and under the same rules and restrictions as is observed in collecting, accounting for, and paying public taxes.

Sec. 3. *Be it enacted*, That the said commissioners are hereby authorized to purchase and lay off a town at the place whereon they may agree to fix the court-house, to consist of fifty lots, which shall be known by the name of Rutledge.

Town to be  
laid off.

Sec. 4. And for the due administration of justice, *Be it enacted*, That the said commissioners, before entering on the duties of their appointment, shall take an oath of affirmation to do equal justice to the citizens of the county of Grainger, to the best of their knowledge.

Comm'rs to  
take an  
oath, &c.

Sec. 5. *Be it enacted*, That all laws, or parts of laws, coming within the perview and meaning of this act, is hereby repealed and made void.

WILLIAM DICKSON,  
*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 26, 1799.

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## CHAP. XXX.

*An ACT to direct the manner in which the several clerks and masters of the courts of equity, clerks of the superior courts of law, clerks of the county courts, and the register of each and every county, shall settle with the treasurer of their respective districts, for the public taxes by them collected.*

*Certain fees to be taxed on suits, &c.*  
 Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the several clerks and masters of the courts of equity, the clerks of the superior courts of law, and the clerks of the several county courts, shall collect the following taxes for the use of the state, viz. On each suit in equity, two dollars and fifty cents; on each suit in a superior court of law, one dollar and twenty five cents; on each suit in a county court, sixty two and a half cents; on each appeal from an inferior to a superior court, or writs of certiorari, one dollar; on the probate or acknowledgment of each deed of conveyance for land at the rate of ten cents per hundred acres, except deeds for town lots, or part thereof, which shall be taxed twenty cents on each deed, which shall be paid at the time the probate or acknowledgment shall be made; and on each ordinary li-

cence five dollars, which shall be paid at the time licence is granted; and the taxes on proceedings in equity, and suits at law, shall be taxed in the executions, when the suits are determined.

Sec. 2. *Clerks to account for monies by them collected.*  
**B**E it enacted, That each of the before mentioned clerks shall return an account of the public taxes by him collected, plainly distinguishing the different suits, appeals, or writs of certiorari, probates or acknowledgments of deeds and ordinary licences, and annex thereto the amount of the taxes arising thereon, to the treasurer of their districts, on or before the first day of October in each and every year, and shall at the same time pay into the hands of the said treasurer the amount of the taxes by him collected, for which services each clerk shall be entitled to receive from the said treasurer two and a half per cent. on the amount of the taxes by him so collected and paid into the public treasury.

Sec. 3. *Registers to collect certain fees.*  
**B**E it enacted, That the register of each and every county, shall collect for the use of the state, at the rate of ten cents per hundred acres on the registration of each and every original grant, and the same on the registration of each deed of conveyance for land, except deeds for town lots or parts thereof, which shall be taxed twenty cents on each deed that hath or may hereafter be



acknowledged or proved before one or more of the judges of the superior courts of law and equity, or proved or acknowledged out of the limits of this state, and by law admitted to be registered within this state; and shall collect the said taxes at the time he receives the said grants and deeds of conveyance for the purpose of registering the same; and the register may receive as compensation for his services, on registering each deed of conveyance or grant, when but one tract of land is conveyed, or but one warrant ripened into a grant, fifty cents; and in like manner where more than one tract is conveyed in said deed or in said grant, then and in that case fifty cents on the first tract expressed in said deed or grant, and twelve and an half cents on each other tract or warrant so included.

Registers to account for monies by them received.

Sec. 4. *Be it enacted*, That the register of each county, shall, on or before the first day of October in each and every year, return an account of the public taxes by him collected, plainly distinguishing the grants and deeds of conveyance, and annex thereto the amount of the taxes arising thereon, to the public treasurer of his district, and at same time pay into the hands of the said treasurer the amount of the taxes by him so collected; for which services each register

shall be entitled to receive from the treasurer two and an half per cent. on the amount of the taxes by him so collected and paid into the public treasury.

Sec. 5. *Be it enacted*, That each clerk and register in this act mentioned, shall, <sup>Clerks, &c. to account on oath.</sup> previous to his rendering an account of the public taxes by him collected, take and subscribe the following oath, to wit.

*I A. B. do solemnly swear (or affirm as the case may be) that the annexed statement contains a just and true account of all the public taxes by me collected, which I am by law bound to pay into the public treasury of my district, up to*

*day of* <sup>which oath</sup> *shall be annexed to the account rendered, and filed therewith in the office of the treasurer.*

Sec. 6. *Be it enacted*, That if any clerk <sup>Penalty on</sup> and master in equity, clerk of a superior <sup>clerks, &c.</sup> court of law, clerk of a county court, or <sup>for neglecting to</sup> register of any county, shall at any time <sup>account.</sup> hereafter fail or neglect to render an account as herein before directed, of all public money by him collected under the authority of this act, or of any act or acts heretofore in use in this state, and pay the same to the treasurer within two months after the time herein before specified for



Bonds of  
clerks, &c.  
to be put in  
suit.

that purpose, in each year, he shall forfeit and pay the sum of fifty dollars for every such offence, to the use of the state, which, together with the costs of prosecution, may be recovered by presentment or indictment, in the superior court of the district in which such delinquent may reside, and such failure or neglect shall be deemed a misdemeanor in office, and such delinquent being thereof legally convicted, on presentment or indictment in the superior court of the district in which he resides, which shall be sufficient testimony upon impeachment to remove him from office, to which he shall not be again eligible for the term of ten years; and any clerk and master in equity, clerk of a superior court of law, clerk of a county court, or register of any county, failing or neglecting as aforesaid, he shall subject himself and his securities to an action on his bond, in the name of the governor for the time being, for the use of the state, to recover all such money as may remain in the hands of such delinquent, unaccounted for, together with twelve and an half per cent. interest from the time such money should have been paid to the treasurer, and the costs of suit; said action to be commenced in the superior court of the district, in which the office of the treasurer to whom such money should have been paid is kept.

Sec. 7. *Be it enacted, That this act* <sup>As when to</sup>  
<sup>be in force.</sup>  
shall be in force from and after the first day of January next.

WILLIAM DICKSON,  
*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 26, 1799.

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C H A P. XXXI.

*An ACT to empower the county court of Davidson to lay county taxes, and appropriate county monies.*

**B**E it enacted by the General Assembly of the state of Tennessee, That from and after the passing of this act, it shall be lawful for nine justices of the county court of Davidson to lay county taxes, and make all appropriations of county money hereafter to be made, any law to the contrary notwithstanding.

WILLIAM DICKSON,  
*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 26, 1799.



( 80 )  
C H A P. XXXII.

*An ACT to establish the town of Newport, in the county of Cocke, and for making valid a certain deed therein mentioned.*

Preamble.

**W**HEREAS by an act, entitled "An act to divide the county of Jefferson into two separate and distinct counties, commissioners were appointed to fix on and lay out a place the most suitable and convenient in said county, for the purpose of erecting a court house, prison and stocks : And whereas the said commissioners have fixed on a place as aforesaid, and John Gilliland having obligated himself to the said commissioners to appropriate fifty acres of land at the place aforesaid, for the purpose of laying out the town aforesaid ; and having conveyed to the said commissioners the said fifty acres of land above mentioned, for the purpose of erecting the aforesaid court house, prison and stocks, and laying out a town, to consist of half acre lots, with proper streets and allies ; and the said commissioners having laid out the said fifty acres of land into a town by the name of Newport :

**B**E it enacted by the General Assembly of the State of Tennessee, that the aforesaid fifty acres of land shall continue to be a town, agreeably to the plan of said commissioners, filed in the clerk's office of said

( 81 )

county of Cocke, by the name of Newport, and that the deed of conveyance made by the said John Gilliland, for the fifty acres of land aforesaid, shall be good and valid in law and equity, to said commissioners and their successors in office, for the purposes for which the said John Gilliland hath conveyed the same.

WILLIAM DICKSON,  
Speaker of the House of Representatives.  
ALEXANDER OUTLAW,  
Speaker of the Senate.

October 23, 1799.

C H A P. XXXIII.

*An ACT to establish a town in Williamson county, by the name of Franklin.*

**W**HEREAS Abraham Maury has laid off a town on his own land on Harpeth, and has prayed that a law may be passed for the establishment thereof :

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That said town shall be known and distinguished by the name of Franklin, and is hereby established agreeably to the present plan, a copy of which said Maury is hereby required to file in the clerk's office of the county of Williamson, within six months after the passing of this act.

Town of Franklin established.

L