

him or them who delivered said cotton to said inspector, to be recovered before any jurisdiction having cognizance thereof.

Sec. 4. *Be it enacted*, That it shall be the duty of each inspector to cause to be packed and baled all cotton by him received; and packed in a clean, neat manner, fit for exportation, marking on each bail the gross, tare, and net weight, and quality thereof; and shall mark thereon in large characters the name of such inspector, and his place of residence; and if any inspector shall fail to pack, bail, and mark any cotton as contemplated by this act, he shall at his own proper costs and charges repack the same; and should any difference of opinion arise between the owner or owners of such cotton and any inspector, with respect to the manner in which the same may be packed, the owner of said cotton shall choose one disinterested person and said inspector another, who shall view the same, and decide thereon; and in case such persons should differ in opinion, they shall call in an umpire, whose determination shall be final; and should said inspector fail or refuse, upon request, to call on such fit person, the owner or owners of such cotton may then call on such persons himself, who shall decide as aforesaid; and should such persons, so called on, determine said cotton not to be baled and packed as contemplated by this act, and said inspector should refuse to repack the same at his own proper costs and charges, the owner or owners of such cotton may cause the same to be repacked by other persons, and recover of the said inspector, so refusing to repack the same, all costs, charges, and damages such owner or owners may have sustained thereby, and such inspector shall moreover forfeit and pay the sum of five dollars for every bail of cotton not packed and marked as contemplated by this act, to the sole use of such owner or owners, to be recovered before any jurisdiction having cognizance thereof.

Sec. 5. *Be it enacted*. That all receipts given by inspectors of cotton, under the authority of this act, shall be assignable and negotiable in the same manner as pointed out by an act of assembly of the State of North Carolina, entitled, "an act for the more easy recovery of money due on promissory notes, and to render such notes negotiable."

Sec. 6. *Be it enacted*, That during the recess of any

county court, inspectors of cotton shall enter into bond before the chairman of said court, and take and subscribe the necessary oaths as directed by this act; and it shall be the duty of said chairman to deliver such bond and oath subscribed, to the clerk of the court of said county, to be disposed as directed in the first section of this act.

JAMES STUART,
Speaker of the House of Representatives.

Nov. 8, 1803.

JAMES WHITE,
Speaker of the Senate.

CHAPTER VIII

AN ACT to repeal part of an act passed the last session of the general assembly, entitled "*An act to prevent the exportation of summer vendible commodities.*"

WHEREAS from experience it hath been discovered that the inspection directed and authorized by the aforesaid act, on the articles of beef and pork, to be exported from this State has been productive of considerable loss to the good citizens thereof—For remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, That so much of the before recited act, as relates to the inspection of beef and pork, is hereby repealed and made void.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 7, 1803.

222. 233

CHAP. IX.

AN ACT for the punishment of certain offences therein mentioned.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That if any person shall willfully or maliciously burn or cause to be burned any stacks of grain, hay or flax, or any fences, boards, timber or any other lumber, or throw down any fences, such person shall on conviction thereof be fined, not exceeding five hundred dollars, and imprisoned, not exceeding one year.

Sec. 2. *Be it enacted,* That if any person shall cut out the tongue, cut off an ear or tail, or put out an eye of any beast, or otherwise dismember or disfigure such beast, maliciously or of purpose, or shall willfully and maliciously kill, destroy, or wound the beast of another, such person shall be fined, not exceeding two hundred dollars, and be imprisoned, not exceeding three months, and shall moreover pay to the owner of such beast damages, to be recovered by an action of trespass.

Sec. 3. *Be it enacted,* That every person who shall willfully and maliciously dig up, cut down, or otherwise destroy any fruit tree or corn growing in any field, garden or orchard, shall on conviction thereof be fined, not exceeding one hundred dollars, and imprisoned, not exceeding three months, and shall moreover pay to the party aggrieved damages, to be recovered by an action of trespass.

Sec. 4. *Be it enacted,* that all prosecutions for offences against this act shall be by indictment, and shall be commenced in the court of the county wherein the offence shall have been committed.

Sec. 5. *Be it enacted,* That this act shall be in force from and after the passing thereof.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 3, 1803.

(45)

CHAP. X.

AN ACT to amend the third section of an act to direct the manner in which the several clerks and masters of the court of equity, clerks of the superior courts of law, clerks of the county courts, and the registers of each and every county shall settle with the treasurer of their respective districts for the public taxes by them collected, passed October twenty sixth, one thousand seven hundred and ninety nine.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the register of each and every county, shall collect for the use of the state, at the rate of ten cents per hundred acres on the registration of each and every original grant, & the same on the registration of each deed of conveyance for land, except deeds for town lots, or parts thereof, which shall be taxed twenty cents on each deed that hath or may hereafter be acknowledged or proved before one or more of the judges of the superior courts of law and equity, or proved or acknowledged without the limits of this state, and by law admitted to be registered within this state, or proved or acknowledged in the county court where such land lies; and shall collect the said taxes at the time he receives the said grants and deeds of conveyance for the purpose of registering the same; and the register may receive as compensation for his services, on registering each deed of conveyance, or grant, when but one tract of land is conveyed, or but one warrant ripened into a grant, fifty cents; and in like manner where more than one tract is conveyed in said deed, or in said grant, then and in that case fifty cents on the first tract expressed in said deed or grant, and twelve and an half cents on each other tract or warrant so included: *Provided nevertheless,* that where any deed of conveyance contains tracts of land situate in different counties, the register in each county shall register the same; and he who first registers said deed shall be entitled to receive and be responsible for the before recited state tax; which register shall give a receipt therefor to the owner on

And deed, which receipt shall be an evidence to the other registers that the state tax has been paid, and they the other registers shall not collect any state tax thereon.

Sec. 2. *Be it enacted*, That it shall be the duty of each and every register to register the probate on each and every deed of conveyance.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

Nov. 7. 1803.

CHAP. XI.

AN ACT to authorise the several county courts in this state, if they think it expedient, to lay a 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 it shall and may be lawful for a majority of the justices of the several counties in this state, when in session, to lay a tax for the purpose of procuring a standard of weights and measures; and the tax when laid, shall be collected and accounted for as other county taxes are; and after the standard is procured, the surplus money, if any, shall be paid over to the county trustee, for other county purposes; and the tax when laid shall not exceed four cents on each white poll; eight cents on each black poll; four cents on each hundred acres of land; eight cents on each town lot; twelve and one half cents on each stud horse, kept for mares, nor five dollars on each billiard table; which tax, when collected shall be deposited in the hands of such person as may be elected by said court to keep the standard of such weights and measures as is herein after mentioned, that is to say, sealed weights of half hundred, quarters of hundreds, seven pounds, four pounds, two pounds, one pound and half pound; measures of ell and yard of brass or copper; measures of

half bushel, peck and half peck, of dry measure; a gallon, pottle, quart, pint, and half pint of wine measure; stamps for brass, tin, iron, lead or pewter, and also brands for wooden measures.

Sec. 2. *Be it enacted*, That each standard keeper when elected, shall take the following oath, viz.

I, A. B. do solemnly swear, (or affirm, as the case may be) that I will not stamp or seal any weights or measures but such as shall, as near as possible, agree with the standard in my keeping, and that I will in all respects truly and faithfully discharge the trust reposed in me, to the best of my skill and judgment. *So help me God*.

Sec. 3. *Be it enacted*, That the said standard keeper shall not demand or receive greater or larger fees than are herein after mentioned, that is to say, twelve and one half cents for each weight or measure so stamped or sealed, under the penalty of fifty dollars, to be recovered by action of debt, before any jurisdiction having cognizance thereof, one half to the use of the county and the other half to him or her that will sue for the same.

Sec. 4. *Be it enacted*, That it shall be the duty of each standard keeper immediately upon the receipt of the weights and measures aforesaid, to advertise at the muster ground of each captain's company within his county, that such standard is in his possession; the object of which is to preclude every citizen for the space of three months from and after the date of the advertisement aforesaid, incurring the penalty herein after set forth, namely, that if any person shall sell any article by weight or measure, without first having his weights or measures branded or stamped, (as the case may be) agreeably to the directions contained in this act, such person or persons so offending shall forfeit and pay for every such offence, the sum of one dollar, to be recovered before any jurisdiction having cognizance thereof, one half for the use of the county and the other half to the use of such person as may sue for the same.

Sec. 5. *Be it enacted*, That the standard keeper shall, on the receipt of the money, enter into bond with approved security to the chairman of the court and his successor in office, conditioned for the purchasing or procuring the standard of weights and measures as aforesaid; which stand-

ard of weights and measures shall be kept in the town, or at the place where the court is holden in each county.

Sec 6 *Be it enacted*, That all laws and parts of laws which come within the purview and meaning of this act are hereby repealed and made void.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 25, 1803.

CHAP. XH.

AN ACT providing for the appropriation of certain fines and forfeitures accruing from an act of the general assembly of this state, passed October the twenty sixth, one thousand seven hundred and ninety nine, entitled "*An act to suppress excessive gaming; and the more effectually to punish said offences.*"

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That all fines and forfeitures that may have arisen, or that may hereafter arise by virtue of the above recited act, shall be applied, one half to the use of any person who will sue for the same, the other half to the use of the county wherein such offence shall be committed, to be recovered by action of debt before any tribunal having cognizance thereof.

Sec 2. *Be it enacted*, That any person who shall play, within the meaning of the above recited act, shall be further liable to be indicted or presented by the grand jury of the county in which such offence shall or be committed; and it shall be the duty of all or any of the citizens of the different counties in this state, at the next court after such offences may have been committed, to forthwith make information to the grand jury; and it shall be the duty of the grand jury to make the presentment; and the person against

whom such presentment shall be made, shall be liable to answer thereto, notwithstanding any informality in any of the said presentments or indictments, and on conviction shall be liable to be fined in a sum not less than five nor more than fifty dollars.

Sec. 3 *Be it enacted*, That this act shall commence and be in force from and after the first day of January next.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 3, 1803.

CHAP. XIII.

AN ACT to prohibit any person from using words in the hearing of any slave or person of colour, either publicly or privately, that may have a tendency to inflame their minds, or induce them to insurrection; and for other purposes.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That if any person shall either publicly or privately speak or utter any words in the hearing of any slave or person of colour, which in their nature will have a tendency to inflame the minds of any slave, or induce him or them to insurrection, or to absent him or herself from the service of their owners, for every such offence shall forfeit and pay the sum of ten dollars, to be recovered by action of debt before any jurisdiction having cognizance thereof, one half to the use of the county, the other half to the person that will sue for the same.

Sec. 2. *Be it enacted*, That in order to explain what words will constitute a crime in contemplation of this act, it must be understood, that the person uttering or speaking inflammatory words, such words must be directed to, and in favor of general or special emancipation, or in direct or indirect terms to persuade any slave or slaves to rebel against the person or the lawful commands of his master, mistress, or others having

ing due authority over him or them; or directly encourage any plot or combination against any of the laws of the United States, or of this state, shall be liable as aforesaid.

Sec. 3. *Be it enacted*, That no person or persons shall knowingly permit any slave or slaves to come, collect or assemble at his, her or their dwelling house, negro house or houses, without a written pass from the owner, overseer, or person in whose employ such slave or slaves may be, setting forth his, her or their business and time of absence; every person so offending shall forfeit and pay the sum of ten dollars, recoverable before any justice of the peace of the county in which such offence may be committed, one half to the informer and the other half to the use of the county; and it is hereby made the duty of every justice of the peace, on information made to him of any such offence being committed within his jurisdiction, forthwith to issue his warrant directed to any lawful officer to bring before him or any other person in like official capacity, said offender to be dealt with as by this act directed: *Provided nevertheless*, this act shall not be in force before the first day of May next.

Sec. 4. *Be it enacted*, That if any person shall deal or traffic with any slave, without a permit in writing, from his or her owner, setting forth the articles so to be traded, every such offence shall be deemed a breach of the penal law, and punishable by presentment of the grand jury, in any sum not exceeding fifty dollars, nor less than ten dollars; and that this law shall be given in charge to the grand jury, whose duty it shall be to make all such presentments as may come within the knowledge of any one of their own body, or that may be given them by any other person.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 2, 1803.

C H A P. XIV.

AN ACT authorizing a lottery in the town of Knoxville and county of Knox, for the purpose of building a Masonic Hall.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall & may be lawful for Archibald Roane, Josiah Nichol, Edward Scott, George Washington Campbell, James Grant, Thomas M'Corry and Hugh Stewart, esquires, or a majority of them, to raise by lottery, in one or more classes, a sum not exceeding two thousand dollars, to be applied for the purpose of building and finishing a Masonic Hall in the town of Knoxville and county of Knox, in such part of said town as the aforesaid commissioners, or a majority of them, may be legally authorized to do.

Sec. 2. *Be it enacted*, That the said Archibald Roane, Josiah Nichol, Edward Scott, George Washington Campbell, James Grant, Thomas M'Corry and Hugh Stewart are hereby bound to pay to the fortunate persons, the amount that each person shall be justly entitled to by the event of the said lottery; and in case of failure, shall be liable to an action by the party aggrieved or by his legal attorney, before any jurisdiction having cognizance thereof; the action to be sustained against those commissioners only who are concerned in carrying the aforesaid lottery into effect; and the drawing of the said lottery shall not commence unless two justices of the peace of Knox county, who are not of the board of commissioners for said lottery are present, whose duty it shall be to see that the same is fairly and properly conducted; and each of the drawers, examiners and clerks, and all others employed or engaged in drawing the said lottery, shall, before the same commences, take an oath to act fairly and impartially in discharge of their several offices, which oath may be administered by any one of the judges of the superior courts of law and equity, or by a justice of the peace for Knox county: *Provided*, the said lottery shall commence drawing in the town of Knoxville, within fifteen

callender months from the passing of this act; and the prize money paid to the fortunate adventurers on demand so soon as the said lottery is finished drawing; and on failure of commencing within the time limited by this act, it shall be lawful for the purchasers of tickets in said lottery to demand and receive the sum or sums of money they may have respectively paid for the tickets, from the persons receiving the same, or the acting commissioners.

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

JAMES STUART,
Speaker of the House of Representatives,

JAMES WHITE,
Speaker of the Senate,

November 7, 1803.

CHAP. XV.

AN ACT to suspend the operation of an act passed at Knoxville, January the fifth one thousand seven hundred and ninety nine, for establishing offices for receiving entries of claims for vacant lands, &c.

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 is hereby suspended till the end of the next session of the next stated general assembly.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 7, 1803.

CHAP. XVI.

AN ACT to amend an act, entitled, *an act to regulate the proceedings of the courts of equity, and for amendment of the law.*

WHEREAS by said act the concurrence of two judges is necessary to make a decree, where the title of land shall come in question; and it sometimes happens that all the judges but one are interested in the event of the suit, or so connected with the parties by affinity or consanguinity, that they cannot preside, by reason of which great delay and injustice is sustained by suitors—For remedy whereof

Section 1. *BE it enacted by the General Assembly of the State of Tennessee*, That in all cases where any two of the judges are interested in the decision of any suit, legally or constitutionally, in such case it shall and may be lawful for the governor to appoint some person of law knowledge, in the same manner, and under the same regulations as pointed out by the constitution of this state, in cases where all the judges are concerned.

Sec. 2. *Be it enacted*, That all laws coming within the purview and meaning of this act, be, and the same are hereby repealed.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 25th, 1803.

CHAP. XVII.

AN ACT for the punishment of the crime of counterfeiting or uttering any of the gold or silver coins current in the state of Tennessee.

WHEREAS the law now in force and use in this state against counterfeiters and utterers of base and counterfeit money, is found ineffectual to restrain those evil practices:

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That if any person after the passing of

this act, shall falsely forge or counterfeit, attempt to forge or counterfeit any kind of coin of gold or silver, that now is or hereafter may be current within this state; or shall make or construct, or cause to be made or constructed, or have in possession any dye, type, or other instrument for imitating or counterfeiting any of the said coins, except in those cases where such dye, type or other instrument may be seized in order to bring suspected persons to justice; such person or persons so offending, their counsellors, procurers, aiders and abettors being thereof lawfully convicted in any court of record within this state, by confession or verdict, or standing mute on arraignment or trial, shall for the first offence be fined in a sum not exceeding five thousand dollars, and imprisoned for a term of time not exceeding twelve months.

Sec. 2. *Be it enacted*, That if any person or persons shall utter or pass, or attempt to utter or pass, any counterfeit likeness of any kind of coin of gold or silver current in this state, and being thereof convicted by sufficient evidence that the same was uttered or passed, or intended to be uttered or passed, with an intention to defraud, he or she so offending shall, for the first offence, be fined in a sum not exceeding three hundred dollars, and imprisoned for a term of time not exceeding six months.

Sec. 3. *Be it enacted*, That if any person or persons shall be found guilty of uttering or passing, or attempting to utter or pass any counterfeit likeness of any kind of coin of gold or silver current in this state, knowing the same to be base and counterfeit, for the second offence he, she or they shall stand in the pillory two hours, be fined in a sum not exceeding one thousand dollars, and be imprisoned for a term not exceeding eighteen months.

Sec. 4. *Be it enacted*, That on all trials and arraignments under this act, the defendant may make a peremptory challenge of five jurors.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 3, 1803.

CHAP. XVIII.

AN ACT to compel the different sheriffs, coroners and other officers to pay over money, by them collected, to the persons authorised to receive the same.

WHEREAS great injuries and losses have arisen to the good citizens of this state, in consequence of sheriffs, coroners, and constables failing or refusing to return executions which they have in their hands and to pay over the money collected on such executions, when returned—For remedy whereof,

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That if any sheriff, coroner, or other officer of this state shall fail or refuse to make return of any execution that may have come to his hands, issuing from the clerk of the county, or clerk of the district where such sheriff, coroner, or other officer resides, on or before the second day of the term to which said execution is made returnable, judgment may be rendered against such officer and his securities, for the amount of the money and costs mentioned in such execution, on motion of the party grieved, and proof that such execution came to such officer's hands.

Sec. 2. *Be it enacted*, That when any sheriff, coroner, or other officer shall return any execution satisfied, or that the money called for in such execution is collected, and shall not immediately on application pay the same to the person authorised to receive the same, judgment shall, on motion, be instantly entered up against such officer and his securities, for the full amount of such judgment and costs, and execution shall thereupon issue as in other cases of a similar nature.

Sec. 3. *Be it enacted*, That when any person is taken by any of the officers aforesaid by virtue of any execution against the body, and such officer shall permit or suffer such person so taken to go at large, such officer shall on motion of the party at whose instance such execution issued, have judgment entered up against him and his securities in the same manner as mentioned in the second section of this act.

Sec. 4. *Be it enacted*, That in case of failure, neglect, or refusal of the sheriff, coroner, or collector of county money of every description whatever that comes into his or their hands, to pay the same to the trustee of the county to which such sheriff, coroner, or collector belongs, it shall and may be lawful for the court of the county in which such sheriff, coroner or collector lives, on motion of said trustee to enter up judgment against such sheriff, coroner, or collector and his or their securities at any time either before or after the expiration of his office, for all such sum or sums of money as he or they may be chargeable with; and execution thereupon shall issue against the goods and chattels, lands and tenements of such sheriff, coroner, or collector so failing and his or their securities: *Provided*, that such sheriff, coroner or collector or in case of his or their absence, their securities or either of them shall have written notice of such motion twenty days previous to the making thereof.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 1, 1803.

CHAP. XIX.

AN ACT authorising the secretary to surrender grants to the owners in cases where only a part of the land is lost.

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 in all cases where surveyors have, or hereafter may certify, that a part of any tract of land is lost or taken by any older and better claim or title, for the secretary to deliver the grant or grants to the owner or owners, first recording it in his office, and certifying on the back thereof, that warrants hath issued therefor agreeable to the law in such case made and provided.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 7, 1803.

CHAP. XX.

AN ACT the more effectually to prevent the injuries that may result to the good citizens of this state by suffering stud horses or stud colts to run at large, and for the encouragement of the breed of horses.

SECTION I. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of May next, if any citizen or other person shall suffer any stud horse or stud colt over fifteen months old to run at large, any justice of the peace, on due application made to him, that such a person's stud horse or stud colt is running at large, the justice is forthwith required to issue his warrant, directed to any lawful officer of his county, commanding him to summon the owner or owners of such stud horse or stud colt running at large as aforesaid, to appear before some justice of the county, and upon due proof made to the justice, the owner or owners of such stud horse or stud colt, suffer them to run at large knowingly or willingly, then and in that case the justice shall enter up judgment against the said defendant not exceeding twenty five dollars, nor less than five dollars, with legal costs: Nevertheless the party thinking himself aggrieved may appeal to the county court, as in other cases.

Sec. 2. *Be it enacted*, That if any person drive stock to range out of the county in which he or she lives, and any of said stock consists of stud horses or stud colts over fifteen months old, on due application and proof made to any justice of the peace of the said county, he shall direct such stud horse or colt to be gelded, under the immediate direction of some person acquainted with such operation; the expenses attending which, shall be paid by the owner of such horse or colt, to be adjudged of by the court of the county where such proceedings shall be had; and should any such stud horse or stud colt die in consequence of being gelded as aforesaid, the owner shall not be entitled to recover any damages therefor.

Sec. 3. *Be it enacted*, That where any stud horse or stud colt be found running at large, contrary to the intent and

meaning of this act, the owner being unknown, in such case the same proceedings shall be had, and the same restrictions observed as is provided by the second section of this act, against persons driving stud horses or stud colts to range out of the county in which he or they live.

Sec. 4. *Be it enacted*; That all fines imposed by virtue of this act, shall be paid over by the constable or other officer receiving the same to the county trustee, wherein such fine shall be collected, and the said money shall be applied by the court to county purposes.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 7, 1803.

CHAP. XXI.

AN ACT to regulate and ascertain sheriff's fees.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the sheriffs of the different counties within this state shall take and receive the following fees for the following services:

For every arrest one dollar.

For returning a *capias*, *non est inventus* thirty seven and an half cents.

For every bail bond twenty five cents.

For serving a copy of a declaration seventy five cents.

For serving a subpoena, for every person named therein, and making return thereof twenty five cents.

For returning the same not found, for every person named therein twelve and an half cents.

For serving a *scire facias* sixty cents.

For returning the same not found thirty cents.

For pillorying any person and releasement fifty cents;

For putting a person into the stocks and releasement fifty cents.

For every commitment and releasement fifty cents.

For serving a subpoena in equity sixty cents.

For summoning a witness to a will or other writing thirty cents.

For summoning and empanelling a jury, in every case wherein a jury shall be sworn twelve and one half cents.

For removing a criminal from the county jail to the district jail, for every mile six cents.

For executing every condemned person, including all necessary expences and services twelve dollars and fifty cents.

Where a special *venire* shall issue by order of court, for summoning each juror and attending the same twenty five cents.

For attending on the premises, on a special *venire facias*, per day two dollars.

For making return of a writ of partition, or other writ of the same nature seventy five cents.

For serving a writ of possession of land one dollar.

For serving and attending any person, on a *habeas corpus*, per day one dollar.

For serving a declaration in ejectment one dollar.

For whipping a person by order of court fifty cents.

For serving an attachment, the same as an arrest; and if farther trouble by removing of goods, to be taxed by the court.

For summoning each garnishee sixty cents.

For executing a warrant of distress, or an execution against the body or goods two and an half per cent.

For serving a *capias* on indictment one dollar.

For every time an action is called in court four cents.

For imprisonment of felons or any other person, for finding each prisoner per day with a sufficient quantity of good and wholesome food and water twenty five cents.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 8, 1803.

CHAPTER XXII.

AN ACT to amend the third and fourth sections of an act, entitled "An act to establish a treasury department," passed the thirteenth April, one thousand seven hundred and ninety six, and to define the duties of said treasurers.

SECTION 1 *Be it enacted by the General Assembly of the State of Tennessee,* That the words "twenty thousand" in the third section of the above recited act is hereby repealed, and in lieu thereof, each treasurer shall enter into bond in the sum of thirty thousand dollars.

Sec. 2 *Be it enacted* That it shall be the duty of the governor for the time being, to commence suit in the superior court of Hamilton district against each and every delinquent treasurer, when thereto required by the legislature, and the money when collected, if from the treasurer of Mero district, shall be paid into the treasury of Washington and Hamilton districts; but if it shall be recovered from the treasurers of the district last mentioned, the same shall remain in the office of the clerk of Hamilton district, until regularly drawn therefrom pursuant to such warrants as are recognized by law.

Sec. 3 *Be it enacted,* That where any person shall be elected by virtue of this act, such person shall immediately repair, with his securities, into the house of representatives, which house shall be considered as the sole judges of the sufficiency of such securities; and if at any time the said security shall be deemed insufficient, the speaker of the house of representatives shall declare the election void; in which case the legislature shall proceed to ballot for a second treasurer, who after entering into bond with approved security, shall in the presence of the house of representatives, take and subscribe to the oaths contained in the third section of the above recited act: *Provided,* the foregoing restrictions as contained in this section shall not extend to the treasurer of Mero; but he shall at the succeeding superior court for said district, take the necessary oaths, and enter into bond and security to be approved by the judges of said court, which bond to be taken shall be entered of record in said court, and put into the hands of one of the said judges for the purpose of de-

vering the same to the Secretary of this State: *Provided* And *that* if the treasurer elected for the district of Mero should not be at the succeeding superior court, then and in that case, any one of the judges of said court shall take his bond with sufficient security, to be sent to the Secretary of State, upon the receipt of which his commission shall issue.

Sec. 4 *Be it enacted,* That the treasurers heretofore appointed, shall have full power to settle all their business that may remain unsettled at the time of their going out of office, in as full and as ample a manner as they had or could have done when in office: *Provided* always, as soon as the committee of finance make a settlement with either of the treasurers, and they or either of them fail to pay the money they may be found in arrear and in their hands, that then and in those cases it may be lawful for the committee to direct the attorney general to bring the bond into court, and enter up judgment against the treasurer or treasurers and their securities for the sum or sums they may be found in arrear, and execution shall issue for the same.

JAMES STUART,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

November 7, 1803.

CHAPTER XXIII.

AN ACT to purchase for the state of Tennessee the patent right of Eli Whitney and Phineas Miller, of a machine or new invention for cleaning cotton, commonly called the Saw Gin.

WHEREAS It is proposed by Russell Goodrich, the agent of Eli Whitney, the inventor of and patentee of a machine for cleaning of cotton from the seeds, commonly called the Saw Gin, and Phineas Miller, assignee of one moiety of the patent right to said machine, to sell to the State of Tennessee, the sole and exclusive right of making, using and vending the said machine, within the limits of the

State: *And whereas* the cultivation of cotton is encreasing in this state, and from the invention and use of said machine likely to become a valuable staple article of exportation, it is expedient that the state of Tennessee, do purchase from the said Miller and Whitney, the patent right to the making, using and vending the said new invention of a machine for cleaning of cotton from its seeds, commonly called a Saw Gin, on the terms and conditions herein after mentioned, that is to say, That there shall be laid and collected by the state of Tennessee, on each and every said gin, which shall be used in this state from the passing of this act, thirty seven & an half cents upon each & every saw or circular row of teeth which shall be used in said gins, in each and every year for the term of four years; which tax, when collected, to be paid to the said Miller and Whitney, or their order, first deducting the sheriff's usual commission of six per cent. for collection from year to year, for the term aforesaid; the first payment to be made on the first day of November, one thousand eight hundred and four, and the last payment on the first day of November, one thousand eight hundred and seven, for which purpose

Section 1 *Be it enacted by the General Assembly of the State of Tennessee*, That the good faith of this state be, and the same is hereby declared to be pledged for the due collection of the said tax, for the term aforesaid, and for the regular payment thereof, from year to year on the day and days before mentioned; and for the passing such laws as may be necessary for the due and faithful collection and payment of said tax. And for the purpose of carrying this contract into effect according to its true intent and meaning,

Sec. 2. *Be it enacted*, That a tax of thirty seven and an half cents be and the same is hereby laid, and shall be collected annually in each and every year, for the year one thousand eight hundred and four, one thousand eight hundred and five, one thousand eight hundred and six, and one thousand eight hundred and seven, on each and every saw or circular row of teeth, contained in each and every gin for ginning of cotton within the limits of this state, to be paid annually by the person owning or using the same.

Sec. 3. *Be it enacted*, That it shall be the duty of all persons for the year one thousand eight hundred and four

and for every year thereafter, to the year one thousand eight hundred and seven, inclusive, at the time of making returns of their taxable property, also to make return on oath, to the person or persons appointed to take lists of the same, of the number of saws or circular rows of teeth, contained in each and every gin for cleaning cotton, which shall at the time of giving in, be in his, her or their possession, for the purpose of being used in the respective years for which the same is returned, and on failure thereof shall be liable to the same penalties he, she or they shall be liable to for failing to make return of other taxable property; and the sheriffs or collectors of the several counties of this state are hereby authorized and empowered to collect for each and every year, for the term aforesaid, at the time of collecting other taxes, the said tax of thirty seven and an half cents on each and every saw or circular row of teeth contained in any gin or gins in their respective counties, within each and every year, from every person who is or are liable to pay a tax under and in pursuance of this act, in the same manner and under the same regulations and penalties as are prescribed for the collection of other taxes, and he shall account for and pay the same at the proper offices under the same regulations and penalties as are prescribed for his accounting for and paying the public taxes of this state, deducting and reserving to himself a commission of six per cent. as allowed for the collection of other taxes.

Sec. 4. *Be it enacted*, That the sheriffs or collectors of this state, shall be bound to collect the taxes herein laid for the years herein mentioned, from all persons who shall use any saw gin within their respective counties, notwithstanding the same shall not have been returned in any list, and account for the same when collected, as for other taxes.

Sec. 5. *Be it enacted*, That the treasurers for the state shall pay the said Miller and Whitney, their agent or attorney, legally authorized by letter of attorney, under their hands and seals, or their executors or administrators, the amount of the tax herein laid for the year one thousand eight hundred and four, which shall be paid into their offices by the several sheriffs or collectors of this state as required by this act, after deducting their usual per cent.

in other manner by them received and paid out, on the first day of November, one thousand eight hundred and four; and shall also pay on every first day of November thereafter, for the term herein before mentioned the sum which shall be annually paid into their offices for the tax on cotton gins laid by this act and directed to be collected, to said Miller and Whitney, or their attorney, legally authorized as aforesaid, or their executors or administrators; and the said treasurers are hereby authorized, empowered and directed to take and use the same measures for enforcing the payment of the taxes herein laid and directed to be collected by the several sheriffs or collectors of this state, as they are authorized and empowered to take for enforcing the payment into the public treasury, of the other public taxes: *Provided nevertheless*, that the said Eli Whitney and Rhineas Miller, their executors or administrators, by themselves or their attorney, authorized and empowered under hand and seal for that purpose, on or before the first day of July next, make and execute a deed of assignment, bargain and sale and release to the governor, for and on behalf of the state of Tennessee, of their patent right to the exclusive making, using and vending the said machine or new invention of the saw gin, within the limits of this state: *And provided also*, that the said Miller and Whitney, their executors or administrators, by their said deed agree to refund all such sums of money, notes of hand or obligations which they or either of them, or either of their agents or attorneys may have received for licence or licences to use the said machine, from any citizen or other person within this state, the same to be refunded to the respective persons or their representatives, from whom the same was received; and shall also engage to deliver at the town of Knoxville, on or before the first day of September next, one of the said machines, and also, one at the town of Nashville, for the use of the state, free of expence, of the most approved size and construction, fit for use: *Provided nevertheless*, that no money shall be drawn from the treasury of this state, until the machines are delivered agreeable to this act: *Provided nevertheless*, that nothing herein contained shall be extended or meant, to give to any citizen, or other person or persons within the limits of this state, a right of making or selling for exportation, or exporting beyond the limits of the Unit-

ed States, of the machines aforesaid, or of any of the parts thereof: *And provided also*, that if at any time hereafter it shall appear, that any person or persons, other than the said Whitney and Miller, are rightfully and legally entitled to the patent right of making, using and vending said machines, or saw gins, now claimed by said Whitney and Miller; and the citizens of this state, or any of them should thereby become liable to pay any sum or sums than those expressed in this act, that then and in that case, the contract entered into by this state, for the purchase of said Whitney and Miller's patent right aforesaid shall be void: And the said Whitney and Miller shall moreover be held accountable for all and every sum or sums recovered against any of the citizens of this state as aforesaid; and that these conditions be expressed in the deed of assignment, bargain and sale, and release to the governor before mentioned: *And provided also*, that before it shall be in the power of the said Miller and Whitney to receive any money, collected by virtue of this act, that they shall be obliged to enter into bond, in the sum of ten thousand dollars with security, to be approved of by the governor, and payable to the governor for the time being and his successors in office, conditioned for the refunding any monies they may receive: *Provided* it shall hereafter appear that the said Miller and Whitney have not the sole and exclusive right of making, vending and selling the patent right of the said saw gin; or that any other person may have a better right thereto; which bond shall remain in the office of the secretary of the State of Tennessee, as security for the citizens, for the refunding to them the money by them paid, in virtue of this act; and the governor for the time being is hereby authorized and directed when application is made to him for that purpose, to assign said bond to the party or parties injured, to be sued for in his, her, or their own proper name or names; and the several superior and county courts within this state, are hereby authorized and empowered to give judgment, and award execution for all sums of money paid by any of the citizens of this state, to the said Miller and Whitney; which bond shall not be void on recovery, but shall be returned to the secretary's office to be assigned over as aforesaid, as often as the nature of the case may require any thing to the contrary notwithstanding.

Sec. 6. *Be it enacted*, That the governor be and he is hereby directed to use all the means in his power to procure all the information he can, or all the information that the nature of the case is capable of, to ascertain the event of the suits now pending, and brought by Miller and Whitney against the citizens of the state of Georgia; and what the state of South Carolina have done touching the business of the cotton gin; and if it should sufficiently be proved to him, that Miller and Whitney are not entitled to receive the money due by the first payment, that then and in that case it shall be the duty of the governor to direct the treasurer or treasurers of this state not to pay the money directed by this act, to be paid to Miller and Whitney, any thing to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

Oct. 22, 1803.

CHAP. XXIV.

AN ACT to provide for the election of electors of President and Vice President of the United States.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That in future, elections for electors of President and Vice President of the United States, the state shall be divided into five sections, in manner following:

The counties of Greene, Washington, Carter and Sullivan shall compose the first section, and elect one elector.

The counties of Hawkins, Claiborne, Grainger, Jefferson and Cocke shall compose the second section, and elect one elector.

The counties of Knox, Sevier, Blount, Roane and Anderson shall compose the third section, and elect one elector.

The counties of Jackson, Smith, Wilson and Sumner shall compose the fourth section, and elect one elector.

The counties of Davidson, Williamson, Robertson, Mont-

gomery, Stewart, Rutherford and Dickson shall compose the fifth section, and elect one elector.

Sec. 2. *Be it enacted*, That all persons who have the right of voting for members of the general assembly shall be entitled to vote for electors.

Sec. 3. *Be it enacted*, That the election for the purpose aforesaid shall be held by the persons and at the places appointed for holding elections for members of the general assembly of this state, on the first Thursday and Friday of November, in the year one thousand eight hundred and four, to commence at twelve o'clock the first day and end at four o'clock on the second day; and it shall be the duty of the sheriffs or returning officers of said election to advertise the same at least six weeks previous thereto, in six of the most public places in their counties; and it shall also be the duty of the judges of said elections to keep the box containing the tickets in their own possession till they are counted out according to law.

Sec. 4. *Be it enacted*, That the sheriffs or other returning officers for the counties of Greene, Carter and Sullivan shall, on the Monday next following the election aforesaid, make out and return in writing, under hand and seal, to the sheriff of Washington county at Jonesborough, an accurate statement of the number of votes each person may have received as one of the electors aforesaid.

The sheriffs or other returning officers for the counties of Hawkins, Claiborne, Grainger and Cocke shall, on the Monday next following the election aforesaid, make out and return in writing under hand and seal, to the sheriff of Jefferson county at Dandridge, an accurate statement of the number of votes each person may have received as one of the electors aforesaid.

The sheriffs or other returning officers of the counties of Sevier, Blount, Roane and Anderson shall, on the Monday next following the election aforesaid, make out and return in writing under hand and seal, to the sheriff of Knox county at Knoxville, an accurate statement of the number of votes each person may have received as one of the electors aforesaid.

The sheriffs or other returning officers of the counties of Jackson, Wilson and Sumner shall, on the Monday next

Concerning the election aforesaid, make out and return in writing under hand and seal, to the sheriff of Smith county at Bedfordborough, an accurate statement of the number of votes each person may have received as one of the electors aforesaid.

The sheriffs or other returning officers for the counties of Williamson, Rutherford, Robertson, Montgomery, Stewart and Dickson shall, on the Monday next following the election aforesaid, make out and return in writing under hand and seal to the sheriff of Davidson county at Nashville, an accurate statement of the number of votes each person may have received as one of the electors aforesaid.

Sec. 5. *Be it enacted*, That the sheriffs of Washington, Jefferson, Knox, Smith and Davidson shall, when the returns as aforesaid are made to them, immediately compare and add the same to the votes which have been taken in their own counties; and if two or more persons have an equal number of votes as electors aforesaid, the sheriff as aforesaid shall give the casting vote, and immediately make out two certificates under hand and seal, one to be delivered to the person who shall have the greatest number of votes, the other to be transmitted to the governor of the State; which certificates shall certify the persons to be duly and constitutionally elected as electors aforesaid.

Sec. 6. *Be it enacted*, That the persons elected as electors aforesaid, shall meet at the seat of government on the first Wednesday of December, one thousand eight hundred and four, and proceed without delay to vote for President and Vice President of the United States, agreeable to the constitution and laws of the United States.

Sec. 7. *Be it enacted*, That the sheriffs or returning officers of said elections, shall be allowed the sum of one dollar and seventy five cents for every twenty five miles they may necessarily travel in going to and from the place appointed for comparing the votes, and the like sum for every day they may be necessarily engaged at the place aforesaid, in comparing the same.

Sec. 8. *Be it enacted*, That the electors shall be allowed the sum of two dollars and fifty cents for each and every day they may attend at the seat of government for the pur-

pose of electing President and Vice President of the United States, and also the like sum for each and every twenty five miles travelling to and from the place of meeting.

Sec. 9. *Be it enacted*, That the different sheriffs of each section shall produce a certificate from under the hand and seal of a justice of the peace of the county where the votes is to be compared, that he has performed the duty enjoined on him by this act, setting forth the sum due, which certificate, countersigned by the governor, shall be a sufficient warrant for the treasurer to pay the sum therein mentioned.

Sec. 10. *Be it enacted*, That the electors for President and Vice President, after performing the duties enjoined them by this act, shall produce a certificate from under the hand and seal of some justice of the peace at the seat of government, setting forth the sum due, countersigned by the governor, shall be a sufficient warrant for the treasurer to pay the sum due, which sums shall be allowed him in the settlement of his accounts.

Sec. 11. *Be it enacted*, That this act shall be in force until the first day of January, one thousand eight hundred and five, and no longer.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

Nov. 3, 1803.

CHAP. XXV.

AN ACT to confirm all marriages solemnized under the authority of what was called the State of Franklin.

WHEREAS doubts exist in the minds of many of the respectable citizens of this State, who were joined together in the holy estate of matrimony, under the authority of what was called the State of Franklin, whether the said marriages are legal, so as to permit the children and

widows of the said persons to take their estates, consistently with the laws now in force, to regulate descents of real estates, and to make provision for the widows, directing the mode of descents, and for distributing the personal property of intestates: Wherefore, to remove all doubts,

BE it enacted by the General Assembly of the State of Tennessee, That all marriages solemnized under the authority of what was called the state of Franklin, be and they are hereby confirmed, and all the children heretofore born in pursuance of any marriage contracted or solemnized as aforesaid, be and they are hereby made legitimate, if heretofore they have not been; and the said children and widows shall take by descent, any real or personal estate of their parents, and widows of their husbands, consistently with the laws now in force, regulating the descent of real estates, making provision for widows, directing the mode of descents and for the distributing the personal property of intestates, any law or usage to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

November 7, 1803.

CHAP. XXVI.

AN ACT appointing additional commissioners, and for regulating the town of Newport, in the county of Cocke.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That George H. Hynds, Augustine Jenkins, and Jonathan Fine, be, and are hereby appointed additional commissioners, to act with those heretofore appointed by law, and to have the same power and authority as are vested in the commissioners appointed by the general assembly, ninth day of October, one thousand seven hundred and ninety seven.

Sec. 2. BE it enacted, That the said 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.

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 designating 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.

Sec. 4. BE it enacted, That the said trustees or a majority of them shall make and execute deeds for conveying lots, as heretofore by law laid out in said town.

Sec. 5. BE it enacted, That the said commissioners or a majority of them shall cause the streets of said town to be kept in good repair: *Provided* they call on none but those who own lots, and the inhabitants of said town for that purpose, and said commissioners shall have power to exercise their authority as regulators of said town in all respects whatever.

JAMES STUART,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

November 1, 1803.

CHAP. XXVII.

AN ACT giving more special powers to the commissioners for the regulation of the town of Greeneville, and to authorize the court of Greene county, if they think it expedient, to lay an additional tax for the sole purpose as herein contemplated.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That the commissioners for the regulation of the town of Greeneville shall have full power to remove the court house to any convenient spot or

situation in said town, where they may think most convenient provided it is not removed further than eighty feet from the centre of said town, as laid off by law, nor interfere with any person's private lot.

Sec. 2. *Be it enacted*, That if said commissioners think it expedient and beneficial for said town, and the convenience of public buildings, to exchange the prison lot for any other lot in said town, they shall have full power so to do provided such exchange does not cost more than one hundred dollars, to be paid out of the county tax; and said commissioners shall have full and ample power to make any regulations they may deem necessary, for the regulation of hogs running at large in the bounds of said town.

Sec. 3. *Be it enacted*, That George Duffield and William Dickson, esquires, are hereby appointed additional commissioners, to act in conjunction with the board of commissioners heretofore appointed for the regulation of said town, and vested with the same powers, and shall exercise the same authority, in all respects whatever, as those heretofore appointed.

Sec. 4. *Be it enacted*, That the court of said county, shall have full and ample power to lay an additional tax, as heretofore prescribed by law, for the purpose of removing and repairing said court house and prison, and to pay the balance, if any, in the exchange of said prison lot.

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

JAMES STUART,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

November 3, 1803.

CHAP. XXVIII.

AN ACT to authorise James Hamilton to build a dam across Stone's river.

BE it enacted by the General Assembly of the State of Tennessee, That James Hamilton is authorised to build a dam across Stone's river, for the benefit of a mill or mills, provided the same be on his own land, under the express condition, that he fix a lock in said dam, immediately in the current of said river, or in the most eligible place for the safe passage of boats of any size that is common to be built on Cumberland river, free of any toll.

JAMES STUART,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

November 3, 1803.

CHAP. XXIX.

AN ACT to authorise the court of Jefferson county, if they think it expedient, to lay a tax for building a court house, and for appointing an additional commissioner in the town of Dandridge.

WHEREAS by an act of the general assembly of this state, passed October twenty six, one thousand seven hundred and ninety nine, entitled "An act to establish a town by the name of Dandridge, in Jefferson county," Alexander Outlaw, Hugh Keloe, Andrew Henderson, George Doherty, James Doherty and Edward George were appointed commissioners for the town of Dandridge—And whereas Hugh Keloe hath removed from said county of Jefferson, and it is requisite that his place should be supplied by appointing some other commissioner:

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee That hereafter Alexander Outlaw, Andrew Henderson, George Doherty, James Doherty, Edward

George, and Michael Branner shall be the commissioners of said town of Dandridge, and shall have the same power and authority, for the same purposes in all respects as was given to the commissioners by the aforesaid act appointed.

Sec. 2. *Be it enacted*, That the court of said county of Jefferson, shall, as soon as they may think it expedient, provided two thirds of the acting justices be present, lay a tax not exceeding six cents on each white poll; twelve cents on each black poll; six cents on each hundred acres of land; and twelve cents on each town lot; and not exceeding one dollar on each horse kept for mares, for the purpose of erecting a court house. And it shall be the duty of the clerk of said county, to deliver to the sheriff of said county, within twenty days after the term at which such tax shall be laid, a fair and correct list of the same; and it shall be the duty of the sheriff of said county to collect and pay said tax, under the same rules and penalties as are prescribed for collecting and paying other county taxes.

Sec. 3. *Be it enacted*, That so soon after the said tax is laid as may be, the aforesaid commissioners, or a majority of them, shall employ a suitable workman or workmen to build or repair a court house in the town of Dandridge, on the public square, for the use of the county of Jefferson. And it shall be the duty of the commissioners, at the first court of said county, after they may have made a contract for building or repairing a court house, to return an account thereof, with the sum which will be necessary to enable them to comply with their contract; and if the amount of the tax so laid, should not be sufficient to defray the expences of building or repairing said court house, then the court of said county may instruct the commissioners to draw from the trustee of said county any sum of money that may be in the hands of the trustee, not otherwise appropriated, that they may think expedient; and if it should appear to said court, that they cannot obtain a sufficient sum by the tax so laid for one year, and by what other money in the hands of the trustee of said county they can spare from other county purposes, then said court may lay a tax as before specified, from year to year, until the court house is completed; and if there should be a surplus of said taxes, after building or repairing said court house,

it shall remain in the hands of the trustee, to be applied to county purposes.

Sec. 4. *Be it enacted*, That when the court of said county shall be of opinion, that the jail of said county needs repairing, it shall be the duty of the commissioners to employ some suitable person to repair the same, on the most reasonable terms, which shall be paid out of any county money in the hands of the trustee.

Sec. 5. *Be it enacted*, That as soon as may be, after the court house of said county is completed, the commissioners shall lay before the court of said county when sitting, an accurate account of all their proceedings, and the money expended in said building or repairing, together with an estimate of the time they may have spent in attending to said business; and the said court, provided two thirds of the acting justices are present, shall make them a reasonable compensation for their trouble.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 3, 1803.

C H A P. XXX.

AN ACT authorising a lottery in the town of Nashville.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for William P. Anderson, Joseph Coleman, John Childress, jun. Robert Stothart, and Joseph M'Kean, or a majority of them, to raise by lottery, in one or two classes, as to them may appear necessary, any sum not exceeding two thousand dollars, to be applied to the use of building a new jail on the bluff of Cumberland river, in the town aforesaid; and the said William P. Anderson, Joseph Coleman, John Childress, jun. Robert Stothart, and Joseph

M'Kean are hereby bound to pay to the fortunate persons, the amount that each person shall be justly entitled to by the event of the said lottery; and in case of failure, shall be liable to the party aggrieved or so many of them as were concerned in carrying said lottery into effect. The drawing of the said lottery shall not commence unless two of the acting justices of the peace for the county of Davidson are present, whose duty it shall be to see that the same is fairly and properly conducted; and each of the drawers, examiners and clerks, and all others concerned or engaged in drawing the said lottery, shall, before the same commences, take an oath to act fairly and impartially in discharge of their several offices, which oath may be administered by any justice of the peace within the county of Davidson. If the said lottery is not drawn within one year from the passing of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they may have respectively paid, from the persons receiving the same.

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

JAMES STUART,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

November 3, 1803.

CHAP. XXXI.

AN ACT appointing commissioners to contract for the building and erecting a new district and county jail in the town of Nashville, on the bluff of Cumberland river, near to water, and for other purposes.

WHEREAS a law has passed during the present session of assembly, authorising a lottery for the purpose of building a jail in the town of Nashville, and it is necessary to pass a law the more effectually to carry the intention of said law into effect, for which purpose

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Joel Lewis, George Ridley, Alexander Ewing, John Childress, junior, and William Luntz, and are hereby appointed commissioners for the purpose of building a jail in the town of Nashville, and that they or a majority of them, as soon as the amount of the money contemplated to be raised by lottery, or otherwise be accomplished, proceed to let said building to the lowest bidder, having first advertised the same forty days at least on the door of the court house at Nashville, and in the Tennessee Gazette, setting forth the size and materials of which it is to be built, to consist of three rooms at least, one for the jailor, one for felons and one for debtors; and as soon as the same shall be completed, it shall be considered and received as the jail of the county of Davidson, as well as the jail of the district of Mero.

Sec. 2. *Be it enacted*, That before the commissioners proceed to any of the duties enjoined on them by this act, they shall take an oath well and truly to discharge their duties as commissioners, agreeably to the true intent and meaning of this act, to the best of their knowledge and abilities; and shall enter into bond in the penal sum of five thousand dollars, payable to the commissioners of the town of Nashville as aforesaid, and their successors in office, for the use of the district of Mero, conditioned for the faithful discharge of their duties as commissioners aforesaid, and that they will well and truly account with the commissioners of said town of Nashville, and their successors in office, for all monies which they may receive by virtue of the act or otherwise, authorising a lottery; which bond shall be deposited in the office of the clerk of the court of said county.

Sec. 3. *Be it enacted*, That as soon as the said jail shall be completed, the said commissioners shall lay a fair and regular statement of all their proceedings, together with the amount of money by them received and expended, before the court of said county of Davidson, who shall make them a reasonable compensation for their trouble, to be paid by the trustee of the county of Davidson, out of the county money; and if any of the money shall then remain in the hands of said commissioners, it shall be by them paid into the hands of the trustee of the county of Davidson, there to re-

main as a fund for the special purpose of repairing said jail, erecting stocks, &c. from time to time as occasion may require, and to be drawn out of the hands of said trustee by said commissioners, under the particular direction of the court of said county.

Sec. 4. *Be it enacted*, That if any vacancy shall happen among said commissioners, by refusal to act, death, resignation or otherwise, the court of Davidson county shall have full power, and are hereby authorized and required from time to time to appoint other persons to fill such vacancies; and the person so appointed shall have the same powers and be under the same restrictions as the commissioners appointed by this act.

Sec. 5. *Be it enacted*, That as soon as the jail on the bluff of the river shall be finished, the said commissioners shall cause the present jail in the town of Nashville to be pulled down, and the timbers of which it is built, and other materials to be sold, and the money arising from the sale, to be by them paid into the hands of said commissioners, there to remain as an additional fund for building and repairing the new jail as before set forth.

Sec. 6. *Be it enacted*, That the different county courts within this state, within which the district jail are, shall once a year appoint three suitable and fit persons as inspectors, whose duty it shall be when any person or persons are confined in the jails of said districts, to attend the same at least twice a week, and see that the jailor keeps it clean and in good order, and treats the prisoners with humanity, and furnishes them with a sufficient quantity of good wholesome diet and fresh water; and the said inspectors shall report to the court of said county, at each and every session, the state and condition of said jail, and the court may make them a reasonable compensation for their trouble, to be paid out of the district money: And if it shall appear by the report of said inspectors, that the jailor has at any time failed or neglected to keep said jail clean and in good order, or failed to treat any prisoner or prisoners confined therein in manner contemplated by this act, the court shall for each offence, fine the said jailor in a sum not exceeding fifty

dollars, to be applied to the use of the county, and shall be liable to be removed from office.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 7, 1803.

C H A P. XXXII.

AN ACT supplementary to an act entitled "An act for the regulating the town of Jonesborough, and for erecting, building or repairing the court house, prison and stocks in said town."

WHEREAS doubts exist in the minds of the commissioners of said town of Jonesborough, whether they, by the aforeaid act have a right to pass any regulations for the government of said town, wherefore,

Section 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the commissioners of the said town of Jonesborough, or a board thereof, and they are hereby authorized to make any regulations for the good order of the said town, and the preservation of the health of the citizens as to them shall seem beneficial.

Sec. 2. *Be it enacted*, That when the said commissioners shall have made any regulations for the better government of said town, it shall be their duty to have them inserted in the Washington Advertiser, published in the said town of Jonesborough, four weeks successively, and put up a copy, signed by the chairman and secretary of said board, at the court house, and at all the public places in said town, to the end that the citizens and all others concerned may be informed thereof.

Sec. 3. *Be it enacted*, That the commissioners or a board thereof, 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; 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 or a board thereof, receive punishment at the public whipping post, according to the nature of the offence, which shall not at any time for the same offence exceed twenty lashes.

Sec. 4. *Be it enacted*, That any constable of the county of Washington shall be and he is hereby authorized to execute any process issued by the said commissioners and carry the same into effect; and the warrant or other process issued by the said commissioners shall be a sufficient justification for said constable for any act done in pursuance of said warrant in any court of record within this state; which constable shall receive the same fees as by law he is allowed for other business of the same kind, to be paid by the defendant.

Sec. 5. *Be it enacted*, That the expence of publishing any ordinances or regulations passed by said commissioners shall be paid out of the fines and forfeitures which shall be levied and collected under the authority of this act, and the balance, if any should be, shall be paid to the overseer of the streets of said town, and by him expended on improving the streets thereof.

Sec. 6. *Be it enacted*, That Joseph Brown, John Chester, John M'Alister jun. and George Wilson, be and they are hereby appointed commissioners for the regulation of the town of Jonesborough, in addition to those already appointed, who shall have the same power and authority as the other commissioners of said town are now vested by law with, any to the contrary notwithstanding.

Sec. 7. *Be it enacted*, That any five of said commissioners shall at all times form a quorum to do business; whose acts shall be as valid in law as if the whole number were present.

JAMES STUART,
Speaker of the House of Representatives,
JAMES WHITE,
Speaker of the Senate

November 3, 1803.

CHAP. XXXIII.

AN ACT to restore John Wilson to his former privileges and capacities.

WHEREAS John Wilson, jun. of Carter county has heretofore been convicted of horse stealing in the superior court for Washington district, whereby he became deprived of his privileges as a citizen, for remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, That John Wilson, jun. be and he is hereby restored to his former privileges and capacities of a citizen, any thing to the contrary notwithstanding.

JAMES STUART,
Speaker of the House of Representatives,
JAMES WHITE,
Speaker of the Senate

November 3, 1803.

CHAP. XXXIV.

AN ACT to exonerate Nicholas Conrad from a fine in the county of Wilson.

WHEREAS Nicholas Conrad has been subjected to a fine of fifty dollars, and a double tax, for the year one thousand eight hundred, on three tracts of land in the said county of Wilson, by his agent, or through the neglect of the justice to whom such returns should have been made; and judgment having been entered up and execution issued for the same; and the said Nicholas Conrad having paid the double tax on said three tracts of land:

BE it enacted by the General Assembly of the State of Tennessee, That the said Nicholas Conrad shall be, and is hereby exonerated and released from paying the said fine of fifty dollars on each tract, he paying all necessary costs and charges, any thing to the contrary notwithstanding.

JAMES STUART,
Speaker of the House of Representatives,
JAMES WHITE,
Speaker of the Senate

November 7, 1803.

C H A P. XXXV.

AN ACT to repeal that part of the fifth section of an act, entitled, *an act for the regulation of the town of Nashville*, passed November tenth, one thousand eight hundred and one, which is herein after mentioned.

BE it enacted by the General Assembly of the State of Tennessee, That the following words of the fifth section of the above recited act, to wit: "to prevent swine belonging to any inhabitant of said town from running at large, or if they think proper to authorise 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," is hereby repealed and made void, any law, usage or custom to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 3, 1803.

C H A P. XXXVI.

AN ACT to alter the names of the persons therein mentioned.

WHEREAS James Winchester hath desired this general assembly to alter the names of his illegitimate children, namely, Maria Eliza Black, Marcus Brutus Black, Selima Black, and Betsey Black, to Maria Eliza Winchester, Marcus Brutus Winchester, Selima Winchester, and Betsey Caroline Winchester:

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the names of Maria Eliza Black, Marcus Brutus Black, Selima Black, and Betsey Black, are hereby altered and changed

to Maria Eliza Winchester, Marcus Brutus Winchester, Selima Winchester, and Betsey Caroline Winchester, and that the said Maria Eliza Winchester, Marcus Brutus Winchester, Selima Winchester, and Betsey Caroline Winchester shall in all respects, both in law and equity, be precisely in the same situation as if they had been born in wedlock, and had been the legitimate children of the said James Winchester, and shall have all the advantage of inheritance that the legitimate children of said James Winchester could or might have.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 7, 1803.

C H A P. XXXV.

AN ACT to authorise the court of Carter county to appoint a commissioner to run and designate such parts of the lines of said county of Carter as they may think expedient.

BE it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the court of Carter county to appoint one commissioner, should they think it expedient, to run and designate such parts of the lines of said county as they may think proper, and such commissioner when appointed shall have full power to employ one marker; which commissioner shall be allowed two dollars for each and every day he shall be so employed, and the marker one dollar, to be paid out of the county treasury.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 3, 1803.

C H A P. XXXVIII.

AN ACT to amend the act passed November the thirteenth, one thousand eight hundred and one, entitled "an act to authorise the court of Sevier county to open a certain road therein mentioned, and fix a turnpike or turnpikes thereon," and to repeal the tenth section of the same.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee.* That the court of Sevier county or a majority of them may contract with any person or persons to open, clear and keep in repair the road contemplated in the act, entitled "an act to authorise the court of Sevier county to open a certain road therein mentioned, and fix a turnpike or turnpikes thereon," and are hereby authorised and empowered to grant such person or persons the privilege of receiving the toll arising from the said road, under the restrictions contained in the said act, for any term of time which they may deem proper, not exceeding twenty years; and if the said court should deem it expedient to have the said road opened at the expence, & for the benefit of said county, they shall have power to cause a toll to be collected thereon for the use and benefit of said county, for any number of years not exceeding twenty.

Sec. 2. *Be it enacted,* That so much of the tenth section of the above recited act, as comes within the purview and meaning of this act, is hereby repealed and made void.

JAMES STUART,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

November 7, 1803.

C H A P. XXXIX.

AN ACT regulating the times of holding the courts of pleas and quarter sessions in the counties now composing the district of Mero.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the courts of Jackson county shall commence on the first Mondays of December, March, June and September annually.

The courts of Smith shall commence on the second Mondays of December, March, June and September annually.

The courts of Sumner county shall commence on the third Mondays of December, March, June and September annually.

The courts of Wilson county shall commence on the fourth Mondays of December, March, June and September annually.

The courts of Rutherford county shall commence on the first Mondays of January, April, July and October annually.

The courts of Williamson county shall commence on the second Mondays of January, April, July and October annually.

The courts of Davidson county shall commence on the third Monday of January, April, July and October annually.

The courts of Robertson county shall commence on the first Mondays of February, May, August and November annually.

The courts of Montgomery county shall commence on the first Mondays of March, June, September and December annually.

The courts of Stewart county shall commence on the second Mondays of March, June, September and December annually.

The courts of Dickson county shall commence on the third Mondays in March, June, September and December annually.

Sec. 2. *Be it enacted,* That the provisions contained in this act shall not commence until the first day of January next, and then all causes, matters and things depending

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in all of the courts of the counties aforesaid, shall be adjourned over to the times of holding the courts stated in the first section of this act.

Sec. 3. *Be it enacted*, That the courts of the counties aforesaid shall have power to sit six days at each term and no longer, except the courts of Davidson county, which shall have power to sit two weeks at each term, until the end of the next stated general assembly of this state and no longer.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

Nov. 3, 1803.

CHAP. XL.

AN ACT authorising Isaac Baker and Thomas Wilson to erect a turnpike on a certain road therein mentioned.

WHEREAS it hath been represented to this general assembly, that Isaac Baker and Thomas Wilson, did in the year one thousand eight hundred and two, at their own expence open and make a good waggon road from Sherrill's Cove to the Painted Rock, in Greene county, being the main road leading from this state to the states of North and South Carolinas and Georgia, by way of the warm springs on French Broad river, wherefore,

Section 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Isaac Baker and Thomas Wilson are hereby authorised to erect a turnpike on any part of the road aforesaid, between the head of Sherrill's Cove and the Painted Rock; and to the end that they may be compensated for making said road, and hereafter keeping the same in repair, they are authorised to receive the following toll for the term of ten years:

For each loaded waggon and team, fifty cents:
For each four wheeled pleasure carriage, one dollar:

For each chair and driver, fifty cents:
For each cart and load, twenty five cents:
For each man and horse, six and one fourth cents:
For each pack horse, four and one half cents:
For each single horse, three cents:
And for each head of cattle, sheep or hogs, one cent.

Sec. 2. *Be it enacted*, That George Farnsworth, Giles Perman, Moses Moore, Alexander M'Alpin, and Robert Guinn, are hereby appointed commissioners, whose duty it shall be, after the first day of December next, to review and examine said road, and on finding the same in good repair, shall issue their licence to the proprietors thereof to keep a turnpike thereon, the said proprietors first giving bond, payable to the chairman of the court of Greene county or his successors in office for the use of said county, in the sum of five hundred dollars, with sufficient security, conditioned for the keeping the said road in good repair, for the time authorised by this act, and to satisfy and pay all damages that any person or persons may sustain by said road not being kept in repair.

Sec. 3. *Be it enacted*, That the said proprietors or any person or persons by them appointed to keep said turnpike, shall before they proceed to receive toll, take the following oath in open court or before some justice of the peace for said county:

I, A. B. do solemnly swear (or affirm, as the case may be) that I will not ask or demand of any person or persons passing through the said turnpike any greater tollage than is by law allowed. SO HELP ME GOD.

Sec. 4. *Be it enacted*, That the commissioners so appointed to review the road aforesaid, shall take the following oath or affirmation:

I do solemnly swear, (or affirm as the case may be) that I will do equal and impartial justice in all reports made by me to the court of Greene county, between the public and the proprietors of said turnpike to the best of my knowledge. SO HELP ME GOD.

Sec. 5. *Be it enacted*, That if said commissioners or either of them report to the court, that said road is out of repair, then and in that case the court may let it out to any person

who may take it for the shortest term to put the same in repair, first giving the proprietors thirty days notice, that the said road is out of repair; and if the said proprietors repairs the road, no report necessary.

Sec. 6. *Be it enacted*, That the said commissioners shall review said road at least twice in each year, and report the condition thereof; and for a compensation for so doing, shall have the privilege of passing and repassing through said turnpike free of toll, themselves, their families & stock.

Sec. 7. *Be it enacted*, That if any person shall arbitrarily or clandestinely pass said turnpike, within one half mile in order to evade the payment of toll, he, she or they shall forfeit and pay the sum of ten dollars for every such offence to the keepers of said turnpike, recoverable by action of debt before any justice of the peace in this state: *Provided nevertheless*, that if any person living within six miles of said road shall choose to work thereon four days in each and every year, he, his family and his property shall have the privilege of passing and repassing through the said turnpike without being subject to the payment of toll, the said proprietors or keepers giving such person or persons three days notice of the time and place he wishes him or them to work on said road.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 7, 1803.

CHAP. XLI.

AN ACT to alter the name of a certain person therein mentioned.

WHEREAS Enoch Dauge having requested this general assembly to alter the name of his illegitimate son, to wit: the name of Dennis Etheridge, to that of Dennis Dauge,

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, that the name of Dennis Etheridge is hereby altered and changed.

to that of Dennis Dauge; and that he the said Dennis Dauge, shall in all respects both in law and equity be upon an equal footing with the said Enoch Dauge's other children, and shall be entitled to all the advantages that he the said Dennis Dauge possibly could be, provided he had been born in wedlock, any law, usage or custom to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 3, 1803.

CHAP. XLII.

AN ACT to appoint one additional commissioner to the town of Elizabethton in the county of Carter.

BE it enacted by the General Assembly of the State of Tennessee, That Julius Dugard be and he is hereby appointed a commissioner with full power and authority to act with those heretofore appointed to lay out and regulate said town, &c.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 3, 1803.

CHAP. XLIII.

AN ACT to establish a town in Rutherford county immediately in the Forks of Stone's river, by the name of Jefferson.

WHEREAS Robert Weakley and Thomas Bedford have laid off a town on their own lands immediately in the Forks of Stone's river, and have sold out a number of lots

and have prayed that a law may be passed for the establishment thereof :

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That said town shall be known & distinguished by the name of Jefferson, & is hereby established agreeable to the present plan, on which said lots were sold ; a copy of which said Weakley and Bedford are hereby required to file in the clerk's office of the county of Rutherford, within twelve months after the passing of this act.

Sec. 2. *Be it enacted,* That Thomas Bedford, James Sharp, Mark Mitchell, Joseph Herndon, and Alexander M'Culloch, are hereby constituted and appointed commissioners for the regulation of the said town of Jefferson, vested with full power and authority for that purpose, provided they govern themselves by the original plan of said town.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 3, 1803.

C H A P. XLIV.

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

WHEREAS heretofore the commissioners of the town of Jonesborough entered into a contract with Charles Robertson in his life time to build a court house, prison and stocks for the county of Washington, which he did agreeable to contract ; and whereas since the time the said Robertson finished said buildings, or all that he contracted to do to them he is deceased, and on final settlement between the commissioners and Charles Robertson and James Gordon, executors of said Charles Robertson, deceased, there appears to be due them the sum of eight hundred and four dollars from the county of Washington, to raise which sum,

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the county court of Washington do and they are hereby authorized and empowered to lay

an additional county tax for the year one thousand eight hundred and four and one thousand eight hundred and five, not exceeding twelve and one half cents on each white poll, nor twenty five cents on each black poll, nor twelve and one half cents on each hundred acres of land, nor twenty five cents on each town lot, nor one dollar on each stud horse kept for the covering of mares, nor two dollars on each retail store, hawker and pedler, to be collected by the sheriff, accounted for and paid into the hands of the commissioners of said town of Jonesborough under the same rules and restrictions as other county taxes are collected, for the purpose of discharging the said debt due to the said executors of Charles Robertson, deceased, for the aforesaid buildings.

Sec. 2. *Be it enacted,* That before it shall be lawful for the said court to lay such tax as aforesaid, that there shall be a majority of the justices of said county present.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 7, 1803.

C H A P. XLV.

AN ACT to repeal part of a law passed the last session of the general assembly of this state, entitled " An act to prevent the obstruction of the navigation of certain rivers therein mentioned.

BE it enacted by the General Assembly of the State of Tennessee, That so much of the aforesaid act as respects the obstruction of the west fork of Red river, be and the same is hereby repealed, any thing to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 1, 1803.

C H A P. XLVI.

AN ACT to appoint a commissioner to run the line between the counties of Jefferson and Cocke.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That David Stuart be and he is hereby appointed a commissioner to run the line between the counties of Jefferson and Cocke, agreeable to an act entitled "An act to divide the county of Jefferson in to two separate and distinct counties," passed October the ninth, one thousand seven hundred and ninety seven.

Sec. 2. *Be it enacted,* That William Taylor be and he is hereby appointed to attend with said David Stuart to mark the line between the counties of aforesaid.

Sec. 3. *Be it enacted,* That David Stuart shall receive two dollars per day for running, and William Taylor two dollars per day for marking said line, to be equally paid by the treasurers of Jefferson and Cocke counties, and their receipts shall be sufficient vouchers in the hands of the treasurers in the settlement of their accounts.

JAMES STUART,

Speaker of the House of Representatives,

JAMES WHITE,

Speaker of the Senate,

November 1, 1803;

C H A P. XLVII.

AN ACT more effectually to prevent the profanation of the Lord's Day, commonly called "The Sabbath."

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That if any merchant, artificer, tradesman, farmer, or any other person shall be guilty of doing or exercising any of the common avocations of life, or of causing or permitting the same to be done by his, her or their children or servants (acts of real necessity or charity excepted) on the Lord's day commonly called Sabbath, such person or persons on due conviction thereof before any justice of the peace within the county where such offence shall be committed, shall forfeit and pay the sum of three dollars,

one half to the person who shall sue for the same, the other half for the use of the county wherein such recovery may be had.

Sec. 2. *Be it enacted,* That if any person shall be guilty of hunting, fishing or playing at any game of sport, or of drunkenness on the Lord's Day as aforesaid, such person shall be subject to the same proceedings and liable to the same penalties as are directed by this act against persons working on the Sabbath.

Sec. 3. This act shall commence and be in force from and after the first Monday of March next.

JAMES STUART,

Speaker of the House of Representatives,

JAMES WHITE,

Speaker of the Senate,

November 3, 1803.

C H A P. XLVIII.

AN ACT to amend an act, entitled, *an act to authorize the court of Knox county to lay a tax for the building a prison and stocks in Knoxville,* passed November the thirteenth, one thousand eight hundred and one.

BE it enacted by the General Assembly of the State of Tennessee, That the commissioners appointed by the above recited act, after agreeing with a suitable workman, they are hereby required to superintend said building until completed, for which services the court shall make them a reasonable allowance; which prison and stocks, when completed, shall be for the use of the district of Hamilton, as well as for the county of Knox.

JAMES STUART,

Speaker of the House of Representatives,

JAMES WHITE,

Speaker of the Senate,

November 7, 1803.

C H A P. XLIX.

AN ACT to appoint a commissioner to run the line between Knox and Roane counties.

BE it enacted by the General Assembly of the State of Tennessee, That George Preston is hereby appointed a commissioner to act with John M'Clellen, to run the line between Knox and Roane counties, in place of Joseph Taylor, who was formerly appointed by law a commissioner, but has moved away; and the said George Preston shall have the same authority, and be entitled to the same pay for performing the aforesaid service, that the said Joseph Taylor would have been entitled to by law.

JAMES STUART,
Speaker of the House of Representatives,

JAMES WHITE,
Speaker of the Senate.

November 3, 1803.

C H A P. L.

AN ACT altering the names of certain persons herein after mentioned.

WHEREAS Stephen Cantrell senior, has requested this general assembly to alter the names of his illegitimate children, to wit:

The names of Stephen Blakemore, Sally Blakemore, Alfred Blakemore, Ota Blakemore, William Blakemore, Zebulon Blakemore, Polly Blakemore and Darby Henley Blakemore, to that of Stephen Cantrell, Sally Cantrell, Alfred Cantrell, Ota Cantrell, William Cantrell, Zebulon Cantrell, Polly Cantrell and Darby Henley Cantrell, all born of his wife Molly Cantrell, formerly Molly Blackemore:

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act the names of Stephen Blakemore, Sally Blakemore, Alfred Blakemore, Ota Blackemore, William Blackemore, Zebulon Blakemore, Polley Blakemore, and Darby Henley Blakemore, is hereby altered and changed to that of Stephen Cantrell, Sally Cantrell, Alfred Cantrell, Ota

Cantrell, William Cantrell, Zebulon Cantrell, Polly Cantrell and Darby Henley Cantrell, and that they the said Stephen Cantrell, Sally Cantrell, Alfred Cantrell, Ota Cantrell, William Cantrell, Zebulon Cantrell, Polly Cantrell, and Darby Henley Cantrell, shall in all respects both in law and equity be the lawful heirs of the aforesaid Stephen Cantrell, senior, and shall be entitled to all the advantages that the said Stephen Cantrell, Sally Cantrell, Alfred Cantrell, Ota Cantrell, William Cantrell, Zebulon Cantrell, Polly Cantrell and Darby Henley Cantrell possibly could be entitled to provided they had been legitimately born in wedlock, any law, usage or custom to the contrary notwithstanding.

JAMES STUART,
Speaker of the House of Representatives

JAMES WHITE,
Speaker of the Senate

November 3, 1803.

C H A P. LI.

AN ACT making provision for a part of the citizens of Claiborne and Anderson counties, formerly Grainger, yet remaining part of Grainger election district to hold separate elections.

WHEREAS the mountainous situation and large bounds of that part of the counties of Claiborne and Anderson, formerly part of Grainger, lying north of Clinch river, render it inconvenient to attend the court house or place of holding courts in Claiborne county, for remedy whereof

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 Claiborne county below Old Town creek, and the path leading from James Gibson's, on Powell's river, to Joseph Powell's mill, and down the said mill creek to Clinch river, and all that part of Anderson county which formerly belonged to Grainger, to hold an election at the house where Charles Dever now lives, in Powell's valley, and shall be and compose an election district, to meet and

hold elections for governor, member to congress, members to the general assembly, and elector to elect a President and Vice President of the United States.

Sec. 2 *Be it enacted*, That it shall be lawful for the sheriff, deputy sheriff or coroner of Claiborne county to open and hold an election at the house aforesaid, for the purpose of electing a governor, representative to congress, members of the general assembly of this state, and an elector to elect a President and Vice President of the United States, on the days pointed out by the constitution and laws of this state and subject to the rules and restrictions therein prescribed, and receive the ballots of the persons entitled to vote in said bounds under the rules and restrictions as are for holding elections in this state, and the ballots so taken shall immediately after the close of the election be counted out by the officer holding the same, and a correct statement of the number of votes given to each candidate in the aforesaid bounds certified by the said officer and inspectors of the election, shall be returned by him to the court house in Rutledge on the day succeeding the close of the election to the sheriff or other proper returning officer for Grainger county, which shall be received and considered to be a part of the election of Grainger county, any law to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 1, 1803.

CHAP. LII.

AN ACT for the relief of Gasper Lott:

WHEREAS it has been represented to this assembly, that by the laws now in force and use, Gasper Lott is deprived of the privilege of proving his accounts, which tends to discourage him from making the efforts he otherwise would do to gain an honest livelihood, and thereby placing it in the power of dishonest persons having transactions with him to cheat him out of his property, for remedy whereof;

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act it shall and may be lawful for Gasper Lott to prove his accounts before any tribunal in this state, having cognizance thereof, under the same rules, regulations and restrictions that any free white man might have, according to the laws now in force and in use for proving book debts and accounts.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 3, 1803.

CHAP. LIII.

AN ACT concerning roads and ferries.

WHEREAS inconveniences have arisen from the present law relative to roads and ferries, particularly that part which requires two thirds of the justices of the peace in each county to be present when any order is granted for the laying off any new road or discontinuing any old one; and also when any new ferry is granted or old one discontinued, for remedy whereof

BE it enacted by the General Assembly of the State of Tennessee, That a majority of the acting justices of the peace in each county shall be competent to the granting any order for any new road or ferry, or the discontinuance of either, any law to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 3, 1803.

Justices of the Peace 208-00

C H A P. LIV.

AN ACT for taking an enumeration of the free taxable inhabitants of this state.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the commissioners appointed to take lists of taxable property in each county within this state shall take and make out in writing an accurate and complete list of the number of free taxable inhabitants who at the time of taking such list live in the county in which such commissioner is appointed; and it shall be the duty of each of the said commissioners to return the list of taxable inhabitants so taken by him as aforesaid, to the court of pleas and quarter sessions to be held in and for the county in which he is commissioner, next before the first Monday in September, in the year one thousand eight hundred and five.

Sec. 2. *Be it enacted*, That it shall be the duty of each clerk of the courts of pleas and quarter sessions, and they are hereby directed to take the aggregate number of the free taxable inhabitants in the county of which he is clerk, returned as by this act directed, and shall make out two accurate copies thereof, and the presiding justice of the court, together with said clerk, shall set their names thereto, one of which copies shall be entered on the records of said court and be preserved in the office of said clerk; and it shall be the duty of the presiding justice of the court to transmit or cause to be transmitted the other copy to the office of secretary of this state, on or before the third Monday of September, in the year of our Lord one thousand eight hundred and five.

Sec. 3. *Be it enacted*, That the secretary shall and is hereby directed to receive all such lists to him transmitted as by this act directed, and shall carefully preserve the same, so that he may have them ready to be delivered to the general assembly when required.

Sec. 4. *Be it enacted*, That if any commissioner appointed to take lists of taxable property shall die, or by any other cause be rendered incapable of performing the duties herein enjoined, in such case, it shall be the duty of the

presiding justice to appoint some fit person to take & receive the lists as aforesaid, who shall be subject to the same proceedings and entitled to the same emoluments as the commissioners appointed by this act.

Sec. 5. *Be it enacted*, That each commissioner shall be allowed the sum of one dollar for each hundred taxable inhabitants enumerated by him, and returned as directed by this act, which sums shall be appropriated for at the next stated general assembly.

Sec. 6. *Be it enacted*, That it shall be the duty of the commissioner, when taking the enumeration of any person or persons to interrogate him or them whether he or they have been enumerated heretofore under the authority of this act, the object of which is, that no citizen shall be twice enumerated.

Sec. 7. *Be it enacted*, That if any commissioner, clerk or justice shall neglect, fail, or refuse to perform the duties enjoined by this act, such neglect, failure or refusal, on due proof thereof, shall be deemed a misdemeanor in office unless sufficient cause be shewn.

Sec. 8. *Be it enacted*, That this act shall commence and be in force from and after the first day of January in the year one thousand eight hundred and five.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

November 8, 1803.

C H A P. LV.

AN ACT to appoint notaries public.

WHEREAS it will tend to the convenience of the citizens of this state, and others trading hither, that notaries public should be appointed:

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That there shall be appointed in each ju-

ridical district, one notary public, elected by joint ballot of both houses of the legislature, who shall hold his office during good behaviour; to whose attestation, protestation and other instruments of publication, due credence shall be given: *Provided*, that each notary public shall before he enters upon the duties of his office, in some court of record within his district, give bond with good security, to the governor for the time being in the sum of one thousand dollars, conditioned for the faithful discharge of the duties of his office; and moreover shall take and subscribe in some court of record within his district, an oath to support the constitution of this state, and of the United States, and further, that he will without favor or partiality, honestly, faithfully and diligently discharge the duties of notary public.

Sec. 2. *Be it enacted*, That each notary public may demand and receive for recording in a well bound book to be kept by him for that purpose, each attestation, protestation and other instrument of publication, the sum of two dollars.

Sec. 3. *Be it enacted*, That each notary public shall keep his office at the court house of the district in which he shall be appointed; and shall at his own cost procure a seal of office.

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

October 25, 1803.

CHAP. LVI.

AN ACT to authorise the county courts within this state, to grant privilege to erect gates across public roads, which shall not be considered a nuisance.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That in future, the several county courts within this state shall have full power to grant licence to any of the citizens of their county to erect

a gate or gates across the public highway, when in their opinion it will be of advantage to an individual and not injurious to the public, provided such gate shall not be less than twelve feet wide and eleven feet high.

Sec. 2. *Be it enacted*, That where any person is privileged by this act to erect a gate for his or her own advantage, he or she shall be at the expence of making and keeping such gate in repair at his or her own expence, any law, usage or custom to the contrary notwithstanding.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 3, 1803.

CHAP. LVII.

AN ACT for the relief of such persons as have suffered or may suffer by their grants, deeds, mesne conveyances and other instruments of writing not being proved or registered within this state.

BE it enacted by the General Assembly of the State of Tennessee, That if any person or persons have suffered or may suffer by their grants, deeds, mesne conveyances or other instruments of writing not being proved or registered within the time heretofore prescribed by law, it shall be lawful for such person or persons to prove and register his, her or their grants, deeds, mesne conveyances and other instruments of writing within two years from the passing of this act. *Provided always*, that this law shall not extend to authorize the registration of any grant which the laws of this state have not recognized, or any deed founded on such grant.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 25, 1803.

C H A P. LVIII.

AN ACT for confirming the boundary line between this state and the state of Virginia, as settled and designated by certain commissioners; and for appropriating certain monies therein mentioned.

WHEREAS the commissioners appointed to settle and designate the true boundary line between this state and the state of Virginia, in conformity to the act passed by the legislature of this state for that purpose, on the thirteenth day of November, one thousand eight hundred and one, have proceeded to the execution of said business, and made a report thereof in the words following, to wit:

"The commissioners for ascertaining and adjusting the boundary line between the states of Virginia and Tennessee, appointed pursuant to public authority on the part of each, namely, General Joseph Martin, Creed Taylor and Peter Johnston, for the former, and Moses Fisk, Gen. John Sevier, and Gen. George Rutledge for the latter, having met at the place previously appointed for that purpose, and not uniting from the general result of their astronomical observations, to establish either of the former lines, called Walker's and Henderson's, unanimously agreed in order to end all controversy respecting the subject, to run a due west line, equally distant from both: Beginning on the summit of the mountain generally known by the name of the White Top mountain, where the northeastern corner of Tennessee terminates, to the top of the Cumberland mountain, where the southwestern corner of Virginia terminates; which is hereby declared to be the true boundary line between the said states, and has been accordingly run by Brice Martin and Nathan B. Markland, the surveyors, duly appointed for that purpose, and marked under the directions of the said commissioners, as will more at large appear by the report of the said surveyors hereto annexed, and bearing equal date herewith.

"The commissioners do further unanimously agree, to recommend to their respective states, that individuals having claims or titles to lands on either side of the said line, as now fixed and agreed on, and between the lines aforesaid, shall not in consequence thereof, in anywise be prejudiced

or affected thereby; and that the legislatures of their respective states should pass mutual laws to render all such claims or titles secure to the owners thereof.

"And the said commissioners do further unanimously agree to recommend to their states respectively, that reciprocal laws should be passed, confirming the acts of all public officers, whether magistrates, sheriffs, coroners, surveyors or constables between the said lines, which would have been legal in either of the said states, had no difference of opinion existed about the true boundary line.

"This agreement shall be of no effect until ratified by the legislatures of the states aforesaid respectively, and until they shall pass mutual laws for the purposes aforesaid.

"Given under our hands and seals at William Robertson's, near Cumberland Gap, December eighth, eighteen hundred and two.

"Joseph Martin. (L. S.)

"Creed Taylor. (L. S.)

"Peter Johnston. (L. S.)

"John Sevier. (L. S.)

"George Rutledge. (L. S.)

"Moses Fisk. (L. S.)

"The undersigned surveyors having been duly appointed to run the boundary line between the states of Virginia and Tennessee, as directed by the commissioners for that purpose, have agreeable to their orders run the same: Beginning on the summit of the White Top mountain, at the termination of the northeastern corner of the state of Tennessee, a due west course to the top of the Cumberland mountain, where the southwestern corner of the state of Virginia terminates, keeping at an equal distance from the lines called Walker's & Henderson's, and have had the new line run as aforesaid, marked with five chops in the form of a diamond, as directed by the said commissioners.

"Given under our hands and seals this eighth day of December, one thousand eight hundred and two."

"B. Martin (L. S.)

"Nathan B. Markland. (L. S.)

And it is deemed proper and expedient, that the said boundary line so fixed and ascertained as aforesaid, should be established and confirmed on the part of this state :

Section 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the said boundary line between this state and the state of Virginia, as laid down, fixed and ascertained by the said commissioners above named in their said report above recited, shall be, and is hereby fully and absolutely to all intents and purposes whatsoever, ratified, established and confirmed on the part of this state, as the true, certain and real boundary line between the said states.

Sec. 2. *Be it enacted*, That all claims or titles to lands derived from the government of Virginia, which said lands, by the adjustment and establishment of the line aforesaid, have fallen into this state shall remain as secure to the owners thereof, as if derived from the governments of North Carolina or Tennessee, and shall not be in anywise prejudiced or affected in consequence of the establishment of the said line.

Sec. 3. *Be it enacted*, That the acts of all officers, whether magistrates, sheriffs, coroners, surveyors or constables heretofore done or performed in that portion of territory between the lines called Walker's and Henderson's lines, which has fallen into this state by the adjustment of the present line, and which would have been legal if done or performed in the state of Virginia, are hereby recognized and confirmed.

Sec. 4. *Be it enacted*, That the sum of twelve hundred and five dollars thirty three and one third cents, be and the same is hereby appropriated in full of the balance due to the commissioners, surveyors and markers on the part of this state, who settled and designated the above recited line, to wit :

To John Sevier, a commissioner, two hundred and thirteen dollars thirty three and one third cents.

To Moses Fisk, a commissioner, three hundred and thirty five dollars.

To George Rutledge, a commissioner, two hundred and five dollars.

To Nathan B. Markland, the surveyor, two hundred and sixty dollars.

To John Wilson, a marker, eighty four dollars.

And to David Morse, an additional marker appointed by the commissioners, one hundred and eight dollars; which sums shall be paid to them respectively, out of any monies in the public treasury not otherwise appropriated, on a draft given by the speakers of both houses of the legislature, on either of the public treasuries.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 3, 1803.

C H A P. LIX.

AN ACT supplementary to an act passed at Knoxville, thirteenth November, *Anno Domini* one thousand eight hundred and one, entitled "An act prohibiting any state's attorney or solicitor of a county from preferring a bill of indictment to any grand jury without a prosecutor marked thereon.

BE it enacted by the General Assembly of the state of Tennessee, That when it shall so happen that any indictable offence shall be committed during the sitting of any of the county courts within this state, and the same shall be within the knowledge of any of the justices of the peace for the county in which the court is sitting, it shall be the duty of the solicitor for said county, on information thereof being made to him by any one of the justices for said county, to prefer a bill of indictment *ex officio*, any law, usage, or custom to the contrary notwithstanding.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 3, 1803.

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C H A P. LX.

AN ACT to repeal part of the second section of an act, entitled "an act respecting dollars and cents, contracts and manner of keeping accounts, passed January the fifth, 1799.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That so much of the second section of the above recited act, that requires all accounts kept, or contracts entered into where money is stipulated for other than are by said act directed shall be void and not recoverable by law, is hereby repealed, any law to the contrary notwithstanding, except as respects accounts kept by merchants, physicians and inn keepers.

Sec. 2. *Be it enacted,* That this act shall be in force from and after the first day of September next.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 25, 1803.

C H A P. LXI.

AN ACT to authorize John M'Nairy, esquire, to enclose the French Lick, near Nashville; and also to authorize William P. Anderson, esquire, to enclose Denton's Lick, in Davidson county.

WHEREAS it is represented to this general assembly, that the keeping open the French Lick and Denton's Lick, proves injurious to the flock of those persons living near to the same—To prevent which:

Section 1. *BE it enacted by the General Assembly of the State of Tennessee,* That John M'Nairy, esquire, is hereby authorized to enclose the French Lick; and also that William P. Anderson, esquire, be authorized to enclose Denton's Lick.

Sec. 2. *Be it enacted,* That all laws and parts of laws, coming within the purview and meaning of this act, are hereby repealed.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 1, 1803.

C H A P. LXII.

AN ACT to release Thomas Menefee and Jacob Rhoads from a forfeited recognizance.

WHEREAS Thomas Menefee and Jacob Rhoads entered into recognizance for the appearance of Patrick Sharkey, at a superior court heretofore held for the district of Hamilton; and the said Patrick Sharkey having failed to make such appearance, whereby the said Thomas Menefee and Jacob Rhoads are likely to be injured by being compelled to pay the forfeiture of said recognizance—For remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, That the said Thomas Menefee and Jacob Rhoads are hereby released and forever set free from the penalties of such forfeited recognizance, any law, usage or custom to the contrary notwithstanding: Provided nevertheless, that nothing herein contained, shall be so construed as to exonerate the said Thomas Menefee and Jacob Rhoads from the payment of all costs and charges which have heretofore accrued in the before recited case.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 25, 1803.

C H A P. LXIII.

AN ACT to ascertain and establish the true boundary line between this state and the state of Kentucky.

WHEREAS doubts exist relative to the position of the boundary line between this state and the state of Kentucky—Therefore it is expedient that the line between the states aforesaid should be ascertained and established:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the governor of this state be authorized and required, as soon as he is informed that a commissioner or commissioners are appointed on the part of the state of Kentucky, to appoint one commissioner, who shall also be a mathematician, to meet such commissioner or commissioners, and with him or them to settle and remove all doubts upon the subject aforesaid, by running and marking the line between the states aforesaid, agreeable the chartered limits of the state of Virginia and North Carolina; and the commissioner so appointed shall have power to employ a surveyor and two markers to extend and identify the aforesaid line.

Sec. 2. *Be it enacted,* That the commissioner, so appointed, shall receive the sum of four dollars per day, for every day necessarily engaged in running said line, and the like sum for every twenty five miles travelling to the place where the line is to commence, and returning from the place where the line terminates. And the surveyor shall receive the sum of two dollars and fifty cents for each and every day he shall attend in running said line; and the like sum for every twenty five miles in travelling to and from the same. And each marker employed as aforesaid, shall receive the sum of one dollar and twenty five cents for each and every day's attendance, and the like sum for every twenty five miles travelling to and from the line aforesaid.—And it shall be the duty of the commissioner aforesaid, to make report of the proceedings to the governor as soon as said line is completed, and certify to the governor the number of days they shall have been employed in running said line, and the miles they shall have travelled going to and returning from the same, and also the at-

tendance and travelling of the surveyor so employed as aforesaid, and likewise the attendance and travelling of the of the markers employed as aforesaid, which certificate shall be sworn to and subscribed before some judge or justice of the peace and certified by him, which report and certificate the governor shall lay before the next general assembly; and if the proceedings aforesaid shall be approved by this state, and also by the state of Kentucky, the line so run and marked shall be the line forever between the said states, unless altered by mutual consent.

Sec. 3. *Be it enacted,* That if any lands claimed under titles derived from the state of Kentucky shall be found, on running the said line, to lie within the limits of this state, all such claims shall, so soon as a similar and reciprocal law shall be passed by the legislature of the state of Kentucky on behalf of persons claiming lands lying within the said state, under titles derived from this state or the state of N. Carolina since the year one thousand seven hundred and seventy seven, be as valid as it derived from this or the state of North Carolina since the year one thousand seven hundred and seventy seven.

Sec. 4. *Be it enacted,* That the sum of three hundred dollars is hereby appropriated for the purpose of carrying into effect the extension of the aforesaid line, which shall be paid into the hands of the commissioner appointed as aforesaid, upon a warrant drawn by the governor on the treasury.

Sec. 5. *Be it enacted,* That the governor, as soon as may be shall transmit a copy of this act to the executive of the state of Kentucky, with a request that he lay the same before the general assembly of that state at their next meeting.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 3, 1803.

C H A P. LXIV.

AN ACT to amend an act passed at Knoxville, twenty ninth October, *Anno Domini* one thousand eight hundred and one, entitled "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."

WHEREAS by the third section of the aforesaid act, it is enacted, that as soon as the said commissioners have discharged all their contracts which they had entered into as commissioners, for the purposes mentioned in said act, they should pay into the county treasury all monies in their hands, arising from the sales of lots, after paying themselves the sum of two dollars for each day they have been employed in discharging the duties of their appointment: And whereas it has been represented by this general assembly, that the said commissioners have altogether failed to pay any monies into the county treasury, and have refused to settle with commissioners appointed by the county court of Grainger for that purpose—wherefore for the better carrying the said third section into effect:

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Cocke, Ambrose Yancey, and Lewis Harmon, esquires, are hereby appointed commissioners to settle with William Glay, William Nail, William Hankins and Robert Patterson, acting commissioners of the town of Rutledge.

Sec. 2. *Be it enacted*, That it shall be the duty of the said John Cocke, Ambrose Yancey, and Lewis Harmon, or a majority of them, from time to time, to settle with the said acting commissioners, first giving them, or so many of

them as live in said county, notice to appear at such time and place as they may judge proper, for the purpose of making a settlement, at which time and place the said acting commissioners shall attend and lay before the commissioners appointed by this act, a statement of all contracts made by them as commissioners; and also a just and fair account of all monies by them received and disbursed, accompanied by proper vouchers; and on the settlement of accounts, the said acting commissioners shall be allowed a credit for such compensation as they are entitled to by virtue of the aforesaid act. And if it shall so happen that any balance should be found in the hands of the said commissioners, after allowing them all credits to which they are entitled by the aforesaid act, they shall pay the same into the county treasury, to be applied to county purposes; and the commissioners appointed by this act, or a majority of them, shall make report of their settlement to the court of said county, next after such settlement; and if the said acting commissioners fail or refuse to pay the balance which may be found in their hands, into the county treasury, it shall be the duty of the county treasurer to cause a judgment to be entered up against the said acting commissioners for such balance, under the same rules, regulations and restrictions as are prescribed for entering up judgment against delinquent collectors of county tax.

Sec. 3. *Be it enacted*, That if the said acting commissioners or any of them shall at any time refuse to settle as by this act directed, lie or they so refusing, shall for every such refusal forfeit and pay the sum of fifty dollars, to be recovered by action of debt before any jurisdiction having cognizance thereof, one half to be applied to the use of said county, the other half for the use of any person who shall sue for the same.

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

JAMES STUART,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

November 3, 1803.

C H A P. LXV.

AN ACT authorising the court of Montgomery county to lay a certain tax annually.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for the court of Montgomery county to levy a tax annually, on each lot in the town of Clarksville, not exceeding fifty cents, for the purpose of repairing and keeping in repair the streets of said town.

Sec. 2. *Be it enacted,* That the aforesaid court be and hereby is authorised and empowered to appoint a proper person to collect said taxes, and when collected shall be appropriated to the sole purpose as aforesaid.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

November 3, 1803.

C H A P. LXVI.

AN ACT erecting part of Robertson and Montgomery counties into a separate and distinct county.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That a new county by the name of Dickson, be and hereby is erected and established out of that part of the counties of Robertson and Montgomery, comprehended within the bounds following, to wit: Beginning on the south bank of Cumberland river, where the line which separates the counties of Robertson and Davidson intersects the same, running thence down said river to a point, half a mile below Fayetteville; thence southwestwardly by a line which shall intersect Barton's creek, one half mile north of the forge; thence due west to a stake or point, one mile east of the east boundary line

of Stewart county; thence south to the southern boundary of this State; thence east with said southern boundary to the southwest corner of Williamson county, as established by an act of the last session of the general assembly, entitled "An act to extend the jurisdiction, and to ascertain the bounds of the counties therein mentioned; thence north with the west boundary lines of the counties of Williamson and Davidson to the beginning.

Sec. 2. *Be it enacted,* That the first court of pleas and quarter sessions for the county of Dickson shall be held by the justices of said county, at the dwelling house of Robert Nesbet on Barton's creek, and at such place or places as they may afterwards adjourn to; which first court aforesaid shall commence on the first Monday in February next.

Sec. 3. *Be it enacted,* That elections and general musters in said county of Dickson shall be held at the place of holding the court immediately preceding the said elections or musters.

Sec. 4. *Be it enacted,* That the sheriffs of Robertson and Montgomery counties shall have power to collect the taxes for the present year, and all arrearages of taxes for any preceding year, due from any of the inhabitants within the present limits of either of their respective counties that may be included within the county hereby established; and that the inhabitants of said established county, now citizens of Robertson county shall be liable for the payment of their proportion of any debts now due by said county of Robertson.

Sec. 5. *Be it enacted,* That James Elder be and is hereby appointed surveyor to run and mark the line between the counties of Montgomery and Dickson, who shall be allowed the sum of two and an half dollars for each and every day he may necessarily be employed therein, to be paid by the county of Dickson; and he shall employ chain carriers and a marker to assist him in running and marking said line; who shall be allowed the sum of one dollar each to be paid as above.

Sec. 6. *Be it enacted,* That in elections for governor, representatives to congress, members of the general assembly, the county of Dickson shall be considered as composing a part of the electoral district of what is now Robertson and Montgomery counties, and shall be conducted under the

Some rules, regulations and restrictions as by law established, and the returns made by the sheriff in the manner and form as aforesaid.

Sec. 7. *Be it enacted*, That the sheriffs of Robertson, Montgomery, Stewart and Dickson counties shall meet at the town of Clarksville on the Monday succeeding the election to compare the votes by them taken, and the sheriff of Montgomery county shall certify the poll for governor, representatives to congress and representatives of the assembly for the counties of Montgomery and Stewart, and also the senator for the electoral district; and the sheriff of Robertson county shall certify the poll for governor and representatives to congress and the representatives to the assembly for the county of Robertson and Dickson.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

October 25, 1803.

CHAP. LXVII.

AN ACT authorising the completion of a contract heretofore entered into between Alexander Gamble, deceased, and Robert Gamble.

WHEREAS it is represented, that Alexander Gamble, deceased, in his lifetime, and Robert Gamble, his brother, entered into a contract, relative to the exchange and sale of certain lands, lying and being in the county of Roane; which contract, was so far carried into execution that the said Robert gave, and the said Alexander took possession of the said lands, by him contracted for, on his part; but said contract was in no manner reduced to writing, nor any conveyances made on either side, and whereas the children and heirs of Alexander Gamble, deceased, are minors, being infants, very young, and their estate or interest in said contract may in future be disturbed from the present incomplete and unsettled state thereof, and it also appearing to this general assembly, that the administrators

of the said Alexander Gamble, deceased, and the other friends of the said minors, on the one part, and the said Robert Gamble, on the other part, are desirous and willing, that they should be enabled to complete and carry into effect said contract, therefore,

BE it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the court of the county, wherein the said lands may be situate, or any part of them, to appoint three or more commissioners, who or a majority of them, shall ascertain and reduce to writing the said contract, and make return thereof to the clerk of said court, who shall file and record the same in his office; whereupon it shall and may be lawful for the guardian or guardians jointly, if more than one guardian, of the said infants to make and execute, and also to receive any deed or deeds of conveyance, for the conveyance or transfer of said lands, or any part thereof, and to do, or cause to be done, all and every thing relative to said contract, for the carrying the same into effect according to the true meaning thereof.

JAMES STUART,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

Nov. 3, 1803.

CHAP. LXVIII.

AN ACT to divide the county of Montgomery and form a new county out of the lower part thereof.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Montgomery county be divided by a line which shall commence in the Kentucky line, thirteen miles west of the meridian of Clarksville, and run south to the southern boundary of this state; and all the territory west of the said line be constituted a separate and distinct county called and distinguished by the name of Stewart.

Sec. 2. *Be it enacted*, That James Elder be appointed Surveyor to run the division line between the said county of Stewart and the county of Montgomery, and that he be allowed the sum of two dollars and fifty cents per day for his services, and that he be authorized to employ two chain carriers and one marker for the purposes aforesaid, which several sums shall be paid out of the funds of said county.

Sec. 3. *Be it enacted*, That for the purpose of fixing on the most central and eligible place for the permanent seat of justice, that James Elder, Amos Bird, James Huling, Harry Small, and John Blair, esquires, be appointed commissioners for that purpose; and that they or any three of them, first being sworn, fix the same on Cumberland river, twelve and an half miles west of the eastern boundary of said county, or as near thereto as convenience will admit of; and that said commissioners be allowed the sum of two dollars for each and every day they are necessarily employed therein, which money shall be paid by the county as aforesaid.

Sec. 4. *Be it enacted*, That the first court of said county of Stewart shall be held at the dwelling house of Mr. Martin, near the bald island, from thence to adjourn to such place as they may think proper, until the public buildings for said county are ready for their reception.

Sec. 5. *Be it enacted*, That the sheriff of Montgomery county shall have power to collect the taxes for the present year, and all arrearages of taxes due for any preceding year, from any of the inhabitants of the said county of Stewart in as full and ample a manner as if this act had not been passed.

Sec. 6. *Be it enacted*, That elections for governor, representatives to congress, members to the general assembly and field officers shall be held in said county at the place of holding courts, and shall be conducted under the same rules and regulations as established by law; and in all cases of elections the sheriff shall be bound by the laws now in force and use in this state, and shall observe the same rules and regulations in making returns and comparing votes as are now observed and in use in the electoral district composed of the counties of Montgomery and Robertson.

Sec. 7. *Be it enacted*, That the law authorizing and establishing separate elections and general musters at Palmyra,

in Montgomery county, passed at the last general assembly, is hereby repealed and made void.

Sec. 8. *Be it enacted*, That as soon as practicable after the aforesaid commissioners shall fix on the place for erecting the court house, prison and stocks in the county by this act established, that George Petty, Caleb Williams, and James Taggart, be and they hereby are appointed commissioners, who are hereby authorized to contract for, and purchase from the owner or owners, thirty acres of land, including the place so fixed as aforesaid, which said thirty acres of land, when so purchased, the commissioners last mentioned shall take a deed or deeds in fee simple, to them and their successors in office, for the use and benefit of the said county of Stewart.

Sec. 9. *Be it enacted*, That the last mentioned commissioners, or a majority of them, shall, as soon as may be after purchasing and obtaining a title to the thirty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Monroe, for county purposes, reserving one and an half acres for the public square, including the spot fixed on for erecting the court house, prison and stocks of said county, which one and an half acres in the plan of the said town shall be denominated the public square.

Sec. 10. *Be it enacted*, That the said commissioners be, and they are hereby authorized, to sell the lots of said town at public sale, at a credit of six months, giving sixty days previous notice, by advertising the same in the Tennessee Gazette; and when sold shall take bond, with sufficient security, for the payment of the purchase money to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance, in fee simple, for the same, to the purchasers, which shall be good and valid in law to all intents and purposes.

Sec. 11. *Be it enacted*, That the money arising from the sale of the aforesaid lots shall be by the said commissioners, applied to the payment of the said thirty acres of land, and the building the court house, prison and stocks for said county. And they are hereby authorized to contract with a suitable person or persons to erect the same; the court house to contain convenient rooms for juries.