

CHAP. XXXII.

*An ACT to prevent the evil practice of duelling.**Fighting a duel.*

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee, That* from and after the passing of this act, if any person or persons shall attempt to fight a duel by challenge or otherwise, he or they, on conviction thereof, shall forfeit and pay the sum of fifty dollars, and shall further be committed to close goal for sixty days, and there to remain without bail or mainprize, and also forfeit the rights and privileges of a citizen, for and during the space of one year thereafter; and if any person or persons shall bear a challenge, from one person to another, to fight a duel, the person bearing the same, on due proof being made thereof, shall forfeit and pay the sum of fifty dollars, and shall be committed to close goal for and during the space of thirty days, there to remain without bail or mainprize.

Accepting a challenge

Sec. 2. *Be it enacted, That* if any person shall hereafter accept any challenge to fight a duel, he, so accepting, shall forfeit and pay the sum of fifty dollars, and also forfeit all his rights and privileges of citizenship, for and during the space of one year thereafter.

Killing in a duel.

Sec. 3. *Be it enacted, That* if any persons shall hereafter fight a duel, and either of the persons so fighting be killed, it shall be held and deemed wilful murder by the surviving person, who shall suffer death without benefit of clergy.

Jurisdiction of justices.

Sec. 4. *Be it enacted, That* each and every justice of the peace in this state, shall have jurisdiction of all matters and things in this act contained, except in cases of murder, and therein, to far as commitment to the proper goal designated for criminal offences, and each and every of said justices of the peace, and other civil officers in this state, are hereby enjoined to take cognizance thereof.

Sec. 5. *Be it enacted, That* all fines and forfeitures arising by virtue of this act, shall be one half to the person who will sue for the same, the other half to the use of the state, any law, usage or custom to the contrary notwithstanding. *Fines of printed.*

Sec. 6. *Be it enacted, That* all laws and parts of laws, coming within the purview and meaning of this act, shall be, and are hereby repealed. *Repealing clause.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10th, 1801.

CHAP. XXXIII.

An ACT declaring that there shall be but one attorney general for the state, ascertaining his duty and compensation for his services, and repealing the former act on that subject.

WHEREAS it is found expedient that one attorney general should be appointed for this state, and that the act heretofore passed on that subject should be repealed. *Preamble.*

SECTION 1. *BE it enacted by the general assembly of the State of Tennessee, That* there shall be appointed a meet person, learned in law, to act as attorney general for the state of Tennessee, who shall be commissioned by the governor, and sworn or affirmed to the faithful discharge of the duties of his office, previous to entering on the execution thereof. *Attorney-general appointed.*

Sec. 2. *Be it enacted, That* it shall be the duty of the attorney general to attend at every term of *His duty.*

the superior courts of law to be holden in the different districts of this state, to prosecute all delinquents for crimes and offences cognizable in said courts, in all cases either originally commenced in any of said courts, or removed thereto from any county court, by habeas corpus, appeal, certiorari, or writ of error, to conduct all suits in said courts in which the state shall be concerned, and to give his opinion on questions of law concerning the interest of the state, when required by the governor or either of the treasurers.

Compensation.

Sec. 3. *Be it enacted*, That the said attorney general shall be allowed as a compensation for his services the sum of fifty dollars, exclusive of such fees as are by this act, or may by law be allowed him, for each term of said courts that he may attend, to be paid by either of the treasurers of this state, out of any monies in the treasury not otherwise appropriated, on a certificate from the clerk of such court that he has attended the term; and the clerks of said courts respectively, are hereby requested to furnish the attorney general at the end of each term, with such certificate.

Fees.

Sec. 4. *Be it enacted*, That after the passing this act the attorney general shall be allowed the following fees, to be included in the bill of costs, (viz.) In each prosecution in either of said courts, where the grand jury shall return a true bill, three dollars, and where the grand jury shall return not a true bill, one dollar and fifty cents, and in every case removed from any county court into either of said superior courts, three dollars, any thing in any act or acts to the contrary notwithstanding.

Repealing clause.

Sec. 5. *Be it enacted*, That an act, entitled, "an act ascertaining the number of attorneys general to be appointed in the state of Tennessee, for fixing their salaries, and directing their duty in office," passed at a session of the general assembly began and held at Knoxville, on Monday the twenty eighth day of

March, one thousand seven hundred and ninety-six, be, and the same is hereby repealed.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 2, 1801.

CHAP. XXXIV.

An ACT to amend an act respecting strays.

Section 1. *BE it enacted by the general assembly of the state of Tennessee, That* *Duty of appraisers.* every appraiser so appointed, agreeably to the above recited act, shall return the certificate of such appraisement to the taker up of such stray or strays, who shall be, and is hereby bound to return the same to the ranger of the county within fifteen days after such appraisement made, under the penalty of the appraised value of such stray or strays so taken up, to be recoverable before any jurisdiction having cognizance thereof, one half to the county, and the other half to him or them that will sue for the same.

Sec. 2. *Be it enacted*, That every person taking up any stray or strays, shall not directly or indirectly remove any such stray or strays out of the county where the same was so taken up, or sell or dispose of the same in any manner whatsoever within twelve months, under the penalty of double the amount of the appraised value of such stray or strays, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the county, the other to him or them that will sue for the same. *Strays not to be removed.*

Sec. 3. *Be it enacted*, That if any person taking up any stray or strays, shall be about to remove him or herself out of the county, before him or her *Duty of trustee.*

have settled with the county trustee, to the full amount of two thirds of the appraised value of such stray or estrays, that then and in that case, the trustee of such county, on his own knowledge or otherwise, is hereby required to sue such person by warrant, and cause him or her to appear before some justice of the peace, to give bond with sufficient security, payable to such trustee for the use of said county, or owner, to the full amount of two thirds of the appraised value of such stray or estrays, by him or her so taken up; and in case of failure thereof, such person shall forfeit double the appraised value of such stray or estrays, to be recovered by the said trustee on an action of debt.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. XXXV.

An ACT to prevent the disturbance of public worship.

BE it enacted by the General Assembly of the state of Tennessee, That if any person shall interrupt a congregation assembled for the purpose of worshipping the Deity, such person shall be dealt with as a rioter at common law.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XXXVI.

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

BE it enacted by the general assembly of the state of Tennessee, That the second section of the above recited act, is suspended until the next stated general assembly.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10th, 1801.

CHAP. XXXVII.

An ACT to extend the jurisdiction, and to ascertain the bounds of the counties herein mentioned.

Section. 1. BE it enacted by the general assembly of the state of Tennessee, That Bounds of the bounds of Jackson county shall be as follows. *counties.* (viz) Beginning at the north east corner of said county, on the state line, thence east with said line to the north west corner of Anderson county, thence along the western boundary of the counties of Anderson and Roane, to the southern boundary of the state, thence westward with said line to a point, from which a due north line will strike the south east corner of said county; and that the counties of Smith,

Wilson, Davidson, Williamson and Robertson, shall be extended from their south west and south east corners, due south to the southern boundary of the State, and that the county of Montgomery shall be extended from the north west corner, thence down the river Mississippi to the south west angle of this State, thence east, with the southern boundary line of the same, to the south west corner of Robertson county, thence north, with the western boundary line of Robertson county aforesaid, to the northern boundary line of this State, thence west, to the beginning.

*Laws of
the U. S.*

Sec. 2 *Be it enacted*, That nothing in this act contained, shall be so construed as to authorize any person whatever, to violate the laws of the United States, as it relates to such parts of the said counties lying within the Indian boundary. *Provided nevertheless*, That nothing herein contained shall be so construed, as to authorize the sheriff of either of the aforesaid counties, to levy executions or sell any real property lying within the Indian boundary, until the same is extinguished, any law to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XXXVIII.

An ACT to repeal so much of an act, entitled, "an act to suppress excessive gaming as respects the fines on billiard tables and horse racing.

Section 1 *Be it enacted by the general assembly of the State of Tennessee*, That from and after the passing of this act, that no money

or any kind of property whatever, won by any species or mode of gaming shall be recoverable by law.

Sec. 2. *Be it enacted*, That the law imposing fines by the before recited act, so far as respects billiard tables and horse racing, be and the same is hereby repealed, any law to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XXXIX.

An ACT to appoint agents to settle the dispute existing between this State and the United States relative to the vacant and unappropriated lands within this State, and to procure the relinquishment of the claim of the United States to the same.

WHEREAS it appears by communications made to this general assembly, by the senators of this State in the congress of the United States, that the United States claim a right to dispose of the vacant and unappropriated soil within the limits of this State; in order that a determination may be made, whether the United States or the State of Tennessee have the right to dispose of the said lands, *Preamble:*

BE it enacted by the general assembly of the State of Tennessee, That the senators and representative of this State, and their successors, or a majority of them, are hereby vested with full power and authority, as agents on the part of this State, to claim the absolute right of disposing of the vacant and unappropriated soil within the same, and to have the claim *over appointed.*

of the United States, and the claim of this State examined and determined: And in order to prevent all future dispute, the said senators and representative, or their successors, or a majority of them, are hereby authorized to procure from the United States a relinquishment of their claim to the said land, in such manner, and upon such terms, as to the said agents hereby appointed, may seem proper.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XL.

An ACT to amend an act, entitled, "An act to amend the law now in force in this State for selling lands under execution."

BE it enacted by the General Assembly of the State of Tennessee, That all lands to be hereafter sold by any sheriff, which are directed to be advertised in a public gazette, shall be advertised in the gazette of the district where the land lies, if there be one, if not, then in the Gazette nearest to where the land lies, any law, usage, or custom to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XLI.

An ACT to repeal so much of the third section of an act, prescribing what shall be the legal probate of deeds and conveyances of lands and mortgages, where such probate shall be made without the limits of this State, and within the limits of the United States, and for other purposes as herein after mentioned.

BE it enacted by the General Assembly of the State of Tennessee, That the following words of the above recited third section, "Provided he, she, or they do pay a reasonable rent for the said improvements, to be deducted out of the same," which words are hereby repealed and made void, any law to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. XLII.

An ACT to suspend the operation of a law mentioned therein.

BE it enacted by the General Assembly of the State of Tennessee, That the operation of 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 title to the same, passed at Knoxville the fifth day of January, one thousand se-

ven 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.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. XLIII.

An ACT to provide for an election to elect a representative or representatives to represent this state in the Congress of the United States, and to supply vacancies that may hereafter take place.

Election to be held.

SECTION 1 **B**E it enacted by the General Assembly of the state of Tennessee, That an election, shall be held at the court house of each county respectively, or at any other place which is or may be provided for by law for holding elections within this state, on the last Thursday of October next and the succeeding day, to elect a representative or representatives (as the case may be) to represent this state in the Congress of the United States; which election shall be conducted under the same rules, regulations, and restrictions, and by the same officers as elections for members of the general assembly.

Qualification of candidate.

Sec. 2. *Be it enacted,* That the person or persons elected, shall have been a citizen or resident of the state three years immediately preceeding the day of election.

Sheriff's duty.

Sec. 3. *Be it enacted,* That immediately after the close of the election in each county, the sheriff, or other returning officer, shall, in the presence of the inspectors of the election, make out two correct

statements of the number of votes given to each candidate in his county, which two statements shall be certified by said sheriff or other returning officer, and a majority of the inspectors; one of the said statements, shall, by the inspectors be filed in the office of the clerk of the county, and the sheriff or other returning officer, by himself or deputy, shall attend with the other on the day, and at the place hereinafter mentioned, namely: The returning officers for the several counties in the district of Washington, by themselves or deputies, shall meet at Jonesborough, on the fourth day after the close of the election, and in the presence of three justices of the peace, to be summoned for that purpose, proceed to examine and compare the several certified statements aforesaid, and shall make out and certify under their hands and seals, a general statement of the number of votes given for each of the candidates in the said district, which statement shall also be certified by the justices attending as aforesaid; and in like manner the returning officers for the several counties in the district of Hamilton shall meet at Knoxville, on the aforesaid fourth day after the close of the election, and proceed to make out a general statement of the votes given for each of the candidates in the several counties in the said district of Hamilton, in the same manner as before directed for the returning officers of the district of Washington; and in the same manner the returning officers for the several counties in the district of Mero, shall meet at Nashville on the said fourth day after the close of the election, and shall proceed to make out a general statement of the votes given for each candidate in the several counties in the last mentioned district, agreeably to the manner and form directed for the district of Washington, which general statements shall be produced at Knoxville, upon the fifteenth day after the close of the election, by one of the returning officers, from each of the districts aforesaid.

Sec. 4. *Be it enacted,* That in order to ascertain which of the said officers shall attend, they are hereby directed to determine the same by lot or otherwise; and on the meeting of the said officers at the

Sheriffs to determine by lot &c.

seat of government they shall in the presence of the justices of the peace, or any one of the judges of the superior court of law for this state proceed to examine and compare the votes given by the electors in the several counties in this state, and the said returning officers, and a majority of the acting justices or judge, as the case may be, shall certify under their hands and seals, to the governor for the time being, which of the candidates shall have received the greatest number of votes. And on the reception of such certificate, it shall be the duty of the governor to commission him accordingly. But if two or more candidates shall have an equal number of votes, the returning officers from the several districts, shall determine by lot, which of them shall be duly elected.

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non at-
tendance*

Sec. 5. *Be it enacted.* That if any sheriff, or other returning officer, shall fail to attend and return a statement as aforesaid, or fail to comply with all the requisitions of this act, so far as relates to his or their duty, he or they so failing, shall forfeit and pay the sum of five hundred dollars one half to the use of the state, the other half to any person who will sue for the same, to be recovered by action of debt, before any jurisdiction having cognizance thereof, unless sufficient cause be shown for such failure, or non attendance.

*Compensation to
sheriffs*

Sec. 6. *Be it enacted.* That each of the sheriffs, or other returning officers attending as by this act required, shall be allowed the sum of one dollar and seventy five cents for every thirty miles they shall travel in going to and returning from the place by this act directed for comparing the votes, as well for their attendance in the several districts, as at the seat of government, and the same for each day they shall necessarily attend in discharging the duties enjoined on them by virtue of this act; and a certificate thereof, signed by the justices or judge (as the case may be) before whom the votes may have been compared shall be given to each sheriff or other returning officer respectively setting forth the number of days and distance travelled, which certificate shall be discharged by either of the public treasurers of this state.

Sec. 7. *Be it enacted.* That where a vacancy may happen by death, resignation, or otherwise, the governor for the time being, shall have power, and he is hereby authorized and required, to issue writs of election to fill such vacancy; and all elections in future for filling vacancies, shall be conducted under the same rules, regulations, and restrictions as herein are expressed. And further it is to be understood, that this act is not intended to militate, or in any respect to alter or abolish an act, entitled, "An act directing the mode of electing representatives to represent this state in the congress of the United States," passed at Knoxville, in the year one thousand seven hundred and ninety seven.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—September 26, 1801.

CHAP. XLIV.

An ACT making provision for the election of representatives to represent this state in the Congress of the United States.

WHEREAS it appears evident that an increase in the representation of this state in the federal legislature will take place previous to the next stated session of the general assembly of this state: Therefore to avoid the expence attending a called session, and to afford to the citizen an opportunity of availing themselves of the advantages attending the aforesaid increased representation,

Section 1. *BE it enacted by the General Assembly of the state of Tennessee.* That the said state shall be considered as composing one district, and a general

General ticket.

ticket shall run throughout the same for such number of representatives as may be appointed to the state of Tennessee by the congress of the United States

*Elections
when to
be held.*

Sec. 2. *Be it enacted*, That all elections in future for representatives as aforesaid, shall be held at the time and place, and conducted under the same rules and regulations as heretofore practised by virtue of an act, entitled, "an act, directing the mode of electing representatives to represent this state in the congress of the United States," passed at Knoxville, September the twenty seventh, one thousand seven hundred and ninety seven.

*Act when
in force.*

Sec. 3. *Be it enacted*, That this act shall have force and effect from and after the passing thereof, and until the end of the next stated session of the general assembly, and no longer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. XLV.

An ACT to reduce Knox county to its constitutional limits, and to form two new and distinct counties, by taking part of Grainger county.

*Bounds of
Knox
county.*

Section 1. **B**E it enacted by the general assembly of the state of Tennessee, That from and after the passing of this act, Knox county shall be bounded by the following lines, (viz) Beginning on the south bank of

Holston, at the mouth of Little river, and running with the lines as described by an act entitled, "an act describing and extending the bounds of Knox county," passed at Knoxville, January the fifth, one thousand seven hundred & ninety nine, to the upper end of the first bluff above Boyle's old place, thence along the lines as described by "An act to annex part of Grainger county to the county of Knox," thence along the former line of Knox county to a ridge between Clinch mountain and Clinch river known by the name of the Chesnut ridge, thence along said ridge to the lower line of Henderson and company's survey; thence along said line to the top of the Copper ridge, thence along the extreme height of said ridge opposite the first bluff below the mouth of Bull Run, thence to the north bank of Clinch river opposite said bluff, thence along the said north bank to a point, from which south, forty five degrees east, will strike the south bank of Holston river, so as to leave Knox a constitutional county, thence up the several meanders of said river on the south side to the beginning.

Sec. 2. *Be it enacted*, That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of Anderson, (viz) Beginning on the Chesnut ridge where the Knox and Grainger line crosses it, thence north, forty five degrees west, to the northern boundary of this state, thence south forty five degrees west, to a point from whence, south, forty five degrees east, will strike Wallen's ridge one quarter of a mile above the gap of the Indian fork of Poplar creek, thence to the double springs on the east fork of said creek, thence a direct course to Clinch river opposite the mouth of Hickory creek thence up the lines of Knox county to the beginning.

Sec. 3. *Be it enacted*, That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of Roane, (viz) Beginning at the corner of Knox county on the south bank of Holston river, running along said line to

*Bounds
of Roane
county.*

Clinch river on the north bank, thence up or down said north bank, as the case may be, to the corner of Anderson county, thence along said line, north forty five degrees west, to the north west corner thereof, thence south, forty five degrees west, to the southern boundary of this State, thence east, along said southern boundary to the river Tennessee, on the south side, thence up the several meanders of said river on the south side, to a point opposite the south bank of Holston river, thence to the said south bank, thence up the several meanders on the south side to the beginning.

Provisional line of Knox county.

Sec. 4. Be it enacted, That Knox county shall not extend further down, than to a direct line from the salt petre cave, below the Chota ford on Holston, to the mouth of Hickory creek, on Clinch river, until the constitutional limits of Knox county shall be ascertained by actual survey, which shall be done by disinterested commissioners appointed by the county court of Knox: Provided also, That if on accurate survey it shall be found, that there are not constitutional bounds for Knox county above the line described in this section, that then and in that case, the deficiency shall be made up, by taking one half thereof from the county of Anderson on the south side, between the Grainger line, and the lower line of Henderson and company's survey; the other half thereof from Roane county, between the rivers Clinch and Holston, which lines when run, shall be the bounds of Knox county, any thing in this act to the contrary notwithstanding.

Burrville.

Sec. 5. Be it enacted, That William Lea, Kinza Johnston, William Standefer, William Robertson, Joseph Grayson, Solomon Maffingale, and Hugh Montgomery, are hereby appointed commissioners, who, or a majority of them, shall, as soon as may be, fix on a place the most convenient, as near the river Clinch, on the north side, as the nature of the case will admit, between the Island ford, and where Samuel Worthington now lives, for a court house, prison and stocks, for the use of said county of Anderson: And after agreeing on the place, they shall

proceed to purchase any quantity of land, not exceeding fifty acres, for which they shall cause a deed or deeds to be made to themselves or their successors in office, on which they shall cause a town to be laid off with necessary streets and allies, reserving two acres as near the centre as may be, on which the court house, prison, and stocks shall be erected, which town shall be known by the name of Burrville.

Sec. 6. Be it enacted, That when the town shall thus be laid off, the aforesaid commissioners are further required to advertise for sale, to the highest bidder at a credit of six months, the lots of said town, giving thirty days previous notice, and shall take bonds with sufficient securities, to themselves or successors in office, and shall make titles to the purchasers. *Lots to be sold.*

Sec. 7. Be it enacted, That it shall be the further duty of the aforesaid commissioners, to contract with suitable workmen, to build a court house, prison and stocks, and the monies arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for said court house, prison and stocks. *Courthouse to be built.*

Sec. 8. Be it enacted, That should the money arising from the sale of said lots prove insufficient to pay for said public buildings, then, and in that case, a majority of the acting justices of said county of Anderson, shall in term time have power, & are hereby authorized and required to lay an additional county tax, not exceeding twelve and an half cents on each hundred acres of land liable to taxation, twelve and an half cents on each white poll, twenty five cents on each black poll, fifty cents on each head horse kept for covering mares, and twenty five cents on each town lot; the said tax to be laid from year to year, until a sufficient sum shall be collected to pay for said public buildings, and shall be collected by the collector of public taxes on the same per cent. as other county taxes, and shall pay the same to the aforesaid commissioners, and be by them applied to

the payment of said public buildings, whose receipts shall be allowed in the settlement of his accounts

Comm'r's to give bond. Sec. 9 Be it enacted, That before the said commissioners enter on the duties of their appointment, they shall enter into bond with sufficient security, payable to the governor for the time being, in the sum of five thousand dollars, for the faithful discharge of their duty as herein expressed, which bond shall be lodged in the office of the clerk of the said county of Anderson.

Comm'r's to settle with the court. Sec. 10 Be it enacted, That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the court of Anderson county a just and fair statement of all monies by them received, as well those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable allowance for their services; Provided, there shall be five justices present when such allowance is made.

Court when to be held. Sec. 11 Be it enacted, That for the due administration of justice, that the court of pleas and quarter sessions, shall be held in and for said county of Anderson, on the second Mondays of March, June, September, and December, and the justices for said county shall hold the first court at the house where Joseph Denham, senior, now lives, on the second Monday of December next, and all subsequent courts for said county, on the days above mentioned for holding courts therein, at the same place; until a court house shall be built in and for said county, and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county, shall be held by commission to said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdictions, as are or shall be prescribed, by, and for the courts of the several counties in this state.

Anderson annexed to Hamilton district. Sec. 12. Be it enacted, That the said county of Anderson, be, and is hereby declared a part of Hamilton district, in the same manner, and for all

purposes, civil, criminal and military, in as full and ample manner as any county in this state, and shall send three jurors to the superior court of said district.

Sec. 13. Be it enacted, That nothing herein contained, shall be so construed as to prevent the collector of public taxes of Knox and Grainger counties to collect the tax for the year one thousand eight hundred and one, and all arrearages of taxes. *Arrears of taxes.*

Sec. 14. Be it enacted, That William Hoghead is hereby appointed a commissioner on the part of Anderson county, to act with a commissioner appointed by the county of Claiborne, to run the line between the aforesaid counties, from Clinch river to the Indian boundary, and shall have for his services the sum of two dollars, for each day he may be necessarily employed in running said line, to be paid by the treasurer of Anderson county, out of the county monies, whole receipt shall be good in the settlement of his accounts. *Line between Anderson & Claiborne.*

Sec. 15. Be it enacted, That Jesse Roysden is hereby appointed a commissioner on the part of the county of Anderson, to act with a commissioner appointed in the county of Roane, to run the line between the aforesaid counties, from the double springs on the east fork of Poplar creek, to the Indian boundary, and from the aforesaid double springs to Clinch river, and shall receive the sum of two dollars for each day he may be necessarily employed in running said line, and shall employ a marker who shall be entitled to receive one dollar per day, to be paid by the treasurer of Anderson county, out of the county monies, and their receipts shall be good in the settlement of his accounts. *Line between Anderson and Roane.*

Sec. 16. Be it enacted, That Hugh Nelson, John Smith, T. Alexander Carmichael, William Barnett, Paul Harlson, and Zacheus Ains, or a majority of them, are hereby appointed commissioners to agree with a suitable workman to build a court house, prison and stocks, in the town of Kingston, on the lot reserved for that purpose, for the use of said county of Roane. *Court house for Roane county.*

*Court for
Roane
county
when to be
held.*

Sec. 17. Be it enacted, That for the due administration of justice, the court of pleas & quarter sessions shall be held for said county of Roane, on the third Mondays of March, June, September, and December, and the justices for said county, shall hold the first court at the house of Alexander Carmichael in Kingston, on the third Monday of December next, and all subsequent courts for said county, on the days above mentioned, for holding courts therein, at the same place, until a court house shall be built in and for said county, and then all causes, matters and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county, shall be held by commission to said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed by law, for the courts of the several counties in this state.

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to Hamil-
ton dist.*

Sec. 18. Be it enacted, That the said county of Roane, be, and is hereby declared a part of Hamilton district, in the same manner, and for all the purposes, civil, criminal, and military, in as full and ample manner as any county in this state, and shall send two jurors to the superior court of Hamilton district.

*Tax to be
laid in
Roane.*

Sec. 19. Be it enacted, That a majority of the acting justices of the county of Roane, when in session, shall have power, and are hereby authorized and required, to lay an additional county tax, not exceeding twelve and an half cents on each hundred acres of land liable to taxation, twelve and an half cents on each white poll, twenty five cents on each black poll, fifty cents on each stud horse kept for covering mares, twenty five cents on each town lot, and ten dollars on each billiard table, the said tax to be laid from year to year, until a sufficient sum shall be collected to pay for said public buildings, and shall be collected by the collector of public taxes, on the same per centum, as other county taxes, and shall pay the same to the aforesaid commissioners, whose receipt shall be allowed in the settlement of his

accounts, and be by them applied to the payment of said public buildings

Sec. 20. Be it enacted, That before the said commissioners enter on the duties of their appointment, they shall enter into bond with sufficient security, payable to the governor for the time being, in the sum of three thousand dollars, for the faithful discharge of their duty as herein expressed, which bond shall be lodged in the office of the clerk of said county of Roane. *Comm'rs to give bond.*

Sec. 21. Be it enacted, That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the court of Roane county, a just and fair statement of all monies by them received, as well as those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable allowance for their services. Provided, There shall be five acting justices present when such allowance is made. *And make settlement.*

Sec. 22. Be it enacted, That Joseph Taylor is hereby appointed a commissioner on the part of the county of Roane, to act with the commissioner appointed on the part of Anderson county, to run the line between the counties of Anderson and Roane, from the double springs on the east fork of Poplar creek, to the Indian boundary, and from the aforesaid double springs, to Clinch river; and shall have the sum of two dollars for each day he may be necessarily employed in running said line, to be paid by the treasurer of Roane county, out of the county monies, whose receipt shall be good in the settlement of his accounts. *Line between Roane & Anderson.*

Sec. 23. Be it enacted, That John McClellan and Joseph Taylor are hereby appointed commissioners to run and mark the line between the counties of Knox and Roane from the salt petre cave on Holston to the mouth of Hickory creek on Clinch river, for which they shall have the sum of two dollars & fifty cents, for each day they may be necessarily employ. *Between Knox and Roane.*

ed in running said line, and the treasurer of Knox county, is hereby required to pay John McClellan for his services in running said line, whose receipt shall be good in the settlement of his accounts; and also the treasurer of Roane county, shall pay Joseph Taylor, for his services in running said line, whose receipt shall be good in the settlement of his accounts.

Arrears of taxes.

Sec. 24. Be it enacted, That nothing herein contained shall be so construed, as to prevent the collector of Knox county from collecting the tax for the year one thousand eight hundred and one, and all arrearages of taxes.

Elections.

Sec. 25. Be it enacted, That the election for governor, representative or representatives to congress, and members of the general assembly, shall be held at the court houses of the counties of Anderson and Roane, by the sheriffs or their deputies, under the same rules and regulations as are prescribed by law, and on the days which elections for such purposes are authorized to be held, and those citizens of Anderson and Roane counties, formerly citizens of Knox county, shall be entitled to vote in their respective counties.

Returning officers

Sec. 26. Be it enacted, That it shall be the duty of the returning officers of the counties of Anderson and Roane, to meet the returning officer of Knox county, in Knoxville, on the succeeding Monday, with the number of their respective polls, and with him compare the same; and the returning officer of Knox county, shall declare those duly elected members of the general assembly, and give certificates accordingly and it shall be the duty of said sheriff to transmit a just statement of the poll of election, for governor, representative or representatives to congress, to the speaker of the senate in the same manner as by law directed.

Right of suffrage.

Sec. 27. Be it enacted, That the citizens of Anderson county, formerly part of Grainger, shall have the right of suffrage with the citizens of Claiborne county, in all elections for governor, representative

or representatives to congress, and members of the general assembly, until the next census shall be taken.

Sec. 28. Be it enacted, That James White and John Menettee, esquires, or either of them, are hereby authorized and required to attend at the first court to be held for the county of Anderson, for the purpose of qualifying the members of said court.

Court to be organized.

Sec. 29. Be it enacted, That John McClellan and Joseph Harden, esquires, or either of them are hereby authorized and required to attend at the first court to be held for the county of Roane, for the purpose of qualifying the members of said court.

Sec. 30. Be it enacted, That this act shall be in force in the county of Anderson, from and after the thirteenth day of December next, and in the county of Roane, from and after the twentieth day of the same month.

Act when in force.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. XLVI.

An ACT creating part of the counties of Hawkins and Grainger into a separate and distinct county.

SECTION I. **B**E it enacted by the General Assembly of the State of Tennessee, That Hawkins and Grainger counties be divided by the following line, (to wit.) Begin on the north bank of Clinch river where the Hawkins and Grainger line crosses the same, thence down the north bank of said river Clinch, to a

Line between Hawkins & Grainger.

point opposite where the Knox and Grainger line strikes the said river, thence north, forty five degrees west, to the line which divides this state from the state of Kentucky, thence east with said line, to where it intersects with the line which divides this state from the state of Virginia, thence due east with said line to a point from which a direct line to the beginning will leave six hundred and twenty five square miles in the county of Hawkins, and all that part of the aforesaid counties of Hawkins and Grainger contained within the lines before described, shall be a separate and distinct county by the name of Claiborne.

Claiborne:

Commissioners appointed.

Sec. 2. *Be it enacted*, That George Reel, John Vanbebber, Matthew Sims, Abel Langham, Joseph Webster, John Bulard, and Silas Williams, be, and they are hereby appointed commissioners, who, or a majority of them, are authorized to fix on a place the most central and convenient in said county of Claiborne, for the purpose of erecting a court house, prison and stocks, at which place the said commissioners are authorized and required to purchase land, and lay off a town to consist of forty lots, with proper streets and allies, which town shall be known by the name of Tazewell.

Court house for Claiborne.

Sec. 3. *Be it enacted*, That said commissioners are authorized and required, as soon as may be, after agreeing on the place whereon the court house, prison and stocks are to be erected, and they have purchased land and laid off a town as aforesaid, to contract with suitable workmen for the purpose of erecting and building a court house, prison and stocks at the place aforesaid, for the benefit of said county; and the better to enable the commissioners aforesaid, to carry this act into effect:

Lots to be sold.

Sec. 4. *Be it enacted*, That they are authorized and empowered to sell the said lots at public sale, giving such credit as they in their wisdom may deem necessary. And for the securing the monies arising from the sale of the aforesaid lots:

Sec. 5. *Be it enacted*, That the said commissioners are hereby authorized and empowered to take ob-

ligations with sufficient security from the respective purchasers thereof, payable to themselves as commissioners, which said monies, the said commissioners are to collect and apply to the use of paying for the land whereon the said town shall have been laid off, and defraying the expences of erecting a court house, prison and stocks aforesaid, and in case the monies arising from the sale of the said lots, should not be sufficient to pay for the said land, and defray the expences as aforesaid:

Sec. 6. *Be it enacted*, That the court of Claiborne county are hereby authorized and empowered to lay *Taxes to be laid.* a tax, not exceeding twelve and an half cents on each white poll, twenty five cents on each black poll, twelve and an half cents on each hundred acres of land, twenty five cents on each town lot, and one dollar on each stud horse kept for covering mares, which tax shall not be laid for more than three years, and shall be collected, accounted for, and paid into the hands of the said commissioners, under the same rules and restrictions as are observed in collecting, accounting for, and paying public taxes.

Sec. 7. *Be it enacted*, That said commissioners before entering on the duties of their appointment, *Commrs to give bond.* shall enter into bond, in the sum of fifteen hundred dollars, payable to the chairman of the court of Claiborne county, and his successors in office, for the use of said county of Claiborne, conditioned for the faithful discharge of the trust reposed in them, and shall take and subscribe the following oath: *Their oath.* I, A. B. do swear (or affirm as the case may be) that I will, as a commissioner to act for the county of Claiborne, do equal and impartial justice to the citizens of said county to the best of my skill and judgment. SO HELP ME GOD; which bond, together with a copy of the said oath, shall be filed in the clerk's office, for said county of Claiborne.

Sec. 8. *Be it enacted*, That the first court of Court Claiborne county, shall be held by the justices of the *when and where to be held.* said county, on the first Mondays in March, June, September and December, in every year, and the justices thereof are hereby authorized and empow-

ered to hold the first court for the same at the dwelling house of John Owens, on the first Monday in December next, and all subsequent courts for said county on the days above mentioned, for holding courts therein, at any place to which the said justices from court to court may adjourn themselves, until a court house shall be built for the said county of Claiborne, then all matters and things pending in said court, and all manner of process returnable to the same, shall be adjourned to said court house, and all courts held in & for said county of Claiborne shall be held by commission to the said justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed for the courts in the several counties in this state.

*Annexed
to Hamil-
ton dist.*

*Arrears of
taxes.*

*Line be-
tween Clai-
borne and
Anderson.*

*Determin-
ation of
justs.*

Election.

Sec. 9. *Be it enacted*, That the aforesaid county of Claiborne, be, and the same is hereby declared to compose a part of the district of Hamilton, in the same manner, and for all purposes civil or military, as other counties in the said district doth. *Provided*, nothing herein contained shall be so construed as to prevent the sheriffs or collectors of the said counties of Hawkins and Grainger from collecting all arrearages of public and county tax within the limits of the said county of Claiborne, in the same manner as if this act had not been passed.

Sec. 10. *Be it enacted*, That Walter Evans, be, and is hereby appointed a commissioner on the part of the county of Claiborne, to act with one from the county of Anderson, to run the line between the aforesaid counties, from the river Clinch, to the Indian boundary line, for which services he shall be allowed the sum of two dollars for each day he may necessarily be employed running said line, which expense is to be paid by the county of Claiborne.

Sec. 11. *Be it enacted*, That all proceedings now pending in the county courts of Hawkins and Grainger, shall be proceeded on and determined in the same manner as if this act had not been passed.

Sec. 12. *Be it enacted*, That the said county of Claiborne be a part of the districts for electing go-

vernor, representative or representatives to congress, a senator and representative to the general assembly to which it has heretofore belonged; and the election shall be held at the court house or usual place of holding courts in said county, at the time and in the manner by law directed, and the sheriff or returning officer shall make a return of the polls at the court house in Rutledge, on the succeeding day of the election to the sheriff or proper returning officer for Grainger county, which shall be received and considered to be a part of the election of the said county of the said Grainger, any law to the contrary notwithstanding.

Sec. 13. *Be it enacted*, That Clinch river, and the path leading from the mouth of Greely Rock creek to the head of Mulberry creek, shall be the dividing line between the county of Hawkins and the county of Claiborne, until the true line shall be ascertained.

Sec. 14. *Be it enacted*, That it shall be the duty of the sheriff of Claiborne county to hold an election at the place of holding courts, on the last Friday and the day succeeding, in February next, for the purpose of electing one colonel and two majors for the regiment of said county, which election shall be held under the same rules, regulations and restrictions, as prescribed by law for holding elections for such officers.

Sec. 15. *Be it enacted*, That the commissioners by this act appointed for fixing on the place for erecting a court house, prison & locks, shall, when they have performed the duties enjoined on them by this act, lay before the court of said county of Claiborne, a regular statement of all their proceedings, and the said court are hereby required to allow them a reasonable compensation for their services, to be paid out of any county monies not otherwise appropriated.

Sec. 16. *Be it enacted*, That Joseph Cobb, and Andrew Evans, esquires, or either of them, or any other justice of the peace of Grainger county, are

hereby required to attend at the first court to be held for Claiborne county, for the purpose of qualifying the members of said court.

All when in force. Sec. 17. *Be it enacted*, That this act shall be in force from and after the sixth day of December next.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. XLVII.

An ACT to annex part of Grainger county to the county of Knox.

Line altered.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all that part of Grainger county herein described, shall be annexed to, and be a part of Knox county: Beginning at the first bluff above Boyles's old place, running up the several meanders of Holston river to the upper corner of a survey of land claimed by William Cobb, next, below James Vance, thence a direct line to the Richland road, where the Knox and Grainger line crosses it.

Compensation to surveyor.

Sec. 2. *Be it enacted*, That Nathan B. Markland, is hereby appointed to run the aforesaid line, and shall receive the sum of three dollars for the same, to be paid by the county of Knox.

Reservation.

Sec. 3. *Be it enacted* That nothing herein contained shall be so construed as to prevent the sheriff of Grainger county from collecting the taxes for the

year of one thousand eight hundred and one, and all arrearages.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. XLVIII.

An ACT for annexing part of Wilson county to Smith county, and forming two distinct counties thereof.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the bounds of Smith county shall *Round of* be as follows, viz. Beginning one mile due west of the Smith south east corner of Sumner county, on the south bank of Cumberland river, thence south, twenty three degrees east, to the Indian boundary, thence along the same until it intersects the Caney Fork road, thence along the dividing ridge between Martin's creek and Flinn's creek to the river, thence up the river one half mile above the ferry landing at Fort Blount, thence a due north course until it strikes the state line, thence west along the state line, to the corner of Sumner county, thence south along the Sumner line to the river, thence down the same to the beginning.

Sec. 2. *Be it enacted*, That a new county be established by the name of Jackson, to be contained within the following described bounds, (viz.) Beginning on the state line, at the north east corner of Smith county, thence east along the state line to where it intersects the Indian boundary, thence along the same to where it crosses the Caney Fork road,

thence along the eastern boundary of Smith county to the beginning.

Arrears of taxes. Sec. 3. *Be it enacted* That it shall and may be lawful for the sheriff of Smith county to collect the taxes for the present year, and all arrearages of taxes, for every and any preceding year, in the same manner and with a full authority as if this act had not been passed; and Smith county shall be liable for the payment of every demand that any of the citizens of Jackson county, heretofore a part of said county, may legally have for services rendered the said county of Smith; and it is moreover understood that the sheriff of Wilson county shall have the same power and authority as the sheriff of Smith, for the collection of the taxes of that part of Wilson county which is by this act annexed to Smith county.

Court when and where to be held. Sec. 4. *Be it enacted*, That the courts of pleas and quarter sessions of Jackson county, shall be held on the second Mondays in December, March, June, and September, at the house of John Bowen on Roaring river, with the same power and authority as other courts of pleas and quarter sessions heretofore established by law.

Commissioners appointed. Sec. 5. *Be it enacted*, That Charles Cavanaugh, esquire, William Sullivan, senior, Andrew Greer, Thomas Smith, senior, and Thomas Draper, be, and are hereby appointed commissioners, who, or a majority of them, shall have full power and authority to procure by purchase, or otherwise, forty acres of land, for the purpose of erecting a court house, prison, and stocks, as near the centre of the county, as the situation will admit of, and to take a deed or deeds of conveyance for the same in their own names as commissioners, in trust for the county, which shall be good and valid in law, and shall vest in them and their successors in office, a complete title for the uses in this act expressed, and the said commissioners shall, by a majority, have full power to elect any suitable person or persons to fill any vacancies that may happen in their own body, by death, resignation or otherwise.

Sec. 6. *Be it enacted*, That the said commission-

ers, or a majority of them, shall, as soon as may be, after purchasing and obtaining a title to forty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Smithfield, for county purposes, reserving one and an half acres near the centre thereof, on which shall be erected the court house, prison and stocks of the said county, which one acre and an half in the plan of the said town, shall be denominated the public square.

Sec. 7. *Be it enacted*, That it shall be the duty of the commissioners to attend at the place of holding court in said county, on the first Monday in December next, to designate a place where the court house, prison and stocks shall be erected for said county, and the commissioners shall, before they proceed upon the duties of their appointment, take the following oath, to wit: I, A. B. do solemnly swear or affirm (as the case may be,) that as a commissioner for Smith county, I will do equal and impartial justice to the people, and endeavor to fix the public buildings as near as possible to the requisitions of this act. So help me GOD. *Comm's duty.*

Sec. 8. *Be it enacted*, That the said commissioners be, and they are hereby authorized to sell the lots of the said town at public sale, at a credit of six months, giving thirty days previous notice of such sale by advertisement, at four or more of the most public places in the said county, taking bond with sufficient security for the payment of the purchase money, to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyances in fee simple for the same to the purchasers, which shall be good and valid in law to all intents and purposes. *Lots to be sold.*

Sec. 9. *Be it enacted*, That the money arising from the sale of the aforesaid lots, shall be by the said commissioners applied to the building the court house, prison and stocks, and they are authorized to contract with a suitable person or persons to erect the same, the court house to contain convenient

rooms for the juries, and the prison to consist of two rooms at least.

Tax to be laid.

Sec. 10. *Be it enacted*, That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of said county when demanded, and the said court shall have full power and authority to levy a county tax for the purpose of defraying the expence of the public buildings; Provided, That the said tax shall not exceed six and one fourth cents on every white poll between the age of twenty one and fifty years, a tax not exceeding twelve and an half cents on every black poll between the age of twelve and fifty years, a tax not exceeding one dollar on each stud horse kept for the purpose of covering mares, and a tax not exceeding six and a fourth cents on each hundred acres of land in any one year, which shall be collected in the same manner, and by the same persons as public taxes are, & monies arising from said taxes, shall be paid by the collector thereof, first deducting the same per centum for collection, as is by law allowed for the collection of public taxes, into the hands of the aforesaid commissioners, or a majority of them, to be applied to the purposes aforesaid.

Commrs to give bond.

Sec. 11. *Be it enacted*, That the said commissioners shall give bond with sufficient security, in the sum of five thousand dollars, payable to the chairman of the court of said county and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

And make settlement.

Sec. 12. *Be it enacted*, That the said commissioners, when the buildings are compleated, shall lay before the court of said county, a fair and just statement of the costs and expences of said purchase and buildings, together with receipts, and shall be allowed a reasonable compensation for their services by the said court; Provided, five, or a majority of the acting justices of said court be present when such allowance is made.

Elections.

Sec. 13. *Be it enacted*, That elections for members to the general assembly, the governor, and mem-

ber or members of congress, shall be held at the court house of Jackson county, on the days on which elections for such purposes are authorized to be held, and the sheriff of Jackson county shall meet the sheriff of Sumner county at the court house of said county, on the succeeding Monday, and with him examine the respective polls of election, and declare the persons duly elected members to the general assembly, and give certificates accordingly to the persons duly elected, and it shall be the duty of the said sheriff to transmit a statement of the poll of election for governor and member or members to congress, to the speaker of the senate, in the same manner as directed by law, as the duty of sheriffs of counties heretofore established.

Sec. 14. *Be it enacted*, That it shall be the duty Military of the sheriff of the county of Jackson, to hold an election. election at the place of holding court in the county of Jackson, on the first Thursday of March and the succeeding day, for the purpose of electing one colonel and two majors for the county of Jackson, under the same rules, regulations and restrictions, as prescribed by law for the election of such officers.

Sec. 15. *Be it enacted*, That the elections for company officers for the county of Jackson, shall Company elections be held at their respective company muster grounds on the last Saturday of May next, in the same manner and form as appointed by law for electing company militia officers.

Sec. 16. *Be it enacted*, That the county of Jackson shall be in all cases whatsoever, considered as a Annexed to Mero district. part of the district of Mero.

Sec. 17. *Be it enacted*, That Willis Jones is hereby appointed a surveyor to run the lines of Smith Line to be run. county as prescribed by this act, and that Lewis M. Farland, is hereby appointed to mark the said line, and when compleated, the said surveyor shall receive two dollars per day, and the marker one dollar per day, as full compensation for their services, to be paid by the said county of Smith.

Sec. 18. *Be it enacted*, That it shall and may be Court to lawful for Moses Fisk, esquire, or any other justice be organ.

ized.

of Smith county, to attend at the time and place of holding the first court in Jackson county, and is hereby authorized and empowered to administer the oath of office to the justices of said county.

WILLIAM DICKSON,

Speaker of the House of Representatives,

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. XLIX.

An ACT to establish the bounds of Wilson county, and to appoint commissioners for laying off a town therein.

*Bounds of
Wilson
county.*

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the bounds of Wilson county shall be as follows, viz. Beginning on the south bank of Cumberland river, at the mouth of Drake's lick branch, it being the upper corner of Davidson county, running from thence up the said river, with the middle of the channel of the same, to Smith county line, thence south, twenty three degrees east, along the said Smith line, to the Indian boundary line, thence westwardly with said Indian line, to Davidson county line, thence northwardly along said Davidson county line to the beginning.

*Comm'rs
appointed.*

Sec. 2. *Be it enacted*, That Christopher Cooper, doctor Alanson Trigg, Matthew Figures, John Harpole, and John Doak, esquire, be, and they are hereby appointed commissioners, who, or a majority of them, shall have full power and authority, and are hereby authorized and empowered to fix on a place the most central and convenient in the aforesaid county of Wilson, and to purchase forty acres of

land, having special regard to good water, and situation for purpose of erecting a court house, prison and stocks thereon, and it shall be the duty of the sheriff of said county, as soon as may be, to notify said commissioners, to attend at the next succeeding court of said county after such notification, and the said commissioners shall give bond with sufficient security, in the sum of five hundred dollars each, payable to the chairman of the court of said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Sec. 3. *Be it enacted*, That the aforesaid commissioners or a majority of them, are hereby authorized & required, as soon as may be, after agreeing on the place on which the court house, prison, and stocks shall be erected in the said county of Wilson, to agree and contract with suitable workmen to erect and build the same, for the use and benefit of said county, on the best terms which can be obtained for the accomplishment thereof.

*Court-house
for Wilson
county.*

Sec. 4. *Be it enacted*, That the said commissioners, or a majority of them, as soon as may be, after purchasing the aforesaid forty acres of land, shall take a deed or deeds of conveyance for the same, in their own names as commissioners, in trust for the county aforesaid, which shall be good and valid in law, and shall vest in them and their successors in office, a full and compleat title for the uses in this act expressed, and they shall cause a town to be laid off thereon, to be called and known by the name of Lebanon, for county purposes, reserving one acre near the centre thereof, on which shall be erected the court house, prison and stocks aforesaid, which one acre, in the plan of said town, shall be denominated the public square; and the said commissioners shall sell the lots of said town at public sale, giving six months credit, and thirty days previous notice of such sale by advertising at four or more of the most public places in said county, taking bond with sufficient security, for the payment of the purchase money, to themselves and their successors in office; and the said commissioners or a majority of them,

*Town of
Lebanon.*

are hereby authorized to execute in due form of law, deeds of conveyance in fee simple for the same, to the purchasers which shall be good and valid in law to all intents and purposes.

Monies appropriated Sec. 5. *Be it enacted*, That the monies arising from the sale of the aforesaid lots, shall be applied to the payment of the building of the aforesaid court house, prison and stocks; and the said commissioners are authorized to cause the said court house, to contain two convenient jury rooms, and the prison to consist of two apartments at least.

Tax to be laid in Wilson. Sec. 6. *Be it enacted*, That the court of said county of Wilson shall have power to lay a tax: *Provided*, five of the acting justices of said county be present when the taxes are laid, which tax shall not exceed twelve and an half cents on each hundred acres of land, nor twenty five cents on each town lot, nor five between the age of twelve and fifty years, nor twelve and half cents on each free poll between the age of twenty one and fifty years, nor one dollar on each stud horse kept for covering mares, & not exceeding five dollars on each billiard table, the said tax to be continued from year to year until a sufficient sum be collected for the purposes aforesaid, to be collected & accounted for by the sheriff or collector of the aforesaid county, & paid to the said commissioners at the same time, and in the same manner, and under the like penalties and restrictions as are or may be directed, for collecting, accounting for, and paying public taxes, which said monies so arising, shall be appropriated to carrying this act into effect.

Co. app. Sec. 7. *Be it enacted*, That the commissioners aforesaid shall have full power to elect a suitable person or persons to fill any vacancies that may happen in their own body, by death, resignation, or otherwise.

Comm'rs to settle. Sec. 8. *Be it enacted*, That the commissioners aforesaid, or a majority of them, as soon as the said buildings are completed, shall lay before the court of said county, a fair and just statement of the costs and expenditures of said purchase and buildings, to-

gether with their disbursements and receipts, & they shall be allowed a reasonable compensation for their services by the said court: *Provided*, That five of the acting justices of said county be present when such allowance is made.

Sec. 9. *Be it enacted*, That all laws or parts of laws that come within the purview and meaning of this act, are hereby repealed and made void, any thing to the contrary notwithstanding. *Repealing clause.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13th, 1801.

CHAP. L.

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

WHEREAS the commissioners appointed by the before recited act, have not executed the duties of their appointments, which renders it necessary for this legislature permanently to establish the place of holding courts within said county, as near as may be, *Preamble.*

Section 1. *BE it enacted by the General Assembly Courthouse of the State of Tennessee*, That the public buildings of Sumner

of Sumner county, shall be established and erected at one of the three hereafter named places, situated and lying on the east fork of Station Camp creek, viz. on the place known by the name of Dickens's, now said to be the property of John C. Hamilton, esq. or at the place of captain James Trousdale, whereon he now lives, lying on the road that leads from major David Wilson's to John Dawson's, on Station Camp creek; or at the place whereon David Shelby now lives.

*Commrs
appointed*

Sec. 2. *Be it enacted*, That Samuel Donelson, Shadrach Nye, James Wilson, (curly, son of Samuel Wilson.) Charles Donaho, esquire, and maj. Thomas Murray, be, and they are hereby appointed, or majority of them, commissioners to purchase forty acres of land, out of either of the aforesaid mentioned tracts, that can be had or obtained on the most reasonable terms (having regard to situation and water) on some part of which (when so obtained) shall be erected the court house, prison and stocks of said county, but should it so happen that the aforesaid commissioners or a majority of them, cannot purchase or procure by any means, either of the aforesaid places, for the use and purposes above mentioned, then and in that case only, it shall be the duty of the aforesaid commissioners, or a majority of them, to purchase the aforesaid quantity of forty acres of land, at a situation that may appear to them the most eligible for the purposes aforementioned, to lie within the following limits herein prescribed, that is to say, not exceeding two miles east, nor exceeding a like distance west of a centre line run through said county of Sumner, by Edward Gwinn and Wallace Harris, nor south of the road leading from Bledsoe's lick, to colonel William Henderson's, on Drake's creek, nor north of the foot of the ridge dividing the waters of Red and Barren rivers, from those of Cumberland river; and the said commissioners, or a majority of them, after having purchased as aforesaid, shall take a deeds of conveyance for the same in their own names, as commissioners, in trust for the county, which shall be good and valid in law, and shall vest in them, and their successors in office,

a complete title for the uses and purposes in this act expressed, and if the said commissioners, or a majority of them, should refuse, neglect, or fail to do, so as not to carry into full and complete effect the intent and requisitions of this act then and in that case, the county court is hereby authorized and required, and it shall positively be their duty, to appoint from time to time, such other commissioner or commissioners, who, or a majority of them, are hereby vested with full and ample powers to carry the same into complete effect and operation, according to the true intent and meaning of this act.

Sec. 3. *Be it enacted*, That the said commissioners, or a majority of them, shall, as soon as may be, after purchasing and obtaining a title to forty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Gallatin, for county purposes, reserving one and an half acre near the centre thereof, on which shall be erected the court house, prison and stocks for said county, which one and an half acre shall be denominated the public square.

*Town of
Gallatin.*

Sec. 4. *Be it enacted*, That the said commissioners or a majority of them, be, and they are hereby authorized and empowered to sell the lots of said town at public sale to the highest bidder, at a credit of six months, giving thirty days previous notice of such sale, by advertising the same in the Nashville Gazette, and at four or more of the most public places in said county, taking bond with sufficient security for the purchase money, to themselves and their successors in office, to, and for the use of said county, and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance in fee simple for the same to the purchasers, which shall be good and valid in law to all intents and purposes.

*Lots to be
sold.*

Sec. 5. *Be it enacted*, That the money arising from the sale of the aforesaid lots by the said commissioners, shall in addition to the money already appropriated for the purposes aforesaid, by the said county of Sumner, be applied to the payment

*Money ap-
propriated.*

of the land by them purchased, and the building of the court house, prison and stocks, and they are authorized to receive proposals, and contract with a suitable person or person or persons to erect the same, the court house to have convenient rooms for the juries, and the prison to consist of two rooms at least.

Money ap- propriated Sec. 6. *Be it enacted*, That the monies already appropriated by the county of Sumner, for the purposes aforesaid, shall be paid into the hands of the said commissioners, or a majority of them, and be by them appropriated as by this act directed, of which all officers in the county of Sumner, in whose hands any of the monies heretofore collected or may be hereafter collected for the purposes aforesaid, are hereby required to take notice at their peril, and it shall be their duty to settle with, and pay the same into the hands of said commissioners, or a majority of them, taking a receipt or receipts for the same, which shall be to said officers good vouchers in the settlement of their accounts.

Taxes. Sec. 7. *Be it enacted*, That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of said county occasionally, and if the monies already appropriated shall not be sufficient to defray the expence of the purchase of the land by them purchased, and the erection of the court house, prison and stocks, the court, or any five thereof, shall have full power, and it shall be their duty to lay a county tax to make up the deficiency: *Provided*, That the said tax shall not exceed six and one fourth cents on each white poll, twelve and an half cents on each black poll, six and one fourth cents on each hundred acres of land, twelve and an half cents on each town lot, fifty cents on each stud horse, kept for the season of mares, & five dollars on each billiard table, for each year, which tax shall be continued from year to year, until said buildings are completed, for the purposes aforesaid, and the sheriff is hereby authorized and required, and it shall be his duty 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.

Sec. 8. *Be it enacted*, That the said commissioners shall give bond with sufficient security in the sum of *Comm'r's bond.* two thousand five hundred dollars, payable to the chairman of the court of said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Sec. 9. *Be it enacted*, That the said commissioners, when the buildings are completed, shall lay *Comm'r's to settle.* before the court of said county, a fair and just statement of the costs and expences of said purchase and buildings, together with their receipts, and shall be allowed a reasonable compensation for their services by the said court: *Provided*, That five of the acting justices of said county be present when such allowance is made.

Sec. 10. *Be it enacted*, That if any three of the justices composing said court when in session, shall agree in the appointment of a commissioner or commissioners in the room or stead of those refusing or neglecting to act, if any such should be, such commissioner or commissioners so appointed, are hereby declared to have the same power and authority, as those originally appointed by this act; and subject to the same rules, regulations, and restrictions, and under the same penalties in all respects whatever, as those were in whose room and stead he or they were so appointed.

Sec. 11. *Be it enacted*, That it shall be the duty of the sheriff of said county, as soon as he shall be furnished with a copy of this act, to notify the aforesaid commissioners of their appointments, requiring them to attend the next succeeding court after such notification, in order to enter on the duties enjoined on them by this act, and said commissioners when so qualified, shall carry into effect as soon as may be, the duties herein required of them. And whereas there are great inconveniences arising to the inhabitants of the said county of Sumner, to at

tend general elections and general musters, where the court now sits,

Elections.

Sec. 12. *Be it enacted*, That all general elections and general musters in said county, shall, from and after the first day of January next, be held at the now dwelling house of captain James Tronsdale, on the road leading from major David Wilson's to John Dawson's, on Station Camp creek, under the same rules, regulations, and restrictions, as is by law prescribed for holding the same at the court house, until the court of said county shall receive the aforesaid public buildings of said commissioners, and then said elections and musters shall be held at the court house so received, any law, usage, or custom to the contrary notwithstanding.

Repealing clause.

Sec. 13. *Be it enacted*, That all laws or parts of laws that come within the purview and meaning of this act, are hereby repealed and made void, any law, usage, or custom to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. LI.

An ACT ascertaining the bounds of Montgomery county, and for annexing part of Robertson county thereto.

Bounds of Montgomery.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That from & after the passing of this act the bounds & limits of Montgomery county shall be

as follows, viz. Beginning one hundred and fifty yards east of captain Joseph Woolfork's house, on the Sulphur fork, thence south, to the latitude of captain James Hollises, thence east to a point twelve and an half miles east of the meridian of the court house in the town of Clarksville, thence south to a point, twenty five miles south of the Kentucky line, thence west to the Indian boundary line, thence with said boundary line to the Kentucky line aforesaid, thence with said line east to a point, from which a due south course will strike the beginning.

Sec. 2. *Be it enacted*, That Henry Johnson and Benjamin Weakley, or either of them, be, and they are hereby appointed commissioners to run and mark the lines which shall divide Montgomery from Robertson county, who shall be allowed the sum of two dollars per day each, and the chain carriers and marker one dollar per day each, for every day they shall be necessarily employed in running said lines, to be paid by the county of Montgomery. *Commrs duty.*

Sec. 3. *Be it enacted*, That nothing herein contained shall be so construed as to prevent the sheriff of Robertson county from collecting the taxes now due from the inhabitants who shall fall into Montgomery county, nor the sheriff of Montgomery county, from collecting the taxes due from those who may fall into Robertson county, by virtue of this act. *Arrears of taxes.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LII.

An ACT to enlarge the bounds and extend the jurisdiction of Blount county.

*Bounds of
Blount.*

Section 1. **B**E it enacted by the general assembly of the state of Tennessee, That the boundaries of Blount county shall be extended as follows, viz. Beginning on the eastern boundary of this state where the Sevier county line strikes the same, thence with the North Carolina boundary to the southern boundary of this state, thence with the southern boundary of this state to where it strikes the river Tennessee, thence up said river to the boundary of Knox county, thence with a line described by an act, entitled "An act extending and describing the bounds of Blount county," passed at Knoxville, December the twenty eighth, in the year of one thousand seven hundred and ninety eight, to the beginning.

*Service of
process.*

Sec. 2. *Be it enacted*, That it shall and may be lawful for the sheriff, coroner, or any constable of said county, to execute any process criminal or civil, within the said described limits of Blount county.

*Act when
in force.*

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

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LIII.

An ACT to appoint a commissioner to run the line between the counties of Greene and Cocke.

Section 1. **B**E it enacted by the General Assembly of the state of Tennessee, That *Comm'r appointed.*

David Stuart, be, and is hereby appointed a commissioner to run the line between the counties of Greene and Cocke, agreeably to an act, entitled, "An act to add part of Greene county to the county of Cocke," passed at Knoxville, the second day of January, one thousand seven hundred and ninety nine.

Sec. 2. *Be it enacted*. That Thomas Holland, be, *Marker.* and is hereby appointed to attend with said David Stuart, to mark the line between the counties aforesaid.

Sec. 3. *Be it enacted*, That David Stuart shall receive two dollars per day for running, and Thomas Holland one dollar per day for marking said line, to be paid by the treasurer of Cocke county, and their receipts shall be sufficient vouchers in the hands of the treasurer in the settlement of his accounts. *Compensa-
tion.*

Sec. 4. *Be it enacted*, That the said David Stuart, shall take an oath before some justice of the peace in Greene county, that he will justly and truly run the aforesaid line according to law. *Oath.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LIV.

An ACT appointing commissioners to run and mark the line between the counties of Greene and Washington, agreeably to an act passed at Hillsborough, in the year one thousand seven hundred and eighty three

BE it enacted by the general assembly of the state of Tennessee, That James Patterson is hereby appointed surveyor, and John Parks marker on the part of Greene county; and Joseph Brown surveyor, and George Davis marker on the part of Washington county, to run and mark the line between the counties of Greene and Washington, agreeably to an act passed at Hillsborough, in the year one thousand seven hundred and eighty three, and each of the surveyors shall receive two dollars, and each of the markers one dollar for each day they may be necessarily employed in said business, to be paid by the treasurer of their respective counties, whose receipts shall be good in the settlement of their accounts.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LV.

An ACT appointing commissioners to run the boundary line between the counties of Grainger and Hawkins.

Section. 1. BE it enacted by the general assembly of the state of Tennessee That *Commrs* Joseph Cobb, esquire, is hereby appointed a *appointed* commissioner to run the line between the aforesaid coun-

ties of Grainger and Hawkins, from the south west corner of Joel Dyer's and Thomas Henderson's land, to Clinch river, agreeably to an act of assembly, passed at Knoxville, in the year one thousand seven hundred and ninety nine, entitled, "An act describing and extending the bounds of Grainger county"

Sec. 2. Be it enacted, That the said commissioner is hereby authorized to employ a marker to mark said line. *Marker.*

Sec. 3. Be it enacted, That the said commissioner shall be allowed the sum of two dollars per day, and the marker one dollar per day, for each day they may necessarily be employed running said line, which expence is to be paid by the county of Grainger, and their receipts shall be sufficient vouchers with the treasurer in the settlement of his accounts. *Compensation.*

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LVI.

An ACT to appoint commissioners to mark the line between the counties of Greene and Hawkins, agreeably to an act passed at Fayetteville, in the year of one thousand seven hundred and eighty six.

BE it enacted by the General Assembly of the state of Tennessee, That Daniel Carter, esquire, of the county of Greene, and William Payne, esquire, of the county of Hawkins, be, and they are hereby appointed commissioners to mark and designate the line between the coun-

fies of Greene and Hawkins, agreeably to an act of assembly passed at Fayetteville, in the year of one thousand seven hundred and eighty six, and shall receive for their services the sum of two dollars for each day they may necessarily attend on said business, to be paid by the treasurer of their respective counties out of the county monies, whose receipts shall be good in the settlement of the accounts of said treasurer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. LVII.

An ACT to establish the eastern boundary line of Davidson county, on the south side of Cumberland river.

*Boundary
of David-
son.*

SECTION 1 **B**E it enacted by the General Assembly of the state of Tennessee That from and after the passing of this act, the eastern boundary line of Davidson county, on the south side of Cumberland river, shall be as follows, viz. Beginning at the mouth of Drake's Lick branch, on the south side of Cumberland river, and running with the original Davidson county line, southwardly to a point on said line northeast from the mouth of Hurricane creek, which runs into Stone's river on the south west side, thence a direct line from the aforesaid point, to the ridge above the mouth of the first large Cedar fork coming into Falling creek on the south side above Robert Smith, thence with said ridge an eastwardly course to the main dividing ridge between Falling creek and Bradley's creek, thence

a direct course to Bradley's creek at Donaho's spring, thence continuing the same course, to the main ridge between said creek and the south fork of the same, thence south, forty five degrees east, to the Indian boundary line, thence with said line westwardly to Williamson county, thence with said county line, north, and continuing with the lines of said county and the lines heretofore established of said county of Davidson, to the beginning.

Sec. 2 *Be it enacted*, That this act shall be in *Act when* force from and after the first day of January next: *in force.*
Provided That nothing herein contained shall be so construed as to prevent the sheriff or collector of taxes of Wilson county, to collect all taxes that may be due from that part of Wilson county, which is added to Davidson county by this act.

Sec. 3 *Be it enacted*, That all laws or parts of laws that come within the purview and meaning of this act, are hereby repealed and made void, any law, usage, or custom to the contrary notwithstanding. *Repealing clause.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6th, 1801.

CHAP. LVIII.

An ACT authorizing the courts of Davidson and Wilson counties each, to appoint one surveyor to run and designate the true line as pointed out by act of assembly between said counties.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee, That* the court of Davidson county shall appoint one surveyor, and the court of Wilson county shall also appoint one surveyor, which surveyors so appointed, are hereby authorized to run and designate the dividing line between the aforesaid counties, as pointed out by act of this present general assembly, for which services each of the surveyors shall be allowed the sum of two dollars per day, and the chain carriers and markers each one dollar per day, which expences shall be equally paid by both counties.

Line to be run. **Sec. 2.** *Be it enacted, That if either of the* county courts above mentioned, should fail or neglect to appoint a surveyor, as directed by this act, and the other county should appoint a surveyor, the said surveyor so appointed, is hereby directed to proceed to run the aforesaid line as described by this act; and the line so run and designated between said counties, shall be returned to the clerks of said counties, provided both surveyors attend; and should but one attend and run the same, then, and in that case, he shall make return to the clerk of the county for which he shall be appointed, and the clerk shall enter the same of record, which shall be considered as part of his *ex officio* services.

Surveyors' duty. **Sec. 3.** *Be it enacted, That the said surveyors so* appointed, or either of them, shall run and designate the aforesaid line, on or before the first day of May next, any law, usage, or custom to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LIX.

An ACT to apportion the jurors to the counties of Grainger, Claiborne and Knox.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the county of Grainger shall send four jurors to the superior court for the district of Hamilton; and the county of Claiborne three; and the county of Knox seven, any thing to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. LX.

An ACT authorizing and requiring the court of Grainger county to lay an additional county tax for the purposes therein mentioned.

WHEREAS it is represented, that in the year one thousand seven hundred & ninety seven, Henry Howell, James Fears, Michael Maffingill, and William Millikin, were legally appointed commissioners to purchase & lay off a place in the county of Grainger for the purpose of erecting a court house, prison and stocks, and were vested with full power to contract and agree with a suitable workman for erecting and building a court house, prison and stocks for the use and benefit of said county; and that in pursuance of the powers vested in them, they did proceed to purchase & lay off a place for the purposes aforesaid, and did contract and agree with Charles Smith, to

Preamble.

erect and build the said court house, and gave him their bond for a considerable sum of money, as compensation for the same, & were afterwards compelled to pay a considerable part of said sum out of their own private monies; notwithstanding, the court of said county received the said house, after it was finished by the said Smith agreeably to his contract, and continued to use it as their court house for near two years; and the said commissioners, and sundry others, inhabitants of said county, hath petitioned this general assembly to enact a law to enable them, the said commissioners, to receive the amounts by them respectively paid as aforesaid, out of the monies of the said county of Grainger: Therefore,

Allowance to court's Section 1. *BE it enacted by the general assembly of the State of Tennessee,* That the said commissioners may, and are hereby authorized to receive from the trustee of said county, the sum of two hundred dollars, as full compensation for the monies by them paid for the building of the court house aforesaid; and the said trustee is hereby required to pay the same, and their receipt or receipts in his hands for that amount, shall be good vouchers in the settlement of his accounts.

Tax to be laid. Sec. 2 *Be it enacted,* That the county court of Grainger, shall lay a tax annually, not exceeding two years, from and after the first day of January next, for the purpose of raising the aforesaid sum of two hundred dollars, which tax when laid, shall not exceed twelve and an half cents on each white poll, twenty five cents on each black poll, twelve and an half cents on each hundred acres of land, twenty five cents on each town lot, one dollar on each stud horse kept for covering mares, and ten dollars on each billiard table.

Money appropriated. Sec. 3 *Be it enacted.* That if any money collected by virtue of this act, shall remain after paying the aforesaid sum of two hundred dollars, it shall

be appropriated to the use of the said county of Grainger as other county monies.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 13th, 1801.

CHAP. LXI.

An ACT to authorize the court of Knox county to lay a tax for the building a prison and stocks in Knoxville.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That Tax to be the court of Knox county are laid, hereby authorized to lay a tax, not exceeding twelve and half cents on each hundred acres of land, nor twelve and half cents on each white poll, nor twenty five cents on each town lot, nor twenty five cents on each black poll, nor one dollar on each stud horse kept for covering mares, nor twenty five dollars on each billiard table, the said tax to be laid from year to year until a sum shall be collected sufficient to pay for the building a prison and stocks in the town of Knoxville.

Sec. 2. *Be it enacted,* That Charles McClung, Robert Houston, and Joseph Greer, are hereby appointed commissioners to contract with a suitable workman to build the said prison, which shall consist of two rooms at least.

Sec. 3. *Be it enacted,* That the said tax shall be collected by the collector of public taxes for the

county of Knox, and be by him paid into the hands of the said commissioners, on the same per cent. as other county tax, and their receipts shall be good in the settlement of his account.

*Comms
to give
bond*

Sec. 4. *Be it enacted*, That before the said commissioners shall receive any of the monies as by this act directed, they shall enter into bond with sufficient security, in the sum of fifteen hundred dollars, payable to the chairman of the court or his successors in office, for the faithful discharge of the duties enjoined on them by this act.

Vacancies.

Sec. 5. *Be it enacted*, That if either of the said commissioners should die, remove, or refuse to act, that then and in that case, the court shall appoint some other fit person to fill such vacancy.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LXII.

An ACT authorizing the courts of the counties of Washington and Carter to lay an additional tax, for the purpose of procuring a standard of weights and measures, in their respective counties.

*Tax to be
paid.*

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for a majority of the acting justices of the peace for the county of Washington when in session to lay an additional tax in said county for the purpose of procuring a standard of weights & measures, & the said

tax when laid, shall be collected, accounted for, and paid as other county taxes, and shall not exceed four cents on each white poll, nor eight cents on each black poll, nor four cents on each hundred acres of land, nor eight cents on each town lot, nor twenty five cents on each stud horse kept for covering mares, nor fifty cents on each billiard table.

Sec. 2. *Be it enacted*. That it shall and may be lawful for a majority of the acting justices of the peace for the county of Carter, when in session, to lay an additional tax in said county for the purpose of procuring a standard of weights and measures, and the said tax when laid, shall be collected, accounted for, and paid as other county taxes, and shall not exceed eight cents on each white poll, nor sixteen cents on each black poll, nor eight cents on each hundred acres of land, nor sixteen cents on each town lot, nor fifty cents on each stud horse kept for covering mares, nor one dollar on each billiard table.

*Tax to be
laid.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LXIII.

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

WHEREAS the prison of Cocke county has been destroyed by fire,

BE it enacted by the General Assembly of the State of Tennessee, That the county court of Cocke, be, and is hereby authoris-

ed and empowered to lay an additional tax not exceeding two years, for the purpose of building a prison, and to discharge the arrearages due for building the court house; not exceeding twelve and an half cents on each white poll, twenty five cents on each black poll, twelve and an half cents on each hundred acres of land, one dollar on each stud horse kept for covering mares, twenty five cents on each town lot, to be collected by the sheriff, accounted for, and paid into the hands of the commissioners appointed for said county, for the purposes aforesaid.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXIV.

An ACT to empower the court of Sevier county to lay and collect an additional county tax, for the purpose of building a prison.

WHEREAS the prison late of Sevier county, hath been destroyed by fire.

Tax to be laid.

Section 1. BE it enacted by the General Assembly of the State of Tennessee, That the county court of Sevier be authorized and empowered to lay an additional county tax for two years, not exceeding twelve and a half cents on each white poll, twenty five cents on each black poll, twelve and a half cents on each hundred acres of land, twenty five cents on each town lot, fifty cents on each stud horse kept for the purpose of covering mares, to be applied for the purpose of building said prison.

Sec. 2. BE it enacted, That the commissioners ~~Prison~~ heretofore appointed by law in the county of Sevier, shall be vested with full power and authority to contract with such person or persons as they may think proper, to build said prison.

Sec. 3. BE it enacted. That the tax so laid, shall be collected by the sheriff of said county, and paid ~~into the hands of the commissioners, or such of them as shall be appointed to receive the same, and that he have the same per cent. for collecting it, as for other collections.~~ *Money appropriated.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXV.

An ACT authorising the county court of Greene to lay an additional tax, for the purpose of procuring a standard of weights and measures.

Section 1. BE it enacted by the general assembly of the State of Tennessee, That ~~Weights & measures.~~ it shall and may be lawful for a majority of the justices of Greene county, when in session, to lay an additional tax, for the purpose of procuring a standard of weights and measures.

Sec. 2. BE it enacted, That the tax when laid, shall be collected and accounted for as other county taxes, monies, and shall not exceed four cents on each white poll, nor eight cents on each black poll, nor four cents on each hundred acres of land, nor eight cents on each town lot, nor twenty five cents on each stud

horse kept for covering mares, nor fifty cents on each
billiard table.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXVI.

An ACT to repeal 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, and to appoint certain persons in their stead, for the purposes aforesaid.

*mem's
sed.*

SECTION 1.

BE it enacted by the General Assembly of the State of Tennessee, That John Kennedy, Isaac Depue, Thomas Embree, Andrew Steele, and Robert Eaches, are hereby appointed commissioners, and they, or a majority of them, are hereby vested with full power and authority, and it is hereby declared to be their duty, jointly or severally, to proceed without delay to notify all and every person or persons who has heretofore failed, to settle for their several collections. And in order to prescribe the mode by which the said commissioners shall proceed, It is hereby enacted, That where any sheriff, collector, or other person holding any county monies, for which a full and complete settlement has not been made, to notify such person or persons as aforesaid, in writing, at least twenty days previous to the time upon which the settlement is to be made; any person notified as hereafter directed, and failing to comply with said requisition, shall be liable to a suit or suits at the instance of the commissioners, or either of them, a-

gainst both principal and securities, in any of the courts of record within this state.

Sec. 2. *Be it enacted,* That the said commissioners shall have full power and authority to call on the clerk of their county, for all bonds and other papers in his office, which in the opinion of said commissioners shall in any wise be essential to carrying the aforesaid settlement into effect; and it shall be the duty of said commissioners, at the second court after entering into the duties enjoined by this act, to report and state in writing, which shall be posted up in some public place within the court house, for the information of the people, and all monies recovered and collected by said commissioners, shall be paid into the treasury of their county, there to be appropriated as other county monies.

Their duty

Sec. 3. *Be it enacted,* That the commissioners aforesaid, previous to entering into the duties of their appointments, shall take an oath or affirmation to the following effect, to wit: I, A. B. do solemnly swear or affirm (as the case may be) that I will faithfully execute the duties enjoined on me by this act, and in all respects all consistent with the interest of the people, according to the best of my knowledge. So help me GOD: And the court of Washington county, shall make full compensation to said commissioners for their trouble and expence, to be paid out of the county treasury.

Bond and oath

Sec. 4. *Be it enacted,* That if the clerk aforesaid, shall fail to render to such papers as the said commissioners may require, the said clerk shall for such offence, forfeit the sum of five hundred dollars, to be recovered in any court within this state having jurisdiction thereof, one half to be applied to the use of the county, the other half to such person as may sue for the same.

Clerk's duty.

Sec. 5. *Be it enacted,* That the before recited act is hereby repealed and made void.

Repealing clause.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

(152)

CHAP. LXVII.

An ACT to amend the second section of an act, entitled, "An act appointing commissioners to contract for building a court house and stocks in the town of Nashville."

BE it enacted by the General Assembly of the State of Tennessee, That the county court of Davidson shall lay a tax annually, not exceeding eighteen and three fourth cents on each white poll, nor thirty seven and an half cents on each black poll, nor eighteen and three fourth cents on each hundred acres of land, nor thirty seven and an half cents on each town lot, nor one dollar on each stud horse kept for the season of mares, nor twenty five dollars on each billiard table, which said tax shall be continued for the term of two years (if necessary) and no longer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LXVIII.

An ACT to amend the tenth, eleventh, and twelfth sections of an act, entitled, "An act to divide the county of Davidson into two distinct counties."

Preamble. **W**HEREAS the courts of Davidson and Williamson counties, have failed to comply with the true intent and meaning of the contents of said sections; and whereas there are debts remaining due

from the county of Davidson, at the time of confining Williamson: Therefore,

Section 1. *BE it enacted by the general assembly of the State of Tennessee,* That all the debts that Davidson county justly owed at the time of Williamson *Debt apportioned,* being stricken off and formed into a new and distinct county, shall be apportioned between the two counties, agreeably to the amount of taxable property and polls in each.

Sec. 2. And in order to have all accounts liquidated and prevent future disputes between said counties, *Be it enacted,* That the second courts which shall hereafter set in each county, shall each appoint a commissioner, which said commissioners shall be invested with full power, and it shall be their duty to settle said accounts, and apportion them between said counties, and that all claims against said county of Davidson as aforesaid, be presented properly authenticated to said commissioners, on or before the first day of June, one thousand eight hundred and three, or the payment thereof be forever barred; and for the services herein mentioned, said commissioners shall be allowed two dollars per day, to be paid out of the monies belonging to said counties: *Commrs appointed,* *Provided always,* That should the county court of Williamson fail or neglect to comply with the requisitions of this act, then and in that case, the commissioner on the part of Davidson county, shall proceed to liquidate the accounts aforesaid, between said counties, which shall be binding on said counties in as full and ample a manner as if both commissioners had acted, and the county of Williamson shall be bound to pay her equal proportion of the same. And to enable the court of said county to carry this act into effect,

Sec. 3. *Be it enacted,* That the justices of the Taxes, said county of Williamson are hereby authorized and empowered, and it shall be their duty without fail, at the second court to be held for said county in each and every year, to lay a tax on the taxable property and polls within said county, for the purpose of car-

rying into effect the true intent and meaning of this act, any law to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. LXIX.

An ACT making provision for improving the navigation of the river Nolichucky.

Preamble. WHEREAS from the present flourishing situation of the State of Tennessee, rapidly progressing in wealth and population, her citizens are in the annual enjoyment of considerable surplus of the necessities of life, and other productions of their laudable industry and labor: And whereas, if sufficient encouragement was afforded to promote exportation, and emigration from abroad, and to excite our citizens to more vigorous exertions by affording a ready and convenient market for their surplus produce; this State would daily increase in wealth, commerce, and respectability: And whereas, the clearing the navigable streams and rivers in the same, would greatly conduce to the attainment of the desirable object, and would afford additional encouragement to useful industry and labour,

Section. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for the citizens of the counties of Washington, Greene, and Jefferson, or other persons in the said State willing to engage in the same, to clear out and remove from the bed or channel of so much of the river Nolichucky, as shall be within the limits of the aforesaid counties, all and every obstruction which in any way impede or hinder the

navigation of the same, on the provisions, and subject to the restrictions herein afterwards contained.

Sec. 2. Be it enacted, That for the sake of public economy, for the ease and convenience of the citizens, and that they may not be subjected to any taxation for which they may not possibly enjoy equivalent benefits, that so much of the said river Nolichucky, as is contained within the limits of the counties aforesaid, shall be cleared and improved by the citizens of the said counties, or other persons willing to engage in the same, by subscription in the manner hereinafter directed and prescribed.

Sec. 3. Be it enacted, That in order to carry into effect the objects of this act, on the first day of March, in the year of one thousand eight hundred and two, proposals for subscription shall be opened in the counties of Washington, Greene, and Jefferson, for one thousand two hundred shares, at the rate of ten dollars per share; which said proposals shall remain open for the citizens of said counties, for their subscription, for the term of twelve months; after the expiration of which time the subscriptions shall be open for all other persons, whatsoever, who shall come forward and subscribe in conformity to the requisitions of this act; and for the convenience of all persons who may be desirous to embark in the same, three subscriptions shall be opened in each of the aforesaid counties; one at the town of Jonesborough, by John M'Alister, one other by George Gillispie, the third by Robert Love, the fourth in the county of Greene, by William Dixon, the fifth by William Neilson, the sixth by Henry Conway, the seventh in the county of Jefferson, by Josiah Jackson, the eighth by John Seahorn, the ninth by George Doherty, who are hereby authorized & empowered to take in subscriptions and receive the several sums of money to be subscribed as aforesaid, all which said several sums shall be appropriated as shall be hereafter directed.

Sec. 4. Be it enacted, That whenever any person or persons shall subscribe as aforesaid, for any share or number of shares, he, she, or they, shall, at

the time of such subscription, pay the sum of five dollars for each and every share, to by him, her, or them subscribed, and shall, within the term of six months afterwards, pay up the remainder of his, her or their subscription money on said share or shares, in default of which said payments, the sums so by him, her, or them previously paid in at the time of subscribing, shall be forfeited for the purpose of clearing the said river, and it shall be lawful for the persons authorized as aforesaid to receive subscriptions, to sell and dispose of said shares, any thing herein contained to the contrary notwithstanding.

Nolichucky company. Sec. 5. *Be it enacted,* That as soon as the said subscriptions shall be filled up by the proposals of the shares aforesaid, and the sum of six hundred dollars shall be received in the counties of Washington, Greene, and Jefferson, that then the said subscribers in each county, respectively, shall be, and are hereby declared to be bodies corporate and politic in law, to be known and called by the style, name, and title of the Nolichucky River Company, which company, and their successors, shall have and possess all the rights, privileges, and capacities of bodies politic and corporate in law, which may be necessary for carrying into full and complete effect, the intent and meaning of this act.

Officers. Sec. 6. *Be it enacted,* That for the convenience of the said company in transacting their respective business, it shall and may be lawful for the members composing said company, at such time and place as they, or a majority of them may deem proper, to convene and elect a president, and such other officers of the company as they may deem proper for the purpose aforesaid.

Seal. Sec. 7. *Be it enacted,* That the said Nolichucky Company, shall furnish themselves with a seal of corporation, which shall be lodged in the hands of such officer or officers as they may direct, by which they shall be known, & which seal, when attached to any obligation, contract, or other instrument, shall be good and sufficient evidence against them in any

court of law, wherein such instrument of writing be cognizable.

Sec. 8. *Be it enacted,* That the Nolichucky River Company, whenever they may deem it expedient, shall have full power and authority to enter into any contract or contracts for clearing out all obstructions, and improving the navigation of said river, between the lower end of Benjamin Brown's island, in the county of Washington, to the confluence with French Broad river, and down the same to the Sevier line: *Provided,* That it shall not be lawful for them to enter into any contract or contracts for the purpose aforesaid, unless one third of their members be present and concur in the same. *Contract.*

Sec. 9. *Be it enacted,* That it shall and may be lawful for the Nolichucky River Company, to demand and receive as a reimbursement and compensation for their labour, trouble, and expence, the following rates of toll, viz. One dollar per ton, and in proportion for a greater or lesser burthen, which said toll, shall be paid by every person or persons commanding, or having the charge of any boat, raft, boats, or other craft, at the rates aforesaid, at such place on the said river, and to such persons as may be authorized to receive the same, by the said company, within the limits aforesaid. *Toll.*

Sec. 10. *Be it enacted,* That three custom houses be established on said river for the purpose of receiving toll, in such places as the said Nolichucky River Company may think expedient, and any boat, craft, or other vessel, entering in above the upper custom house, shall pay at the rates of one dollar per ton; any boat, craft, or other vessel, entering in between the upper custom house, and the second below, shall pay at the rates of seventy five cents per ton; and any boat, craft, or other vessel, entering in between the second custom house and third, shall pay at the rates of fifty cents per ton, and in proportion for a greater or lesser burthen. *Custom houses.*

Sec. 11. *Be it enacted,* That if any person or persons having charge of any boat or boats, raft, passing. *Penalty for passing.*

boat, or other craft, shall contrary to the true intent and meaning of this act, fraudulently or wilfully pass with the said boat or other craft, by the aforesaid places appointed by the said company for receiving toll, without paying the same, that then and in such case, it shall and may be lawful for the said company to institute a suit or suits before any justice of the peace of any county, where the offender or offenders may be found, and recover double the amount of the toll against them, to which said offenders were liable, agreeably to the rates aforesaid.

Transfer of shares. Sec. 12. *Be it enacted,* That if any subscriber, or holder of a share or shares as aforesaid, either by their removal out of their respective counties, or from other cause, shall be desirous of selling and disposing of their share or shares, that then & in such case, it shall be lawful for him her, or them, to dispose of the same, and the person or persons purchasing the same, on producing to such officer as the said company may appoint, such vouchers or evidences of purchase, as they may require, shall be enrolled as members of said company, and be hereafter entitled to all rights, privileges, and immunities of original subscribers.

Duty of company. Sec. 13. *Be it enacted,* That it shall be the indispensable duty of said company, and their successors, their respective limits aforesaid, at all times after the expiration of six years, to keep in good and sufficient repair, and navigable order, the channel and bed of the said river, at the most shallow place of water, shall be eighteen inches deep, and twenty feet wide; and in neglect or default thereof, it shall and may be lawful for any person or persons injured by reason of their omission and neglect, to institute a suit or suits against the said company, in the superior court of the district, or in the court of pleas and quarter sessions of the counties in which such injuries shall accrue, in which said suit or suits the party aggrieved, shall recover such damages as he, she, or they may have sustained, which said damages shall be assessed by a jury of the county as in other cases.

Sec. 14. *Be it enacted,* That when any writ, or Service of other process shall be issued against the company, it shall be the duty of the officer to whom it shall be directed, to serve the same upon the president, or in case there shall be no president at the time, or in case of the absence of the president, on any two members of said company, which said service shall be by exhibition of said process personally to him or them, or by delivering a written notice of said process being issued against them, and in no other manner or way whatsoever.

Sec. 15. *Be it enacted,* That this act shall be in Act when force and use for the space of forty years, and no longer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. LXX.

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

Navigati- on of rivers
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for any person to obstruct the navigation of the west fork of Red river, in Montgomery county, from its mouth to the large Cave spring, at or near the upper line of Campbell's large survey of land on said west fork; nor of Stone's river, from its mouth to the main west fork of said river, in Davidson county; nor Little river, in and adjoining the county of Blount, from its mouth to Bradley's mill.

Sec 2 *Be it enacted,* That if any person shall obstruct either of the aforesaid rivers, he shall be

subject to the same penalties of offenders who are guilty of obstructing roads or high ways.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13th, 1801.

CHAP. LXXI.

An ACT authorizing the county court of pleas and quarter sessions of the county of Carter, to open a certain road, and fix a turnpike thereon.

Preamble. WHEREAS a road from or near the iron works on Roan's creek, up the south fork of said creek, to the boundary line between the state of North Carolina and this state, 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 said state of North Carolina,

Road to be opened. Section 1. BE it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the said court of pleas and quarter sessions of the county of Carter, to appoint from time to time, commissioners to mark and open a great road, from or near the iron works on Roan's creek, in said county of Carter, up the south fork of Roan's creek across the mountain, the nearest and best way leading towards Ash court house, till it intersects the said boundary.

Turnpike. Sec. 2. Be it enacted, That it shall and may be lawful for the 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.

Sec. 3. 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 acceptance of such appointment, enter into bond with approved security, to the court of said county, in the sum of five 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. I, A. B. do solemnly swear, that I will not ask or demand 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 monies by me received by virtue of my appointment. So help me GOD.

Sec. 4. Be it enacted, That the court of said county shall have power to lay and assess any sum or sums in proportion to, and not exceeding the following, which shall be collected by the keeper of said turnpike, from such person or persons who may pass said turnpike, to wit: waggon, team and driver, seventy five cents, man and horse, twelve and an half cents, led horse, six cents, four wheel carriage of pleasure, one dollar and fifty cents, one chair, horse and rider, seventy five cents, cart, team and driver, thirty seven and an half cents.

Sec. 5. Be it enacted, That the person so employed by the court to keep said turnpike as afore said, shall, at such time as the court may direct, 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 defraying the expences of opening and keeping said road in repair.

Sec. 6. Be it enacted, That it shall be the duty of said clerk, to keep 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 or assumpsit, by the chairman of said court.

Penalty.

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. which he is hereby authorized to detain in his own hand.

Sec. 8. *Be it enacted*, That this act shall be in force for the space of twenty years from the passing thereof, and no longer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXXII.

An ACT to authorize the court of Sevier county to open a certain road therein mentioned, and fix a turnpike or turnpikes thereon.

Road to be opened.

BE it enacted by the General Assembly of the state of Tennessee, That the justices of the county of Sevier, and their successors in office, are hereby constituted a body politic and corporate, for the purpose of opening or causing to be opened, a road from the town of Sevierville, in the county aforesaid, to the boundary line of this state, in a direction to the most convenient port or commercial place in the state of Georgia.

Viewers.

Sec. 2. *Be it enacted*, That the said justices, or a majority of them, shall have power from time to

time to appoint one or more viewers, to view lay off, and mark a road, the best and most convenient way to the boundary line of this state, in a direction to the nearest port or commercial place in the state of Georgia and to allow the said viewers each, not exceeding the sum of two dollars per day, to be paid out of any money in the treasury of said county, and upon such report of the said viewers as may be satisfactory, the said justices, or a majority of them, may proceed to open, or cause to be opened the said road, by either of the methods they may deem most desirable, as hereinafter authorized.

Sec. 3. *Be it enacted*, That when the said justices shall have ascertained the best way for opening said road, they, or a majority of them, may employ such, and so many persons as they may think necessary, to open, clear, and keep in repair said road, in such manner, as they, the said justices may deem expedient, and to defray the expences of opening the said road, the said justices may, by either or both of the means following, raise such sum or sums of money as may be sufficient to answer the above purpose, to wit: by collections to be made by voluntary subscription, or by a county tax to be laid annually, so long as necessary, not exceeding on each white poll fifty cents, on each black poll one dollar, on each town lot one dollar, on each hundred acres of land fifty cents, on each taxable stud horse one dollar, which tax when laid, shall be collected as other county taxes, subject to the disposal of said justices as aforesaid.

Tax to be laid.

Sec. 4. *Be it enacted*, That said justices shall have power to let the opening, clearing, and keeping in repair of said road, to any one or more person or persons on the consideration of the benefit of the toll as hereinafter authorized, and such letting, shall be under such rules, regulations, and restrictions as the said justices may deem proper, not otherwise inconsistent with this act.

Keeper.

Sec. 5. *Be it enacted*, That as soon as it shall appear to the said justices, that the said road is opened and cleared fit for the passage of loaded waggons

Turnpike.

And travellers, the said justices may fix one or more turnpike or turnpikes at such place or places as may be necessary on said road, and engage one or more person or persons to keep said turnpike or turnpikes, who shall give bond with such security, payable to the chairman of the court of said county and his successors, and with such conditions as the said justices may direct, and the said keeper shall take an oath well and truly to account for all monies by him received as keeper of such turnpike, and shall receive such compensation as the said justices may agree with him for, and shall account with the said justices at such times as they may require.

Toll.

Sec. 6. *Be it enacted*, That the said justices shall have power to lay a toll to be collected on said road, not exceeding, and in proportion to the following rates, to wit: For each waggon and team, one dollar.—For each four wheel carriage of pleasure, one dollar and fifty cents.—For each two wheel carriage of pleasure, seventy five cents.—For each horse and rider, twelve and a half cents.—For each single horse, six and a fourth cents.—For each head of neat cattle, two cents.—For each head of hogs or sheep, one cent. *Provided*, That toll shall not be exacted at more than one turnpike on said road, of the same person, for the same thing.

Exemptions

Sec. 7 *Be it enacted*, That the said justices may make such rules and regulations as they may think proper, for the exemption of any person from tollage and taxes aforesaid, on account of working on said road.

Penalty on keeper.

Sec. 8 *Be it enacted*, That if any keeper of such turnpike shall demand and receive greater toll than allowed as aforesaid, such keeper shall be liable to refund to the person injured the excess, and shall be further liable to pay the sum of fifty dollars to any person who will sue for the same, to be recovered before any judicature having cognizance of that sum.

Clandestine passing

Sec. 9 *Be it enacted*, That if any person shall forcibly or clandestinely pass by said turnpike in

order to evade the payment of the toll, such person shall forfeit and pay the sum of ten dollars, over and above the amount of the toll, to be sued for and recovered in the name of the keeper, and to be applied as other money arising by said toll.

Sec. 10. *Be it enacted*, That the said county, or the person or persons to whom the said road may be let as aforesaid, as the case may be, shall be allowed one hundred per cent. on the amount of the whole expenditures and expences of opening and keeping the said road in repair; and as soon as it shall appear to the said justices, that the whole amount of the said expenditures and expences, together with the said one hundred per cent. is reimbursed and paid by the toll arising as aforesaid, the said turnpike or turnpikes shall cease, and the said road shall be free from toll.

Sec. 11. *Be it enacted*, That the said justices shall cause the clerk of said county, and it shall be his duty, to record in a book to be kept by him for that purpose, all proceedings of said justices, or any other proceedings that they may deem necessary, relative to said road, or arising under this act; and the said justices shall allow him such compensation as may appear to them adequate to his said services, to be paid out of the county treasury, or by reservation on, or out of said toll.

Sec. 12 *Be it enacted*, That nothing in this act contained shall be construed to authorize the said justices to open the said road through any part of the territory allotted to the Indians.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13th, 1801.

CHAP. LXXIII.

An ACT authorizing the opening and repairing of the road from Hamilton district to the district of Mero, as stipulated by the treaty of Holston, and for erecting a turnpike or turnpikes.

Preamble. WHEREAS justice and policy require that the road leading from Hamilton district to the district of Mero, should be made and kept in good repair, and it is supposed that an association of citizens would undertake the same, if proper encouragement would be given by the legislature,

Company established. Section 1. *BE it enacted by the general assembly of the state of Tennessee,* That the governor is hereby authorized and required to erect and incorporate under hand and seal, any number of persons, not exceeding five, who shall be known by the title and style of the Cumberland Turnpike Company, and may sue or be sued under the title aforesaid.

Their duty. Sec. 2. *Be it enacted,* That the company shall meet as soon as convenient after being incorporated, and when met, shall proceed to choose a president out of their own body, which company is hereby empowered to make such by laws, rules, and regulations as may be deemed necessary for carrying this act into effect. *Provided,* such laws and regulations are not inconsistent with the constitution and laws of this state.

Road to be marked. Sec. 3. *Be it enacted,* That the company shall measure and mile mark the road, erect bridges and causeways, dig and level the sides of hills and mountains over which the said road may pass, to the breadth of fifteen feet, except where it may be necessary to build bridges, causeways, or dig the road as aforesaid, in which cases the same shall be twelve feet in breadth, and said company shall hereafter maintain and keep the said road in good order and repair for the term of ten years, during which time

said company, their heirs, executors, &c. shall be entitled to all the emoluments, and profits arising therefrom.

Sec. 4. *Be it enacted,* That the said company shall, previous to entering into the duties enjoined upon them by this act, enter into bond with approved security, in the sum of two thousand dollars, payable to the governor and his successors in office, conditioned for keeping said road in good repair. *To give bond.*

Sec. 5. *Be it enacted,* That the governor shall appoint three persons as commissioners, and they, or either of them, shall review and examine the situation of said road, once in six months, and report to the governor the state and condition thereof. And it shall be the duty of the company aforesaid, to make known to the governor as soon as convenient, that they have complied with the law relative to repairing said road, and request him to have the same viewed by the commissioners appointed for that purpose; and it upon their report, it shall appear that the road is opened agreeable to the true intent and meaning of this act, the governor is hereby requested to issue a licence for erecting a turnpike or turnpikes, at such place as may be pointed out by the company, reserving to the said company, the right of removing the turnpike to such place as they may deem proper. *Commrs. appointed.*

Sec. 6. *Be it enacted,* That the company aforesaid, are hereby authorized to demand and receive *Toll.* at the turnpike aforesaid, the following rates of toll, to wit. For each waggon and team, seventy five cents—For each four wheel carriage for the conveyance of persons, one dollar and fifty cents.—For each chair and horse, seventy five cents—For each cart and team, thirty three and one third cents—For each man and horse, twelve and an half cents—For each led or loose horse, six and a quarter cents—For each head of cattle, hogs or sheep, one cent—For each taxable poll travelling on foot, six and a quarter cents. *Provided,* the keeper of said turnpike shall not demand any of the aforesaid rates of toll from any Indian or Indians whatsoever.

Damages. Sec. 7. *Be it enacted,* That if any person shall sustain any damage, on account of being detained by the keeper of said turnpike, or by the road being out of repair, such person shall have an action against the company for the damages by him sustained.

Clandestine passing. Sec. 8. *Be it enacted,* That if any person or persons shall clandestinely pass by, or attempt to pass by said turnpike, to evade the payment of the aforesaid toll, he or they shall, for every such offence, forfeit and pay to said company, the sum of ten dollars, to be recovered before any judicature having cognizance thereof.

Governor's duty. Sec. 9. *Be it enacted.* That it shall be the duty of the governor, in the formation of the company aforesaid, to appoint an equal number or as near so as may be, of persons on both sides of Cumberland mountain.

Viewers. Sec. 10. *Be it enacted,* That the commissioners appointed to view the said road, shall each be allowed the sum of two dollars for each day they may be necessarily employed in the same, to be paid by the company.

Road when to be repaired. Sec. 11. *Be it enacted,* That the said company shall have the road opened, and made in good repair, agreeably to the true intent and meaning of this act, on or before the first day of September next, or shall forfeit all right to the same.

Sec. 12. *Be it enacted,* That the company shall cut and clear the road from the Indian boundary line, on the east side of Cumberland mountain, to the fork of the road leading to Fort Blount and Walton's ferry, and they shall erect a turnpike or turnpikes for the purpose of receiving the tolls as aforesaid, from all persons travelling said road, but no person shall be liable to pay but one toll for travelling the same.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

C H A P. LXXIV.

An ACT appointing commissioners for the purpose of clearing, opening, and keeping in repair, a certain road therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That *Commrs appointed* Thomas Henderson, Joseph Cobb, Isaac Lane, James Roddye, and John Hunt, or a majority of them, be, and the same are hereby appointed commissioners for the purpose of clearing, opening, and keeping in repair the said road, or that part thereof, which lies between Bean's old station, and the ford of Sycamore creek, leading through the Three Stone Gap, by Holt's ferry on Clinch river, which said commissioners shall let out to the lowest bidder, for the shortest space of time, not exceeding four years from and after first receiving toll as hereafter prescribed.

Sec. 2. *Be it enacted,* That the said commissioners are hereby authorized and required, as soon as they, or a majority of them, shall judge that the undertaker of the opening and repairing of said road has made the same in as good repair as the nature of the country will admit of, to issue their licence to the said undertaker to keep a turnpike thereon, at such place as the said undertaker may deem most proper, for the time stipulated between the said commissioners and the undertaker of said road, first taking bond payable to the chairman of the court of the county, in which said turnpike shall then be, and his successors in office, in the penal sum of ten thousand dollars, with sufficient security, conditioned for the keeping said road in good repair, for the time which he is allowed to keep said turnpike, and the said undertaker is also to take and subscribe the following oath. *I, A. B. do solemnly swear (or affirm as the case may be) that I will not ask or de-*

mand directly or indirectly, from any person passing through the said turnpike, any greater tollage than is by law directed. So help me GOD. And if the keeper of said turnpike shall violate this oath directly or indirectly, he shall suffer the same pains and penalties as for wilful and corrupt perjury.

Toll.

Sec. 3. *Be it enacted*, That the keeper of said turnpike, may demand and receive from each person passing through the same, the following toll, to wit: For each waggon, team and load, fifty cents.—Each four wheel pleasure carriage, one hundred cents.—Each chair and driver, fifty cents.—Each cart and load, twenty five cents.—Each man and horse, six and one fourth cents.—Each pack horse, four and an half cents.—Each single horse, three cents.

Oath.

Sec. 4. *Be it enacted*, That the said commissioners, before entering on the duties of their appointment, shall take and subscribe the following oath before two justices of the county of Grainger, to wit: I, A. B. do swear (or affirm as the case may be) that I will do equal and impartial justice to the public to the best of my skill and knowledge. So help me: GOD.

Cland-stine
passing.

Sec. 5. *Be it enacted*, That if any person shall arbitrarily or clandestinely pass the said turnpike within one half mile, in order to evade the payment of the toll prescribed by this act, he, she, or they shall forfeit and pay the sum of five dollars for every such offence to the keeper of the said turnpike, recoverable by action of debt, before any justice of the peace in this state having cognizance thereof: *Provided, nevertheless*, That if any person living within four miles of said road, shall choose to work thereon three days in each and every year, that he, his family and property, shall have the privilege of passing and re-passing the said turnpike, without being subject to pay the toll as by this act directed; the said keeper, giving said persons three days previous notice of the

time and place he wishes him or them to work road.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

Passed—October 29, 1831.

CHAP. LXXV.

An ACT to amend and continue in force an act passed at Knoxville, on the seventeenth day of October, one thousand seven hundred and ninety seven, for the regulation of Knoxville.

SECTION 1 *BE it enacted by the General Assembly of the State of Tennessee*, that an election for commissioners for Knoxville, shall be held on the first Saturday in January next, and that all future elections for commissioners for Knoxville, shall be held on the first Saturday of January, every two years, under the same rules, regulations, and penalties, contained in the before mentioned act. *Election for commissioners.*

Sec. 2. *Be it enacted*, That the commissioners shall have power to make such rules and regulations as they may deem necessary for the good order of the said town, and the preservation of the health of the citizens thereof. *Their power.*

Sec. 3. *Be it enacted*, That the commissioners shall have power, when any citizen or other person shall break or disobey any of the rules or regulations which they shall make as aforesaid, to levy and collect for each offence, a fine not exceeding fifty cents; *Fines.*

and if a slave shall break or disobey any of the rules or regulations which shall be made as aforesaid, such slave shall, by order of the commissioners, receive punishment at the public whipping post, according to the nature of the offence, which shall not at any one time, or for the same offence, exceed twenty lashes.

Fines ap-propriated. Sec. 4. *Be it enacted,* That all fines and forfeitures which shall be levied and collected under this act, shall be appropriated to the use of the town.

Rules to be published. Sec. 5. *Be it enacted,* That the act passed at Knoxville, on the seventeenth day of October, one thousand seven hundred and ninety seven, for the regulation of Knoxville, except the parts amended and altered in this act, shall continue in force and use: *Provided,* such rules or regulations shall not be in force, until the same shall have been published twice in the Knoxville Gazette, and if there be no such Gazette, then twice on the court house door at Knoxville.

Fines collected.

Sec. 6. *Be it enacted,* That all fines laid by the commissioners, shall be collected in the same manner as described by the act passed in the year one thousand seven hundred and ninety seven, for collecting of fines and taxes, and that the said commissioners be authorized to employ and pay a person to inflict punishment, and act as a patrol for the use of the town.

Ground rent.

Sec. 7. *Be it enacted,* That so much of the sixth section of the above recited act, as imposes a ground rent of twenty five cents on each square yard, is hereby repealed, and in future the aforesaid commissioners shall have full power to make such alteration in the aforesaid plan of said town, or do such things as will be equitable and right, so as to do justice to the proprietors of any encroachments heretofore made; and any alteration or sale made under

this act, the monies arising therefrom, to be applied to the use of the town.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXXVI.

An ACT for the regulation of the town of Nashville.

SECTION I. **B**E it enacted by the General Assembly of the state of Tennessee, That Election it shall be the duty of the sheriff for commissioners of Davidson county, or his deputy, to open an election at the court house in Nashville, at twelve o'clock, on the first Saturday in April next, having previously advertised the same ten days on said court-house door, for the purpose of electing, by ballot, seven suitable persons to act as commissioners for said town, in which election every person possessing a lot, or having been six months a resident immediately preceding said election, shall be entitled to vote; and no person shall be eligible to the office of commissioner, unless he then be, and shall have been six months an inhabitant immediately preceding said election, and also proprietor of a lot in said town.

Sec. 2. *Be it enacted,* That the said commissioners before they enter upon the duties of their office, shall take the following oath: I, A. B. do hereby swear, (or affirm as the case may be) that I will faithfully execute and discharge the office of commissioner of the town of Nashville, to the best of my knowledge and abilities, So help me GOD.

Vacancies Sec. 3. *Be it enacted*, That a majority of said commissioners shall constitute a quorum; and whenever vacancies shall happen by death, removal from town, or otherwise, a notice thereof, signed by the intendant and clerk, shall be delivered to the sheriff, who, or his depury, shall proceed as soon as may be required, to hold an election to supply such vacancy in the manner in this act directed.

Town of Acers. Sec. 4. *Be it enacted*, That said commissioners shall choose from their own body, a suitable person to preside at their meetings, who shall be known by the appellation of Intendant. They shall also appoint a treasurer and clerk; and said treasurer shall keep a regular and just account of all monies received and paid out by him, in a bound book kept for that purpose, which said book, with the monies then in the treasury, and other papers appertaining to said office, he shall deliver up to his successor. And the clerk shall keep in a bound book kept for the purpose, a true and regular account of the proceedings of said commissioners, and shall advertise the rules and regulations by them adopted, whenever they may deem it necessary.

Commrs power. Sec. 5. *Be it enacted*, That said commissioners shall have power to call on all the inhabitants in said town who would be liable to work on roads, to work on and keep in repair the streets, to appoint an overseer thereof, who shall collect such fines from those who refuse or neglect to work as are directed in similar cases respecting roads—to prevent swine belonging to any inhabitant of said town from running at large, or if they think proper, to authorize any person to kill or destroy such swine so running at large: Provided, that no act of said commissioners to this effect shall be in force unless it be first advertised at least twenty days at the court house in said town—to prevent negroes from hiring their time or keeping tippling houses—to prevent encroachments on the streets, or burials in the public square, and to abate or remove all nuisances whatsoever, at the expense of the party occasioning them—to appoint a surveyor for said town, who shall, whenever direct-

ed, proceed to survey and designate the lots, by fixing a stone, or some other lasting monument at the corner of each, he shall also make or cause to be made out a plan or map of said town on a large scale in which shall be marked the number of each lot and the name of the person who originally possessed the same, which said plan he shall deposit with the said commissioners—to cause to be built a market house on some suitable part of the public square, the situation of which shall be at least fifty feet from any private lot, and said market house shall be well supported by durable stone or brick pillars — And to enable said commissioners to carry into effect the provisions of this act,

Sec. 6. *Be it enacted*, That they shall have power & are hereby directed to lay a tax annually, not exceeding on each hundred dollars worth of town property which they are to estimate fifty cents, on each white poll, not exceeding fifty cents; on each black poll, not exceeding one dollar; on each billiard table not exceeding five dollars; which said tax shall be collected by warrant under the hands and seals of the intendant and clerk, and directed to the collector whom they may appoint, who is to be governed by the rules and regulations established by law for collecting and accounting for the state tax. *Tax to be laid.*

Sec. 7. *Be it enacted*, That said commissioners shall annually appoint one of their own body to receive lists of the taxable property of said town, at the time and place when and where the inhabitants shall give in for the state tax; and any person or persons failing or neglecting to give in to said commissioner, upon his reporting the same, shall be liable to the fines and penalties directed by law in similar cases for the collection of the state tax. *Tax list.*

Sec. 8. *Be it enacted*, That no appropriation of money shall be made by said commissioners, except for the benefit or improvement of said town, agreeably to the directions of this act, or for defraying expenses necessarily arising from the carrying the same into execution; and it is not to be understood *Appropriations.*

that said commissioners are to receive any compensation for their services.

Recoveries Sec 9 *Be it enacted*, That where recoveries are not provided for by this act, it shall be lawful for said commissioners to sue for the same before any authority having cognizance thereof.

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. LXXVII.

An ACT to amend an act, entitled "An act to amend an act, establishing a town on Cumberland river, at a place called the Bluff near the French Lick, and for other purposes," passed at Knoxville, in the year one thousand seven hundred and ninety six.

Preamble WHEREAS the above recited act authorized the laying off a water street, lots &c and appointed additional commissioners for the regulation of said town: Therefore,

Deeds to be made. *Be it enacted by the general assembly of the state of Tennessee.* That the said commissioners to add, viz Howell Tatom, Richard Cross, William Tate, and William Black, or a majority of them, be, and they are hereby required and directed without delay, to make out, execute deeds of conveyance, to the proprietors of said lots so laid out and sold by virtue of the above recited act, and for which service the said commissioners, may ask, demand & receive, for each deed so made, the sum of one dollar, which deed shall be good and valid both in law and equity against the claim and demand of all and every person

or persons whatsoever, any law, usage, or custom to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LXXVIII.

An ACT to establish the town of Rutledge, in the county of Grainger, and to make valid all deeds already made or hereafter to be made by the acting commissioners of said town, to the purchasers of lots in the same, and also to confirm their contracts for the purpose of erecting a court house, prison and stocks in said town, and also to compensate said commissioners for their trouble and expence.

Preamble. WHEREAS by an act of the general assembly, passed at Knoxville, in the year of one thousand seven hundred and ninety nine, entitled, "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."—And whereas the said commissioners have agreed and fixed on a place in said county, on the public road leading from Knoxville to Hawkins court house, in the Richland Valley, on the lands of Thomas M'Broom and Daniel Clayton, for the purpose of erecting a court house, prison and stocks, as directed by the said act, at which place the said commissioners have purchased twenty two acres and three quarters of land, on which they have laid off a town agreeably to the directions of the said act, known by the name of Rutledge, a plan of which is filed in

the clerk's office for said county. And whereas the said commissioners have exposed to sale the lots in said town, and did sell them, and have given their obligations to the purchasers respectively, binding themselves to make titles for the same; and have also taken obligations from the purchasers to secure the purchase money, and have made and executed deeds of conveyance for a number of the lots, and also have contracted with Francis Mayberry, to erect and build a court house, in said town, and also with Jonathan Williams, to erect and build a prison and stocks, in said town:

Town established.

Section 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the said twenty two acres and three quarters of land shall continue to be a town, agreeably to the plan of the said commissioners, filed in the clerk's office for said county of Grainger, by the name of Rutledge, and that all deeds heretofore made, or hereafter to be made by said commissioners for any of the lots in the said town, and all the contracts which they have made, or hereafter may make, for the purpose of erecting and completing the public building in said town, are hereby declared to be good and valid in law and equity, any law to the contrary notwithstanding.

Pay for public buildings.

Sec. 2. *Be it enacted,* That the said commissioners are hereby authorized and required, as soon as may be, after collecting the monies arising from the sale of the said lots, to pay and discharge all their contracts which they have entered into, and may hereafter enter into as commissioners for the purpose of completing the said town and erecting the public buildings thereon.

Moneys appropriated.

Sec. 3. *Be it enacted,* That as soon as the said commissioners have discharged the above mentioned contracts, they are hereby required to pay into the county treasury, all monies in their hands arising from the sales of said lots after paying themselves the sum of two dollars for each day that they may have been employed in discharging the duties of their appointment.

Sec. 4. *Be it enacted,* That all laws or parts of laws, coming within the purview and meaning of this act, are hereby repealed and made void. *Repealing clause.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXXIX.

An ACT to establish a town by the name of Peggiesville, on the lands of James Pickens, in the lower end of Sullivan county.

Section 1. *Be it enacted by the general assembly of the State of Tennessee,* That a town be established on the lands of James Pickens, in the lower end of Sullivan county, to consist of thirty lots, one quarter of an acre each, to be laid out in proper streets and alleys, under the direction of James Pickens, who is hereby declared a commissioner for laying out and regulating the said town, which town shall be called and known by the name of Peggiesville. *Peggysville*

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

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXXX.

An ACT appointing commissioners for regulating the town of Grantsborough, in the county of Anderson.

Commrs appointed SECTION 1. **B**E it enacted by the General Assembly of the state of Tennessee, That James Grant, William Hancock, senior, Edward Scott, Jenkin Whiteside, Charles Lee Bird, Walter Evans, and Shadrach Reedy are now appointed acting commissioners for the town of Grantsborough, in Anderson county.

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

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

Streets &c SEC. 4. *Be it enacted,* That the said commissioners, or a majority of them, shall cause the streets of said town to be kept open and in good repair, provided they call on none but the owners of lots, their agents or attornies, or inhabitants of said town for that purpose; and said commissioners, or a majority of them, shall have power to exercise their authority as regulators of said town, in all respects whatever; and it shall be the duty of said commissioners to lodge a plan of said town, as laid out, in the clerk's office of Anderson county, when the said court shall be organized, whose duty it shall be carefully to preserve the same for the inspection and benefit of the owners of lots in said town.

SEC. 5. *Be it enacted,* That in case of death, removal, or refusal to act, any of the said commissioners, the survivors, or a majority of them shall assemble, and are hereby authorized to nominate, by instrument in writing under their hands, some other person, being of lawful age, and owner of lot or lots in said town, or an inhabitant of Anderson county, in the room and place of him so dead, removing, or refusing to act, which said commissioner or commissioners, so appointed, shall have and exercise the same power and authority in all matters herein contained, as the person or persons in whose room and stead he or they was so appointed, had or exercised.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LXXXI.

An ACT to authorize the appointment of additional commissioners for the town of Maryville.

WHEREAS William Wallace, one of the commissioners appointed by law for the town of Maryville, in the county of Blount, is deceased since the time of his appointment:

SECTION 1. **BE** it enacted by the General Assembly of the state of Tennessee, That John Lowry, (merchant) John Montgomery, (merchant) and Andrew Thompson, are hereby appointed commissioners to fill the vacancy, and in addition to the former commissioners; and upon any other vacancy hap-

pening by death, resignation, or removal, the court of said county shall have power to fill such vacancy which commissioners appointed by this act or by the court as aforesaid, shall have as full and ample powers, as if they, or either of them, were of the original number, and any number not less than three, shall constitute a quorum to do any business relative to said town of Maryville, within their original authority.

Court's power.

Sec. 2 *Be it enacted*, That the said court shall have full power and authority from time to time, as often as it shall be necessary, to call the said commissioners to account, and in the name of the chairman of the said court, to institute and prosecute a suit or suits against the said commissioners, or either of them, for any neglect or misconduct in their duty, or for any sum or sums of money, in their, or either of their hands, or by them, or either of them, in any ways misapplied; and all sums of money, or balances in the hands of the said commissioners, or either of them, that shall be recovered against them, or either of them, shall be directed by the said court, to be paid into the treasury of said county, to be disposed of under the direction of said court, for the purpose of building or repairing public building in said town of Maryville.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 10, 1891.

CHAP. LXXXII.

An ACT authorizing the inhabitants south of Holston river in the lower end of Sullivan county, to hold separate elections and general musters, at such place as therein mentioned.

Elections SECTION 1 *BE it enacted by the General Assembly of the state of Tennessee* that it shall and may be lawful for the inhabitants of the

lower end of Sullivan county, that live southwest of the river Holston, in the bounds of captain Allin's and captain Hannah's old companies, to meet and hold elections for governor, representative or representatives to congress, and members of the general assembly, at the house of Walter James's.

Sec. 2 *Be it enacted*, That it shall and may be lawful for the coroner or deputy sheriff of the county of Sullivan, to open and hold an election at the house aforesaid, for the purpose of electing a governor, representative or representatives to the congress of the United States, and members to the general assembly of this state, on the days pointed out by the constitution and laws of this state, and subject to the rules and restrictions therein prescribed; and receive the ballots of the persons entitled to vote in said bounds, under the rules and restrictions for holding elections in this state, and the ballots so taken and sealed up and transmitted to the court house of said county, on the succeeding day of said election, under the directions of the coroner or deputy sheriff, which ballots so taken, shall be counted out by the sheriff holding said election at the court house, and are hereby declared to be a part of the election of said county of Sullivan, any law to the contrary notwithstanding.

Coroner's duty.

Sec. 3 *Be it enacted*, That if any person shall vote at both of the aforementioned places for holding elections and general musters, on due proof thereof, he shall forfeit and pay ten dollars, to be recovered before any jurisdiction having cognizance thereof, the one half to the use of the county, the other half to the use of the person who will sue for the same.

Penalty for voting.

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

General musters.

*Courts
martial.*

Sec. 5. *Be it enacted*, That it shall and may be lawful for any five or more of the commissioned officers attending each and every general muster south of said river, to hold a court martial on the day next succeeding the general muster, and the major attending them shall preside over the same. *Provided*, that the right of appeal to a regimental court martial of the county of Sullivan shall be had by any person who shall think themselves aggrieved, within six months after such sentence being passed, and the person aggrieved shall make application to the major presiding in said court martial, for a transcript of the cause of the fine, which the judge advocate shall make out and attest the same, and deliver to the major commanding, who shall deliver it to colonel commandant, whose duty it shall be to have the appeal tried the first regimental court martial held for said county.

*How to be
held.*

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

Sec. 7. *Be it enacted*, That this act shall not be in force until the first day of January, one thousand eight hundred and two.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13th, 1801.

CHAP. LXXXIII.

An ACT to amend an act, entitled, "an act authorising the field officers of Jefferson county to hold separate general musters in each and every year at the house of Maj. Robert M'Farland, to consist of Capt. Lane's, Dameron's, M Donnel's, and Vanshear's companies," passed at Knoxville, October the twenty sixth, in the year of one thousand seven hundred and ninety nine.

SECT 1 *BE it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the inhabitants living within the bounds of the battalion described in the above recited act, to hold at their said battalion muster ground, separate elections for governor, representative or representatives to congress, and members of the general assembly.*

Sec. 2. *Be it enacted*, That it shall and may be lawful for the coroner or deputy sheriff of the county of Jefferson, to open and hold an election at the place above described for holding said battalion musters, for the purpose of electing a governor, representative or representatives to Congress, and members of the general assembly of this state, on the days pointed out by law, subject to the rules, regulations and restrictions therein prescribed; and shall receive the ballots of the persons entitled to vote in said bounds, under the rules and regulations as prescribed for holding elections in this state; and the ballots so taken and counted out in the presence of the inspectors, shall be sealed up and transmitted to the place by law appointed for counting the votes for senator for the counties of Jefferson and Cocke, under the directions of the said coroner or deputy sheriff, which ballots so taken, shall be then and there added by the sheriff of the county of Jefferson, to the poll taken at the court house or place of hold-

*Coroner's
duty.*

ing court in said county and are hereby declared to be a part of the election of said county of Jefferson, any law to the contrary notwithstanding.

Penalty for voting. Sec. 3. *Be it enacted.* That no citizen living within the bounds of said battalion shall vote at the court house of said county of Jefferson, under the penalty of ten dollars; nor shall any citizen, who is entitled to vote at said court house, vote at said battalion election, under the like penalty, to be recovered before any jurisdiction having cognizance thereof, one half to him who will sue for the same, the other half to the use of the county.

All when in force. Sec. 4. *Be it enacted,* That this act shall be in force from and after the first day of January next.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10th, 1891.

CHAP. LXXXIV.

An ACT to authorize the regiment of Cocke county to hold general musters at the plantation of John Gilliland, deceased.

General muster. SECTION 1. *Be it enacted by the General Assembly of the state of Tennessee.* That the regiment of Cocke county shall hold general musters at the upper end of the plantation whereon the widow of Joan Gilliland, deceased, now lives, on the days that are or may be appointed for holding general musters.

Courts-martial. Sec. 2. *Be it enacted,* That the officers of said regiment shall hold courts martial at the court house of said county, on the days that are or may be ap-

pointed for holding courts martial in said county any law usage or custom to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1891.

CHAP. LXXXV.

An ACT authorizing the inhabitants in the lower end of Montgomery county, to hold separate general musters and elections, at the place herein after mentioned.

Preamble. WHEREAS it has been represented to this general assembly that the situation of the inhabitants in the lower end of Montgomery county, renders it extremely inconvenient for them to attend general musters and elections in the town of Clarksville: For remedy whereof.

Musters. Section 1. *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 the companies of captain Brimmon, captain Davidson, captain Thomas, and captain Brigham, to hold general musters in the town of Palmyra, at the times that now are, or which hereafter may be established by law; and it shall be the duty of the commanding officer of said county, to appoint and notify one of the majors of said county, to attend said musters, as by this act directed.

Courts-martial. Sec. 2. *Be it enacted,* That it shall be lawful for five or more of the commissioned officers attend Courts-martial 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 de-

free of said court martial shall be final, except the delinquent agree thereto, but in all cases the right of appeal to the regimental court martial of the county of Montgomery shall be had, if required.

Major's
duty.

Sec. 3. *Be it enacted*, That if the 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 twenty dollars, to be collected, accounted for, and appropriated as other fines for similar offences.

Courts-
martial.

Sec. 4. *Be it enacted*, That the general musters and courts martial directed to be held by virtue of this act, shall be under the same rules and regulations as are by law directed for holding general musters and courts martial within the several counties in this state, and it shall be the duty of the major attending the same, to receive the company returns and transmit them to the commanding officer of the county as soon as may be.

Elections.

Sec. 5. *Be it enacted*, That from & after the passing of this act, it shall be lawful for the inhabitants living in the lower end of Montgomery county aforesaid, and within the bounds of the companies of the captains aforesaid to hold elections for governor, representative or representatives to congress and members of the general assembly of this state, in the town of Palmyra aforesaid, & it shall be the duty of the sheriff, his deputy or the coroner of said county to hold said elections, & some one of them is hereby authorized, required, and enjoined to open, hold, and conduct said elections pursuant to the constitution and laws of this state.

Inspectors.

Sec. 6. *Be it enacted*, That the county court of Montgomery, at the first session next preceeding the day of election by this act established, shall appoint three inspectors to superintend the election, who shall reside within the bounds before described; and if it shall so happen that the said court shall fail to make such appointment, or any person so appointed shall

refuse to serve, they shall be appointed as heretofore directed by law.

Sec. 7. *Be it enacted*, That the sheriff, deputy sheriff, or coroner, as the case may be, and the inspectors holding said election, shall make out a fair statement of said election, signed by the returning officer and the inspectors, setting forth the number of votes each candidate shall have had at said election; and the said sheriff, deputy sheriff, or coroner, shall, on the day succeeding said election, meet the officer who shall preside at the election in the town of Clarksville, in said town, to compare the votes received at each place of election, and on such comparison, the person or persons having the highest number of votes shall be duly elected.

Sec. 8. *Be it enacted*, That if any person shall vote at said election, and at the town of Clarksville at the same election, he shall forfeit and pay the sum of ten dollars, to be recovered with costs, before any jurisdiction having cognizance thereof, one half to the use of the county, and the other half to the use of him or them who will sue for the same. *Penalty for voting.*

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. LXXXVI.

An ACT authorizing and establishing a company of light infantry in the town of Nashville.

Section. 1. *Be it enacted by the general assembly of the state of Tennessee*, That Company it shall and may be lawful for the citizens of Nashville and its vicinity, to form themselves into a vo- *established.*

Volunteer company of light infantry, which said company shall be a part of the first regiment of Davidson county.

Equipment Sec. 2. *Be it enacted*, That within one year from and after the passing of this act, each person enrolled in said company, shall, at his own cost and expence, provide himself with the uniform agreed on by a majority thereof, and shall also completely arm and accoutre himself agreeably to the laws in force for the better establishment and regulation of the militia in this state, and in case of failure so to do, he shall forfeit and pay the sum of five dollars, to be appropriated for procuring drums, colours, and other articles necessary for said company.

WILLIAM DICKSON,
Speaker of the House of Representatives

JAMES WHITE,
Speaker of the Senate

PASSED—November 14, 1801.

CHAP. LXXXVII.

An ACT to establish a regiment of cavalry, in the counties of Cocke, Jefferson, Grainger and Claiborne.

Second re SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, the cavalry of the counties of Cocke, Jefferson, Grainger, and Claiborne, shall compose a regiment of cavalry, and shall be called and known by the name of the second regiment of Hamilton district; and each company shall consist of not less than thirty, nor more than fifty men, rank and file, to be raised, officered, and equipped in the same manner and form as directed by the militia law of this state, and shall hold general musters at Check's Cross

Roads, under the same rules, regulations, and restrictions as directed by law.

Sec. 2. *Be it enacted*, That from and after the First meeting of this act, the first regiment of cavalry for the district of Hamilton, shall consist of the counties of Knox, Sevier, Blount, Roane, and Anderson, any law usage, or custom to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

PASSED—November 14, 1801.

CHAP. LXXXVIII.

An ACT to amend an act, entitled, "an act granting to citizens of Knox county the privilege of holding separate general musters," passed at Knoxville, on the twenty sixth day of October, one thousand seven hundred and ninety nine.

SECTION 1 *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act it shall and may be lawful for the inhabitants living within the bounds of the different battalions, as described by the above recited act, to hold elections at their battalion muster grounds, on the last Thursday of October instant, and the succeeding day, to elect a representative to represent this state in the Congress of the United States; said elections to be held by the deputy sheriff or coroner of the county of Knox, and to be conducted by them under the same rules and restrictions as elections for members of the general assembly.