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# Creation of the County

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Table of Contents

<b>Creation of the County .....</b>	<b>3</b>
<b>Acts of 1817 Chapter 38 .....</b>	<b>3</b>

# Creation of the County

## Acts of 1817 Chapter 38

**SEC. 1.** That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of Morgan, in honor, and to perpetuate the memory of the late Major General Daniel Morgan, to wit: Beginning on the top of Walden's Ridge, on the line of Roane and Anderson counties, thence south westwardly with the extreme top of said Ridge, within ten poles of the main Cumberland Turnpike Road, thence a parallel line with said Road, leaving the same ten poles to the south, to where Robert Johnston now lives, on the great Cumberland road, thence a direct course to the ford of the clear fork on Cumberland river, where Pile's Turnpike road crosses the same, thence due North to the Kentucky line, thence East with said line to the corner of Campbell county, thence with said line to the corner of Anderson and Campbell counties, near the head of Smoky creek, leaving all the waters of Smoky creek in Anderson county, and all the waters of Brimstone in Morgan county, thence to the beginning, so as to leave all the waters of new river in Anderson county, and all the waters of Emery in Morgan county.

**SEC. 2.** That Daniel S. Saunders, John Triplet, William Davidson, sen. Lewis Rector and Elijah Rice, are hereby appointed commissioners, who, or a majority of them, shall as soon as may be, fix on a place, the most convenient, for a court house, prison and stocks, for the use of the said county of Morgan, and after agreeing on the place, they shall proceed to purchase any quantity of land, not exceeding forty acres, for which they shall cause a deed or deeds to be made to themselves or their successors in office, on which they shall cause a town to be laid off, with necessary streets and alley's, reserving two acres, as near the centre as may be, on which the court house, prison and stocks shall be erected; which town shall be known by the name of MONTGOMERY, in honor of Major Lemuel P. Montgomery.

**SEC. 3.** That when the town shall be thus off, the aforesaid commissioners are further required to advertise the sale, to the highest bidder, at a credit of twelve months, the lots of said town, giving thirty days previous notice, and shall take bond with sufficient security to themselves or successors in office, and shall make titles to the purchasers.

**SEC. 4.** That it shall be further duty of the aforesaid commissioners, to contract with suitable workmen to build a court house, prison and stocks, and the money arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for the said court house, prison and stocks.

**SEC. 5.** That should the money arising from the sale of said lots prove insufficient to pay for such public buildings, then, and in that case, a majority of the acting justices in the said county of Morgan, shall in term time, have power, and are hereby authorized, to lay an additional county tax; not exceeding twelve and a half cents on each hundred acres of land liable to taxation, twelve and an half cents on each white poll, twenty-five cents on each black poll, fifty cents on each stud horse kept for covering mares, and twenty-five cents on each town lot; the said tax to be laid from year to year, until a sufficient sum shall be collected, by the collector of the public taxes, the same per cent as other county taxes, and shall pay the same to the aforesaid commissioners, and be by them applied to the payment of said public buildings, whose receipts shall be allowed in the settlement of his accounts.

**SEC. 6.** That before the said commissioners enter on the duties of their appointment, they shall enter into bond, with sufficient security, payable to the Governor for the time being, in the sum of Twenty Thousand Dollars, for the faithful discharge of their duty as herein expressed, which bond shall be lodged in the office of the clerk of the said county of Morgan.

**SEC. 7.** That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the county court of Morgan county, a just and fair statement of all the monies by them received, as well as those expended with sufficient vouchers for the same, by virtue of their appointment, and the court shall make a reasonable allowance for their services, provided there shall be a majority of the justices of said county present when such allowance is made.

**SEC. 8.** That for the due administration of justice, that the court of pleas and quarter sessions shall be held in and for the county of Morgan, on the second Monday's of February, May, August, and November, and the justices of said county shall hold the first court at the house known by the name of the Indian Tavern, on the second Monday of February next, and all subsequent county courts for said county, on the days above mentioned for holding courts therein at the same place, until a court house be built in and for said county, and then all causes, matters, and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county, shall be held by commission to said justices, in the same manner and under the same rules and restrictions, and shall have, and exercise the same powers and jurisdiction, as are or shall be prescribed

by, and for the courts of the several counties in this state.

**SEC. 9.** That there shall be held in and for the county of Morgan, such a number of circuit courts, as are or may be prescribed for other counties in this state, which courts shall be held at the places where the court of pleas and quarter sessions are held, on the first Monday of April and November, and the first circuit court for said county, shall be held on the first Monday of April next, and all subsequent circuit courts for said county on the days above mentioned for holding the said courts therein.

**SEC. 10.** That nothing herein contained shall be so construed as to prevent the collector of public taxes for Roane and Anderson counties, from collecting the tax that may be due for the year 1817, or that may become due before the said county of Morgan shall be organized.

**SEC. 11.** That William Hogshead is hereby appointed a commissioner on the part of Anderson county, and Joseph M'Pherson a commissioner on the part of Roane county, and William Wall a commissioner on the part Morgan county, to run the line contemplated in the first section of this act, who are hereby authorized to employ a suitable surveyor, and a sufficient number of chain carriers, to run out and mark the lines aforesaid.

**SEC. 12.** That the commissioner on the part of Roane county, shall be allowed for his services the sum of two dollars per day, to be paid by the treasurer, of Roane county, out of any monies in his hands not otherwise appropriated, whose receipt shall be good in the settlement of his accounts, and that the commissioner on the part of Morgan county, shall be allowed the like sum per day, to be paid by the treasurer of Morgan county, out of the county monies whose receipt shall be good in the settlement of his accounts, and that the commissioner on the part of Morgan county, shall be allowed the like sum per day to be paid by the treasurer of Morgan county, out of the county monies whose receipt shall be good in the settlement of his accounts.

**SEC. 13.** That the surveyor and chain carriers, hereby authorised to be employed, shall be paid for their services by the treasurer of the county of Morgan, on a warrant from the commissioners aforesaid, out of the county monies, which shall be a good voucher in the settlement of his accounts.

**SEC. 14.** That the election for governor, elector to elect a president and vice president, member to congress, and members to the state legislature, shall be held at the place of holding court in said county, on the days pointed out by law for other similar elections, and a return thereof, shall be made by the sheriff of said county, to the sheriff of Roane, on the next succeeding day of the said election, at the court house in Kingston, who shall compare the same with the Roane county election, and the said county of Morgan is hereby declared to compose a part of the third congressional district, a part of the senatorial district of which it heretofore belonged, and to be attached and united with the county of Roane, in sending a representative to the state legislature, and the said county of Morgan shall be attached to, and compose a part of the second judicial circuit, and Bledsoe county shall be attached to, and compose a part of the third judicial circuit.

**SEC. 15.** That the sheriff of the county of Morgan, is hereby authorised and directed, on the first Thursday and Friday in March next, to open and hold an election at the house, known by the name of the Indian Tavern, in said county, for the purpose of electing Field officers in said county, the militia whereof, shall constitute the 58th. regiment of the militia of this state, which regiment shall be attached to, and compose a part of the seventh Brigade and which election shall be held and conducted under the same rules regulations and restrictions, as other similar elections are in this state.

**SEC. 16.** That there shall be laid off in said county of Morgan, eight militia companies, the citizens of which, who are liable to do militia duty, are hereby authorised, on the first Saturday after the said companies shall be laid off and designated, to open and hold an election, at such house in the bounds of each company, as shall be designated, to elect their company officers, under the same rules, regulations, and restrictions, as other similar elections are held in this state, which houses for holding said elections and the different companies, shall be pointed out and organized by the commanding officer of the regiment.

**SEC. 17.** That Abraham M'Clellan, esq. and Solomon Geran, esqr. or either of them, are hereby authorised, and required to attend at the first court to be held for the county of Morgan, for the purpose of qualifying the members of said court.

**SEC. 18.** That this act shall take effect, and be in force from and after the first day of January next. October 15, 1817.

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