

Commis-  
sioners ap-  
pointed.

Sec. 2. *Be it enacted*, That Abraham Maury, John Walthral, Joseph Porter, William Boyd, and David M'Ewing are hereby constituted and appointed commissioners for the regulation of the said town of Franklin, vested with full power and authority for that purpose. *Provided* they govern themselves by the original plan of said town.

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. XXXIV.

*An ACT appointing commissioners to contract for building a county court house and stocks in the town of Nashville.*

Preamble.

**W**HEREAS it would greatly conduce to the expedition of business in the court of Davidson county, to have a good and complete stone court house, with suitable stocks, erected in the town of Nashville.

Comm'rs  
appointed.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That John M'Nairy, Joseph Coleman, Robert Searcy, Joseph Phillips, and David M'Ga-

lock, be, and are hereby appointed commissioners to superintend the building said court house and stocks, and that they, or a majority of them, are hereby empowered and directed to proceed, as soon as may be, to let said buildings to the lowest bidder, having first advertised the same for sixty days at the court house in Nashville, setting forth the size and materials of which they are to be built, and when so let, to take bond with sufficient security, for the faithful performance thereof.

Sec. 2. *Be it enacted*, That the county court of Davidson, next ensuing the passing of this act, lay a tax 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 twenty five cents on each town lot, nor one dollar on each stud horse kept for covering mares, nor twenty five dollars on each billiard table, which said tax is to be continued from time to time, until said buildings are completed, for the purpose aforesaid; and the sheriff is hereby authorized and directed to collect and account with said commissioners, or a majority of them, for the same, under such restrictions and with such emoluments as he collects other taxes.

Court to  
lay a tax



Comm'rs to give bond. Sec. 3. *Be it enacted*, That the commissioners, before entering upon the duties of their appointment, shall give bond in the sum of three thousand dollars, payable to the chairman of the court, for the faithful appropriation and accounting for all monies by them received, and that they be allowed a moderate compensation for their services.

Old court-house to be sold. Sec. 4. *Be it enacted*, That the commissioners are hereby authorized and empowered to sell the old court house in Nashville, as soon as they may think proper, and the monies arising from said sale to be converted to the use of building a new one.

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. XXXV.

*An ACT to prevent the obstruction of the navigation of the rivers therein mentioned.*

**B**E it enacted by the General Assembly of the state of Tennessee, That the navigation of the rivers Holston,

Nolichucky, French Broad, Clinch, Little Pigeon, Big Pigeon and Powell's river, to where they intersect with the Tennessee, shall be and remain open and free.

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

Penalty on failing to comply with the above. Sec. 3. *Be it enacted*, That if any person or persons shall fail to comply with the above, he shall forfeit and pay for every such offence the sum of two hundred dollars, to be recovered before any jurisdiction having cognizance thereof, one half to him who will sue for the same, the other half to the county where such offence shall be committed.

No hedge &c. to be made in said rivers. Sec. 4. *Be it enacted*, That from and after the passing of this act, if any person or persons make or cause to be made, any hedges, cut or cause to be cut, any tree or trees in said rivers, whereby the navigation of said rivers shall be obstructed, he or they so offending, shall for every such offence, forfeit and pay the sum of two hundred dollars, to be recovered by action of debt before any jurisdiction having cognizance thereof, one



half to him who will sue for the same,  
the other half to the use of the county  
wherein such offence shall be committed.

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. XXXVI.

*An ACT to establish a town by the name of  
Haysborough, on a north bluff of Cumber-  
land river, in Davidson county.*

Sec. 1. **B**E it enacted by the General Assem-  
bly of the State of Tennessee, that  
a town be laid off on said bluff, agreeably  
to the plan heretofore made, which shall  
be known and distinguished by the name  
of Haysborough.

Sec. 2. *Be it enacted,* That from  
and after the passing of this act, Robert  
Hays, Simpson Harris, Thomas Harney,  
John Graves, and Samuel Harness, es-  
quires, be, and they and every of them  
are hereby constituted commissioners for  
the further designing, building and im-  
proving the said town; and they shall  
stand seized of an indefeasible estate in  
fee simple, of and in the land so to be  
laid off, to and for the uses and purposes

Haysboro'  
established.

Commis-  
sioners ap-  
pointed.

hereby expressed and declared; and the  
said commissioners, or a majority of them,  
shall make and execute deeds to such  
persons as shall become purchasers of any  
lot or lots in said town, at the cost and  
charges of the said grantee or gran-  
tees, which lot or lots, by virtue of said  
conveyance, shall be held to such pur-  
chaser or purchasers in fee simple, to his  
or their heirs and assigns forever.

Sec. 3. *Be it enacted,* That all mo- Purchase  
nies which shall arise from the disposal of money how  
the said lots of the said town by the com- to be dis-  
missioners, shall be received by them or posed of.

And for continuing of the succession  
of the said commissioners,

Sec. 4. *Be it enacted,* That in case Succession  
of death, refusal to act, or removal from of commis-  
office, of any of the said commissioners, sioners how  
the survivors, or a majority of them, shall to be per-  
petuated.



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

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.

C H A P. XXXVII.

*An ACT appointing commissioners to settle with persons heretofore appointed in the county of Washington, to contract for the public buildings, and the regulation of the town of Jonesborough.*

Comm'rs  
appointed

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That Isaac Depew, John M'Allister, jun. and Andrew Hannah, shall be appointed to call on all persons who have heretofore been appointed by law to regulate the town of Jonesborough, and contract and settle for the public buildings of the county of Washington, and a final settlement to make with the aforesaid commissioners, and shall make a fair statement

of all sums by them expended, to whom paid, and for what purposes, and shall return the same to the county court, which shall be entered on the records.

Sec. 2. *Be it enacted,* The better to enable the said commissioners to make and complete the aforesaid settlement, they are hereby empowered to call on all persons who may have any accounts respecting the aforesaid buildings, and the clerk of the aforesaid county shall lay before the aforesaid commissioners a fair statement of the amount of all taxes laid on the aforesaid county for the purpose of the public buildings, setting down the particular year, and the amount of the sum in each year.

Comm'rs  
may demand  
vouchers,  
&c.

Sec. 3. *Be it enacted,* That if any clerk, sheriff, or other person shall refuse or neglect, when called on, to furnish the commissioners with all papers and vouchers that they may think necessary, which is in their hands, shall forfeit and pay the sum of five hundred dollars, to be applied one half to the use of the county, the other half to the use of the person who will sue for the same.

Penalty on  
refusing to  
produce  
vouchers.

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. XXXVIII.

*An ACT to establish a town by the name of Dandridge, in Jefferson county.*

Preamble.

**W**HEREAS Francis Dean of the county of Jefferson, in the year one thousand seven hundred and ninety two, conveyed fifty acres of land to Alexander Outlaw, Hugh Kelsea, Jared Fitzgerald, Andrew Henderson, and George Doherty, as commissioners for erecting a court house, prison and stocks in, and for said county, to be laid out into a town for the benefit of the county: And whereas the said Alexander Outlaw, Hugh Kelsea, Jared Fitzgerald, Andrew Henderson and George Doherty have caused the said fifty acres of land to be laid out into a town by the name of Dandridge, and disposed of sundry of the lots according to the intention of the donor:

Dandridge established.

**Sec. 1.** **B**E it enacted by the General Assembly of the state of Tennessee, That the said fifty acres of land shall continue to be a town agreeably to the plan of the said Alexander Outlaw, Hugh Kelsea, Jared Fitzgerald, Andrew Henderson and George Doherty, by the name of Dandridge, and that the deed of conveyance from the said Francis Dean, to the said Alexander Outlaw, Hugh Kelsea, Jared Fitzgerald, Andrew Henderson and George Doherty, for the said fifty acres of land, although made without value received,

shall be good and valid in law to them and their successors, for the purpose for which the said Francis Dean conveyed the same.

And whereas Jared Fitzgerald, one of the above commissioners, hath removed from the county of Jefferson: And whereas it is requisite that his place should be supplied, and an additional number of commissioners be appointed:

**Sec. 2.** *Be it therefore enacted, That in addition to the said Alexander Outlaw, Hugh Kelsea, Andrew Henderson and George Doherty, who are hereby declared to be continued commissioners, James Doherty shall be a commissioner in the place and stead of Jared Fitzgerald, and Edward George be appointed in addition, with full power and authority, as commissioners, vested with the said fifty acres of land laid off as aforesaid, in a town, to regulate the said town, and dispose of such lots as have not already been sold, and apply the money arising from the sale, for the purposes for which the said fifty acres were originally given and conveyed by the said Francis Dean.*

Additional commissioners appointed.

**Sec. 3.** *Be it enacted, That the said Alexander Outlaw, Hugh Kelsea, Andrew Henderson, George Doherty, James Doherty and Edward George, commissioners as aforesaid, shall also be commissioners for completing and keeping in repair the court*

Who are to complete the court-house, &c.



house, prison and stocks of the said county of Jefferson, and be held accountable to the court of the said county, in the manner as other commissioners for erecting public buildings are held accountable for all monies by them received and expended.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

CHAP. XXXIX.

*An ACT authorising the county court of pleas and quarter sessions of the county of Cocke, to open a certain road therein mentioned.*

Preamble.

WHEREAS a road from or near the town of Newport, in the county of Cocke, to cross the mountains by the way of the old fields of Big Pigeon, into the state of Georgia, would not only be of considerable advantage to the inhabitants of said county, but would be of great convenience to persons passing from this state to the state of Georgia and South Carolina:

Commissioners to be appointed.

Sec. 1. BE it enacted by the General Assembly of the state of Tennessee, That it shall and may be lawful for the said

court of pleas and quarter sessions of the county of Cocke, to appoint from time to time, commissioners to mark and open a road from or near the town of Newport, in said county of Cocke, to cross the mountains by the way of the old fields of Pigeon, into the state of Georgia.

Sec. 2. Be it enacted, That it shall and may be lawful for said court, after the road is opened and fit for travellers to pass and repass, to establish and fix a turnpike on said road, at such place as the commissioners appointed to open said road, may deem proper.

Turnpike to be erected.

Sec. 2. And be it enacted, That when the turnpike shall be thus erected, the said court shall appoint and employ a proper person to keep said turnpike, who shall at the time of his appointment, enter into bond with approved security, to the court of said county, in the sum of two thousand dollars, for the faithful discharge of the duties required by this act, and also in open court to take and subscribe the following oath, to wit.—

Keeper to be employed.

I A. B. do solemnly swear that I will not exact, take, accept, or receive from any person or persons who may pass the turnpike I am employed to keep, any toll but what is pointed out by law, and that I will render a true account to this court, at such time as they shall appoint, of all the monies by me re-

His oath.



ceived by virtue of my appointment. So help me God.

Rates of  
tolls.

Sec. 4. *Be it enacted*, That the person employed as aforesaid, to keep said turnpike, may ask and receive from each and every person or persons who may pass said turnpike, the following sums, viz. — Waggon and team and load, seventy five cents; man and horse, twelve and half cents; footman, six and a fourth cents; Led horse six and a fourth cents; four wheel carriage of pleasure, team and load, one hundred and fifty cents; one chair horse and rider, seventy five cents; cart, team and load, thirty-seven and an half cents.

Tolls to be  
accounted  
for.

Sec. 5. *Be it enacted*, That the person so employed by the court to keep said turnpike as aforesaid, shall at such time as the said court may appoint, account for and pay into the hands of the clerk of said court all monies by him received by virtue of his said appointment, which monies shall be applied by the court to the keeping said road in repair.

Sec. 6. *Be it enacted*, That it shall be the duty of said clerk to keep on his docket a fair and just account of all the monies he may receive from the keeper of said turnpike, from time to time, and pay the same to the order of said court; and in case of failure, he shall forfeit and pay

double the sum he may have so received from the keeper of said turnpike, to be recovered by action of debt by the chairman of said court.

Sec. 7. *Be it enacted*, That the said clerk shall be entitled to receive for his services in receiving, keeping and paying out said monies, two and an half per cent. at each and every time the said court may call on him for a settlement, which he is hereby authorized to detain in his own hand.

Compensa-  
tion to the  
clerk.

Sec. 8. *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.

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C H A P. XL.

*An ACT to apportion the jurors to the different counties in the district of Mero.*

**B**E it enacted by the General Assembly of the State of Tennessee, that from and after the passing of this act, that Davidson county, shall send ten jurors, Sumner seven, Smith four, Wilson



four, Robertson five, Montgomery five, and Williamston five to the superior courts of Mero district, any law to the contrary notwithstanding.

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

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 26, 1799.



CHAP. LXI.

An ACT to amend the law respecting public roads and ferries.

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 several county courts in this state are hereby authorized and empowered to grant orders for the establishing of any ferry or ferries, or discontinue any ferry or ferries; also grant orders to lay out any road or roads, or discontinue any road or roads, when it shall be found right so to do: *Provided always,* That two thirds of the acting justices in said county be present when such ferry or ferries be established or discontinued, or such order granted for laying out any road or

County courts authorized to establish ferries and lay out roads.

roads, or discontinuing any road or roads.

Sec. 2. *Be it enacted,* That any ferry or ferries established or discontinued, or any order granted for laying out any road or roads, or discontinuing any road or roads, other than by this act directed, the same shall be null and void, any law, usage or custom to the contrary notwithstanding.

Regulations concerning ferries.

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

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 26, 1799.



CHAP. XLII.

An ACT to amend the militia law.

**W**HEREAS the law now in force and use doth not authorize but one company of cavalry in each county: And whereas there are two regiments of infantry in some of the counties in this state:

**B**E it enacted by the General Assembly of the state of Tennessee, That from and after the passing of this act, one company of cavalry shall be raised in each regiment of infantry in this state, under the same rules,

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regulations and restrictions, as the companies of cavalry are now raised.

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

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 26, 1799.

CHAP. XLIII.

*An ACT to prevent any justice of the peace from voting in his own election, for the office of clerk of the county court, sheriff, register, county trustee, or ranger.*

**B**E it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, it shall not be lawful for any justice of the peace being a candidate for the office of a county court clerk, sheriff, register, county trustee, or ranger of his own county, to vote or sit on the bench at such election, 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. XLIV.

*An ACT to suspend the operation of an act, entitled "An act for establishing offices for receiving entries of claims for all vacant lands within the several counties in this state, and ascertaining the method of obtaining titles to the same, passed at Knoxville, the fifth day of January, one thousand seven hundred and ninety nine."*

**B**E it enacted by the General Assembly of the State of Tennessee, that that the operation of an act, entitled "An act for establishing offices for receiving entries of claims for all vacant lands within the several counties in this state, and ascertaining the method of obtaining titles to the same, passed at Knoxville the fifth day of January, one thousand seven hundred and ninety nine, is hereby suspended until the end of the next stated session of the general assembly.

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

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.



*An ACT for the inspection of tobacco.*

Tobacco  
how to be  
packed.

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That no tobacco be exported from this state, except the same be packed in hogheads or casks, and inspected according to the directions of this act.

Inspections  
where to be  
established.

Sec. 2. *Be it enacted,* That public inspections shall be held for tobacco, at the places herein after mentioned, that is to say: Nashville, Waynsborough, and Hayfborough, in Davidson county, Cairo, and James Sanders's, in Sumner county; Bledsborough, in Smith county; Clarksville and Portroyal, in Montgomery county, Greeneville, in Greene county.

Inspectors  
to be ap-  
pointed.

Sec. 3. *Be it enacted,* That all tobacco which shall be brought to any of the above mentioned places, shall be viewed, inspected and examined by two persons, to be thereunto appointed in the following manner, that is to say: The courts of the several counties, wherein a place for public inspection may be established, are hereby required, once in every year or oftener if necessary, at their respective county courts, to appoint two fit and qualified persons for each place of public inspection.

Sec. 4. *Be it enacted,* That every person appointed inspector by virtue of this act, shall, before he enters upon the execution of his office, give bond, with good security, under the penalty of three thousand dollars, payable to the governor for the time being, and his successors, with condition for the true and faithful performance of his duty, according to the directions of this act, which said bond shall be deposited with the treasurer of the district. And every such inspector shall take the following oath at the time he gives the bond, that is to say:—

Inspection  
to  
give bond

*You shall swear, that you will diligently and carefully examine and view all tobacco brought to the place of inspection when you are appointed inspector, and that not separately and apart from your fellow, but in his presence; and that you will not receive or pass any tobacco that is not in your judgment sound, well conditioned, merchantable, and clear of trash, nor receive, pass or stamp any tobacco hogheads or casks of tobacco contrary to the true intent and meaning of this act, nor refuse any tobacco that, in your judgment is sound, well conditioned, merchantable and clear of trash: But that you will in all things faithfully discharge your duty as inspector of tobacco, according to the best of your skill and judgment, and according to the directions of this act, without fa-*

Their  
oath.



*vour, fear, affection or partiality. So help me God.*

*Duty of inspectors.* Sec. 5. *Be it enacted,* That it shall be the duty of said inspectors to attend at the place for which they shall be appointed, whenever they shall be desired so to do; and for every neglect to attend, shall forfeit and pay to the party grieved two dollars, or shall be liable to an action on the case at the suit of the party grieved, to recover all such damages as he or they shall have sustained, by occasion of any such neglect, together with his or their full costs, at the election of the party.

*Inspection on books to be kept, &c.* Sec. 6. *Be it enacted,* That all persons having tobacco at the public ware-houses, may have equal justice, the inspectors shall enter in a book to be kept for that purpose, the marks and owners' names of all tobacco brought to their respective ware-houses for inspection, as the same shall be brought in, and shall view and inspect the same in due turn, as it shall be entered in such books, without favour or partiality, and shall uncase and break every hoghead or cask of tobacco brought them to be inspected as aforesaid; and if they shall agree that the same is good, sound, well conditioned, merchantable, and clear of trash, then such tobacco shall be weighed in scales, with weights of lawful standard; and the hoghead or

cask, shall be stamped in the presence of the said inspectors, or one of them, with the name of the ware-house at which inspected, and also the tare of the hoghead or cask, and quantity of neat tobacco therein contained; and the inspectors at such ware-houses, shall issue a receipt for each hoghead of tobacco they shall pass, if required by the owner, which receipt shall be in the form following:

<i>River.</i>			<i>Warehouse.</i>	Form of the re-
the	day	17	RECEIVED of	
			hoghead of crop	
			tobacco, marks, numbers,	
Sweet scented	Oronoko		weights, and species as	
			per margin, to be deli-	
Loaf	Stemmed	Loaf	vered by us to the said	
			or his order, for	
			exportation, when demand-	
Marks. no. gross, tare, nett.			ed.	
			Witness our hands,	

And no inspector or inspectors, shall under any pretence whatsoever, issue a receipt for any tobacco other than such as shall be printed, in which the date shall



Inspe-  
tors' du-  
ty.

be inserted at full length. And if any inspector or inspectors, shall presume to issue a receipt in any other manner than is hereby expressed, he or they, for every such offence, shall forfeit and pay the sum of two hundred dollars, to be recovered with costs by any person who may sue for the same, in any court of record within this state, which receipts as aforesaid, shall be furnished by the inspectors. And the inspectors at each of the ware-houses established by this act, shall constantly keep so many able hands at their respective ware-houses, as the courts of the several counties wherein they lie, shall from time to time judge necessary and direct, for the purpose of taking care of all tobacco brought to such ware house, and stowing it away after the same shall be inspected and stamped. And no inspector shall, by himself, his servants; or any other person, either directly or indirectly, be concerned in picking any refused tobacco, unless it be his own property, on any pretence whatsoever, under the penalty of being forever thereafter disabled from holding the office of inspector.

Certain  
fees to  
be paid.

Sec. 7. *Be it enacted*, That for every hoghead of tobacco brought to any of the aforesaid ware-houses, which has been inspected agreeable to this act, then shall be paid to the inspectors attending at such

ware-houses, by the owner, at the time of demanding the same, the sum one dollar; and the owners of the tobacco shall find and provide nails sufficient for securing and nailing thereof. And where they shall fail so to do, the inspectors at such ware-house shall nails for the purpose aforesaid; and shall be allowed and paid by the owner, twenty-five cents for each hoghead so secured. And for restraining the undue practice of mixing trash with stemmed tobacco, and preventing the packing tobacco in unsizable casks:

*Be it enacted*, That all stemmed tobacco not laid straight, whether the same be packed loose or in bundles shall be accounted unlawful tobacco; and that no tobacco packed in hogheads which exceeds fifty inches in the length of the stave, or thirty-two inches at the head within the croase, making reasonable allowance for pressing, which allowance shall not exceed two inches above the gage in the prizing head, shall be passed or received; but the owner of such tobacco packed in casks of greater dimensions than before expressed, shall be obliged to repack the same in sizeable casks at his own charge, before the same shall be received or stamped by the inspectors.

Regula-  
tions re-  
specting  
the pack-  
ing to-  
bacco.



Ware-houses to be built. Sec. 8. *And whereas there are no ware-houses yet built, and it is necessary for the safe keeping of said tobacco, that some encouragement should be given for the building of the same :*

*Be it enacted,* That if any person or persons shall hereafter build at any of the places of inspection aforesaid, a ware-house that shall be deemed by the court of the county sufficient to keep said tobacco, in safety from injuries, said person shall be allowed for storage of each hoghead for the first month, at the rate of fifty cents, and for every succeeding month, at the rate of twenty five cents, which said monies shall be paid by the person taking away said tobacco, to the inspectors, who shall be accountable to the owner of said ware-house, for all such monies so received.

WILLIAM DICKSON,

*Speaker of the House of Representatives;*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

## CHAP. XLVI.

*An ACT to appoint electors to elect a President and Vice President of the United States.*

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

Sec. 2. *Be it enacted,* That Joseph Crouch, Jacob Brown, esq. and colonel John Blait, of the county of Washington; John Rhea, John Spurgen and Robert Allison of Sullivan county; James Stinson, John Russel and Hezekiah Balch of the county of Greene; of the county of Hawkins, Joel Dyer, James Hogan and William Armstrong, esquire; Alexander Greer, Jonathon Tipton captain, and Pharoah Cobb of the county of Carter, are appointed electors, to elect an elector for that purpose, for the district of Washington. Joseph Greer, Charles M'Clung and John Adair, of the county of Knox; Christopher Haynes, Andrew Hender-son and Thomas Snoddy, of the county of Jefferson; Isaac Thomas, William Henderson and John Clack, of the county of Sevier; David Craig, John Singleton and Samuel Bogle, of the county of Blount; John Inman, Peter Fine & Isaac Leonard, of the county of Cocke; Henry Howell, George Bean and Michael



Maffingale, of the county of Grainger, are appointed electors to elect an elector for the purpose aforesaid, for the district of Hamilton; James Robertson, George Ridley and Joseph Hooper, esq. of the county of Davidson; George Smith, Samuel Donelson and Edward Douglass, of the county of Sumner; Duncan Stuart, John Hogan and Haydon Wells, of the county of Montgomery; John Baker, John Jones and Thomas Johnson, of the county of Robertson; Michael C. Sweetman, John Harpole and John Alcorn, of the county of Wilson; Grant Allen, Tilman Dixon & Henry M'Kinney, of the county of Smith; Henry Rutherford, Abraham Maury and John Walthal, of the county of Williamson, are appointed electors, to elect an elector in the district of Mero, for the purpose aforesaid.

Qualifications  
of electors.

Sec. 3. *Be it enacted*, That no person shall be elected an elector for the purpose aforesaid, who has not been three years a resident in the district for which he is elected, immediately preceeding the day of his election.

District  
electors  
when to  
meet.

Sec. 4. *Be it enacted*, That the electors in this act before named, shall convene, those for the district of Washington, at Jonesborough; those for the district of Hamilton, at Knoxville; and those for the district of Mero, at Nashville, on the second Monday of November, in the year one thousand eight hundred; and being so convened, they, or so many of them, as shall attend on said day, proceed to elect by ballot, an elector qualified as by this act directed for the purpose aforesaid: *Provided nevertheless*, That no person shall be elected an elector, who is not qualified as by law required, to be a

member of the general assembly. And if two or more persons shall have the same number of votes, it shall be decided in the same manner, as grand jurors are drawn for, in the superior courts.

Sec. 5. *Be it enacted*, That the electors before named, for each district respectively, shall give to the person elected as aforesaid, a certificate under their hands and seals, of his election aforesaid, which certificate shall be attested by a justice of the peace, summoned for that purpose.

Electors  
to give  
certificate.

Sec. 6. *Be it enacted*, That the three electors, elected as by this act directed, shall convene at Knoxville, on the first Wednesday in December, in the year one thousand eight hundred, and proceed to elect a president and vice-president of the United States, pursuant to an act of congress, in such case made and provided.

Electors  
where to  
meet.

Sec. 7. *Be it enacted*, That each of the electors elected for the purpose aforesaid, shall be allowed the sum of one dollar and seventy five cents, for every twenty five miles he shall travel to and from the said place of election, and the same for each day he shall necessarily attend, in performing the duties enjoined by this act, to be ascertained on oath before a justice of the peace, who shall give a certificate thereof, under his hand and seal, which being countersigned by the governor, shall be a sufficient warrant for the treasurer to pay the sum therein mentioned to be due: *Provided nevertheless*, that nothing herein contained, shall be so construed as to make any compensation to the electors herein named, for electing the electors of president and vice-president of the United States.



To take  
oaths.

Sec. 8. *Be it enacted*, That the persons by this act appointed to elect electors, to elect a president and vice-president of the United States, before they enter on the duties of their office, shall take an oath to support the constitution of the United States, and also the constitution of this state; and the electors to elect a president and vice-president, shall in like manner take the same oaths.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



# C H A P. XLVII.

*An ACT directing when justices of the peace shall qualify and to prevent their acting in counties in which they do not reside.*

Time limited for  
justices  
to qualify.

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That any person who has heretofore, or who hereafter may be appointed a justice of the peace, and shall not qualify within twelve months after such appointment, such person shall not be allowed or admitted to qualify, unless reappointed.

Sec. 2. *Be it enacted*, That where any justice of the peace hath removed himself, or shall hereafter remove himself out of the county for which he was appointed, and shall not return within twelve months to reside therein, such appointment shall be null and void; and in case any such justice shall in any manner presume to act in the county for which he was appointed, after such removal, unless reappointed, he shall forfeit and pay for every such offence, the sum of fifty dollars, to be recovered by action of debt, one half to the use of the state, and the other half to the person suing for the same.

Twelve months absence renders a justice incapable of acting.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



# C H A P. LXVIII.

*An ACT ascertaining what officers shall in future attend the superior courts.*

**B**E it enacted by the General Assembly of the state of Tennessee, That from and after the passing of this act, the sheriffs of the different counties within this state,



shall not be bound to attend any of the superior courts, after making their legal returns, except the sheriff and his deputies of the county wherein such superior court shall be held, any law to the contrary notwithstanding.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



C H A P. XLXIX.

*An ACT to enable Benjamin Seawell and Susannah Seawell his wife, as trustees, to take into their hands and possession, such part of the estate of Thomas Tulloch, dec. as may be found within the limits of this state, and to sell and dispose of the same, agreeably to the last will and testament of the said testator.*

Pream-  
ble.

**W**HEREAS it has been duly represented to this general assembly, that Thomas Tulloch, late of Beaufort county, in the state of North-Carolina, on or about the tenth day of January, in the year one thousand seven hundred and eighty-five, departed this life, having made his last will and testament, and therein appointed his wife Susannah Tulloch (now the wife of Benjamin Seawell) James Cole Mount-

flrente, Andrew Armstrong and Robert Freear, his executors; that Robert Freear, and Susannah Tulloch, (now Susannah Seawell) refusing to act, James Cole Mountflrente and Andrew Armstrong only, took upon themselves the executorship, and execution of the will of their testator. That Andrew Armstrong and Robert Freear, two of the executors named in the will, are since dead, and James Cole Mountflrente, hath removed himself beyond the limits of the United States, leaving a considerable part of the estate of said Thomas Tulloch, deceased, which is within the limits of this government, unadministered and undisposed of, agreeable to the true intent and meaning of the will of said testator. And whereas it is absolutely necessary and expedient for the safe keeping and better securing such estate, as well for the benefit and advantage of creditors, if any there be, as also for the advantage, and more convenient & speedy distribution of the estate, to such persons as may have right to claim under the will of the testator, or otherwise, that some person or persons should be appointed with sufficient power and authority, to use all legal means, to recover and possess themselves of such estate, as shall be found within this government, and to dispose of the same, according to the true intent and meaning of the will of the aforesaid testator.



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

Benja.  
Seawell &  
wife ap-  
pointed  
trustees.

Tennessee, That Benjamin Seawell and Susannah Seawell his wife

they are hereby appointed - by virtue of this act

and possession of their hands and possession of the estate, as shall or may

of within the limits of

ment, and to dispose of, and

dispose the same to such uses and purposes, and in the same manner and form as by the will of the aforesaid testator, is directed to be done and performed.

their  
powers.

Sec. 2. And be it further enacted, That in all cases where the aforesaid trustees shall deem it necessary for the recovery of any estate of the said testator, or any part or portion thereof, as shall be detained from them in anywise whatever, the said trustees are hereby invested with full power and authority, in all and every such case, as may so happen in anywise whatever, to institute a suit or suits, as the case may be, in their joint names, as trustees, &c. for the recovery of the same, and in all cases of any contract or sale that shall be made, and entered into by said trustees, by virtue of this act, and the powers therein given them for any part of the estate herein intended to be sold and disposed of, to grant and make conveyan-

ces either by deed or otherwise, as the nature of the case may require, and where it shall be necessary to give discharges or releases, and in all respects to exercise every power and authority which by the will of the said testator, his executors therein named, might or could have exercised, and to do all and every legal act, which by the laws of the land, executors usually exercise and do.

Sec. 3. Be it enacted, That the aforesaid trustees, before they shall proceed to the execution of their office or appointment, under the authority of this act, shall exhibit or cause to be exhibited, a copy of the last will and testament of the aforesaid Thomas Tulloch, deceased, to the county court of Sumner, and if it shall appear to the said court, to be duly certified and authenticated agreeable to law, in such case made and provided, to admit the same to be recorded in the same manner as an original will, and the clerk of said court, shall give a certificate of the same to the said trustees, which shall be sufficient authority for them to proceed to the execution of their office and appointment by virtue of this act, and the said trustees shall from time to time as soon as conveniently it can be done, after any such estate shall come to their hands or possession, to return on oath, an inven-

Will to  
be exhibi-  
ted.



tory of the same, to the court of Sumner county, which shall be recorded in the usual manner, that inventories are recorded, and to return on oath, the amount of all such sales as they shall make, pursuant to this act, and the clerk of said court for his services as aforesaid, shall receive such fees, as is usual in cases where original wills have been admitted to probate, and letters testamentary have been issued, &c. &c. &c.

Trustees  
to be ac-  
count-  
able.

Sec. 4. *Be it enacted*, That the aforesaid trustees, shall be accountable & liable in all and every respect wherein the executors of the said testator, might or could have been liable and accountable under the will of their testator, either to the heirs, legatees, devisees, or creditors of the said Thomas Tulloch, deceased, for all such estate or assets that shall come into their hands and possession, and to all and every person or persons whatever, having right to claim such estate or any part thereof; and the said trustees for their trouble, labour, and expences in attending to the duties of their appointment as aforesaid, shall be allowed by the court of Sumner county out of such assets as shall come to their hands and possession, such sum or sums of money as said court shall in their opinion think reasonable.

Sec. 5. *Be it enacted*, That all and every act or acts, and things done and performed in anywise whatever, by the said Benjamin Seawell and Susannah Seawell, in pursuance of the powers and authorities vested in them, by virtue of this act, shall be good and valid and binding in law, against all person or persons of any description whatever, any law, usage or custom to the contrary notwithstanding.

Acts of  
trustees  
to be va-  
lid.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

—○○○—

C H A P. L.

*An ACT to repeal so much of an act, entitled, "An act for dividing the Davidson regiment of militia, into two separate and distinct regiments," as relates to the holding separate and distinct elections in the town of Waynesborough, for governor representative or representatives, to the congress of the United States, and members of the general assembly of this state.*

Sec. 1. *BE it enacted by the General Assembly of the state of Tennessee*, That the fourth and fifth sections of the above



recited act, are hereby repealed and declared 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.

— — — ○ — — —  
C H A P. LI.

*An ACT to ascertain the boundaries of land, and for perpetuating testimony.*

Pream-  
ble.

**W**HEREAS great inconveniences may arise to the citizens of this state, in case of the death of the only person or persons, by whom the improvements, boundaries and specialities of their entries can be established, and on which their titles to land depend. For remedy whereof:

Bounda-  
ries of  
lands  
how to  
be per-  
petuat-  
ed.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, that it shall and may be lawful for the county court, on application of any person or persons claiming lands within the said county, to order their clerk to issue a warrant directed to any three or more justices of the peace for said county, or other fit persons, who shall be named commissioners, they, or any two of them, attend such

person or persons making application for the same at their improvements, boundaries or other special place called for in their entries or patents, and the commissioners so appointed, shall have full power, and they are hereby required to qualify and examine such witness or witnesses, touching the premises as are required to come before them for that purpose, and such examination to take in writing, which shall be signed by the deponent or deponents, and tested by the commissioners, who shall transmit the same to the clerk of the said court, and the said clerk shall enter the same on record, and such deposition of depositions shall be as valid in a court of justice, as the testimony of the deponent or deponents would have been if living, and taken in open court, and every person making application to the court for the purpose aforesaid, shall have to attend him or them at his or their improvement, boundary, or other special place called for in his entry or patent about to be proved, two or more disinterested persons, being resident of said county, who shall be present when the witness or witnesses may be sworn and examined, and it shall be lawful, if to the commissioners it appears necessary, to cause the trees to be marked a fresh, or do whatever else in their judgment may be deemed proper to perpetuate the improvement, boundary, or special place called for, in the en-



try or patent, on which the title to such land may depend. *Provided however,* That any thing done in pursuance of this act, shall in no wise effect the title of the aforesaid land or lands adjacent or interfering claims of any person or persons, bodies politic or corporate, but only relate to the boundary of the land, improvement, or special place called for in the said entry or patent: *Provided also,* That no deposition taken under the authority of this act, shall be admitted as testimony in any court in this state, if the deponent is living and can be had in open court.

Notice to  
be given.

Sec. 2. *Be it enacted,* That any person or persons applying for commissioners agreeably to this act, shall give thirty days previous notice to the owner or owners, their agents or attorney, if known, who may have lands adjoining, of the time and place of meeting, to prove the boundary, improvement or special place, called for in their entry or patent, and if the owner or owners, their agent or attorney, should not be known, or reside out of the state, the applicant shall have the same twice published in the nearest gazette to which such land shall be situate, describing as nearly as may be, the improvement, boundary or special, called for in said entry or patent, about to be proved.

Subpoena  
as to be  
issued.

Sec. 3. *Be it enacted,* That when any person shall make application to the court, for the purposes above mentioned, it shall be the duty of the said court, to direct their clerk to issue a subpoena for such witness or witnesses, as the applicant may desire; and such subpoena or subpoenas shall be directed to the sheriff or constable of the county where such witness or wit-

nesses may reside; and the said sheriff or constable is hereby required to execute the same without delay, and make return thereof to the party at whose instance such subpoena issued, which shall be returned by the said party and filed in the clerk's office.

Sec. 4. *Be it enacted,* That the clerk shall be allowed the sum of thirty cents for issuing the warrant to the commissioners, and twenty five cents for recording each deposition, and the commissioners shall each be allowed one dollar per day for their services; each witness shall be allowed one dollar for every twenty five miles he or they may travel in going to, and returning from the place he or they are summoned to attend, and seventy five cents for each day he or they may necessarily be detained at the place about to be proved, and shall be under the same penalties, and forfeitures and restrictions in case of his failing or refusing to attend, and give testimony, he would, provided, he was summoned to attend court, the whole of the expense to be paid by the party applying to have the business done: *Provided nevertheless,* That nothing herein contained, shall be construed to extend to the lands south of French Broad, between the rivers Big Pigeon and Tennessee. Fees to clerk & others.

Proviso.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 23, 1799.



## C H A P. LII.

*An ACT to prevent abuses in taking up stray horses, cattle, hogs and sheep.*

*preamble* **W**HEREAS it becomes difficult to recover stray horses, cattle, sheep and hogs, for want of some legal measures to effect the same. For remedy whereof:

*Duty of persons taking up strays* **Sec. 1.** **B**E it enacted by the General Assembly of the State of Tennessee, That each and every ranger in this state shall hold his office during good behaviour, and that every freeholder who shall take up any stray horse, mare or colt, neat cattle, hog or sheep, shall within ten days after the taking up such stray, the owner of such stray or strays being to him unknown, make information on oath or affirmation, before the ranger, or some justice of the peace of the county wherein such stray or strays shall be so taken up, of the marks, brand and colour of each and every such stray or strays, and that the same was taken up at his or her plantation, and that the marks or brands have not been altered, or defaced by means of, or to the knowledge of such taker up, and that such stray or strays, came to his or her plantation, without his or her knowledge or procurement, whereupon such ranger or justice of the peace, is hereby required to issue a summons to any two freeholders of the neighborhood, who shall take the following oath, to wit: *You do solemnly swear or affirm (as the case may be) that you will well and truly view and appraise the stray or strays here brought before you, without favor or par-*

*Freeholders to take oath,*

*tiality, to the best of your skill and judgment.* So help you God; said oath to be administered by the ranger, or some justice of the peace of the county where such stray or strays have been taken up, and said appraisers shall view and appraise such stray or strays, and make return thereof to the said ranger, under their hands and seals, which appraisement, with a particular and exact description of the natural and artificial marks, brands, age and colour, as near as can be ascertained, of each and every such stray or strays, together with the time of taking up, and place of abode of the person taking up the same, shall by such ranger be entered in a book to be by him kept for that purpose, and shall during the sitting of the four next succeeding courts in the county where such entry shall be made, put up an advertisement at the court house, on the first day of each term, describing therein the kind, marks, brands, and colour of all strays entered as aforesaid.

**Sec. 2.** *Be it enacted,* That the taker up of Strays to any horse, mare, gelding, or colt, shall take the be taken same to the court house, or place of holding to the courts in each county, the second day of court-house each term, for one year after taking up such estray or estrays, and secure such in the pound or place where the justices of said court shall direct, as provided for by this act, from twelve until four o'clock on the same days, and if any taker up of any horse, mare, gelding or colt, shall fail to comply with the requisitions of the before recited act, he, or she so failing, shall for every such offence, forfeit and pay the



sum which said estray or estrays was appraised to, to be recovered by action of debt, before any jurisdiction having cognizance thereof, to be applied to the use of the county, and it shall be the duty of the ranger to sue for the same, who shall be allowed on all such sums so recovered and accounted for, five per cent. out of such monies so recovered and received.

Strays  
not pro-  
ven in 12  
months  
to be vest-  
ed in the  
taker up.

Proviso.

Sec. 3. *Be it enacted*, That the property of every estray horse, mare, gelding, colt, neat cattle, hog or sheep, twelve months after such appraisement, and no property proved by the owner thereof, shall be deemed to be vested in the person taking up the same: *Provided nevertheless*, That it shall and may be lawful where the former owner of any such estray or estrays at any time within twelve months after such appraisement as aforesaid, on proving his property by his own oath, or otherwise, to demand and recover the same estray or estrays, the claimant first paying the ranger's fee.

Person  
taking  
up strays  
to retain  
the same  
until ex-  
pences  
paid, &c.

Sec. 4. *Be it enacted*, That where the taker up of any such estray or estrays, shall have been at any expence for keeping and maintaining the same, it shall and may be lawful for him to retain the same until the owner thereof shall pay all such expence, which shall be ascertained in the following manner, that is to say: the ta-

ker up shall obtain from some justice of the peace, a warrant empowering three freeholders to be named by the said justice, to declare on oath or affirmation, to examine witnesses if necessary, how much said taker up ought to demand and receive for the keeping and maintenance of such estray or estrays, and such sum as shall by the said freeholders, or any two of them, be so declared, shall be the sum which the taker up shall be entitled to demand and receive, before the owner can take the same out of his or her possession.

Taker up  
of strays  
to pay  
two-  
thirds of  
their va-  
lue.

Sec. 5. *Be it enacted*, That at the expiration of twelve months, each and every person so taking up any stray or strays, and not proved by the owner thereof shall account for, and pay into the hands of the county treasurer, two thirds of the appraised value of all such stray or strays, and in case any person taking up any such stray or strays according to the true intent and meaning of this act, shall neglect to account with the said treasurer for the same, he or she so failing, shall forfeit and pay the appraised value of all such stray or strays so taken up, to be recovered by action of debt before any jurisdiction having cognizance thereof, and it shall be the duty of the county treasurer to commence suit respectively against all delinquents for the recovery of the same, who shall be en-



titled to receive five per cent. for his commission on all monies so recovered and received, and the balance the said treasurer is hereby authorized to receive and account for, in the same manner as other county monies.

Former owner may receive two-thirds value of his property.

Sec. 6. *Be it enacted*, That it shall and may be lawful for the former owner thereof, at any time, on proving his property by one or more indifferent witnesses, to demand and receive from the county treasurer, two thirds of the appraised value of all such stray or strays so accounted for as aforesaid, deducting therefrom, the treasurer's commission of two and half per cent. for receiving and accounting for the same.

Escapes or death of strays.

Sec. 7. *Be it enacted*, That if after the appraisement of any stray horse, mare, gelding, colt, neat cattle, hog or sheep, and entry thereof being made with the ranger as aforesaid, should happen to die or make its escape within twelve months after such appraisement, the person taking up such stray or strays, shall not be chargeable for the same, unless such death or escape, be occasioned by ill usage, negligence or abuse.

Taking up of strays.

Sec. 8. *Be it enacted*, That if any person shall presume to take up any such stray or strays, at any place other than his or her own land, or shall make use of any

such stray or strays, before the same shall be appraised as aforesaid, he, she, or they so offending, shall forfeit for every such offence, the sum of twenty dollars, to the use of the informer, to be recovered by action of debt, with cost, before any jurisdiction having cognizance thereof, and be further liable to an action on the case at the suit of the party aggrieved: *Provided nevertheless*, That nothing herein contained, shall extend to prevent any person from taking up any stray or strays of any kind, and carrying the same immediately to the owner thereof.

Sec. 9. *Be it enacted*, That for the more speedy recovery of strays, it shall and may be lawful for any person, at any time hereafter, to search the ranger's books by this act directed to be kept in each county in this state, for any information he may want, as to any horse, mare, gelding, colt, neat cattle, hog or sheep, which heretofore has, or hereafter may stray away from the owner thereof, the person requesting such search, first paying twelve and a half cents therefor, to the ranger keeping such book.

Ranger's books may be searched

Sec. 10. *Be it enacted*, That the ranger of each county shall receive the following fees for his services, to be paid by the person causing such entry to be made; for every horse, mare, gelding or colt, the sum of fifty cents; for each head

Ranger's fees.



of cattle, twenty five cents ; for each hog or sheep, six and one fourth cents.

*A pound to be erected.* Sec. 11. *Be it enacted,* That the justices of each county court within this state, are hereby authorized to issue their warrant on the county treasurer, for such sum or sums of money as said court may think necessary, for the purpose of erecting a pound, for the safe keeping of all such estrays, as are above mentioned.

*Inhabitants south of French Broad.* Sec. 12. *Be it enacted,* That nothing herein contained, shall be so construed, as to prevent any persons living south of French Broad, Holston and Big Pigeon rivers, within the several counties of this state, holding lands by right of occupancy and pre-emption, and all other persons within the limits of this state, holding land by bond, and living on the same, from the privilege, in as full and ample manner, as any freeholder within this state, to take up any stray or strays as by this act directed.

*Repealing clause.* Sec. 13. *Be it enacted,* That all laws, and parts of laws, respecting the taking up of strays of every description, heretofore in use within this state, are hereby repealed and made void.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

## CHAP. LIII.

*An ACT making compensation to Henry Conway.*

**B**E it enacted by the General Assembly of the state of Tennessee, That Henry Conway be allowed the sum of thirty eight dollars & twenty cents, as a compensation for his trouble and expence, for conveying two prisoners from the jail of Greene county, to the district jail of Hamilton ; also, the body of one prisoner from the district jail of Hamilton, to the district jail of Washington.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

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## CHAP. LIV.

*An ACT making compensation to John Hamilton.*

**W**HEREAS it hath been made appear, that John Hamilton, attorney general for Mero district, attended at Knoxville, in the year one thousand seven hundred and ninety eight, on public business, pursuant to an or-



der from the governor of this state, and compensation for such services, not being provided for by law.

**B**E it enacted by the General Assembly of the State of Tennessee, that said John Hamilton be allowed the sum of thirty dollars, as full compensation for his services aforementioned, and that the treasurers, or either of them, pay the same, and his receipt shall be good in the settlement of their, or either of their accounts.

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

ALEXANDER OUTLAW,  
*Speaker of the Senate.*

October 26, 1799.

—○—  
C H A P. LV.

*An ACT making compensation to Hopkins Lacey, for his services as attorney general, for the district of Washington, under the territorial government.*

**B**E it enacted by the General Assembly of the State of Tennessee, That the sum of two hundred dollars be appropriated for the payment of Hopkins Lacey, as full compensation for his services as attorney general, in and for the district of Washington, under the territorial government, and that the treasur-

rer or treasurers of this state, pay the said Hopkins Lacey the sum in this act directed, and his receipt shall be a sufficient voucher, in the hands of such treasurer, in the settlement of his accounts.

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

October 26, 1799.

—○—  
C H A P. LVI.

*An ACT for appropriating certain monies therein mentioned.*

**W**HEREAS the building and keeping in repair, a court house, prison and stocks in the town of Nashville, for the district of Mero, will be attended with such expence, as to become burthensome to the people of Davidson county. For remedy whereof:

**B**E it enacted by the General Assembly of the State of Tennessee, that all monies hereafter arising from fines and forfeitures imposed on public offenders, by the superior court of Mero district, and county court of Davidson, shall be hereafter appropriated to the purpose of building and keeping in repair a court house,

Q



prison and stocks in the town of Nashville; and should there be at this time, any monies that have arisen from fines and forfeitures in the hands of the county trustee of Davidson, said monies shall be appropriated for the aforesaid purpose, and the commissioners appointed to superintend the building of a court house and stocks in said town of Nashville, are hereby authorized and directed, to demand and receive from said county trustee, whatever monies may be remaining in his hands, and their receipt shall be good to said trustee in his settlement, any law to the contrary notwithstanding.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

—○—  
C H A P. LVII.

*An ACT making compensation to Thomas Rutherford, keeper of the jail of Mero district, for keeping the body of John Fallin, who was taken out of his custody by order of the governor of this state.*

**B**E it enacted by the General Assembly of the state of Tennessee, That whereas Thomas Rutherford, jailor as afore-

said, hath made satisfactory proof, that amount of expence for keeping said Fallin, is thirty two dollars.

Sec. 2. *Be it enacted*, That the sum of thirty two dollars, is hereby appropriated out of any monies in the treasury of Mero district, not already appropriated, and the treasurer of said district, is hereby required to pay the same, and said Thomas Rutherford's receipt, shall be good in the settlement of his accounts with the state, for the said sum of thirty two dollars.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



C H A P. LVIII.

*An ACT making compensation to Archibald Roane and Andrew Jackson, for their services as attornies general, under the Territorial government.*

Sec. 1. **B**E it enacted by the General Assembly of the state of Tennessee, That the sum of two hundred dollars shall be, and the same is hereby appropriated for the payment of the sum due Archibald Roane, as a full compensation for his services as attorney



170.  
general, for the district of Hamilton, under the Territorial government.

Sec. 2. *Be it enacted*, That the sum of four hundred dollars, shall be, and the same is hereby appropriated, for the payment of the sum due Andrew Jackson, as a full compensation for his services as attorney general, for the district of Mero, under the Territorial government.

Sec. 3. *Be it enacted*, That the treasurer or treasurers of this state, is, or are, hereby required and directed, to pay to the said Archibald Roane, and Andrew Jackson the sums of money in this act directed, out of any monies not otherwise appropriated, and their receipts shall be sufficient vouchers in the hands of the treasurer, in the settlement of their accounts.

WILIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.

—○○○—

C H A P. LIX.

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

Compensation to members.

Sec. 1. **B**E it enacted by the General Assembly of the State of Tennessee, That each member may receive one dollar and seventy five cents, for each day he shall have attended the general assembly, and the same for eve-

SINIA.

Note  
LIX is The last chapter; it has  
5 sections + occupies (probably) only 1 or 2 pages  
2 pages more - (Index ?) C =



*John  
Gault.* **A E T S** *p. 21-24 missing*

*Dea*

PASSED AT THE

FIRST SESSION

OF THE

THIRD GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

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

K N O X V I L L E:

PRINTED BY ROULSTONE & WILSON,

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—  
1799.



ACTS  
OF THE  
STATE OF TENNESSEE,

— 333 —

## CHAPTER I.

**AN ACT** increasing the jurisdiction of Justices of the Peace, and regulating proceedings therein.

Sec 1. **B**E it enacted by the General Assembly of the State of Tennessee, That a single Justice of the Peace, shall, from and after the passing of this act, have jurisdiction of all debts, dues and demands 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 delivered, 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 upwards of 10 dollars, constables to take bond.

WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

23d October, 1799.

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## 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.*

Sumner  
county re-  
duced to  
constitu-  
tional limits.

**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

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.

Surveyors  
appointed  
to run a  
north and  
south line.

*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

County of  
Smith estab-  
lished.



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 aforesaid, 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 compleating 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. Commissioners to give bond.

*Be it enacted*, That the said commissioners, when the buildings are compleated, 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 Wilson 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 & Wilson 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 Wilson, 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 Wilson 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 Wilson 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 Wilson 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 Wilson, 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 Wilson 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'Croty, 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 est.  
blished.

Sec. 2. *Be it enacted*, That John Johnston, 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.*

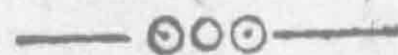
WILLIAM DICKSON,

*Speaker of the House of Representatives.*

ALEXANDER OUTLAW,

*Speaker of the Senate.*

October 26, 1799.



#### C H A P. 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

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

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*



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.

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## CHAP. 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, <sup>As when to</sup> bond, or other contract, to pay, deliver, <sup>be in force.</sup> 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 betting 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, betting, 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

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.

Tavern-keepers prohibited

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

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 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.

Provide.

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 recovered.



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

Proviso.

Sec. 2. *Be it enacted*, That if the slave so kill-  
ed shall be the property of another, and not of  
the offender, his goods, chattel, lands and te-  
nements, 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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C H A P. X.

*An A C T 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, where-  
by 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 tra-  
veller first picking out a way for himself  
through the wilkaerness, 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 con-  
tracting parties, the Cherokees, exact and re-  
ceive to their use a toll upon all travellers  
crossing the river Clinch, which forms a part  
of the said road, in violation of the stipu-  
lation 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

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

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 Representatives 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.

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

Who shall  
clear the  
road,

And lay a  
tax.

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 commissi. Commrs to  
oners, or a majority of them, be authorized to draw on the  
draw upon the treasurers, or either of them, treasurers.  
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 faith-  
fully accounting for said monies, 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 OULAW,  
*Speaker of the Senate.*

October 26, 1799.



# CHAP. 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, 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 or 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  
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 of 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.

## CHAP. XII.

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

Sec. 1. **B**E it enacted 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, free 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.



## C H A P. XIII.

*An A C T 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 cabbins, 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

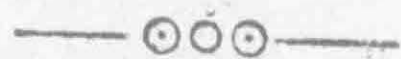
Repealing clause.



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.



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 laid 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, in 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 *Provided*, 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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C H A P. 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 to 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.

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# CHAP. 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. *BE it enacted by the General Assem-  
bly of the state of Tennessee, That* Insolvencies  
how ac-  
counted for.  
*from and after the passing of this act, no  
sheriff or collector of public taxes shall  
obtain and receive a credit with the trea-  
surer of his district, for any insolvencies  
or deficiencies of payments in the collec-  
tions of the public taxes in his county,  
without first making oath in open court,  
that the list of insolvents by him exhibit-  
ed, 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.



## C H A P. XVIII.

*An A C T 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

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, Jeffery, 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.



AA 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.

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

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-

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.