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Private Acts of 1823 Chapter 256

Dear Reader:

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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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SECTION 1. That the following line be, and is hereby, established between the counties of Roane and Monroe: Beginning on the second range line east of the meridian, where the present Roane and Monroe line leaves the same; thence with said line to where the same strikes the township line, at or near Taylor Eldridge's reservation; thence with said line to the extreme height of the Black Oak ridge; thence along the same to the present line as heretofore marked and run. And the following be, and the same is hereby established between the counties of Blount and Monroe; Beginning on the north bank of Little Tennessee river, at the point called Wildcat Rock; thence a direct line to the Militia Springs from thence along the Indian boundary to the 11th corner on said line, opposite to William Schrimsher and William McNabb; thence to Abram's creek, at the mouth of the second branch above its junction with the Tennessee, as marked on the General Plan; thence a southeast course to the North Carolina boundary line; thence with said line to the Tennessee river; Which said territory shall hereafter belong to, and compose a part of, Monroe County, in addition to the original limits thereof.

SEC. 2. That Nathan Hendrix and Nicholas S. Peck shall be appointed commissioners in the upper end of said county, and Charles Kelso and Jesse Melton be appointed commissioners in the lower end of said county, and Jones Griffin in the center of said county, whose duty it shall be to select the most eligible site that can be had on the Tennessee river, and one other site the most eligible that can be procured in the interior of said county; and when said sites are thus selected, all the free men of said county of twenty-one years and upwards, shall be entitled to vote between the two places so selected. The said commissioners shall make out a fair and explicit report to the sheriff of said county, of the sites so selected by them, the donations offered to either of the sites put in nomination, whose duty it shall be to publish the same, by advertising at the muster ground of each captain's company in said county, at least thirty days previous to the day on which such election shall be held, which shall be holden one day, at the same rules, regulations, and restrictions, as observed in electing members of the General Assembly, and the site receiving a majority of said votes, shall be the permanent seat of justice for Monroe County.

SEC. 3. That should any of said commissioners die, remove, fail or refuse to act, then, and in that case, the county court shall supply such vacancy, two thirds of the acting justices being present; provided always, that it shall be the duty of said sheriff to hold an election at the dwelling-house of David Russell, for the aforesaid sites, on the same day, for that portion of Monroe county lying north of the Tennessee river.

SEC. 4. That said commissioners, before they enter upon the duties assigned them by this act, shall take before some justice of the peace the following oath or affirmation of "I, A. B. do solemnly swear, or affirm, (as the case may be,) that in fixing on suitable places for the permanent seat of justice for Monroe county, I will do equal and impartial justice to the people of said county, and that I will not be influenced by any private interest in fixing the same, provided it does not accord with the interest of the county; and that I will in the best of my judgment, perform the duties enjoined upon me by the act appointing the commissioner."

SEC. 5. That the aforesaid commissioners shall enter into bond, with security to be approved of by the clerk of said county court, in the sum of ten thousand dollars, payable to the chairman of said court and his successors in office, for the due and faithful discharge of the duties devolving upon them as commissioners aforesaid; which bond shall be filed in the office of said clerk.

SEC. 6. That said commissioners shall make such agreement with the owner of the land whereon they may wish to fix said seat of justice, as to them shall seem right and just, and for the lowest price the same can be procured, for any quantity not less than forty acres, and shall take a title from the owner of said land to themselves and their successors in office, as commissioners of said county town.

SEC. 7. That said commissioners shall, as soon as may be after obtaining a title to said land, cause a town to be laid off thereon, into a public square, lots, streets, and alleys, of convenient size, which said town shall be known by the name of Tellico.

SEC. 8. That the said commissioners be, and they are hereby, authorized to sell the lots of said town at public sale, to the highest bidder, allowing such credit as they may think proper, giving at least thirty days notice in the Knoxville Register of such sale, taking bond with sufficient security for the payment of the purchase money to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute, in due form of law, deeds of conveyance for the same to the purchasers, which shall be good and valid in law to all intents and purposes.

SEC. 9. That it shall be the duty of said commissioners to contract with suitable workmen to build a court-house, prison, and stocks, to be placed on the public square; but said commissioners may build said prison upon some other lot in said town, as to them shall seem right.

SEC. 10. That said commissioners shall appropriate the money arising from the sale of the town lots aforesaid, to the payment of lands, (if they shall be compelled to purchase a site,) and the public buildings. If there should be a surplus in their hands after said buildings are finished, it shall be deposited in the treasury of said county, and to remain there for the use of said town, subject to the disposition of the county court of said county.

SEC. 11. That the said commissioners, when the buildings are completed, shall lay before the court of said county, a fair and just statement of the costs and expenses of said purchase and buildings, together with receipts, and shall be allowed a reasonable compensation for their services by the said court; provided, a majority of the acting justices of said county shall make such allowance.

SEC. 12. [Deleted by Private Acts of 1825, Chapter 307].

SEC. 13. That when said commissioners shall have finished said public buildings, and reported the same to the county court of Monroe county, the courts in said county shall thereafter be held at said court-house, and all writs, recognizances, and other process, which may have issued in said county or circuit court, and made returnable to the house where such courts are now held, shall be returned to said court-house, and shall be as good and valid in all respects, as if they had been returned to the house where said courts are now held.

SEC. 14. That as soon as the aforesaid courts shall be removed to the seat of justice in said county, it shall be the duty of the clerks of said courts to keep their offices at said town.

November 22, 1823.

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