

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

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

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

Certain marriages how to be annulled, &c.

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

Participation of plaintiff in the same crime may be given in evidence by defendant.

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

Manner of
making up
decrees.

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

Proviso.

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

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

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

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

This act to extend to citizens only.

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

Costs how to be paid.

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

Alimony may be allowed in certain cases.

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

Court to
cause pro-
perty to be
divided.

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

Certain
persons di-
vorced.

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

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

WILLIAM DICKSON,

Speaker of the House of Representatives.

ALEXANDER OUTLAW,

Speaker of the Senate.

October 26, 1799.

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CHAP. XX.

An ACT for the punishment of horse-stealing.

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

Horse Steal-
ing punished
with death.

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

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

WILLIAM DICKSON,

Speaker of the House of Representatives.

ALEXANDER OUTLAW,

Speaker of the Senate.

October 23, 1799.



CHAP. XXI.

ACT to suspend the second section of an act, entitled "An act respecting dollars and cents, and contracts, and the manner keeping accounts," so far as respects the currency in which contracts shall be made and accounts kept.

BE it enacted by the General Assembly of the State of Tennessee, That the second section of the above recited act be suspended until the next stated general assembly.

WILLIAM DICKSON,

Speaker of the House of Representatives.

ALEXANDER OUTLAW,

Speaker of the Senate.

ber 26, 1799.

CHAP. XXII.

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

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

Preamble.

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

Separate general musters authorized.

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

Duty of the Colonel.

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

Penalty on
the major.

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

Courts martial to be held.

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

Musters when and where to be held.

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

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

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

WILLIAM DICKSON,

Speaker of the House of Representatives.

ALEXANDER OUTLAW,

Speaker of the Senate.

October 26, 1799.

C H A P. XXIII.

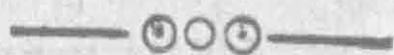
An ACT giving original and concurrent jurisdiction to the superior courts of law, of all indictments for assaults and batteries committed during term time, and within the bounds therein mentioned.

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

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

WILLIAM DICKSON,
Speaker of the House of Representatives.

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



C H A P. XXIV.

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

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

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

WILLIAM DICKSON,
Speaker of the House of Representatives,

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



C H A P. XXV.

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

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

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

WILLIAM DICKSON,

Speaker of the House of Representatives.

ALEXANDER OUTLAW,

Speaker of the Senate.

October 23, 1799.



C H A P. XXVI.

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

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

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

WILLIAM DICKSON,
Speaker of the House of Representatives.

ALEXANDER OUTLAW,
Speaker of the Senate.

October 23, 1799.



C H A P. XXVII.

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

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

Claims for removing prisoners to be allowed.

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

Sustenance for prisoners to be paid for.

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

WILLIAM DICKSON,

Speaker of the House of Representatives.

ALEXANDER OUTLAW,

Speaker of the Senate.

October 26, 1799.



C H A P. XXVIII.

An ACT to prevent harbouring or trading with slaves.

Penalty on
trading
with slaves.

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

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

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

Penalty on
harbouring
slaves.

WILLIAM DICKSON,

Speaker of the House of Representatives.

ALEXANDER OUTLAW,

Speaker of the Senate.

October 26, 1799.

(72)
C H A P. XXIX.

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

Commis-
sioners ap-
pointed.

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

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

Court to
lay a tax.

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

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

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

Town to be
laid off.

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

Comm'rs to
take an
oath, &c.

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

Repealing
clause.

WILLIAM DICKSON,
Speaker of the House of Representatives.

ALEXANDER OUTLAW,
Speaker of the Senate.

October 26, 1799.

K

CHAP. XXX.

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

Certain fees
to be taxed
on suits, &c.

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

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

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

Clerks to
account for
monies by
them col-
lected.

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

Registers to
collect cer-
tain fees.

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

Registers to account for monies by them received.

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

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

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

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

day of ^{which oath} *shall be annexed to the account rendered, and filed therewith in the office of the treasurer.*

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

Penalty on clerks, &c. for neglecting to account.

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

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

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

WILLIAM DICKSON,
Speaker of the House of Representatives,

ALEXANDER OUTLAW,
Speaker of the Senate,

October 26, 1799.



CHAP. XXXI.

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

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

WILLIAM DICKSON,
Speaker of the House of Representatives,

ALEXANDER OUTLAW,
Speaker of the Senate,

October 26, 1799.

(80)
C H A P. XXXII.

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

Preamble.

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

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

(81)

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

WILLIAM DICKSON,
Speaker of the House of Representatives.

ALEXANDER OUTLAW,
Speaker of the Senate.

October 23, 1799.

C H A P. XXXIII.

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

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

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

Town of
Franklin es-
tablished.

L

Commis-
sioners ap-
pointed.

Sec. 1. *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.

WH E R E A S 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.

—●—
 C H A P. XXXV.

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

BE 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, so where they intersect with the Tennessee, shall be and remain open and free.

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.

Regulations respecting fish dams.

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.

Penalty on failing to comply with the above.

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

No hedges &c. to be made in said rivers.

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 Assembly 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.

Haysboro'
established.

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

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 grantees, which lot or lots, by virtue of said conveyance, shall be held to such purchaser or purchasers in fee simple, to his or their heirs and assigns forever.

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

Purchase
money how
to be dis-
posed of,

And for continuing of the succession of the said commissioners,

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

Succession
of commis-
sioners how
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.

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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.

WHEREAS 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 receive

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 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.

C H A P. 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 :

Commis-
sioners to be
appointed.

Sec. 1. **B**E 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.

Compensation 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.

BE 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.

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C H A P. LXI.

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

County courts authorized to establish ferries and lay out roads.

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

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.

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C H A P. XLII.

An ACT to amend the militia law.

WHEREAS 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:

BE 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,

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

WILLIAM DICKSON,

Speaker of the House of Representatives.

ALEXANDER GUILAW,

Speaker of the Senate.

October 26, 1799.



C H A P. 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.

BE 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 GUILAW,

Speaker of the Senate.

October 23, 1799.

C H A P. 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."

BE it enacted by the General Assembly of the State of Tennessee, 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 GUILAW,

Speaker of the Senate.

October 23, 1799.

C H A P. LXV.

*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 hogsheds 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, Waynesborough, and Haystackborough, in Davidson county, Cairo, and James Sanders's, in Sumner county; Bledsborough, in Smith county; Clarksville and Portroyal, in Montgomery county; Greenville, 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:—*

Inspec-
tors 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 hogsheds 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.

Sec. 5. Be it enacted, That it shall be the duty of said inspectors to attend the place for which they shall be appointed, whenever they shall be desired 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 of the case at the suit of the party grieved to recover all such damages as he or she shall have sustained, by occasion of any such neglect, together with his or their full costs, at the election of the party.

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

Duty of
inspec-
tors.

Inspecti-
on books
to be
kept, &c.

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	
Sweet scented	Oronoko		tobacco, marks, numbers,	
			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. cros,	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, or 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 stave 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 en-
couragement 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 mon-
ies 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
received.*

WILLIAM DICKSON,

Speaker of the House of Representatives

ALEXANDER OUTLAW

Speaker of the Senate

October 26, 1799.

C H A P. 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 Assem-
bly of the State of Tennessee, that three electors shall be elected, one in the dis-
trict of Washington; one in the district of Ham-
ilton; 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.

Electors
for a Pres-
ident.

Sec. 2. *Be it enacted, That Joseph Crouch,
Jacob Brown, esq. and colonel John Blair, of
the county of Washington; John Rhea, John
Spurgen and Robert Allison of Sullivan coun-
ty; James Stinton, John Ruffel and H-z-kiah
Balch of the county of Greene; of the county
of Hawkins, Joel Dyer, James Hogan and
William Armstrong, esquire; Alexander Greer,
Jonathan 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
McClung and John Adair, of the county of
Knox; Christopher Haynes, Andrew Hender-
son and Thomas Snoddy, of the county of
Jefferson; Isaac Thomas, William Hender-
son and John Clack, of the county of Sevier; Da-
vid 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*

Electors
in cer-
tain dis-
tricts to
be ap-
pointed.

Massingale, 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 Douglas, 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 McKinney, 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

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.

Sec. 8. *Be it enacted*, That the persons appointed to elect electors, to elect president and vice-president of the United States, before they enter on the duties of the 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.



CHAP. 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.



CHAP. LXVIII.

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

BE 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.

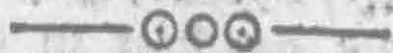
WILLIAM DICKSON,

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.*

WHEREAS 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-

florence, Andrew Armstrong and Robert Freear, his executors; that Robert Freear, and Susannah Tulloch, (now Susannah Seawell) refusing to act, James Cole Mountfloreance 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 Mountfloreance, 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.

Benja.
Seawell &
wife ap-
pointed
trustees.

Sec. 1. **B**E it therefore enacted by the General Assembly of the state of Tennessee, That Benjamin Seawell and Sannah Seawell his wife, be, and they are hereby appointed as trustees, and by virtue of this act, to take into their hands and possession all such estate, as shall or may be found unadministered, or in any wise undisposed of within the limits of this government, and to dispose of, and appropriate 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 conveyances

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 exhib-
ited.

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 probation, 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.

—○○○—

CHAP. 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.

Preamble.

WHEREAS 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 specialties of their entries can be established, and on which their titles to land depend. For remedy whereof:

Boundaries of lands how to be perpetuated.

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, to 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 or 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 anything done in pursuance of this act, shall in no wise effect the title of the aforesaid land or land 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

WHEREAS 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 strays here brought before you, without favour or partiality, to the best of your skill and judgment.*

Freeholders to take oath.

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 same to the court house, or place of holding courts in each county, the second day of each term, for one year after taking up such stray 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

be taken to the court-house.

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 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 shall be further liable to an action on the case by 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 ready recovery of strays, it shall and may be lawful for any person, at any time hereafter, to search the ranger's books by this 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 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 sheep, the sum of fifty cents; for each head

Ranger's fees.

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

A pound
to be e-
rected.

Sec. 11. *Be it enacted*, That the justices of each county court within the 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.

Inhabi-
tants
south F.
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.

Repeal-
ing
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.

C H A P. LIII.

An ACT making compensation to Henry Conway.

BE 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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C H A P. LIV.

An ACT making compensation to John Hamilton.

WHEREAS 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.

BE 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.

BE 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 treasurers

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.

ACT for appropriating certain monies therein mentioned.

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

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

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.

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C H A P. LVII.

An ACT making compensation to Thomas Rutberford, 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.

BE it enacted by the General Assembly of the state of Tennessee, That whereas Thomas Rutberford, jailor as aforesaid,

has 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 Rutberford'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

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, or any of them, 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.

WILLIAM 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. *BE 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-

ry twenty five miles he shall travel in going to and returning from the same.

Sec. 2. *Be it enacted*, That each principal clerk, of the general assembly, shall be allowed the sum of two dollars and seventy five cents per day, for their services, and that two dollars and seventy five cents per day, be allowed for each assistant clerk, and that the further allowance be made for contingent expences, to Edward Scott, forty dollars, to John Kennedy, twenty dollars, and to Nathaniel B. Buckingham, twenty dollars.

Sec. 3. *Be it enacted*, That each door keeper shall be allowed two dollars, for each day he attends on this general assembly.

Sec. 4. *Be it enacted*, That George Roulstone be allowed the sum of one hundred and four dollars, ninety five and two thirds cents, for balance due, for printing heretofore done; to William Maclin, thirty dollars, ninety five and one third cents, for stationary; and three dollars, to William Dickson, for a table; three dollars to Sampson Williams, for one other table, for the use of the state; the sum of four dollars, for locks, candles, &c. furnished the legature, to Samuel Hindman.

Sec. 5. *Be it enacted*, That the secretary of state, is hereby required to number the pages of the laws and journals, to be printed and published by Roulstone and Willon, consistent with their contract with the general assembly, as appears on their journals, and on their producing the receipts of David Deaderick, of Jonesborough, William Maclin, of Knoxville, and Joseph Coleman, of Nashville, the governor is hereby required to issue a warrant to the treasurers, or either of them, to pay the said Roul-

(136)

Stone and Wilson, such sums of money as shall appear to be due, consistent with the aforesaid contract; and that eight dollars and twenty five cents, be allowed to Andrew White, for his services as engrossing clerk.

WILLIAM DICKSON,

Speaker of the House of Representatives

ALEXANDER OUTLAW,

Speaker of the Senate

October 26, 1799.

A COPY,

TWENTH,

WILLIAM MACLIN,

Secretary

F I N I S

By 21-24 and running