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# Acts of 1871 Chapter 96

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Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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## Acts of 1871 Chapter 96

**SECTION 1.** That a new county be and the same is hereby established, out of fractions of the territory of Lincoln, Franklin, Coffee and Bedford counties, to be known as Moore county.

**SECTION 2.** That the said county of Moore shall be bounded as follows: Beginning at a point near James W. Holman's, on the Lynchburg and Fayetteville turnpike road, in the county of Lincoln, running in a southeast direction to the mouth of Tucker's Creek, on Elk river, thence up Elk river to the line of Widow Gregory's lands, in Franklin county; thence with the line of said lands so as to leave out of said new county the farms of Mrs. Gregory and Mrs. Cole, to Elk river; thence east to a point near James A. Silvertooth's, on Big Hurricane, thence northeast to a point on the Nashville and Chattanooga Railroad, near Ganaway's Woodyard; thence northeast, across said road one mile, to a point in the county of Coffee, thence on a line parallel with said railroad, to a point near the water tank, on the seven-mile grade; thence to a point across said railroad, to a point near the Burrow place, on Shipman's Creek, in the county of Bedford, thence in a southwest direction to a point near W. P. Bobo's, thence in a western direction to a point near Peyton Dean's, on Flat Creek; thence west, to Mount Hermon Church; thence with Elk Ridge, to a point one mile south of Berry Prossers, in the county of Lincoln, thence southeast to a point on Gimlet Creek, near Newton Ashby's; thence to a point near Boonville, on West Mulberry Creek; thence to the beginning point.

**SECTION 3.** That for the purpose of organizing the said county of Moore, the following named persons are appointed Commissioners, to-wit: Berry Prosser, Lewis Morgan, J. B. Thompson, John D. Tolley, H. H. Smith, Wm. Copeland, J. E. Spencer, and S. J. Green, of the county of Lincoln; C. T. Shiver, A. J. Simpson, Goodwin Miller and Harvey Farris, of the county of Franklin; James G. Aydelotte, Mike Campbell, Thos. Colley and S. J. McLemore, of the county of Coffee; Wm. Smith, W. P. Bobo and John Sullivan of the county of Bedford, who shall, before entering upon the duties herein specified, take an oath before some Justice of the Peace, faithfully and impartially to discharge their duties as such Commissioners, and in case of vacancy from any cause or refusal to act on the part of any Commissioner, his place shall be filled by the other Commissioners, who shall select his successor from the fraction of the county in which the vacancy occurred. A majority of said Commissioners shall constitute a Board, competent to do all things enjoined upon them as Commissioners; and they shall keep a record of their proceedings, which shall be returned by them to the County Court of said county of Moore, at its first session, and the same shall be recorded by the Clerk thereof on the Records of said Court.

**SECTION 4.** That for the purpose of ascertaining the will of the people of the said fractions of Lincoln, Franklin, Coffee and Bedford counties, in which they reside, as to the said creation of the new county of Moore, said Commissioner shall cause, at as early a day as practicable, an election to be opened and held in the fractions of the old counties that are to be included in the new county; at which election those voting for the new county shall have written or printed on their tickets or ballots, the words, "New County," and those voting against it shall have written or printed on their tickets, the words "Old County." And said Commissioners shall have power to appoint suitable persons to open and hold said elections; and such persons, so appointed, shall have power to appoint deputies, clerks, and judges, and by themselves or deputies, to administer all necessary oaths, do and perform all other duties necessary to the proper holding of said election. Said election shall be held at such times and places as may be designated by said Commissioners, and upon such notice of time and place as said Commissioners shall direct.

**SECTION 5.** That the qualified voters of the fractions aforesaid, composing said new county of Moore, in the election provided for in the 4th section of this Act, shall vote at the election held in or for a fraction of the old county in which they reside: Provided, that if there is more than one place of voting in said fraction, that it shall be lawful for said voters to cast their votes at any one of said places.

**SECTION 6.** That the persons appointed to hold said election shall make returns of said election to said Commissioners, at such time and place as they may designate in the order directing said election to be held, and who shall count the vote of said fractions separately. And if the requisite constitutional majority is found in favor of the new county, then the said Commissioners shall proceed to complete the organization of said county as hereinafter directed.

**SECTION 7.** That whenever it shall be ascertained by the election aforesaid that the vote of the people of said fractions of said old counties are in favor of the said new county of Moore, then the Commissioners aforesaid shall appoint not less than three, nor more than five, suitable persons, whose duty it shall be to divide said county into suitable districts of convenient size, and fix the place of voting in each district. The number of said districts shall not exceed four for every eighty square miles of said new county.

**SECTION 8.** That as soon as said new county is laid off into civil districts, the said Commissioners shall appoint suitable persons to open and hold an election in said new county for the purpose of electing

officers to the various county and district offices provided for by law for each county in this State; and such persons, so appointed, shall have full power and authority to appoint deputies, clerks, and judges; and by themselves and deputies, to administer all necessary oaths, and to do and perform all the duties incumbent upon them as officers of an election; said election to be held at the time fixed by the Commissioners, upon the usual notice, and at the places designated in such civil districts, as provided for in section 7 of this Act, and make due return thereof, as the law directs.

**SECTION 9.** That said Commissioners, as soon as it is ascertained that the people of said fractions of the said old counties have voted for the new county, shall designate a temporary county site for said new county, and procure a suitable building in which to hold the Courts in said county, until an election can be held by the people for the purpose of locating permanently the county site of said county. And the County Court of said county, at its first session, shall order an election held for the purpose of establishing the permanent county site; and said election shall be held and conducted, and returns made as now provided by law for elections. Each voter shall have written or printed upon his ticket or ballot the name of the place at which he desires the county site, and the name of the place receiving the highest number of votes, shall be the permanent county site; and the County Court of said county shall proceed, as soon after the election as practicable, to locate the said site, and to procure the erection of the necessary county buildings.

**SECTION 10.** That said Commissioners shall have power to make any change in the lines of said county, if found necessary, so as to conform with the requirements of the Constitution of this State.

**SECTION 11.** That the taxes to be assessed and collected for State and county purposes for the year 1872, if said county is established, shall be collected for the new county.

**SECTION 12.** That before the said new county shall be established, the Commissioners appointed under this Act shall cause an actual survey of this county to be made, and an actual enumeration of the qualified voters in the limits of said county, in order that it may be ascertained if said new county has the required number of square miles, and the number of voters as required by the Constitution.

**SECTION 13.** That before the election is held to determine whether said new county shall be formed, the Commissioners appointed in this Act shall cause an actual survey to be made by some competent surveyor, to ascertain whether any old county, out of which the proposed new county is to be made, will be reduced below five hundred square miles, and if the boundary set out in this Act shall reduce any of the old counties below the Constitutional area of territory, then before any voter shall be taken, the Commissioners herein appointed shall reduce the area of the proposed new county so as not to infringe upon the area prescribed for old counties, as fixed by the Constitution: Provided, however, that the proposed new county shall contain 275 square miles and 700 qualified voters.

**SECTION 14.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: December 14, 1871

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