

Sec. 12. *Be it enacted*, That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of said county, when demanded. And the said court shall have full power and authority, to levy a county tax, not exceeding twelve and an half cents on each hundred acres of land, twelve and an half cents on each white poll, twenty five cents on each black poll, twenty five cents on each town lot, and one dollar on each stud horse kept for mares, for the purpose of defraying the expence of the public buildings; which tax, if necessary, may be levied for three successive years and no longer, unless otherwise provided for by law, and shall be collected in the same manner and by the same persons as public taxes are; and the money arising from said taxes shall be paid by the collector thereof, first deducting the same per centum for collection as is by law allowed for collecting public taxes, into the hands of the aforesaid commissioners or a majority of them, to be applied to the purposes aforesaid.

Sec. 13. *Be it enacted*, That the said commissioners shall give bond with sufficient security in the sum of one thousand dollars each, payable to the chairman of the court of said county and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Sec. 14. *Be it enacted*, That the first court held for the county by this act established, shall commence on the first Monday succeeding the fourth Monday in January, one thousand eight hundred and four.

JAMES STUART,

*Speaker of the House of Representatives.*

JAMES WHITE,

*Speaker of the Senate.*

November 1, 1803.

C H A P. LXIX.

**AN ACT** supplementary to the acts passed this general assembly, erecting the counties of Dickson and Stewart.

**SECTION 1.** *BE it enacted by the General Assembly of the State of Tennessee*, That the sheriff, or deputy sheriffs of the counties of Dickson and Stewart shall on the first Thursday and the succeeding day, in June next, hold an election in their respective counties at the place of holding courts in the same, for the purpose of electing field officers for the said counties; which elections shall be conducted pursuant to the laws now in force and use for the election of field officers of the militia.

Sec. 2. *Be it enacted*, That all persons who were acting justices of the peace in the county of Montgomery at the time of passing the acts erecting the counties aforesaid, who may fall into either of the said counties, shall be and hereby declared acting justices of the peace in the county within which they respectively reside.

JAMES STUART,

*Speaker of the House of Representatives.*

JAMES WHITE,

*Speaker of the Senate.*

November 7, 1803.

C H A P. LXX.

**AN ACT** to erect the counties of Davidson and Williamson into three separate and distinct counties.

**SECTION 1.** *BE it enacted by the General Assembly of the State of Tennessee*, That the counties of Davidson and Williamson be divided by a line as follows: Beginning on the Williamson line, on the extreme height of of the ridge dividing the waters of Mill creek from those of Stone's river; thence with that ridge a southwardly direction to the eastern boundary line of said Williamson county; thence with said line south to the south boundary of this state; thence with the boundary of the state, east to the



corner of Wilson county; thence with the Wilson county line north to the corner of said county; thence with the line of said county north sixty one and an half degrees west to the southwest corner of said Wilson county; thence a direct course to the mouth of Sugg's creek; thence a direct line to the beginning. And the county so laid off on the east and southeast on the waters of Stone's river, agreeably to the above described lines, be known and distinguished by the name of Rutherford.

Sec. 2. *Be it enacted*, For the due administration of justice, that the court of said county of Rutherford shall be held by the justices of said county on the first Mondays in March, June, September and December; and the justices of said county are hereby authorized and empowered to hold the first court for the same, at the house of Thomas Rucker; and all subsequent courts for said county on the days above mentioned, for holding courts therein, at any place to which the said justices shall from court to court adjourn, until a court house shall be built for said county of Rutherford; and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for said county, shall be held by commission to said justices, in the same manner and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction as are or shall be prescribed for the courts of the several counties in this state.

Sec. 3. *Be it enacted*, That the said county of Rutherford be and is hereby declared a part of the district of Me-ro, in the same manner and for all purposes, civil and military, as it did previous to a division: *Provided*, that nothing herein contained shall be so construed as to prevent the sheriff or collector of the taxes of Davidson or Williamson counties from collecting the same within the limits of the said county of Rutherford, which are at this time due, in the same manner as if this act had not been passed.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

October 25, 1803.

## CHAP. LXXI.

AN ACT appointing commissioners to fix on a place to erect a court house, prison and stocks in Smith county.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That James Draper, Jame Guinne, John Gorden, Joseph Collens, and Henry Tooley be and they are hereby appointed commissioners, and they, or a majority of them, are authorized to fix on a place on Cumberland river, not below Bledsoeborough, nor above the mouth of the Caney Fork, for the purpose of erecting a court house, prison and stocks.

Sec. 2. *Be it enacted*, That the said commissioners are hereby authorized to purchase forty acres of land on said Cumberland river, within the bounds aforesaid, on the most reasonable terms, having regard to situation and water, on some part of which shall be erected the court house, prison and stocks for the use of said county, and the said commissioners or a majority of them, shall take a deed in fee simple in trust for the county to themselves and their successors in office for the use and benefit aforesaid, and shall as soon as may be, after purchasing and obtaining a title thereto proceed to lay off a town thereon to be called and known by the name of Livingston, provided it be not at Bledsoeborough, reserving two acres for public uses in or near the center thereof, on which shall be erected the court house, prison and stocks for said county, which two acres shall be denominated the public square.

Sec. 3. *Be it enacted*, That the said commissioners or a majority of them be and they are hereby authorized and required to advertise and sell the lots in said town to the highest bidder on a credit of six months, taking bond with sufficient security for the purchase money, to themselves and their successors in office, to and for the use of said county, and they are hereby authorized to execute deeds to the purchasers, which shall be good and valid in law, to all intents and purposes, and the money arising from the sale of said lots, shall be applied to the payment of the land by them purchased as aforesaid; and the residue thereof to the



Building the said court house, prison and stocks; and they are hereby authorized and required, first advertising the same in the Tennessee Gazette, and at the court house or places of holding courts in the counties of Smith, Wilson, Sumner and Jackson, at least sixty days, to contract and receive proposals for building said court house, prison and stocks.

Sec. 4. *Be it enacted*, That in case there shall not be money sufficient arising from the sale of the lots, after paying for the land so purchased, that the county court shall have power to lay a tax not exceeding twelve and an half cents on each hundred acres of land, six and one fourth cents on each white poll, twelve & an half cents on each black poll, one dollar on each stud horse kept for mares, five dollars on each retail store, five dollars on each pedler or hawker who may offer to vend or sell any of his goods within the bounds of said county, and not exceeding twenty five cents on each town lot: and in case the tax aforesaid, for one year, shall not be sufficient to complete the said buildings, it shall and may be lawful for the said court to continue the same from year to year until they are fully completed; which tax shall be collected by the sheriff of Smith county under the same rules, regulations and restrictions as other taxes are, and shall be by him paid to said commissioners, to be applied for the purposes aforesaid.

Sec. 5. *Be it enacted*, That the said commissioners or a majority of them, shall before they enter on the duties assigned them by this act, take an oath or affirmation, that they will truly and faithfully execute and perform the different duties by this act on them imposed or required, according to the best of their judgment; and moreover, enter into bond to the the chairman of Smith county court and his successor in office, in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined on them by this act; which bond shall be deposited in the clerk's office of said county.

Sec. 6. *Be it enacted*, That the said commissioners shall keep a fair and regular statement of all money by them received and expended; which statement when required, shall from time to time be laid before the county court.

Sec. 7. *Be it enacted*, That it shall be the duty of the sheriff of said county of Smith, as soon as he shall be furnished with a copy of this act, to notify the aforesaid commissioners of their appointments, requiring them to attend the next succeeding court after such notification, for the purpose of entering on the duties enjoined on them by this act; and in case they or any of them fail to attend agreeable to such notification, they shall, as soon thereafter as may be, assemble themselves at the then place of holding court for Smith county, and proceed to the duties herein required; which duties shall be entered into in the presence of the justices of the peace.

Sec. 8. *Be it enacted*, That in case of refusal to act, death or any other occurrence, that may prevent said commissioners from attending to the duties herein enjoined, such vacancy shall be filled by the court at their succeeding term, which appointment shall be made the second day of of said court, and the vacancy be filled by a person residing within five miles of him who caused such vacancy.

Sec. 9. *Be it enacted*, That when the buildings aforesaid are completed, the said commissioners shall lay a fair statement of the money by them received and expended for the purpose aforesaid, before the court aforesaid, who shall allow the said commissioners, a reasonable compensation for their services, provided two thirds of the justices of said county be present; and if after the completion of the said buildings, there be any surplus money in the hands of said commissioners, it shall be paid over to the county trustee for county purposes.

JAMES STUART,

*Speaker of the House of Representatives*

JAMES WHITE,

*Speaker of the Senate*

October 25, 1863.



CHAP. LXXII.

AN ACT to amend an act, entitled "An act to establish a college and incorporate the trustees thereof, in the county of Davidson.

WHEREAS application has been made to this general assembly to pass an act to appoint trustees for a college proposed to be built on the tract of land which the state of North Carolina granted to said institution, adjoining the town of Nashville, in the county of Davidson, and to incorporate them into a body politic; and as it is the interest of a free government to encourage, as much as possible the diffusion of useful knowledge,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the reverend Thomas B. Craighead James Robertson, Daniel Smith, Andrew Jackson, James Winchester, David Shelby, Robert Hays, Samuel P. Black, Joel Lewis, Henry Bradford, Moses Fisk, Joseph Hays, Morgan Brown, Abraham Murry, Thomas Stewart, Joseph Phillips, William Montgomery, and John Baker be and they are hereby constituted a body politic and corporate, by the name of the trustees of Davidson college, and by that name shall have perpetual succession and a common seal, the said trustees and their successors, by the name aforesaid, shall be capable in law, to purchase, receive, and hold to them and their successors forever any lands, tenements, rents, goods or chattels, which shall be given or devised to or purchased by them for the use of said college and to use and dispose of the same, in such manner as to them shall seem most advantageous for the said college. The said trustees by the name aforesaid may sue and be sued, plead and be impleaded, in any court of law and equity, they shall have power from time to time, to establish such bye laws, rules and regulations not contrary to the laws and constitution of this state or the United States, as they may judge necessary for the good order and government of said college.

Sec. 2. *Be it enacted,* That not less than nine of the said trustees shall constitute a board to determine upon any

matter relative to the establishment, government or support of the said college, nor shall any real estate, belonging to the said college be disposed of unless a majority concur in opinion thereon.

Sec. 3. *Be it enacted,* That upon the death, resignation or other disability of any of the said trustees the vacancy thereby occasioned shall be supplied by the remaining trustees or a majority of them.

Sec. 4. *Be it enacted,* That the said trustees shall appoint a treasurer, president, tutors and all other necessary officers, and displace them or any of them if they shall see cause so to do.

Sec. 5. *Be it enacted,* That it shall be the duty of the treasurer to receive all money accruing to the said institution, and property belonging thereto delivered to his care; and pay and deliver the same to the order of the trustees; the said treasurer before he enters into the duties of his office shall give bond and approved security in such sum as the said trustees shall direct, payable to them and their successors, conditioned for the faithful discharge of the trust reposed in him and that he will when required, by the said trustees, render to them a true account of all money, goods or chattels received by him on account of, and for the use of said institution; the said treasurer shall receive such salary as may be allowed and fixed by the said trustees.

Sec. 6. *Be it enacted,* The said trustees shall have power to receive and take subscriptions for the purpose of building and erecting the said college and any other buildings which they may think necessary thereto; and if any person shall fail or refuse to pay the money by him subscribed for that purpose, it shall be lawful for the said trustees to recover the same by warrant, before a magistrate where the amount shall not exceed fifty dollars; and where it shall exceed that sum, by suit in the court of the county where the delinquent subscriber resides.

Sec. 7. *Be it enacted,* If the treasurer shall fail to render, when thereto required, a just and true account of all money, goods and chattels which have come to his hands by virtue of his office; and also all expences relative to the said institution, he shall, on such failure, be subject to a



judgment, on motion, in any court of record in this state, and execution may thereupon be awarded in like manner as against sheriffs for the non payment of public taxes.

Sec. 8. *Be it enacted* That Joseph Coleman, James Hennen, David M'Gavock and Edward Douglass be authorized and empowered to call upon all the trustees, secretary and treasurer, appointed by the state of North Carolina, prior to the cession act, for the accounts they have kept, in discharge of their duties, together with any money or funds of any description whatsoever, that they shall be possessed of, as being the property, or belonging to said institution, which when received, shall be deposited in the hands of the treasurer; and in case said trustees shall refuse or neglect to furnish the above named Joseph Coleman, James Hennen, David M'Gavock and Edward Douglass, with an accurate statement of such accounts, together with the money or other funds belonging to the same, they shall be empowered to instruct the attorney general for the state, to institute suit against all such trustees, secretary and treasurer, and recover thereon as in other cases as before mentioned.

Sec. 9. *Be it enacted*, That all acts and parts of acts coming within the purview of this act, shall be and are hereby repealed.

Sec. 10. *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.

October 25, 1803.

### CHAP. LXXIII.

AN ACT to apportion the jurors of the district of Mero, to the counties composing the same.

WHEREAS several new counties have been erected since the sitting of the present general assembly, which renders it

necessary to apportion the jurors to be returned by the different counties composing the district of Mero—

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the county of Jackson shall return two jurors; the county of Smith, four jurors; the county of Sumner, six jurors; the county of Wilson three jurors; the county of Rutherford, two jurors; the county of Williamson, four jurors; the county of Davidson, seven jurors; the county of Robertson, four jurors; the county of Montgomery, four jurors; the county of Dickson, two jurors; the county of Stewart, two jurors: which jurors shall be appointed as by law directed.

Sec. 2. *Be it enacted*, That this law shall commence 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. LXXIV.

AN ACT restoring to Wilson county its constitutional limits:

WHEREAS at the last general assembly of this state, a considerable part of Wilson county was annexed to Davidson county; in consequence thereof, the said county of Wilson was deprived of its constitutional limits; for remedy whereof

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the bounds of Wilson county in future shall be as follows to wit: Beginning one mile due south of the now south west corner of Wilson county; thence south sixty one and an half degrees east to the Indian boundary line; thence north east along the said Indian boundary line, to a point, from which north twenty three degrees west will intersect the Cumberland river, opposite the southeast corner of Sumner county; thence down



the middle of the channel of said river to a point on the south bank of said river; from which a line running south twenty five degrees east will leave Thomas Watson's dwelling house sixty poles west of said line; continuing the same line south twenty five degrees east to a point that a line running south sixty one and a half degrees east will strike the beginning.

Sec. 2. *Be it enacted*, That nothing herein contained shall be so construed as to prevent the sheriffs of Davidson and Smith counties from collecting all taxes or arrearages which may be due within the limits so added to Wilson county, in as full and ample a manner as if this act had not been passed.

Sec. 3. *Be it enacted*, That William Minor Quesenbury, be and he is hereby appointed commissioner to run and mark the lines which divides Wilson county from Davidson county, Rutherford county and Smith county; and he shall be allowed the sum of two dollars for each and every day he may be necessarily engaged in running said lines, & he is hereby authorised to employ two chain carriers & one marker who shall receive one dollar for each and every day they may be necessarily engaged in said business, to be paid by the treasurer of the county of Wilson out of any county money; whose receipts shall be good in the settlement of the accounts of said treasurer.

Sec. 4. *Be it enacted*, That all laws coming within the purview of this act be and they are hereby repealed.

JAMES STUART,  
*Speaker of the House of Representatives.*

JAMES WHITE,  
*Speaker of the Senate.*

October 25, 1803.

C H A P. LXXV.

AN ACT to authorise the governor to procure a quadrant for the use of this state.

*BE it enacted by the General Assembly of the State of Tennessee*, That the governor be and he is hereby authorised to procure a quadrant as soon as convenient for the

use of this state; and that he be authorised to draw from any treasury in this state such sum as may be necessary for the purpose aforesaid, provided the same does not exceed fifty dollars.

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

November 7, 1803.

C H A P. LXXVI.

AN ACT to authorise the inhabitants living above the ridge which divides the waters of Roaring & Obed's rivers in Jackson county to hold separate elections.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act it shall and may be lawful for the inhabitants living above the ridge which divides the waters of Obed's and Roaring Rivers in Jackson county to meet and hold elections governor, members to the general assembly, representative to the congress of the United States and an elector to elect a President and Vice President of the United States at the house of Jacob Meeks.

Sec. 2. *Be it enacted*, That it shall be the duty of the coroner or deputy sheriff of Jackson county to open and hold an election at the house aforesaid for the purpose of electing a governor, representative to the congress of the United States, members of the general assembly, 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 herein prescribed, and receive the ballots of the persons entitled to vote in said bounds, under the rules and restrictions as is for holding elections in this state and the ballots so taken and sealed up and transmitted to the court house or place of holding court in said county, on the succeeding day after the said election against twelve o'clock under the direction of the coroner or deputy sheriff, which ball,



lots so taken shall be counted out by the sheriff holding said election at the court house or place of holding court, and are hereby declared to be a part of the election of said county of Jackson, any thing to the contrary notwithstanding.

JAMES STUART,

*Speaker of the House of Representatives,*

JAMES WHITE,

*Speaker of the Senate.*

November 7, 1803.

## CHAP LXXVII.

AN ACT supplementary to an act, entitled "An act for erecting the counties of Davidson and Williamson into three separate and distinct counties.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That William Nash, on the part of Rutherford county, and Samuel Weakley on the part of Davidson county, are hereby appointed commissioners to run and designate the true boundary lines of the counties of Rutherford and Davidson agreeably to the above recited act; and they are empowered to employ two chain carriers and two markers the better to establish said bounds; and the commissioners shall each be allowed two dollars per day, for each day they shall necessarily be employed; and the chain carriers and markers each one dollar per day, in establishing the same--which money shall be paid out of the county treasury of Rutherford county, to be ascertained on oath, before some justice of the peace of Rutherford county, the account to be made out and sworn to by both or either of the commissioners, and their receipts to the county treasurer shall be good in the settlement of their accounts with the court of the county.

Sec. 2. *Be it enacted,* That the commissioners shall make true notes of the courses agreeably to law, and shall also note down the distances to each remarkable water course, & all other remarkable circumstances they may deem right,

which shall be made out in a plat with a proper certificate annexed; which plat and certificate shall be filed with the clerk of the county.

Sec. 3. *Be it enacted,* That the county court of Rutherford shall lay a tax on the taxable property & polls of the county, to meet the expence of running and marking the true boundary line of Rutherford county agreeably to this act.

Sec. 4. *Be it enacted,* That the several justices of the peace of Davidson county who may fall into Rutherford county are hereby declared a justice or justices of the peace in and for the said county of Rutherford in as full and ample a manner as if they had been originally appointed for said county.

Sec. 5. *Be it enacted,* That the said county of Rutherford be a part of the district for electing a governor, representative to congress, and elector to elect a President and Vice President of the United States, and senators and representatives in the general assembly, to which it has hitherto belonged; and that the election be held at the place of holding courts in said county, at the same time and in the manner by law directed; and that the sheriff or returning officer make a return of the poll at the court house in Nashville on the day next succeeding each election to the sheriff or proper returning officer for the county of Davidson.

Sec. 6. *Be it enacted,* That the said lines of Rutherford county shall be run and marked, on or before the first day of January next; and that the surveyor on the part of Davidson county shall attend to the running that part of the line which divides the counties of Davidson and Wilson, with the surveyor on the part of Wilson; and that the surveyor on the part of Rutherford county shall attend with the said surveyor of Wilson county in running and marking the line between said counties.

Sec. 7. *Be it enacted,* That the sheriff, deputy sheriff or coroner of Rutherford county shall hold an election at the place of holding courts in said county, on the first Thursday of February and the succeeding day, agreeably to the laws in force and use in electing militia officers in this state, for the purpose of electing one lieutenant colonel commandant and two majors for said county.



Sec. 3. *Be it enacted*, That the said lieutenant colonel commandant when elected and commissioned in pursuance of this act, shall forthwith issue writs of election for captains and subalterns, having regard to the militia law of this state.

JAMES STUART,  
Speaker of the House of Representatives.

JAMES WHITE,  
Speaker of the Senate.

November 7, 1803,

## C H A P. LXXVIII.

AN ACT to authorise the appointment of one or more commissioners for the purpose of revising and comprising into one volume the acts and ordinances of the governor and judges of the territory of the United States of America south of the river Ohio; the acts of the territorial assembly; and the acts of the general assembly of this state, together with a careful selection of the statute laws of the state of North Carolina, passed previous to the act of cession, which are in force and use in this state.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Willie Blount and Moses Fisk be and hereby are appointed commissioners to revise, select and compile the acts and ordinances of the governor and judges of the late territorial government; the acts of the late territorial assembly; and the acts of the general assembly of this state, which are now in force and use, and comprise the same in one volume; and also to make and add thereto a careful selection of the statute laws of North Carolina, passed previous to the passage and acceptance of the act of cession; and to insert in said volume the charter from the crown of Great Britain, the lords proprietors' great grant, the ordinance of Congress for the government of the territory north west of the river Ohio; the

constitution of this state, the constitution of the United States as amended since the ratification, the act of congress admitting this state into the union, the declaration of independence, the articles of confederation of the United States, together with the treaty of peace between the United States of America and Great Britain: and further, the said commissioners are hereby authorised and directed, that in making said revision, selection, and compilation, to leave out all laws which have been repealed or which have become obsolete; and it shall be the duty of said commissioners to subjoin to said volume a general index, with reference to each act, and the contents of each section.

Sec. 2. *Be it enacted*, That it shall be the duty of said commissioners to complete said revision, selection and compilation so as to be ready to lay it before the next stated general assembly; which assembly shall then make such allowance to them as shall be a full compensation for their services and expenditures.

JAMES STUART,  
Speaker of the House of Representatives

JAMES WHITE,  
Speaker of the Senate.

November 3, 1803.

## C H A P. LXXIX.

AN ACT to provide for the election of representatives from this state, to the congress of the United States, and for other purposes.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That in future elections for representatives to congress, the state shall be laid off into three divisions; that is to say, the several counties now composing the district of Washington, shall constitute the eastern division, and elect one representative; the several counties now composing the district of Hamilton, shall constitute the middle division, and elect one representative; the several counties now composing the district of Merri-



shall constitute the western division, and elect one representative.

Sec. 2. *Be it enacted*, That all future elections for representatives to congress, shall be held at the times and places, and by the same persons appointed in the several counties for holding elections for governor and members of the state legislature; the qualifications of electors shall be similar in each case; and it shall be the duty of the returning officers of the several counties to transmit to the general assembly at their next meeting thereafter, the votes for said representatives, in the same manner and under the same rules and restrictions as votes for governor; which votes shall be counted out in the presence of both houses of the legislature, and the speaker of the senate shall announce the names of the persons duly elected; who shall be commissioned by the governor upon a certificate signed by the speaker of each house.

Sec. 3. *Be it enacted*, That where two or more candidates in all or any of the divisions aforesaid, shall have an equal number of votes, the same shall be decided by a joint vote of both houses of the legislature; and if the legislature should be equally divided the decision shall take place by the casting vote of the governor; and it is further provided, that when any informality or impropriety should appear upon the returns for governor or representatives as aforesaid, the same shall be deemed legal, or otherwise according to the joint vote of both branches of the legislature, who are hereby declared to have full cognizance of all such cases.

Sec. 4. *Be it enacted*, When any vacancy shall happen by the death, resignation or otherwise, of any representative to congress, it shall be the duty of the governor to issue writs of election, directed to the sheriff of the different counties composing the division where such vacancy shall happen, which writs shall state the time of holding such elections; and the sheriff shall immediately upon the receipt thereof, advertise the same at six of the most public places in their counties.

Sec. 5. *Be it enacted*, That the sheriffs aforesaid shall on the Monday next following such elections, assemble at

the district court house within the division where such vacancy may have happened, and compare the votes taken in such division; and if any two or more persons have an equal number of votes, the sheriff of the county where such district court shall be held, shall give the deciding vote, and shall immediately make out two certificates, declaring the person who shall have the greatest number of votes; which certificates shall be signed by all the sheriffs or returning officers in the division, one of which shall be delivered to the person having the greatest number of votes, the other shall be delivered to the governor.

Sec. 6. *Be it enacted*, That the sheriffs, when assembled for the purpose of comparing the votes, shall cast lots to ascertain whose duty it shall be to carry the same to the governor; and the person upon whom the lot shall fall, shall within ten days thereafter, deliver the certificate aforesaid, to the governor at the seat of government, or in his absence to the secretary of state; upon the receipt of which certificate, the governor shall immediately make out a commission for the person elected as aforesaid.

Sec. 7. *Be it enacted*, That the sheriff who forwards the certificate aforesaid to the governor, shall be entitled to receive the sum of two dollars for each day necessarily engaged at the seat of government, and the like sum for every twenty five miles in travelling to and from the same, which shall be paid by either of the treasurers upon the account being produced, sworn to before some justice of the peace or judge, and certified by him.

Sec. 8. *Be it enacted*, That each of the sheriffs or other returning officers appointed by virtue of the fourth, fifth and sixth sections of this act, shall be allowed the sum of one dollar and fifty cents for every thirty miles travelling to and from the place appointed for the said returning officers to convene, and the same for each day he shall necessarily attend comparing the returns of said elections, which shall be ascertained upon oath of said returning officers, before some judge or justice of the peace, and a certificate thereof signed by the said judge or justice shall be given to each returning officer respectively, to be paid out of either of the public treasuries of this state; and if any of the aforesaid



said sheriffs or other returning officers shall fail to perform the duties enjoined on them by this act, he shall forfeit and pay the sum of five hundred dollars, one half for the use of the state, and the other half to him or them that will sue for the same, to be recovered by action of debt before any court of record in this state, unless good and sufficient cause be shewn for such failure or non attendance.

Sec. 9. *Be it enacted*, That all laws or parts of laws which comes within the purview and meaning of this act, are hereby deciaered to be repealed and made void.

JAMES STUART,  
Speaker of the House of Representatives.

JAMES WHITE,  
Speaker of the Senate.

November 1, 1803.

## CHAP. LXXX.

AN ACT to empower the court of Sevier county to lay a tax when necessary for the purpose of repairing the court house, prison, and stocks in said county.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, it shall & may be lawful for a majority of the justices in Sevier county to lay a tax for the purpose of repairing the court house, prison and stocks in said county, and the tax so laid, shall not exceed, six and one fourth cents on each white poll, twelve and one half cents on each black poll, six and one fourth cents on each hundred acres of land, twelve and one half cents on each town lot, fifty cents on each stud horse kept for mares, and five dollars on each billiard table, which tax shall be collected and accounted for in the same manner and under the same rules, regulations and restrictions as other county taxes are.

Sec. 2. *Be it enacted*, That it shall be the duty of the clerk to make out, and deliver or cause to be delivered to the

sheriff or collector of said county within fifteen days from and after the levying the said tax, a list of the same.

Sec. 3. *Be it enacted*, That it shall be the duty of the court, as soon as may be after laying the said tax to proceed to contract with a suitable workmen to repair said courthouse, prison and stocks in such manner as they may deem requisite, and said workmen, shall enter into bond with approved security in the sum of five hundred dollars, payable to the chairman of the court and his successors in office, conditioned for the faithful discharge of such undertaking, which bond shall be filed in the clerk's office of the county; and in case of failure thereof shall be recoverable by action of debt, before any jurisdiction having cognizance thereof, in the name of the chairman of the court and his successors in office, and applied to the use of the county as contemplated by this act.

Sec. 4. *Be it enacted*, That it shall be the duty of the clerk, when called on to deliver to the person undertaking such repairs as aforesaid a certificate certifying to the county trustee the amount due, which certificate shall be good in the settlement of the trustee's accounts.

Sec. 5. *Be it enacted*, That the surplus money, if any, shall remain in the hands of the trustee, until appropriated by the court, for the use and benefit of the county, any law, usage, or custom to the contrary notwithstanding.

Sec. 6. *Be it enacted*, That it shall be the duty of the court of said county of Sevier, from time to time to employ a suitable person to keep keys of said court house, and to keep the same clean and in good order, and prevent it from being injured as much as possible, and the court may make the person so appointed a reasonable compensation for his trouble, 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. LXXXI.

## AN ACT concerning the agent from this state to the state of North Carolina:

**W**HEREAS by an act of the present session of this general assembly it is provided, that an agent shall be appointed for settling all differences between this state and North Carolina, respecting the land claims of this state: And whereas it is necessary to ascertain the outlines of the duties of the said agent, and to provide adequate means to carry the same into effect,

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That it shall be the duty of the said agent if practicable, to settle the said difference conformable to the obligation of the law of nations, by consulting the interest of both states.

Sec. 2. *Be it enacted,* That the said agent is hereby directed and empowered to procure from the state of North Carolina copies of the entry books of John Armstrong, copies of warrants which have issued from Carter's office, together with a memorandum of the grants that have issued upon the same, their number, date, quantity of land contained in said grants, and names of persons to whom issued: also, procure the number of warrants issued, to Major Thomas Evans's battalion, and the names of the persons to whom issued, and quantity of land in each; and also a full and complete copy of the report of Purviance and Gaither, relative to the titles of land within this state; all of which papers and copies or such parts thereof when provided, shall be by said agent laid before the general assembly at their next session: and it shall also be the duty of said agent to report as occasion may require, during the approaching session of the legislature of North Carolina, and upon the final result of his mission, to transmit information thereof as early as possible to the executive of this state.

Sec. 3. *Be it enacted,* That the said agent is authorized to employ one or more clerks on the most reasonable terms for the interest of the state to assist him in carrying this act into effect if necessary, who shall be sworn before the said agent well and truly to perform all the duties required of

him by the said agent relative to the executing the duties enjoined by this act, as he the said agent may deem requisite.

Sec. 4. *Be it enacted,* That the said agent shall as full compensation for his services and expences, be allowed as follows, five dollars for every thirty miles in travelling to and from Raleigh, and five dollars for every day necessarily engaged in said business at said place, which sum shall be paid him out of any money in either of the treasuries not otherwise appropriated, upon a warrant drawn by the governor.

Sec. 5. *Be it enacted,* That the documents to be procured as aforesaid, shall be carefully collated with the originals, by the aforesaid agent and clerk or clerks, and a certificate thereof duly made under hand and seal of said agent, and attested by said clerk or clerks, and it shall be the duty of the agent to lay before the next general assembly the number of clerks so employed, and number of days they attended, together with the allowance made by him to them, which shall be paid on a draft drawn by the executive out of any money in the treasury not otherwise appropriated.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 8, 1803.

## C H A P. LXXXII.

AN ACT for the appointment of an agent on the part of this state to go to the legislature of the state of North Carolina for the purpose of finally settling and adjusting the landed business between the two states, and for other purposes.

**W**HEREAS justice, the genius of our confederated government and the principles of intercourse which should govern sister states, require, that any differences of opinion between North Carolina and Tennessee, respecting



their essential interests should be terminated by friendly explanation and adjustment, wherefore,

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That John Overton, esquire, be and is hereby appointed an agent on the part of this state, to confer and agree with the legislature of North Carolina, or such agent or agents as they may think proper to appoint, respecting the land titles of this state, or any circumstance or case relative thereto, and to make such agreement, compromise or stipulation with the said state respecting the same as may be necessary to do justice to the citizens of both states; and such stipulations when made, relative to the land titles aforesaid, shall be the law of both states when agreed to and enacted into a law by the legislatures thereof.

Sec. 2. *Be it enacted*, That an act of the general assembly of this state, entitled "An act to confirm and make good all lawful entries made and warrants and grants issued by the state of North Carolina for lands lying within the limits of this state, and to authorize the secretary and governor of the same to perfect titles on all lawful entries and warrants that are not yet perfected, be and the same is hereby suspended until the next meeting of the general assembly, except the seventh section of the before recited act.

Sec. 3. *Be it enacted*, That if it should so happen that the agent appointed by this act should refuse to accept, or die after acceptance, the governor is hereby authorized and required to fill such vacancy as aforesaid, by appointing some proper person in the place of him so refusing to act or dying after acceptance, any thing to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 8 1803.

## C H A P. LXXXIII.

AN ACT making compensation to the members, clerks and doorkeepers of the general assembly, and for defraying the contingent expences attending the same, and other purposes.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That each member shall receive the sum of one dollar and twenty five cents for each day he shall have attended the general assembly, and the like sum for every twenty five miles travelling to and from the same.

Sec. 2. *Be it enacted*, That each principal clerk shall receive the sum of four dollars for each day they shall have attended the general assembly: and each assistant clerk shall receive the sum of four dollars for each day attending on the general assembly; and that the sum of fifty dollars & thirty two cents be allowed to Edward Scott, and the sum of fifty dollars, thirty two cents be allowed to James Trimble, being the amount of stationary, &c. furnished by them for the use of the legislature, and the additional sum of three dollars to Luke Lea, assistant clerk, for stationary.

Sec. 3. *Be it enacted* That each door keeper shall receive the sum of two dollars per day, for attending on the general assembly, and the sum of two dollars and twenty nine cents to Greer and Charter for five candle sticks and five pair of candle snuffers, as per voucher by door keeper, and the further sum of two dollars to John Rhea for a kettle and quart, and the sum of four dollars, thirty three cents and one third cents to Robert Craighead for making steps and finding plank for the use of the assembly, as per vouchers by door keeper; and the sum of five dollars to Terrance M'Affrey for two tables, furnished the assembly; and the sum of thirteen dollars to John Bright, door keeper of the senate for fire wood, candles &c. furnished by him.

Sec. 4. *Be it enacted*, That the secretary of state is hereby required to number the pages of the laws and journals, to be printed by George Reulstone, consistent with his contracts with the general assembly, as appears on the journals,



and to number the pages of the militia law, to be printed as pointed out by resolution of this general assembly; also to certify to the governor the number of quires of commissions which may be printed conformable to the precedent laid down in the militia law; and on the said Roulstone's producing to the governor the receipts of the several clerks, for the laws and journals, and the secretary's certificate of the number of pages and quires of commissions, the governor is hereby required to issue a warrant on either of the treasurers of this state to pay the said Roulstone such sum as may appear to be due to him, and the further sum of eighty three dollars fifty cents, for sundry printing up to this date.

Sec. 5. *Be it enacted*, That William Maclin be allowed the sum of two hundred and four dollars thirty eight cents, for stationery furnished by him for the use of the governor, and the office of the secretary of state, and for postage paid on public papers, up to this general assembly.

Sec. 6. *Be it enacted*, That Archibald Roane, esquire, late governor, be allowed the sum of seventy one dollars six and one half cents for the postage of public papers by him received; and the further sum of twenty dollars for so much money by him paid for a map of the line between this state and North Carolina, procured from the secretary of North Carolina, for the use of this state, to be paid when a certificate from the secretary of state is produced, certifying it to be deposited in his office.

Sec. 7. *Be it enacted*, That Thomas Rutherford be allowed the sum of two hundred and twenty four dollars seventeen and half cents, being so much due him for the keeping of Powel, West and Valentine prisoners in the jail of Mero district, to be paid out of the fines and forfeitures of said district.

Sec. 8. *Be it enacted*, That John Boyd, sheriff of Davidson county, be allowed the sum of fifty four dollars seventy five cents, to be paid out of the fines and forfeitures of Mero district.

Sec. 10. *Be it enacted*, Jenkin Whiteside, esquire, be allowed the sum of fifty dollars, in full compensation to him for appearing on behalf of the state against David

Campbell, esquire, before the senate, upon an impeachment preferred by the house of representatives.

Sec. 11. *Be it enacted*, That Gov. Sevier be allowed the sum of twenty five dollars, being so much expended by him at the late conference with the Cherokee Indians.

Sec. 12. *Be it enacted*, That Thomas M'Corry, serjeant at arms, be allowed the sum of twenty seven dollars for his attendance on the senate and for services by him rendered in the case of the impeachment of David Campbell, esquire, one of the judges of the superior courts of law and equity for this state.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

November 8, 1809.

A Copy,

Teste,

WILLIAM MACLIN,

Secretary.



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*Geo. Madison*

# A C T S

PASSED AT THE

SECOND SESSION

OF THE

FIFTH GENERAL ASSEMBLY

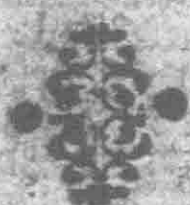
OF THE

STATE OF TENNESSEE,

BIGAN AND BILD AT KNOXVILLE, ON MONDAY THE  
TWENTY THIRD DAY OF JULY ONE THOUSAND

EIGHT HUNDRED AND

SIXTY.



KNOXVILLE,

PRINTED BY THE EXECUTORS OF GEORGE

ROULSTON DEANARD EATTS

PRINTERS TO THE STATE,

1804.



# A C T S

## OF THE

## STATE OF TENNESSEE

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### CHAPTER I.

*An ACT to empower the County Courts of Pleas and Quarter Sessions, of the several Counties of this State, to order the laying out Public roads, and to establish and settle Ferries, and to appoint where Bridges shall be built.*

**SEC. 1.** *BE IT ENACTED* by the General Assembly of the State of Tennessee, that all roads and Ferries in the several Counties in this State, that have been laid out or appointed agreeable to Law, are hereby declared to be Public Roads and Ferries, and that from time to time and at all times hereafter, the Courts of the several Counties in this State, shall have full power and authority to appoint and settle Ferries, rate the toll, and to order the laying out Public Roads where necessary, and to appoint where Bridges shall be made, and to discontinue such Roads as are now, or shall hereafter be made, as shall be found useless, and to alter roads so as to make them more useful, as often as occasion shall require; *Provided*, that a majority of the acting Justices be present.

**SEC. 2.** *BE it enacted* that every County Court within this State is hereby authorized and empowered, to call on any person or persons in their respective Counties, to account for any moneys such person or persons may have in his or their hands, by virtue of any distress heretofore made for default of working on any road in such County, and all such moneys, to receive and apply towards keeping in repair the roads and bridges on which such default was made.



Sec. 3. *BE it enacted*, that all roads to be hereafter laid out, shall be laid out by a Jury of freeholders to consist of not less than five, nor more than twelve, to the greatest advantage of the inhabitants, and as little as may be to the prejudice of inclosures, which laying out shall be on oath, which oath shall be in the following words (to wit) *I A B do solemnly swear or affirm (as the case may be) that I will lay out the road now directed to be laid out by the Court of Pleas and Quarter Sessions to the greatest ease and advantage of the inhabitants, and with as little prejudice to inclosures as may be, without favor or affection, malice or prejudice, and to the best of my skill and knowledge.*

Sec. 4. *BE it enacted*, that all roads so laid off, shall be deemed Public roads, and shall be at least twenty feet wide, provided it is practicable from the situation of the ground, and where to the overseers of roads it may be deemed expedient to make or repair causeways in the same roads, they shall be at least fourteen feet wide, and the earth necessary to raise or cover the said causeways shall be taken from each side of the causeway, and so made as to make a drain on each side of the causeway; and the overseers of Public roads are hereby directed to have completely cut and cleared all stumps, rocks, trees, brush and obstruction, so far as is practicable for the width of sixteen feet in the center of the road under their care, of which width, necessary bridges through swamps and over small runs and creeks are hereby directed to be made.

Sec. 5. *BE it enacted*, that where a bridge shall be necessary over any place when the overseer with his assistance cannot make it, the Court of that County wherein such place shall be, is hereby empowered and required to contract and agree for the building, keeping and repairing thereof, and to levy the charge in their County, and when bridges shall be made necessary over any such creek or river which divides one County from another, the Court of each County shall join in the agreement for building, keeping and repairing the same, and the charge thereof shall be defrayed by both Counties in proportion to the number of taxables in each.

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Sec. 6. *BE it enacted*, that all and every contract, agreement and order by the Courts of the Counties aforesaid, entered into or made, for or concerning the building, keeping or repairing bridges in such manner, as to them shall seem most proper, shall be good against them and their successors.

Sec. 7. *BE it enacted*, that the Justices of the Courts through whose Counties runs large water courses or creeks, which from the depth or rapidity of the water and width of the stream may be too burthensome to build bridges and keep them in repair by a tax on the inhabitants, it shall and may be lawful for the majority of the Justices of such County where it may be necessary to contract with builders, to build toll bridges or expensive causeways, for each of which, each Court is hereby authorized and required to lay the toll to be paid on all persons, horses, Carriages and cattle passing over the same; the revenue arising from which, for such a number of years as the said Court may agree upon to be granted unto the builder of the said bridges, their heirs and successors for the building thereof, which bridges being built under the direction of the said Courts and the revenue arising from the toll thereof so granted, said builder or builders his or their heirs or successors shall keep in constant repair at his or their sole expense, in default of which, on conviction, they are hereby declared to forfeit all right and title to the toll.

Sec. 8. *BE it enacted*, that the Courts of the said Counties shall annually appoint overseers of the roads, whose duty it shall be to summon or notify all white males from the age of eighteen to fifty years and all owners of slaves to be notified to send their male servants from fifteen to fifty years of age, to attend at the time and place where appointed by said overseer, except, Judges of the Superior Court, Ministers of the Gospel, keepers of Public ferries, Justices of the peace, the Governor, Secretary of State and Attorney General and any free white person sending three slaves or any other three able persons, provided that nothing herein contained shall be so construed as to exempt their slaves from working on public roads within their district, to meet



at such places within their bounds as to them shall seem convenient for the repairing or making such roads as shall be necessary; and whosoever shall upon such notice, refuse or neglect to do and perform their duty therein, shall forfeit and pay the sum of seventy five cents per day for each person so neglecting or refusing; to be recovered by a warrant from any justice of the County and paid by the Constable to the overseer, and by him to be expended in hiring other hands to work on said roads, provided where any person or persons do not find it convenient to work as aforesaid, they shall be exempt from all costs and damages provided they pay into the hands of the overseer of said road, the fine as by this act imposed within ten days from the time appointed to work on said road.

Sec. 9. *BE it enacted*, that if any overseer shall fail, refuse or neglect to perform any of the duties enjoined on him by this act, or shall excuse any person who may fail to attend, or take any treat, hire or bribe, such overseer for every such offence, shall be liable to be indicted or presented by the Grand Jury of the County wherein such offence shall be committed, and it shall be the duty of the Solicitors of the different Counties in this State to give this law in charge, to the Grand Jury each term of the County Courts, whose duty it shall be to make presentments, and when Indicted or presented shall be liable to answer to the said Indictments or presentments and Judgment shall be given thereon, notwithstanding any informality therein.

Sec. 10. *BE it enacted*, that any person refusing to serve as overseer on any road, agreeably to the order of the County Court in which he resides, shall forfeit and pay the sum of Fifty Dollars for the use of the County, to be recovered by motion of the County Solicitor at the term of the Court next after he shall be informed of the refusal of any person to serve as overseers as aforesaid unless the person or persons so appointed shall shew to the Court sufficient cause for refusal; provided that no person shall be compelled to serve as overseer of a road in any County more than one year in five. *Provided also*, that the overseer shall give notice to each white person or the masters, mistress

or overseers of slaves, what kind of tools they and each of them shall bring and work with on the roads at the time of notifying, and that the several persons notified by the overseers on the roads as aforesaid, shall not be liable to pay any fine for not appearing and doing their duty, unless they shall be so notified three days before the day appointed for working.

Sec. 11. *BE it enacted*, that all overseers of roads shall cause to be set up at the forks of all roads within their several districts a post or posts with arms pointing the way of each and every public road with directions to the most public places with the number of miles from that place as near as can be computed; and every overseer, who shall neglect or refuse to do and keep the same in repair, shall forfeit and pay for every such neglect the sum of five dollars to be recovered by action of debt before any Jurisdiction having cognizance thereof, in the name of any person who will sue for the same one half to his use, the other to the County; and every person or persons, who shall wantonly remove, knock down or deface the said arms shall for every such offence, forfeit and pay the sum of Fifty Dollars to be sued for in the name of any person who will sue for the same before any tribunal having cognizance thereof, one half to his use, the other to the County.

Sec. 12. *BE it enacted*, that the several overseers of the roads within twelve months next after the passage of this act, shall cause the public roads within their districts respectively, to be exactly measured where the same has not already been done, and shall at the end of each mile, mark in a legible and durable manner, the number of such miles, beginning, continuing and marking the same as has been heretofore in use; and every overseer shall keep up and repair such marks and numbers within his district, and every overseer neglecting or refusing to mile mark, or repair the mile marks within his district, according to the intent and meaning of this act, for the space of thirty days, after their appointments to office, after the expiration of the term allowing overseers aforesaid to have



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have their roads surveyed or measured, shall forfeit and pay the sum of five dollars to be recovered and applied as aforesaid.

Sec. 13. *BE it enacted*, that no person shall turn, alter or change any public road, unless it be by the order of the Court of the County, founded on the report of a Jury appointed and sworn, as in the cases of laying off new roads, under the penalty of five dollars for each month such road is turned out of the old course without an order of court, to be recovered on a warrant before any Justice of the peace, by any person suing for the same, and applied as aforesaid, and that the old road shall in no case be shut up until the overseer shall certify to the Court that the new opened road is in good and sufficient repair.

Sec. 14. *BE it enacted*, that whosoever shall fail to keep the roads and bridges clear and in repair, or let them remain uncleared or out of repair for and during the space of fifteen days unless hindered by extreme bad weather, such overseer shall forfeit for each and every such offence the sum of five dollars over and above such damages as may be sustained, to be recovered by warrant from any Justice of the peace by any person suing out the same and to be applied to his own use.

Sec. 15. *BE it enacted*, that from and after the term of twelve months after the passage of this act, the Courts in each and every County in this State, shall have full power and authority and they are hereby directed and required to compel all persons that were or shall hereafter be appointed to keep a public ferry or toll bridge to give good and sufficient security in the sum of two thousand dollars payable to the chairman of the said Court and his successors in office, with condition that he shall and will constantly find, provide and keep good and sufficient boats or other proper craft, and keep such bridges in good repair as the case may be, and always to be well attended for travellers or other persons, their horses, carriages and effects, over any river or creek, and if any person shall receive damage by any ferryman or keeper of a toll bridge not having complied with the condition of his bond, the person

( 9 )  
person receiving such damage shall and may bring an action of debt against such ferryman or bridge keeper, on such bond in the name of the chairman, and recover for the non performance of the said condition so much damages as he, she or they shall have sustained, and thereupon take out execution for whatever shall be so recovered, and apply the same to his, her or their own use; and it shall and may be lawful for any person detained at any public ferry by reason of the ferryman not having sufficient boats or other proper crafts and hands or by neglecting to do his duty, by a warrant from a Justice of the peace to recover of such ferryman or bridge keeper the sum of ten dollars for every such default or neglect; *provided*, that any such recovery shall not be deemed to bar an action for any damages suffered by any person or persons, by reason of the insufficiency of said ferry boats and bridges.

Sec. 16. *BE it enacted*, that the overseers of the several roads within this State, are hereby authorized to cut poles and other necessary timber to enable them to comply with the duties enjoined on them in repairing and making bridges and causeways without incurring any penalty thereby.

Sec. 17. *BE it enacted*, that the Justices of the respective County Courts shall have power to designate in the overseers order the bounds in which such persons do reside who shall be subject to work on each road in their Counties, so that no person shall be compelled to work on more than one road.

Sec. 18. *BE it enacted*, that all ferries and toll bridges shall be free to electors on days of election of members to the General Assembly; General and private masters and Representatives to the Congress of the United States in going to and returning from the same.

Sec. 19. *BE it enacted*, that where any person shall conceive himself injured by laying out any road as directed by this act, it shall be lawful for the Court of the county on complaint made by such person to order a Jury to be summoned to view such road and assess the damages to be paid



paid by the county, or turn the road to the most convenient place, taking into view the public good as well as the injury the individual so injured may sustain.

Sec. 23. *BE it enacted*, that all ferry keepers shall keep the banks of the river in good repair where they shall keep ferries on both sides of the water courses, or where they keep a ferry on one side of a water course, or be subject to the same penalties as overseers of public roads are liable to, for suffering their roads to be out of repair.

JAMES STUART,

*Speaker of the House of Representatives.*

JAMES WHITE,

*Speaker of the Senate.*

August 4th 1804.

## CHAP. II.

*An ACT, ratifying the proposed amendment to the constitution of the United States of America, relative to the Election of President and Vice President.*

**W**HEREAS the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both houses concurring—Resolved, that in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed as an amendment to the constitution of the United States, which, when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes, as part of the said constitution, viz.

The electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed

to

to the President of the Senate. The President of the Senate shall in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority then from the persons having the highest numbers, not exceeding three on the list of those voted for as President the House of Representatives shall choose immediately by ballot the President.

But in choosing the President, the votes shall be taken by states, the representation from each state having one vote. A quorum for this purpose shall consist of a member or members from two thirds of the states; and a majority of all the states shall be necessary to a choice.

And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States—Therefore

*BE it enacted by the General Assembly of the State of Tennessee*, That the foregoing proposed amendment to the constitution of the United States of America is hereby ratified, adopted, and confirmed to all intents and purposes, as part of the aforesaid constitution.

JAMES STUART,

*Speaker of the House of Representatives.*

JAMES WHITE,

*Speaker of the Senate.*

July 27th 1804.



### CHAP. III.

*An ACT to amend an act passed at Knoxville the 21st day of October 1803 entitled "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."*

**W**HEREAS doubts do exist whether Miller & Whitney are the legal proprietors of the Patent right of the Machine above mentioned, therefore,

**SECTION 1.** *BE it enacted by the General Assembly of the State of Tennessee, that so much of the fourth section of the above recited act, as compels Sheriffs to collect and account for the tax imposed by the said act, and also, so much of the fifth section of the aforesaid act, as authorises the Treasurer of the State to pay Miller and Whitney their Agents or Attornies, their Executors or Administrators, the amount of the tax laid by the before recited act is hereby suspended until the end of the next stated Session of the General Assembly.*

**SECTION 2.** *BE it enacted, that it shall be the duty of the Sheriffs of the different Counties in this State to take a bond from each and every Gin holder, conditioned for the payment of the tax as required by the aforesaid act payable to the Governor and his successors in office, with sufficient security. The said bond to be lodged in the office of the Clerk for the county for safe keeping; for which duty the Sheriff shall be entitled to receive twenty five cents, to be paid by the owner of said Gin, and in case any Gin holder shall fail or refuse to enter into bond as required by this act, the Sheriff or collector shall proceed to collect the taxes due from said Gin holder, in conformity to the above recited act.*

**SECTION 3.** *BE it enacted, that where any person, owner of a saw gin or gins, has paid the tax for the same, it shall and may be lawful for such persons to demand and receive the amount of such tax from the collector, who*

*shall be entitled to retain his fees of office, the holder giving such bond as is required by the above recited act.*

JAMES V. ...  
Speaker of the house of Representatives.  
JAMES V. ...  
Speaker of the house of Representatives.

August 4th 1804.

### CHAP. IV.

*An ACT to amend an act entitled "An act for the better establishment of the Militia of this State" (passed 5th November 1803)*

**SEC. 1.** *BE it enacted by the General Assembly of the State of Tennessee, that from and after the passage of this act, whenever any officer of the militia shall hereafter declare himself a candidate for a higher office or commission, the commission by him before held, shall become vacant from and after such declaration, and to explain more fully what shall be a declaration, it shall be the uttering of such words in the hearing of a company who are authorized to elect such officer or officers on the day of election.*

**SEC. 2.** *BE it enacted, that whenever vacancies may be in any division or brigade by death, resignation or otherwise if it should be a Major General and the Brigadier may want to resign, such resignation shall be made to the Governor, who is hereby directed to issue his writ to fill such vacancy. But if there should be no Brigadier General properly qualified, and a Colonel or Major of such Brigade may think proper to resign, such resignation shall be made to the Major General of the division to which they belong; and it shall be the duty of the Major General to issue a writ to fill such vacancy; and in case there is neither Brigadier nor Major General, the Governor shall issue writs to fill all vacancies of field officers in such Brigade.*

**SEC. 3.** *BE it enacted, that by the twenty sixth section*



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except any person subject to military duty from being obliged to appear on parade excepted in the manner prescribed in said act. *Provided*, it appears to the satisfaction of the said court martial on the oath of any person wishing such exemption or on the oath or affirmation of any disinterested witness that such applicant is not able to equip himself in the manner contemplated by the act without injury to his family.

JAMES STUART,

*Speaker of the House of Representatives*

JAMES WHITE,

*Speaker of the Senate*

August 4<sup>th</sup> 1804.

## CHAP. V.

*An ACT to remit the fines imposed by the Courts Martial on delinquents, when ordered to muster into service and be ready to march on the twentieth of December last.*

**Sac. 1.** *BE it enacted by the General Assembly of the State of Tennessee*, that the fines imposed by the Courts Martial on delinquents when ordered to muster in to service and be in readiness to march on the twentieth of December last, also delinquents of a later order, to make up the number of men called for, on the aforesaid occasion, are hereby remitted, and where any of said fines have been collected, it is hereby directed that the person or persons in whose hands they may be, shall refund them to the person from whom collected, the legal fees excepted, except such part of the aforesaid fines as have been applied in hiring substitutes to march on the aforesaid twentieth day of December last past, and the person whose fine have been applied in hiring of substitutes as aforesaid shall have credit for a term of duty, any law, usage or custom to the contrary notwithstanding.

JAMES STUART,

*Speaker of the house of Representatives*

JAMES WHITE,

*Speaker of the Senate*

August 3d 1804.

CHAP.

*BE it enacted*, the different officers of the militia are obliged to appear on parade properly armed, under the penalty provided in said section agreeably to their rank, and no officer shall appear on parade without being dressed in the uniform as prescribed by the above recited act, they shall be subject to the like penalties as if not armed, which shall be recovered in the same manner.

**Sac. 4.** *BE it enacted*, that it shall and may be lawful for the several Battalion Courts martial in the different counties in this State to exempt any private or non commissioned officer, subject to military duty, from being obliged to appear on parade equipped in the manner prescribed in said act, provided, it appears to the satisfaction of said court martial, on the oath of any person wishing such exemption, or on the oath or affirmation of any disinterested witness that such applicant is not able to equip himself in the manner contemplated in the above recited act without material injury to himself or family.

**Sac. 5.** *BE it enacted*, that so much of the before recited act, as makes it the duty of the sergeant of the different Captains companies to collect the fines and forfeitures created by said act, is hereby repealed and henceforth it shall be the duty of the Sheriffs of the different counties to collect and pay the same over agreeably to the provisions of the before recited act, who shall receive the same compensation as the sergeants were entitled to, and liable for not performing the same, to the same penalties for not collecting and accounting for the money in their hands collected by execution.

**Sac. 6.** *BE it enacted*, that where it may happen that a Company is without officers, and none will serve, then in that case, it shall be the duty of the commanding officer of the regiment to attach such company or companies by dividing them or otherways as he may think proper, to the company or companies adjoining.

**Sac. 7.** *BE it enacted*, that from and after the passage of this act, it shall and may be lawful for the several Battalion officers in the different Counties in this State, to



## CHAP. VI.

*An ACT appointing a Surveyor to mark the line as run by the Virginia Commissioners from the Cumberland river to the south fork of Red river.*

**WHEREAS** it appears in following the aforesaid line from Cumberland river southwardly, the line only appears marked a few miles from said river thence passing through an open barren country, so much so, that it was impracticable for them to designate the same from that to the South fork of Red river—therefore,

**Sec. 1.** *BE it enacted by the General Assembly of the State of Tennessee,* that Robert Cooper esquire be, and he is hereby appointed a surveyor to run and mark the aforesaid line from the Cumberland river to the South fork of Red river, as run by the aforesaid Commissioners.

**Sec. 2.** *BE it enacted,* that the said surveyor be allowed the sum of two Dollars for every day he may be necessarily employed in running and marking the same, and that he be allowed one marker, who shall be allowed one dollar per day for every day he may be employed as aforesaid to be paid out of the funds of Stewart and Montgomery counties an equal sum from each; which line when so marked shall be the temporary boundary of Stewart Montgomery and Robertson counties.

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

August 3d. 1804.

## CHAP. VII.

*An ACT concerning the salaries of the several Officers of Government, heretofore named.*

**Section 1.** *BE it enacted by the General Assembly of the State of Tennessee,* that from and after the first day of October Eighteen hundred and five, the Governor shall be allowed for each and every year, the sum of one thousand

( 17 )

thousand dollars for his services as Executive of this State, which sum may be drawn from either of the Public Treasuries of this State as heretofore prescribed by law.

**Section 2.** *BE it enacted,* that from and after the first day of September next, there shall be allowed to each Judge of the Superior Court of Law and Equity, as a compensation for his services, one hundred thirty three and a third dollars, for each and every Court he may attend, to be paid out of any monies in the Treasury of this State not otherwise appropriated.

**Section 3.** *BE it enacted,* that it shall be the duty of each Judge; to attend each and every Court, and in case of failure a deduction from his pay shall be made proportioned to the time he so fails or neglects to attend, unless he be prevented by sickness or some unforeseen accident, then and in that case, he shall receive pay as by this act directed. *Provided* his non attendance does not exceed one Term.

**Section 4.** *BE it enacted,* that from and after the passing of this act, the Secretary of State shall receive in addition to the compensation already made him by law for his services, the sum of one hundred dollars per year, until the end of the next stated Session of the General Assembly, to be drawn out of either of the Public Treasuries, in manner heretofore prescribed.

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

August 4th 1804.

## CHAP. VIII.

*An ACT to revive An act to amend the tenth, eleventh and twelfth sections of an act entitled "An act to divide the county of Davidson into two distinct counties, passed November the tenth one thousand eight hundred and one."*

**WHEREAS** the time appointed in the aforesaid act for persons bringing forward their claims



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to have them liquidated has expired, for remedy

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, that all persons holding claims such as are described in the above act against the county of Davidson which were due previous to Williamson county being erected, have a further time of twelve months from the passing of this act, to bring forward their claims and have them audited by the persons appointed by said counties of Davidson and Williamson, or which hereafter may be appointed which claims shall be apportioned between said counties as heretofore directed by said act.

JAMES STUART,

Speaker of the House of Representatives,

JAMES WHITE,

Speaker of the Senate.

August 3d. 1804.

### CHAP. IX.

An ACT to compel the attendance of witnesses before Justices of peace, and to compel Sheriffs or Jailors of the different Counties within this State, to receive and confine in Jail, all persons who may be arrested by virtue of executions issued by Justices against the body, and for other purposes.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, that when it shall be necessary for any person to attend as a witness before a Justice of peace, in any matter to be tried before him, the said Justice shall sue a subpoena as heretofore, and, upon the said subpoena being legally served, then it shall be the duty of the person so summoned as aforesaid to attend agreeable to the tenor of said subpoena; and upon failure thereof shall be subject to an action of damages to the party injured.

Sec. 2. BE it enacted, that each witness attending as by this act directed, shall for each and every day he or she shall attend, receive as compensation the sum of twenty five cents to be taxed with the bill of costs and paid by the party called.

Sec. 3. BE it enacted, that when any execution shall be issued by a Justice of peace against the body of any person, on a legal judgment first had and obtained, then the officer executing the same, shall forthwith deliver the person arrested to the Sheriff or Jailor of the county in which the execution issued, who is hereby commanded to receive all such persons and confine them in prison of said county, until the debt and costs for which the said execution issued be paid and satisfied; and the said Sheriff or Jailor shall in like manner receive the body of each and every person arrested by warrant for debt, who may fail or refuse to enter into bond with security, agreeable to an act, entitled "an act defining the jurisdiction of Justices of the peace."

JAMES STUART,

Speaker of the House of Representatives,

JAMES WHITE,

Speaker of the Senate.

August 4th 1804.

### CHAP. X.

An ACT authorizing the Executive to have the road designated and marked between this State and the State of Georgia agreeably to treaty and to receive proposals for opening the same, to the end that the lowest bidder may be the person employed to clear and open said road.

Sec. 1. BE IT ENACTED by the General Assembly of the State of Tennessee; that the Commissioners appointed, or that may hereafter be appointed by his Excellency the Governor of this State, shall proceed to mark and lay out the roads from South West Point and Tellico to meet that part of said road leading from Georgia at or near the place designated by the treaty made and concluded on, between the United States and the Cherokee Indians, and to the end that the same may be cut and opened.

Sec. 2. BE it enacted, that his Excellency the Governor of this State, shall advertise three times in the several Gazettes within this State, stating, that he will receive proposals for cutting and opening said road, said proposals



shall be sealed up and transmitted to the Governor at Knoxville, which shall be opened on or before the first day of November next, and on examination of the different proposals made his Excellency, the person offering an clean and open said road upon the lowest terms for the State, shall be the person employed, he first giving bond payable to the Governor and his successors in office, for the use of the State with two sufficient securities, to be approved of by the Governor in the sum of four thousand Dollars, for cutting and opening said road, which road shall be cut at least fifteen feet wide and cleared so as to admit of loaded waggon running with convenience, which shall be adjudged by a fit and proper person appointed by the Governor for that purpose who shall make report to the Governor, the manner and order in which said road is cut and opened, and the Governor shall not issue a draft to such undertaker for a greater sum than is appropriated by this act.

**Sec. 3.** *BE it enacted*, that each Commissioner shall be allowed the sum of three dollars and fifty cents per day for each day they may be necessarily employed in marking and laying out said road, which monies may be drawn from either of the public Treasuries of this State by a warrant signed by the Governor, out of any monies not otherwise appropriated.

**Sec. 4.** *BE it enacted*, that the sum of seven hundred and fifty dollars is hereby appropriated cutting, clearing and opening said road.

**Sec. 5.** *BE it enacted*, that the person appointed by the Governor, to examine said road and report whether the same is cut and opened agreeably to this act, shall receive the sum of two dollars for each and every day he may be necessarily employed in the same which may be drawn from either of the public Treasuries by a warrant signed by the Governor.

**JAMES STUART,**

*Speaker of the House of Representatives.*

**JAMES WHITE,**

*Speaker of the Senate.*

August 4th 1804.

## CHAP. XI.

*An ACT to Declare what species of merchandise and manufactures may be sold by retail or otherwise without subjecting the seller to the penalties set forth in an act entitled an act ascertaining what property in this State shall be deemed taxable, and the mode of collecting, accounting for and paying Public taxes, passed the 7th. November 1801, and for other purposes.*

**SECTION 1.** *BE it enacted by the General Assembly of the State of Tennessee*, that it shall be lawful for any citizen, resident of this State, to expose to sale any of the articles hereinafter enumerated, namely, all kind of goods and wares manufactured within the limits of this State of the growth and materials thereof, the owner or owners of such manufactured goods and wares, by themselves or factors shall be at full liberty to dispose of the same by wholesale or retail without incurring any of the penalties set forth in the before recited act, nor shall any penalty accrue for retailing the articles of iron, fall, lead, steel and castings whether manufactured within or without the limits of this State.

**SECTION 2.** *BE it enacted*, that in order to explain and remove all doubts, it is hereby declared that each and every person, whose known avocation is that of selling goods and wares and merchandise by Peddling or hawking from one part of the Country to another, not of his or their own manufacturing, shall be considered liable to the penalties set forth in the act aforesaid; and no other description of citizens shall be considered as coming within its purview or meaning, any law to the contrary notwithstanding.

**SECTION 3.** *BE it enacted*, that so much of the before recited act, as obliges the Treasurers of this State to enter up judgments against delinquent Sheriffs in the Superior Courts of the districts where such Sheriffs reside, be, and the same is hereby repealed; and that it may be lawful for said Treasurers to enter up judgments against delin-



any Sheriff in the District courts where the said  
are kept, any thing to the contrary notwithstanding.

JAMES STUART

*Speaker of the House of Representatives*

JAMES WHITE

*Speaker of the Senate*

August 4, 1804.

## CHAP. XII.

*An ACT to repeal part of an act entitled "An act to  
certain what property in this State shall be deemed tax-  
able and the mode of collecting, accounting for and  
paying the public taxes" (passed on the 7th day of No-  
vember 1803) and for other purposes*

Sec. 1. BE it enacted by the General Assembly of the  
State of Tennessee, that so much of the above  
recited act as requires the different County Courts within  
this State to appoint a commissioner to receive the lists of  
taxable property, be, and the same is hereby repealed.  
Provided always, that this section shall not be in force un-  
til the first day of January next, to the end that each com-  
missioner may do the duties enjoined on him by said act.

Sec. 2. BE it enacted, that the same rules and regu-  
lations in receiving lists of taxable property as were in  
force in this State previous to the passage of the above re-  
cited act, be, and the same are hereby revived.

Sec. 3. BE it enacted, that where any Sheriff or Co-  
roner has sold, or may hereafter sell land for taxes, and  
before making a title or titles thereto, shall die remove or  
abscond from his or their County, then and in such case  
his or their successor or successors in office shall make a  
deed or deeds when called on, to all or any lands sold as a-  
foresaid which deed or deeds shall be as good and valid in  
law and equity as if made by the Sheriff or Coroner who  
originally sold such land.

Sec. 4. BE it enacted, that the fourth section of an act  
entitled "An act to amend an act concerning what pro-

erty in this State shall be deemed taxable, and the mode  
of collecting accounting for and paying public taxes, passed  
November the fourteenth, one thousand eight hundred and  
one, be and the same is hereby declared to be in full force  
and virtue with the following amendment (viz.) that in  
lieu of fifty per cent, it shall be the duty of the Sheriff to  
return the money so received to the original purchaser to-  
gether with the one hundred per cent, and that all laws or  
parts of laws that come within the purview and meaning  
of this act is hereby declared to be void any thing to the  
contrary notwithstanding.

JAMES STUART

*Speaker of the House of Representatives*

JAMES WHITE

*Speaker of the Senate*

August 2d. 1804.

## CHAP. XIII.

*An ACT to alter the line between Montgomery and Stewart  
counties.*

WHEREAS on extending the line agreeable to law  
between the counties of Montgomery and Stewart,  
it was found that the settlements of Guiles creek fell into  
Montgomery county, which was not intended as the same  
lies more immediately adjoining the settlements of Stewart  
than Montgomery county—For remedy whereof.

Sec. 1. BE it enacted by the General Assembly of the  
State of Tennessee, that hereafter the lines which  
divides the counties of Montgomery and Stewart shall be  
as follows (to wit.) Beginning on the Kentucky line fifteen  
miles west of the meridian of Clarksville, then south fifteen  
degrees east to intersect the line of Dickson county about  
three miles east of the line run heretofore for Stewart  
county, thence with the ridge which divides the waters of  
yellow creek from the waters of Guiles and Weather creek  
to the Indian boundary, and with said boundary westward-  
ly to the line run for Stewart county.

Sec. 2. BE it enacted, that the territory which the



west of the line hereby established between the same and the former line, shall be and the same is hereby declared to be part of Stewart County. Guisea creek settlement included, and that Territory which lies east of the line hereby established between the same and the former line, shall be and is hereby declared a part of Montgomery county.

Sec 3. BE it enacted, that nothing herein contained shall be so construed as to prevent the collector of Montgomery County from collecting the taxes for the present year within the limits of the part hereby annexed to Stewart county, nor the collector of Stewart county from collecting the taxes for the present year within the limits of the part so annexed to Montgomery county.

Sec. 4. BE it enacted, that the commissioners appointed to settle the permanent seat of justice in Stewart county shall in consequence of the part hereby annexed to Stewart measure only eleven and an half miles then in the manner heretofore pointed out by law fix on the place for said seat of justice.

Sec. 5. BE it enacted that all laws and parts of laws which come within the purview and meaning of this act, shall be and the same is hereby repealed and made void, anything to the contrary notwithstanding.

Sec. 6. BE it enacted, that the commissioners heretofore appointed for the purpose of erecting a court house in Stewart county shall be allowed the sum of two dollars for each day they may be necessarily engaged in said business, to be drawn from the funds of Stewart county.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

July 31st. 1804.

#### CHAP. XIV.

AN ACT ratifying and confirming an act of the General Assembly of the State of North Carolina entitled "An act

to authorize the State of Tennessee to perfect titles to lands reserved to this State by the Cession act."

BE it enacted by the General Assembly of the State of Tennessee, that the said act of the General Assembly of the State of North Carolina in the words following (to wit)

"An act to authorize the State of Tennessee to perfect titles to lands reserved to this State by the cession act."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that upon this act being agreed to, and ratified by the State of Tennessee, as an agreement between this State and the said State of Tennessee, and upon the assent of Congress being obtained thereto, the said State of Tennessee shall have full power and authority, and is hereby vested with full power and authority to issue grants, and perfect titles to all claims of land lying in the said State, which under, and agreeably to an act, entitled "An act for the purpose of ceding to the United States of America, certain western lands therein described" passed by the Legislature of this State, in the year one thousand seven hundred and eighty nine, remained and were reserved by the said act, to be issued and perfected by this State, in as full and ample a manner as the State of North Carolina possessed the same, under the following conditions and restrictions (to wit).

That no grant shall be issued by the said State for any lands which, by the aforesaid act, and the laws of this State then in force, or made in pursuance thereof, since the passing of said act, might not have been issued by this State. Nor shall any grant be valid, but those issued on bona fide claims, and within the provisions and reservations of the before recited act, and such as would have been valid, if the same had been issued by this State under the act aforesaid, and the laws then in force, and such as have been since made in pursuance of said act of cession.

That in entering and obtaining titles to lands, no preference

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ference shall be given to the citizens of Tennessee over citizens of any other state, claiming under this state; nor shall any occupancy or possession give preference in entering or obtaining titles, so as to, injure or take away the right of any person now claiming by entry, grant, or otherwise under this state.

That no grant shall issue to Martin Armstrong, or his deputies, or any person or persons claiming under him or them, for any services as surveyor, until a final settlement between the state of North Carolina and the said Armstrong shall be made; after which grants shall issue for such lands as he may be entitled to.

That this state reserves exclusively the right of issuing military warrants.

In issuing grants on Military warrants, entries made in Martin Armstrong's office, until he was suspended by this state, shall be preferred, and next to those the entries which have been made in the office of William Christmas who is hereby continued and confirmed as the surveyor of the lands on all entries in the entry takers books in his possession, not heretofore surveyed during his good behaviour. Also, that John Brown be continued and confirmed as the surveyor of the lands in the eastern district, in room of Stokely Donelson, during his good behaviour. That the said William Christmas and John Brown enter into bond in the sum of five thousand pound each, with sufficient security payable to the State of Tennessee, for the faithful discharge of the duties reposed in them.

That the Secretary of this state shall continue to issue grants upon all surveys returned, or that shall be returned to his office, before the ratification of this agreement or compact between the two states, by the state of Tennessee.

And in order that the state of Tennessee may possess the information necessary to the detection of fraud in obtaining claims and grants to lands lying in that state, and for the purpose of facilitating the execution of good titles, all warrants

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warrants and plats upon which grants shall not have issued, at the time of the ratification of this compact by the state of Tennessee shall be delivered to any agent or agents of that state, duly authorized for that purpose; and that the agent or agents of the said state be permitted to take copies of all grants, or any other paper or papers which concern the land claims within the state of Tennessee, in the secretaries office of this state: And notwithstanding such copies may be received as legal evidence in the state of Tennessee, it is always to be understood as a provision, that any transcript from said office of this state, shall, at all times hereafter, be received as evidence in the state of Tennessee.

That so much of this act as relates to the taking of copies by the agent or agents of Tennessee, from the secretaries office, shall take effect from the passage hereof. Provided, that none of the said copies shall be removed or taken out of the office of the secretary until the Governor of this state shall be notified by the Governor of the state of Tennessee, of the ratification of this act on the part of the state of Tennessee, and until the Governor shall also receive a notification of the assent of the Congress of the United States being obtained thereto.

That in taking transcripts by the agent or agents of Tennessee from the said office, the books and papers so to be transcribed, shall always be under the care of the secretary of this state; and that as a compensation for such care and trouble, the state of Tennessee shall pay the said secretary six hundred dollars, in two instalments; the first instalment of three hundred dollars to be payable within six months after the ratification of this act on the part of the state of Tennessee; and the second instalment whenever the said state of Tennessee shall procure by its agent or agents transcripts of the grants issued by the state of North Carolina for lands lying in the state of Tennessee, as aforesaid, and such other papers as he may deem necessary relative to the landed property of said state." Which said foregoing recited act of the General Assembly of the state of North Carolina passed at a General Assembly of said state begun and held at Raleigh



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high on the twenty first day of November in the year of our Lord one Thousand eight hundred and three and in the twenty eighth year of the Independance of the said state, be and the same is hereby agreed to and ratified by this state, as an agreement between this state and the state of North-Carolina, vesting this state with full power and authority to issue Grants and perfect titles to all claims of lands lying in this state in as full and ample manner as the said state of North Carolina possessed the same, to all intents and purposes whatsoever, thing to the contrary notwithstanding.

JAMES STUART,

*Speaker of the House of Representatives.*

JAMES WHITE,

*Speaker of the Senate.*

August 4th 1804.

## CHAP. XV.

*An ACT authorizing the inhabitants in three companies in the eastern end of Carter county to hold separate elections and General muster at the house of William Moreland.*

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, that it shall and may be lawful for the inhabitants in the eastern end of Carter county that live in the bounds of Captain Whites, Captain Tompkins and Captain Keys companies to hold their elections for field officers, and their General musters at the house of William Moreland.

SEC. 2. BE it enacted, that it shall and may be lawful for the sheriff, deputy sheriff or Coroner of Carter County to open and hold said election at William Morelands for field officers on the days appointed for that purpose under the rules and restrictions prescribed by law, and the votes when taken shall be counted by the inspectors of said election in the presence of the officer conducting the same and each candidates number of votes shall be sealed up with one of the lists of the voters and put into the hands of the officer conducting the election, who shall deliver the same

same to the officer conducting the election at the court house of Carter county, whose duty it shall be to add the same to the votes taken there.

SEC. 3. 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.*

July 31. 1804.

## CHAP. XVI.

*An ACT to authorize Richard Cureton to cut open and repair the road from said Curetons ferry on Nolichucky river to the painted rock on French broad.*

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, that Richard Cureton have full power and authority to cut, open, and keep in repair, the road leading from his own ferry on Nolichucky river to the painted rock on Frenchbroad river in such a manner that said road may intersect with the road from Isaac Bakers and Thomas Wilsons turnpike to the painted rock. The object of which is to prevent travellers passing and repassing from Curetons ferry to the painted rock, from being subject to the payment of toll at said Bakers and Wilsons turnpike, any thing to the contrary notwithstanding.

JAMES STUART,

*Speaker of the house of Representatives.*

JAMES WHITE,

*Speaker of the Senate.*

August 4th 1804.

## CHAP. XVII.

*An ACT to amend an act entitled "An act making provision for improving the navigation of the Nolichucky river"*



river," and appointing two other persons to the county of Greene to open a subscription in said county in the room of William Nelson and Henry Conway.

Sec. 1. *BE IT ENACTED* by the General Assembly of the State of Tennessee, that the time for taking in the subscription shall remain and continue to be in force for two years from and after the passing of this act and that Robert Wyly and George Duffield esquires, shall have full power and authority to take in subscriptions in the room of William Nelson and Henry Conway in the county of Greene, and have the same powers to act in all respects whatever, the said William Nelson and Henry Conway could have had or enjoyed, any thing to the contrary notwithstanding.

JAMES STUART,  
*Speaker of the house of Representatives.*  
JAMES WHITE,  
*Speaker of the Senate.*

July 31 1804.

### CHAP. XVIII.

*An ACT ascertaining the true line between the Counties of Sullivan and Carter.*

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, that the said line shall be as follows, beginning where the Sullivan & Carter county line crosses the road leading from Little's ford on Holston river to Dungenes ford on Wattaga, thence a line to include Righleys and Plumleys plantations in Sullivan county thence a straight line to the rich but of the Iron mountain leaving all the inhabitants north of said mountain in Sullivan county except George Neighaver, thence along the left arm of the mountain aforesaid to the Virginia line so as to include the beaver dams in Carter county.

Sec. 2. *BE it enacted*, that John M'Cay be appointed surveyor to run said line, and shall be allowed two dollars per day for his services to be paid by the county Treasurer out of the county money upon the certificate of the

Chairman of the court of Carter county.  
Sec. 3. *BE it enacted*, that the aforesaid John M'Cay is hereby authorized and required when entering on the business as contemplated by this act, to appoint some suitable person to mark and designate the line as by him ascertained, who shall be allowed for such services, one dollar per day, to be paid by the county aforesaid upon the certificate of the surveyor specifying the number of days he was by him so employed.

Sec. 4. *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.*

August 4th 1804.

### CHAP. XIX.

*An ACT to amend an act entitled "An act to appoint a Commissioner to run the line between the counties of Jefferson and Cocke, (passed the first of November 1803)."*

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, that David Stuart is hereby empowered to appoint one chain carrier in the County of Jefferson and one chain carrier in the County of Cocke to attend with him and measure the line between the aforesaid counties beginning on the south side of French Broad river opposite Colonel Pennings Taylors and from thence a direct line to the top of Englishes' mountain within one mile of Sevier county line and no further, and the chain carriers be allowed the sum of one Dollar and fifty cents per day each, to be equally paid by the Treasurers of Jefferson & Cocke counties and their receipts shall be sufficient vouchers in the hands of the Treasurers in the settlement of their accounts any law to the contrary notwithstanding.

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

August 4th 1804.



river," and appointing such other persons to the county of Greene to open a subscription in said county in the room of William Nelson and Henry Conway.

Sec. 1. BE IT ENACTED by the General Assembly of the State of Tennessee, that the time for taking in the subscription shall remain and continue to be in force for two years from and after the passing of this act and that Robert Wyly and George Duffield esquires, shall have full power and authority to take in subscriptions in the room of William Nelson and Henry Conway in the county of Greene, and have the same powers to act in all respects whatever, the said William Nelson and Henry Conway could have had or enjoyed, any thing to the contrary notwithstanding.

JAMES STUART,

Speaker of the house of Representatives.

JAMES WHITE,

Speaker of the Senate.

July 31 1804.

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Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, that the said line shall be as follows, beginning where the Sullivan & Carter county line crosses the road leading from Little's ford on Holston river to Dungenes ford on Wattaga, thence a line to include Righleys and Plumleys plantations in Sullivan county thence a straight line to the rich but of the Iron mountain leaving all the inhabitants north of said mountain in Sullivan county except George Neighaver, thence along the left arm of the mountain aforesaid to the Virginia line so as to include the beaver dams in Carter county.

Sec. 2. BE it enacted, that John M'Cay be appointed surveyor to run said line, and shall be allowed two dollars per day for his services to be paid by the county Treasurer out of the county money upon the certificate of the

Chairman of the court of Carter county.

Sec. 3. BE it enacted, that the aforesaid John M'Cay is hereby authorized and required when entering on the business as contemplated by this act, to appoint some suitable person to mark and designate the line as by him ascertained, who shall be allowed for such services, one dollar per day, to be paid by the county aforesaid upon the certificate of the surveyor specifying the number of days he was by him so employed.

Sec. 4. 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.

August 4th 1804.

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An ACT to amend an act entitled "An act to appoint a Commissioner to run the line between the counties of Jefferson and Cocke, (passed the first of November 1803).

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, that David Stuart is hereby empowered to appoint one chain carrier in the County of Jefferson and one chain carrier in the County of Cocke to attend with him and measure the line between the aforesaid counties beginning on the south side of French Broad river opposite Colonel Pennings Taylors and from thence a direct line to the top of Englishes's mountain within one mile of Sevier county line and no further, and the chain carriers be allowed the sum of one Dollar and fifty cents per day each, to be equally paid by the Treasurers of Jefferson & Cocke counties and their receipts shall be sufficient vouchers in the hands of the Treasurers in the settlement of their accounts any law to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

August 4th 1804.



## CHAP. XX.

*An ACT supplementary to an act entitled "An act appointing Commissioners for the regulation of the town of Greeneville in the county of Greene," and appointing new commissioners.*

**WHEREAS** doubts exist in the minds of the commissioners of said town whether they have a right to make any regulations for the Government of said town for remedy whereof.

**Sec. 1.** *BE it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the board of commissioners, when met, to make any regulation for the good order of said town of Greeneville, and for 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 make any regulation for the better government of said town, and any citizen refusing to comply, then, and in that case, said board of commissioners by their order, may apply to any justice of the peace for said county, by themselves or secretary, to issue a warrant against the person or persons so offending, directed to any lawful officer to execute; and any justice of peace for said county is hereby authorized and empowered to enter up judgment and award execution against said transgressor, not exceeding fifty cents with costs.*

**Sec. 3.** *BE it enacted, that all monies arising for fines and forfeitures by this act, shall be laid out to purchasing stationery for said board, and the balance, if any, shall be paid to the overseer of said town, and by him expended on improving the streets thereof.*

**Sec. 4.** *BE it enacted, that Valentine Sevier, Benjamin M'Nutt and Joseph Brown, be, and they are hereby appointed commissioners in addition to those already appointed, who shall have the same power and authority as other commissioners of said town.*

**Sec. 5.** *BE it enacted that if any vacancy shall happen*

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in the board of said commissioners, by refusing to act, death, resignation, or otherwise, then, and in that case, two thirds of the members composing said board being present, shall have power to appoint other commissioners in the room of those refusing to act or otherwise, who shall have the same power and authority as any of said commissioners can exercise and enjoy, any thing to the contrary notwithstanding.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

August 2d, 1804.

## CHAP. XXI.

*An ACT to make compensation to Joseph Love Sheriff of Knox county, for certain expenditures therein mentioned.*

**WHEREAS** it appears to this General Assembly, that Joseph Love Sheriff of Knox county, hath been at considerable expence in guarding the Jail of said county during the time a certain Stephen Duncan and others, were confined therein for the murder of a certain Joseph Ravenhill; and as it is but just that said Joseph Love should be fully compensated for said expenditures—Therefore

*BE it enacted, by the General Assembly of the State of Tennessee, that the sum of one hundred and thirteen dollars and thirty three cents, shall be paid to the said Joseph Love in full compensation for his expenditures in guarding the Jail of Knox county during the time said Stephen Duncan and others were confined therein, out of the fines and forfeitures that are or may be incurred in the District of Hamilton, not otherwise appropriated.*

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

August 4th 1804.

CHAP.



An ACT for opening the navigation of the North fork and Holstein Rivers

WHEREAS application has been made to this General Assembly by the State of Virginia, for opening the navigation of the North fork and Holstein rivers to the junction of the Holstein and Tennessee rivers, and the Legislature admitting the propriety of said requisition by conceiving that nature has designed all rivers to be occupied as public highways, and as a right in common to the citizens of this State as well as all others, and that the policy of this infant Government, is to cherish and promote all its commercial advantages, and as far as possible to encourage enterprise and industry and Whereas it is represented to this General Assembly that the North fork of Holstein is navigable, and that a dam has been erected on the same near the mouth thereof within the limits of this State—Therefore—*BE it enacted, by the General Assembly of the State of Tennessee*, that the abovementioned north fork of Holstein is hereby declared a common highway free for the use and navigation of the citizens of the United States in common with the citizens of this State. *And WHEREAS* the said above mentioned dam prevents the passage of Boats and Fish to the great damage as well of a considerable portion of the citizens of Virginia as this State and to the entire hindrance of trade and commerce by the same. And *WHEREAS* the said dam was erected when the population of this country was small, and navigation little thought of, and the works for which said dam were erected, were and still may be useful to the community; this Assembly are therefore unwilling to abate the same if the passage of boats and fish can be secured with ease and facility without. And *WHEREAS* it is further represented a lock and slope can be erected on the said dam, for the sum of five hundred Dollars, two hundred and fifty of which the State of Virginia will—

SECTION 1. *BE it enacted*, that the sum of two hundred and fifty dollars, be, and the same is hereby appropriated so soon as an equal sum be advanced on the part of Virginia, for the erection of a Lock and slope in the said dam

dam which said sum shall be paid to the order of the following Gentlemen, to wit, Walter King, William Bradley and John Alexander who are hereby appointed Commissioners on the part of this State, and who in conjunction with the Commissioners on the part of Virginia, shall let out to the lowest bidder on the first monday of February next at Rossville, after advertising the same onemonth in one of the Gazette's of this State, the building and erecting the said lock and slope of the demensions hereafter mentioned, and shall take bond and security from the person or persons who shall undertake the same, to execute and finish the said work on or before the first monday of July next, under the penalty of one thousand dollars, and moreover be liable to the action of any person or persons for any damage they may sustain by detention of boats, after the said last mentioned day. *PROVIDED* nevertheless that should the said David Ross choose to be the undertaker for building and erecting the said lock and slope for the sum of five hundred dollars the same shall be advanced him in case he or his agent notify the commissioners aforesaid of his intention or wish to undertake the same on or before the first monday of November next.

SEC. 2. *BE it enacted*, that the said lock shall be eighty feet long and thirty six feet wide the Forge race to be one side, the gates at least fifteen feet wide, so as to admit the passage of boats with the utmost facility and that the Slope for the passage of fish be at least thirty feet long and ten feet wide, so formed as to permit the easy passage of fish. The Lock and Slope to be erected at such convenient place or places of the said dam as the above mentioned commissioners shall direct having due regard to the work already erected so as not to cut away or remove more of said dam than is necessary for the erection of said lock and slope so as to effect the purpose intended by this law; *Provided* also, that the materials for erecting said lock and slope shall be hewed timber, plank and stone and so constructed as to insure the most possible permanency.

SECTION 3. *BE it enacted*, that it shall and may be lawful for the person or persons who shall undertake the erection of said lock and slope to quarry stone cut timber &c.



on any part of the lands given by the State of North Carolina to the said David Ross as a premium for building works, or any other lands lying convenient to said dam, and shall not be liable to any action therefor, and that the person or persons so as aforesaid mentioned shall have liberty to haul such materials by the most convenient route and the Commissioners of both States shall make to the said David Ross a reasonable allowance for the necessary timber and stone.

**Sec. 4.** *BE it enacted*, that as soon as the said lock and slope shall be completed and received by the above mentioned commissioners or a majority of them, the same shall be kept in good repair at the entire expence of the said David Ross his heirs &c. who on failure thereof, shall not only be liable to any person or persons injured by detention or otherwise, but shall forfeit all right and title he now hath or possesses to the dam aforesaid, and the same shall be considered as a nuisance and liable to be removed or so much thereof as will permit boats barges &c. to pass in perfect safety. any law usage or custom to the contrary notwithstanding.

**Sec. 5.** *BE it enacted*, that this act shall not have force nor take effect until ratified and confirmed by the Legislature of the State of Virginia.

**JAMES STUART,**

*Speaker of the House of Representatives.*

**JAMES WHITE,**

*Speaker of the Senate.*

August 4 1804.

## CHAP. XXIII.

*An ACT appointing commissioners to fix on the most eligible place for the seat of Justice in Rutherford county.*

**Sec. 1.** *BE it enacted by the General Assembly of the State of Tennessee*, that John Hill, Frederick Barfield, Mark Mitchell, Alexander M'Night and Peter Lurgand be, and they are hereby appointed commissioners who or a majority of them shall have full power and

authority

authority, and are hereby empowered and authorized to fix on a place the most eligible, central and convenient, in the aforesaid county, having special regard to good water, for the purpose of erecting a court house, prison and stocks thereon; and it shall be the duty of the sheriff of said county, as soon as may be, to notify said commissioners to attend at the next succeeding court of said county; which said commissioners shall give bond with sufficient security, in the sum of one thousand dollars each, to the chairman of said county court, and his successors in office, conditioned for the due and faithful performance of the duties enjoined on them by this act; which bond shall be filed in the clerk's office for said county of Rutherford.

**Sec. 2.** *BE it enacted*, That the aforesaid commissioners or a majority of them, are hereby authorized and required, as soon as may be after agreeing on the place on which the court house, prison and stocks shall be erected in the said county of Rutherford to agree and contract with the owner or owners, for forty acres or ground, for the purpose of erecting the public buildings aforesaid, and shall contract with suitable workmen to erect and build the same, for the use and benefit of said county, on the best terms which can be obtained for the accomplishment thereof.

**Sec. 3.** *BE it enacted*, That the said commissioners or a majority of them, as soon as may be after purchasing the aforesaid forty acres of land, shall take a deed or deeds of conveyance for the same, in their own names as commissioners in trust for the county aforesaid, which shall be valid and good in law and equity and shall vest in them and their successors in office, a full and complete title for the uses in this act expressed; and they shall cause a town to be laid off thereon, the name of which town shall be given by said commissioners. And the said commissioners, or a majority of them, shall sell the lots of said town at public sale, giving nine months credit; and thirty days previous notice of such sale, by advertising the same twice in the Tennessee Gazette, & at four of the most public places in said county; taking bond with sufficient security for the pay-

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ment of the purchase money, to themselves and their cofferers 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 in law and equity to all intents and purposes.

Sec 4. BE it enacted, That the monies arising from the sale of the aforesaid lots shall be applied to the payment of the building of the aforesaid courthouse, prison and docks. And the said commissioners or a majority of them, are authorized to cause the said court house to contain two convenient jury rooms; and the prison to consist of two rooms at least.

Sec 5. BE it enacted, That the court of the county of Rutherford shall have power to lay a tax, which tax, shall not exceed twelve and one half cents on each hundred acres of land, twenty five cents on each slave between the age of twelve and fifty years, twelve and one half cents on each white poll between the age of twenty one and fifty years, one dollar on each stud horse kept for mares, on each town lot not exceeding twenty five cents, on each retail store not exceeding five dollars; to be continued from year to year until a sufficient sum be raised for the purpose of completing the public buildings aforesaid, to be collected and accounted for by the sheriff or collector of the aforesaid county, and paid to the said commissioners at the same time and in the same manner, and under the like penalties and restrictions as are or may be directed for collecting, accounting for and paying public taxes; which money so raised shall be appropriated in carrying this act into effect.

Sec 6. BE it enacted, That the commissioners aforesaid shall have full power to elect a suitable person or persons to fill any vacancies that may happen in their own body by death, resignation or otherwise.

Sec 7. BE it enacted, That the commissioners aforesaid, or a majority of them, as soon as the said buildings are completed, shall lay before the court of said county, a fair and just statement of the costs and expenditures of said pur-

chase and buildings, together with their disbursements and receipts; and they shall be allowed a reasonable compensation for their services by the said court.

Sec 8. 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,

August 9, 1804.

## CHAP. XXIV.

An ACT authorizing the court of Greene county, to levy and collect a tax when they may think it expedient, for the purpose of removing the court house of said county, underpinning the same, repairing the jail, and erecting stocks, in the town of Greenville.

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 for the county of Greene, when in session, to lay a tax, for the purpose of removing the court house, underpinning the same, repairing the jail, and erecting stocks; and the tax when levied, shall be collected and accounted for as other county monies are; and that after the court house be removed, the same underpinned, the jail repaired, and stocks erected, the surplus money, if any, shall be paid over to the county trustee for other county purposes.

Sec 2. BE it enacted, That the tax, when laid, shall not exceed six cents on each white poll, twelve cents on each black poll, six cents on each hundred acres of land, twelve cents on each town lot, and twelve cents on each stud horse, kept for mares.

Sec 3. BE it enacted, That the money arising by virtue of the aforesaid tax, when levied and collected, shall be deposited in the hands of such person as may be chosen by the court of Greene; or into the hands of the commissioners for the regulation of the aforesaid town of Greenville.



for the express purpose contemplated by this act; and the tax so levied, when collected and paid into the hands of either, as above, he or they shall, forthwith proceed to employ some fit and suitable person or persons to remove the court house, underpin the same, repair the jail, and erect the stocks.

SEC. 4. BE it enacted, That all the work aforesaid, shall be under the particular direction and inspection of the board of commissioners for the regulation of the aforesaid town of Greeneville, any thing to the contrary notwithstanding; provided the commissioners shall not move said court house more than fifty feet from the centre of said town as laid out by law.

JAMES STUART,

*Speaker of the House of Representatives*

JAMES WHITE,

*Speaker of the Senate,*

July 31, 1804.

## CHAP. XXV.

An ACT to authorize the courts of Claiborne and Anderson counties to appoint jurors to serve in said courts other than free holders.

WHEREAS, owing to the extensive tract of country in said counties owned by Henderson & Company, it is difficult to get freeholders to serve on juries, for remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for said courts of Claiborne and Anderson, to appoint discreet householders as jurors to serve at the respective courts of said counties of Claiborne and Anderson; and their not being freeholders shall not be an exception.

JAMES STUART,

*Speaker of the House of Representatives.*

JAMES WHITE,

*Speaker of the Senate.*

August 3, 1804.

CHAP.

## CHAP. XXVI.

An ACT to release Zachariah Cash from a forfeited recognizance.

WHEREAS Zachariah C. entered into recognizance to appear at the County Court of Roane, and at the time he entered into the same, was a minor and not liable to be bound, and through the accident of his horse dying on the road on his way thither, with other incidents which happened to him, prevented his appearance, whereby the forfeiture was entered against him, and judgment finally has been entered thereon, and his property is now taken by execution to satisfy the same; for remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, That the said Zachariah Cash is hereby released and forever set free from the said forfeited recognizance, any thing to the contrary notwithstanding: PROVIDED nothing herein contained shall be construed so as to exonerate the said Zachariah Cash from the payment of all the costs which may have accrued in the said prosecution.

JAMES STUART,

*Speaker of the House of Representatives*

JAMES WHITE,

*Speaker of the Senate,*

August 9th 1804.

## CHAP. XXVII.

An ACT to alter the name of Sarah Nelson.

WHEREAS Anthony Sharp of Sumner County, has requested this General Assembly, to alter the name of his illegitimate daughter, Sarah Nelson, born of his wife, Margaret, to that of Sarah Sharp; therefore

SECTION. I. 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 Sarah Nelson is hereby altered and changed to that of Sarah Sharp, and that she



the said Sarah Sharp, shall, in all respects, both in law and equity, be a legal heir of the said Anthony Sharp, and be upon an equal footing with the said Anthony Sharps other children, and shall be entitled to all the advantages that she, the said Sarah Sharp possibly could have been provided she 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.*

July 31st, 1804.

### CHAP. XXVIII.

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

WHEREAS John Yancey has requested this General Assembly to alter the name of his illegitimate child, to wit: the name of Lucinda Mauch to that of Lucinda Yancey; Therefore,

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this Act, the name of Lucinda Mauch is hereby altered and changed to that of Lucinda Yancey, and that she, the said Lucinda Yancey, shall in all respects, both in law and equity, be a lawful heir of the aforesaid John Yancey, and shall be entitled to all the advantages that the said Lucinda Yancey possibly could be entitled to provided she 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.*

August 3d, 1804.

### CHAP. XXIX.

*An ACT to emancipate and set free a negro woman, named Nancy.*

WHEREAS Joseph Greer Esquire, of Knoxville, and Philip Thomas a free man of colour, of Nashville, have petitioned this General Assembly to emancipate and set free a certain negro woman, by the name of Nancy, formerly the property of said Joseph Greer and now the wife of said Philip Thomas; therefore

Be it enacted, by the General Assembly of the State of Tennessee, that the said negro woman Nancy shall be, and she is hereby emancipated and forever set free, to all intents and purposes whatever, and shall in future be known by the name of Nancy Thomas.

JAMES STUART,  
*Speaker of the house of Representatives.*  
JAMES WHITE,  
*Speaker of the Senate.*

July 31. 1804.

### CHAP. XXX.

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

WHEREAS Robert Miller hath desired this General Assembly to alter the name of his illegitimate child Nancy Warlike, to that of Nancy Miller; therefore,

BE it enacted by the General Assembly of the State of Tennessee That from and after the passing of this Act, the name of Nancy Warlike, is hereby altered and changed to that of Nancy Miller, who shall in all respects, both in law and equity, be precisely in the same situation, as if she had been born in Wedlock, and had been the legitimate



child of said Robert Miller; and shall have all the advantages of inheritance, that the said Robert Miller's legitimate children could, or might have.

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

July 21, 1804.

### CHAP. XXXI.

*An ACT to release John Harrison from a forfeited recognizance.*

WHEREAS John Harrison entered into recognizance for the appearance of Jacob Graft, at a court of Pleas and Quarter Sessions for the county of Hawkins, on a Bill of Indictment, the State against said Jacob Graft, and previous to the trial thereof, he the said Jacob was committed to the prison of the county aforesaid, for debt, where he obtained the bounds of said prison, from whence he made his escape into the State of Kentucky—whereby the said John Harrison is 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 John Harrison is hereby released forever from the penalties of such forfeited recognizance—PROVIDED nevertheless that nothing herein contained shall be so construed as to exonerate the said John Harrison from the payment of all cost and charges, which have heretofore accrued in the before recited case: any law, usage or custom to the contrary notwithstanding.

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

August 4th. 1804.

### CHAP. XXXII.

*An ACT to compensate John Brown, Jailor of the District of Washington, for the keeping Samuel Dolton, confined therein, charged with horse stealing previous to his breaking the said Jail, and for other expenditures made by said Jailor for hue and crying him, and Smith work done.*

SEC. 1. BE it enacted by the General Assembly of the State of Tennessee, That the sum of twenty six dollars and fifty cents, be, & the same is hereby appropriated and directed to be paid to the said John Brown, out of any fines and forfeitures, which may, or shall hereafter come into the hands of the Clerk of the superior court for the said District of Washington; and the receipt of the said John Brown shall be good and sufficient in the settlement of the said Clerk's Accounts.

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

August 4th 1804.

### CHAP. XXXIII.

*An ACT appointing additional commissioners for the town of Blountville, in the county of Sullivan, for the regulation thereof.*

SEC. 1. BE it enacted by the General Assembly of the State of Tennessee, That Jacob Storm, Ekanah Roberts Delancey and William Decry, are appointed Commissioners to act in conjunction with those already appointed for the town of Blountville; and they shall be invested with all power, and authority, whatever, that any of the original Commissioners were invested with.

SEC. 2. BE it enacted, that all the acting commissioners, or a majority of them, shall take upon themselves the



regulation and management of said town; having due regard to the manner and form the said town hath heretofore been laid on by the Commissioners, formerly appointed by law, for that purpose.

**Sec. 3.** *BE it enacted.* That from and after the passing of this act, the Commissioners aforesaid, shall be, and they and every one of them, are hereby constituted Directors & Trustees, for designing building and improving the town aforesaid; and they or a majority of them shall have power to meet as often as they may think necessary, for all the purposes contemplated by this act.

**Sec. 4.** *BE it enacted.* That the said Commissioners, or a majority of them, shall cause the Streets of the said town, to be kept open and in good repair; and the said Commissioners shall appoint one or more of their own body, to see the same carried into effect; and he or they shall have power, at any time when found necessary, to call on all the citizens who are inhabitants of said town, and all those interested in any of the lots of said town, to carry the same into effect: *Provided* they get one days previous notice of the same; and any person so notified and refusing to comply, shall be liable to the same penalties that are in such cases provided for by law.

**Sec. 5.** *BE it enacted.* That said commissioners, or a majority of them, shall have power to exercise their authority as regulators of said town, in all respects whatever; and it shall be the duty of said Commissioners to lodge a plan of said town in the Clerk's Office of Sullivan county; whose duty it shall be carefully to preserve the same for the inspection and benefit of the owners of lots in said town.

**Sec. 6.** *BE it enacted.* That in case of death, removal or refusal to act, any of the aforesaid Commissioners, the survivors, or a majority of them shall assemble, and are hereby authorized to nominate by instrument in writing under their hands, some other person, being of Lawful

age, an owner of Lot or Lots in said town, or an inhabitant of Sullivan County, in the room and place of him, so dead, removing or refusing to act; which said Commissioner or Commissioners, so appointed, shall have and exercise the same power and authority, in all matters herein contained, as the person or persons in whose room or stead he or they was so appointed, or had exercised.

**Section 7.** *BE it enacted.* That this Act shall be in force, and use from and the passing thereof: any law, usage or custom, to the contrary notwithstanding.

JAMES STUART,  
*Speaker of the house of Representatives.*  
JAMES WHITE,  
*Speaker of the Senate.*

August 4th. 1804.

## CHAP. XXXIV.

*An ACT to authorize the sinking of a well on the public square in the town of Nashville.*

**Sec. 1.** *BE IT ENACTED* by the General Assembly of the State of Tennessee, That the Commissioners of the town of Nashville, be empowered to lay, and cause to be collected a Tax off the inhabitants of the town, for the purpose of opening a well on the public square in said town, not exceeding twelve and one half cents on each hundred dollars worth of town property; the value of which shall be ascertained by the Commissioners of said town; twelve and one half cents on each white poll; twenty five on each black poll; one dollar on each stud horse kept for mares, and three Dollars on each whole sale and retail store; and that it be the duty of said Commissioners to superintend the same.

**Sec. 2.** *BE it enacted,* that if the Tax laid as aforesaid for one year or not sufficient to complete the digging of



said well; then the Commissioners shall have power to continue the same from year to year, until a sufficient sum be raised to complete the same.

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.

August 3, 1804.

### CHAP. XXXV.

#### AN ACT to provide for taking the next enumeration of free Taxable Inhabitants.

SECTION. 1. *BE it enacted by the General Assembly of Tennessee*, That the different Sheriffs in this State, shall, and it is hereby made their duty, to proceed in the year eighteen hundred and five, to take a correct list of all Free Taxable Inhabitants in each county; and, shall make a return thereof on or before the first day of September, eighteen hundred and five, to the Clerks of the different Courts of Pleas and Quarter Sessions; and it shall be the duty of such Clerk to transmit a true list of such return, to the office of the Secretary of this State, on or before the third Monday of September, eighteen hundred and five; whose duty it shall be to make return thereof to the next Stated Session, of the General Assembly of this State.

Sec. 2. *Be it enacted*. That the Sheriffs aforesaid, shall (as a full compensation for such services,) receive the sum of one dollar and fifty cents, for every hundred free Taxable Inhabitants, by them returned; out of any monies in either of the public treasuries, not otherwise appropriated; and it shall be the duty of the different Sheriffs, in this State, when taking the enumeration of every person, to in-

terrogate him, her or them, whether he, she or they have been before enumerated, under the authority of this act; and if it appears to the said Sheriffs, that any person has been before enumerated, said Sheriffs shall not a second time take their enumeration, under the penalty of fifty dollars; to be recovered by action of debt, before any jurisdiction having cognizance thereof, one half to him or them that will sue for the same, the other half to the use of the county.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

August 4, 1804.

### CHAP. XXXVI.

#### AN ACT to authorize the county court of Smith, to make certain appropriations therein mentioned.

*BE it enacted by the General Assembly of the State of Tennessee*, That the county court of Smith, be authorized and empowered to allow Willis Jones a compensation for public services by him performed, in laying out and running the boundary lines of said county, and other necessary expenses incurred by him in running said line, to be paid out of any of the county monies, not otherwise appropriated: *Provided*, that in making said allowance, a majority of the justices of said county be present.

JAMES STUART,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

July 31st. 1804.



( 50 )

## CHAP. XXXVII.

*An ACT to authorize the county court of Grainger, to make a certain appropriation therein mentioned.*

**SECTION. 1.** *BE it enacted by the General Assembly of the State of Tennessee, That the court of pleas and quarter sessions for the county of Grainger, shall have full power and authority to make an allowance to Abraham Elliott, coroner of said county, for ex officio services rendered in the vacation between February term, in the year one thousand eight hundred and four, and May term following, provided two thirds of the acting justices of said county are present when such appropriation shall be made; and the money so appropriated, shall be drawn out of any county money not otherwise appropriated.*

**SEC. 2.** *BE it enacted, This act shall be in force and use from and after the passage thereof.*

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

August 2. 1804.

## CHAP. XXXVIII.

*An ACT to amend an Act, entitled "An ACT authorizing a lottery in the town of Nashville, passed November the third 1803, and for extending the North Eastern boundary of the lots on Water Street, to Cumberland River.*

**SEC. 1.** *BE IT ENACTED by the General Assembly of the State of Tennessee, That the further time of twelve months be allowed for drawing said lottery.*

**SEC. 2.** *BE it enacted, That Thomas A. Claiborn, John Boyd, junior, and Willie Barrow, esquire, be and they are hereby appointed additional managers for conducting said lottery.*

**SEC. 3.** *BE it enacted, That the owners of lots on water street be authorized and empowered to extend the north eastern boundary of said lots to Cumberland river, so as not to enclose alleys, streets and springs.*

**SEC. 4.** *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.*

August 4. 1804.

## CHAP. XXXIX.

*An ACT to appoint Commissioners to fix on a place the most suitable in the County of Dickson, for the court-house in said county.*

**SEC. 1.** *BE it enacted by the General Assembly of the State of Tennessee, That Robert Dunning, Sterling Brewer, John Davidson, Montgomery Bell, and George Clark, be, and they are hereby appointed commissioners to fix on the most central and suitable situation, having due regard to good water, for the erecting a court house, prison and stocks in said county of Dickson, whose duty it shall be to purchase forty acres of land on the most reasonable terms, having regard to situation and water, on some part of which shall be erected the court house, prison and stocks for said county; and the said commissioners or a majority of them, shall take*



a deed in fee simple, in trust for the county, to themselves and their successors in office, for the use and benefit aforesaid; and shall, as soon as may be, after purchasing and obtaining a title thereto, proceed to lay off a town, to be called and known by the name of Charlotte, reserving two acres for public uses, in or near the centre thereof; which two acres shall be the public square.

**Sec. 2.** *BE it enacted,* That the said commissioners, or a majority of them, are required to advertise and sell the lots in said town, to the highest bidder, on a credit of four and nine months, taking bond and sufficient security for the purchase money, payable to themselves and their successors in office, to and for the use of said county, which shall be good and valid in law, to all intents and purposes whatever; and the money arising from the sale of said lots, shall be applied to the payment of the land by them purchased as aforesaid, and the residue thereof, to the building the said court house, prison and stocks; and they are hereby authorized and required to contract for the building said court house, prison and stocks, first advertising the same in the Tennessee Gazette, published at Nashville, at least two months; and at the most public places in the said county of Dickson.

**Sec. 3.** *BE it enacted,* That in case there shall not be money sufficient arising from the sale of the lots, after paying for the land so purchased, the said county court of Dickson shall, and they are hereby declared to have power to lay and collect a tax, not exceeding twelve and one half cents on each hundred acres of land, six and one fourth cents on each white poll, twelve and one half cents on each black poll, one dollar on each stud horse kept for mares, five dollars on each retail store, five dollars on each pedlar and hawker, and twenty five cents on each town lot.

**Sec. 4.** *BE it enacted,* That the said commissioners or a majority of them shall, before they enter on the duties assigned them by this act, enter into bond with approved security, in the sum of five thousand dollars, payable to the chairman of the court of said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

**Sec. 5.** *BE it enacted,* That the said Commissioners, shall keep a fair statement of all the money they received and expended; which statement, when required, shall be laid before the court of said county.

**Sec. 6.** *BE it enacted* That it shall be the duty of the sheriff of said county of Dickson, as soon as he shall be furnished with a copy of this act, to notify the said commissioners of their appointments, requiring them to attend the county court, next following such notification, for the purpose of entering on the duties of their appointment; and in case any of them shall fail to attend agreeable to such notification, they shall, as soon as may be thereafter, assemble themselves at the then place of holding court, and proceed to the duties herein required, which duties shall be entered on in the presence of three justices of said county.

**Sec. 7.** *BE it enacted,* that in case of death, or refusal to act, of a sufficient number of the commissioners herein appointed to do business, it shall be the duty of the court to fill such vacancies on the second day of the court next succeeding the time such vacancies shall happen.

**Sec. 8.** *BE it enacted,* when the buildings aforesaid are completed, the said commissioners shall lay a fair statement of the money by them received and expended for the purposes aforesaid, before the court of said county; who shall allow the said commissioners a reasonable compensation for their services, provided two thirds of the justices of said county be present; and if there be any surplus money in the hands of the commissioners, it shall be paid to the county trustee, for the use of the county.

JAMES STUART,

*Speaker of the house of Representatives.*

JAMES WHITE,

*Speaker of the Senate.*

August 30, 1804



## CHAP. XL.

**AN ACT** to repeal an act entitled, *An act appointing commissioners to fix on a place to erect the court house, prison and stocks in Smith county*, passed October the 25th, 1803; and for pointing out a more legible mode for fixing said buildings.

WHEREAS it appears to the satisfaction of this legislature, that the commissioners appointed by the above recited act, have, in many instances, flagrantly violated the trust reposed in them, by disregarding the injunctions of said act, to the great and manifest injury of the good people of said county, Therefore

SEC. 1. BE it enacted by the General Assembly of the State of Tennessee, That the above recited act is hereby repealed and made void, any law to the contrary notwithstanding.

SECTION 2. BE it enacted, That an election shall be held at the house of William Walton in the said county of Smith, for the purpose of determining by a general vote of the freemen of said county, on a suitable place for the purpose of erecting a court house prison and stocks; which place shall be either on the tract of land on which col. William Saunders lived, immediately previous to his death or on the tract of land on which col. William Walton now lives.

SEC. 3. BE it enacted, That Grant, Allen, Benjamin, John and Wilson Cage, be, and they are hereby appointed commissioners; whose duty it shall be, immediately on the receipt of a copy of this act, to notify the said William Walton, and the executors of the last will and testament of the said col. William Saunders, deceased; stating to them that an act of the general assembly has passed, appointing them, the said Grant, Allen, Benjamin, John and Wilson

Cage, commissioners, with authority to apply to, and receive proposals from the said William Walton and the executors of William Saunders, deceased separately in writing stating the terms on which they will dispose of not more than fifty nor less than forty acres of land, of the aforesaid tracts, to be laid off in some part of the beforementioned tracts, at the option of said commissioners, who in making such choice, shall be confined to the bank of Cumberland river, having due regard to situation and water.

SEC. 4. BE it enacted, That it shall be the duty of the said commissioners on the receipt of the said proposals, to advertise the same at at least six of the most public places in the said county, with the intent that the people may know the terms on which the said sites may be had.

SEC. 6. BE it enacted That it shall be the duty of the sheriff of said county, immediately on the receipt of a copy of the said proposals, certified by the commissioners aforesaid, to advertise at some public place in each captain's company in said county, giving at least forty days notice, that an election will be held at the house of the said William Walton, in the county aforesaid, for the purpose of voting for a seat for the public buildings of said county; and shall state in said advertisements the before mentioned sites, as places to be voted for, for the purpose aforesaid.

SEC. 6. BE it enacted, That it shall be the duty of the said sheriff to open and hold the said election at the place aforesaid, under the same rules, regulations and restrictions are by law provided for holding elections for members to the general assembly of this state, and that all persons entitled to vote for members to the state legislature shall be entitled to vote at said election.

SEC. 7. BE it enacted, That when the votes shall be counted out under the inspection of the managers of said election, the sheriff and managers aforesaid, shall certify under hand and seal to the commissioners aforesaid, which of the two sites aforesaid, has the greatest



number of votes; which site so having the greatest number of votes, shall be the permanent seat for the public buildings of the said county.

Sec 8. *Be it enacted*, That the said Grant, Allen, Benjamin, John and Wilson Cage, commissioners, shall, immediately on the receipt of the certificate aforesaid, in the presence of three justices of the peace for said county, take an oath, well and truly to execute the duties enjoined on them by this act; and also enter into a bond of four thousand dollars with sufficient security, to the chairman of the court of said county, or his successor or successors in office, conditioned for the due performance of said duties; which bond shall be deposited in the clerk's office and recorded.

Sec 9. *Be it enacted*, That the said commissioners shall immediately thereafter proceed to lay off, not more than fifty nor less than for forty acres of land, adjoining the river on the most eligible spot in the tract of land so elected, for the place for erecting the public buildings of said county, having due regard to the conveniencies necessary for such purpose.

Sec. 10. *BE it enacted*, That the said commissioners, shall apply for, and receive a deed or conveyance in fee simple, with a general warranty to themselves and successors in office, in trust for the county of the said William Walton, or of the executors of the said William Saunders, deceased, on whichever of the respective tracts of land, it may appear by a majority of votes taken as aforesaid the public buildings of said county are to be erected.

Sec. 11. *Be it enacted*, That the said commissioners, as soon as may be, after obtaining a title to the land aforesaid, shall proceed to lay off a town thereon, to be called and known by the name of Carthage; reserving two acres for public use, on the most eligible part thereof, on which shall be erected the court house, prison and stocks of said

county; which two acres shall be denominated "The public square."

Sec. 12. *Be it enacted*, That the said commissioners or a majority of them, are hereby authorized and required to advertise at the court house or places of holding courts for Sumner, Wilson, Smith and Jackson counties, giving sixty days notice, and sell the lots in said town to the highest bidder, on a credit of nine months, taking bond with sufficient security, to themselves and their successors in office, in trust for the county; and they are hereby authorized and required to execute deeds to the purchasers, which shall be good and valid in law and equity; and the money arising from the sale of said lots shall be applied, first to the payment of the land purchased as aforesaid, and the residue thereof to the building of the court house prison and stocks.

Sec. 13. *Be it enacted*, That the said commissioners or a majority of them, shall advertise and exhibit a plan of the said court house, prison and stocks, and also the materials of which they are to be built, at the court houses or places of holding courts of Sumner, Wilson, Smith and Jackson counties, that the said public buildings, at a time and place therein mentioned, will be let to the lowest bidder, giving forty days previous notice.

Sec. 14. *Be it enacted* That if there should not be money sufficient arising from the sale of said lots, after paying for the land purchased as aforesaid, to finish the said public buildings, the court of said county shall have power to lay a tax, not exceeding twelve and one half cents on each hundred acres of land, twelve and one half cents on each black poll, six & one fourth cent on each white poll, one dollar on each stud horse kept for mares, five dollars on each retail store, five dollars on each hawk or pedler, who may offer to vend or sell any of his goods in said county, and twenty five cents on each town lot, provided a majority of the justices of the county be present when such taxes



are laid; & if the tax so laid for one year should not be sufficient to complete said buildings, it shall and may be lawful to continue the same from year to year until they are fully completed; which tax shall be collected by the sheriff of said county, under the same regulations and restrictions as other taxes are, and shall be paid over to the commissioners aforesaid, to be applied to the before mentioned purpose.

Sec. 15. *Be it enacted*, That it shall and may be lawful for the court aforesaid, (provided a majority of the sitting justices of the county be present) to make such allowance to persons who have been employed to erect the public buildings in the town of Livingston, as they may deem reasonable, to be paid out of any county monies not otherwise appropriated; and the said court is hereby authorized, if they think proper, to make a reasonable allowance to the commissioners appointed under the above recited act (which is by this act revealed) for services which they may have performed pursuant to said act; and that the said Grant, Allen, Benjamin, John and Wilson Cagle are hereby authorized and required to dispose of the materials which may have been procured for the public buildings of said county, in such manner as to them may seem proper for the interest of said county; & the money arising therefrom shall be applied to the use of the public buildings as contemplated by this act.

Sec. 16. *Be it enacted*, That as soon as the said court shall be notified by the commissioners appointed by this act, that the court house is in order to receive the said court, all papers, matters and things belonging to said court, shall be removed to said court house; which place thereafter, shall be the permanent seat of justice in said county.

Sec. 17. *Be it enacted*, That the said commissioners shall keep a fair and regular statement of all money by them received and expended, for the purpose aforesaid; which statement when required shall be laid before the said county court.

Sec. 18. *Be it enacted*, That in case of refusal to act, death, or any other occurrence, which may prevent a part or the whole of the said commissioners from attending to the duties by this act required, such vacancy or vacancies shall be filled by the court at the term next thereafter, which appointments shall be made the second day of the term.

Sec. 19. *Be it enacted*, That when the buildings aforesaid are completed, the said commissioners shall lay a fair statement of all money by them received and expended on account of said buildings, before the said court, who shall make them a reasonable compensation for their services, provided a majority of the justices of said county be present; and if after the completion of the said buildings, there be a surplus of money in the hands of said commissioners, it shall be paid over to the county trustee for county purposes.

Sec. 20. *Be it enacted*, That Andrew Greer, John Gordon and James Bollow, be, and they are hereby appointed managers to superintend the election provided for by this act; who shall be governed by the same rules, regulations & restrictions as is by law provided, for holding elections for members of the general assembly of this state; & should any or the whole of said managers fail to attend at the time & place provided for holding the election aforesaid, in due time, or refuse to act, in that case, the vacancy or vacancies shall be filled by appointments made by three justices of the peace.

Sec. 21. *Be it enacted*, That if any person or persons have paid to the said commissioners any money, or have given their obligations for the payment of any, for loan or property in the said town of Livingston it shall be the duty of the said commissioners, on the first application of any person or persons to refund the same; and if they or either of them shall fail, refuse or neglect to repay the money by them or either of them received, or shall not on demand, return the obligations to those to whom they belong, shall be liable to be sued for said money and obligations and



recoveries had for the same, before any tribunal having cognizance thereof.

JAMES STUART,  
*Speaker of the house of Representatives.*  
JAMES WHITE,  
*Speaker of the Senate.*

August 3, 1804.

### CHAP. XLI.

**AN ACT** to amend an act entitled "*An act for the regulation of the town of Nashville,*" passed November the 10th, 1801.

**SECTION 1.** *BE it enacted by the General Assembly of the State of Tennessee,* That when any taxes are or may become due on any lot or lots in the town of Nashville, which tax has or may be levied by the commissioners of said town, agreeable to the above recited act, and that there is no personal property from which the tax can be made, then and in that case, the collector for said town shall make report of the same to the court of Davidson county, who shall proceed to enter up judgment and direct an order of sale, in the same manner as is prescribed by law for the collection of state and county taxes.

**Sec. 2.** *Be it enacted,* That the board of commissioners for the town of Nashville shall take lists of the taxable property of said town, at such time and place as they may think best, by giving notice to persons subject to taxes.

**Sec. 3.** *Be it enacted,* That when any nuisance may be in said town, that on the notification of either of the said commissioners, to the person or persons who may have caused the same, to have the same removed within twenty four hours; and in case they shall fail or refuse so to do, they shall be fined in a sum not exceeding five nor less than one dollar; which fine may be recovered by a warrant before

any justice of the peace in said county, in the name of the commissioners for the town; and the money so arising shall be applied to the use and benefit of the town; which judgment may be recovered on the oath or affirmation of such commissioner or commissioners.

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

August 4th 1804.

### CHAP. XLII.

**AN ACT** to authorize the present commissioners or trustees of the town of Nashville to make certain deeds therein mentioned, and for other purposes.

**WHEREAS** it has been represented to this general assembly, that a number of the original proprietors and others, (owners) of lots in the aforesaid town, are not able to obtain deeds for the same, owing to the death, resignation and removal of most of the old commissioners or trustees, for remedy whereof,

**SECTION 1.** *BE it enacted by the General Assembly of the State of Tennessee,* That Benjamin J. Bradford, William Lindsey, Charles S. Carson, Joseph McKain, Roger B. Sappinton and William P. Anderson are appointed commissioners or trustees, in addition to those heretofore appointed, which commissioners or a majority of them be and they are hereby authorized and required on application to execute deeds of conveyance for any of the lots of said town, sold by any former commissioners or trustees, to which titles have not been made; which deeds shall be as good and valid in law as if they had been made by the original commissioners or trustees any law or equity to the contrary notwithstanding. And whereas application has been made to this general assembly, that a law be passed authorizing John Harman to build a ware house, on John



M'Nairy's land, near the mouth of the French Lick branch, therefore,

Sec. 2. *Be it enacted*, That whenever said John Harman shall build or cause to be built a ware house on the land of John M'Nairy, esquire, in Davidson county, near the mouth of the French Lick branch, the said house shall be considered as a public ware house; and the said Harman is hereby fully authorized to receive all kinds of produce into said house, and be entitled to receive pay from each individual depositing produce in the same; and the court of Davidson county is hereby authorized and required to fix the rates or toll which said Harman shall ask, demand and receive on the different kinds of produce deposited in said ware house; and the said Harman shall, as soon as the said rates or toll are apportioned, enter into bond with two sufficient securities in the sum of one thousand dollars to the chairman of said court, for his faithful performances in safely keeping and delivering all produce that may be deposited with him in said warehouse, which bond may be assigned over by the chairman to any person injured, on which they may sue and recover as in other cases and said bond shall not become void on the first recovery but shall remain to be assigned over as often as circumstances may require.

**JAMES STUART,**

*Speaker of the House of Representatives,*

**JAMES WHITE,**

*Speaker of the Senate,*

August 4, 1804.

### CHAP. XLIII.

*An ACT making compensation to the members, clerk and door-keepers of the general assembly and for defraying the contingent expenses attending the same, and other purposes.*

Section 1. *BE it enacted*, by the General Assembly of the State of Tennessee, That each member shall receive

the sum of one dollar and seventy five cents for each day he shall have attended the general assembly, and the like sum for every twenty five miles travelling to and from the same.

Sec. 2. *Be it enacted*, That each principal and assistant clerk shall receive the sum of four dollars for each day he shall have attended the general assembly.

Sec. 3. *Be it enacted* That each door-keeper shall receive the sum of two dollars for each day he shall have attended on the general assembly.

Sec. 4. *Be it enacted* That William Maclin be allowed the sum of eighty dollars and thirty one cents, it being the sum by him paid for passage on public packets, letters, &c. to and from the governor and the office of the secretary of state.

Sec. 5. *Be it enacted* That John Overton be allowed the sum of two hundred and forty eight dollars eighty four cents, it being the balance and full compensation allowed him for his services as agent to North Carolina, and other claims for stationary, &c.

Sec. 6. *Be it enacted*, That Samuel Love be allowed the sum of 91 dollars in addition to the sum three hundred and nine dollars which he has received, for services rendered to John Overton, agent to North Carolina, as full compensation for his services.

Sec. 7. *Be it enacted*, That Edward Scott be allowed fifteen dollars thirty seven and one half cents for stationary.

Sec. 8. *Be it enacted*, That James Trimble be allowed the sum of fifteen dollars for stationary by him furnished the general assembly.

Sec. 9. *Be it enacted*, That the person who may be appointed by the executive of this state to go to North Carolina for the papers transferred by our Agent be allowed the sum of three dollars and fifty cents for each day he may be necessarily engaged in going to and from the said state of North Carolina, to be drawn out of either of the public treasuries by warrant from the governor.

Sec. 10. *Be it enacted*, That the sum of three hundred



dollars be allowed to the secretary of North Carolina agreeable to the assent of John Overton, esquire, agent on behalf of this state.

Sec. 11. *Be it enacted*, That the treasurer of Mero district is hereby authorized and directed to pay unto Robert King one hundred dollars on a warrant signed by the governor, it being part of the money due him for marking and laying out the road from Hamilton district to Mero district.

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

August 4th 1804

A Copy.

Teste,

WILLIAM MACLIN, *Secretary*.

## RESOLUTIONS.

**R**ESOLVED by the Senate and House of Representatives of the General Assembly of the State of Tennessee. That the senators of this state, in the Congress of the United States, be directed, and the representatives requested, to use their best exertions to procure by law, the assent of congress to an act of North Carolina, entitled "An act to authorize the state of Tennessee, to perfect titles to lands reserved to this state by the cession act;" and an act of Tennessee, entitled "An act, ratifying and confirming an act of the general assembly of the state of North Carolina, entitled 'An act to authorize the state of Tennessee, to perfect titles to lands reserved to this state by the cession act.'" And should it so happen, (which is earnestly deprecated) that congress shall think proper to refuse or withhold their assent, the said senators and representatives shall, jointly, without delay, transmit information thereof to the governor of North Carolina, and express the desire of this state, that he will lay the same before his legislature, with a copy of this resolution, in order that such steps may be taken to promote the wishes, interest and happiness of both states, as North Carolina, may think proper to adopt.

And in case the assent of congress shall be given to said several acts of North Carolina and Tennessee, the said senators and representatives shall, in like manner transmit information thereof to the executive of North Carolina, so that in either event, there may be an opportunity, if practicable, to lay the same before their legislature at the next session, which will commence on the third Monday in November, and probably end about the twentieth of December next.

And, that a copy of this resolution be transmitted to each of the aforesaid senators and representatives.

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

August 4, 1804.



**R**ESOLVED by the Senate and House of Representatives of the General Assembly of the State of Tennessee, That his excellency, the governor of this state, be, and is hereby required to employ, on reasonable terms, some fit and responsible person, to bring from the secretary's office of North Carolina, in a careful manner, all the books and papers contemplated by an act of the legislature of said state, entitled "An act to authorize the state of Tennessee, to perfect titles to lands reserved to this state by the cession act," so soon as the assent of congress shall be given to said act, or the legislature of North Carolina may think proper to order the said books and papers to be delivered over to the state of Tennessee, or to its agent, and the said papers, when procured, shall be deposited in the secretary's office.

JAMES STUART,

*Speaker of the House of Representatives.*

JAMES WHITE,

*Speaker of the Senate.*

August 4, 1804.

**R**ESOLVED, That the executive of this state be requested to make known to the executive of the state of North Carolina, that a law passed at Raleigh on the twenty first day of November, eighteen hundred and three, entitled "An act to authorize the state of Tennessee to perfect titles to lands reserved to that state by the cession act," has been ratified and confirmed by the legislature of this state.

JAMES STUART,

*Speaker of the House of Representatives.*

JAMES WHITE

*Speaker of the Senate.*

Attest

EDWARD SCOTT, Clk. H. R.

JAMES TRIMBLE, Clk. of the Senate,

August 4, 1804.

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