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Creation of the County

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Sincerely,

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Creation of the County

Private Acts of 1835-36 Chapter 35

SECTION 1. That a County is hereby established on the west of Bedford, the east of Maury, the northeast of Giles, and the northwest of Lincoln, to be known and distinguished by the name of Marshall, late Chief Justice of the United States, to include the territory contained in the following described lines, running the courses and distances hereinafter described, to wit: Commencing at a point eleven and a half miles due west of Shelbyville, running northwardly and southwardly to the Williamson and Lincoln county lines, leaving to Bedford county four hundred and seventy five square miles and no more; thence west with the Williamson County line between Williamson and Bedford counties to the Maury County line; thence to a point five miles north of Duck River, in a line the north from the point twelve miles east of Columbia; thence south to said twelve mile point, east of Columbia, to a stake in Carthel's field; thence three hundred and four poles south to two ironwoods; thence south nine and a half degrees west two miles to a hackberry and black walnut; thence south nineteen and a half degrees west two miles to a sugar tree and ironwood; thence south thirty eight degrees west two miles to a point in John Vincent's lot; thence south forty-seven and a half degrees west two miles to a sugar tree and ash, near Holt's mill; thence south fifty-seven degrees west two miles to a point in Thomas Cheatham's lot; thence south two miles and one hundred and twenty-eight poles

to Giles county line on the ridge; thence eastwardly along the line between the counties of Maury and Giles, eight miles one hundred and thirty-two poles, on a straight line to the Buckeye, corner of Bedford, Lincoln, Maury and Giles counties; thence south along the line between Lincoln and Giles seven miles; thence south eighty-eight and a half degrees east four miles and two hundred and twenty-four poles to five sugar trees; thence north thirty-two and a half degrees east two miles to a stake in a field; thence north forty-two degrees east two miles to a beech; thence north fifty-one and a half degrees east two miles to a chinquapin oak, in Baty's field; thence north sixty-one degrees east two miles to a cherry tree in Petersburg; thence north seventy and a half degrees east 2 miles to two sugar trees, near Win. J. Davidson's; thence north five and a half degrees west two miles and one hundred and seventy-six poles to a chinquapin oak, on the Elk ridge being the line run and marked by Hugh B. Bighain, including within the above described boundaries all the territory contained within the several times, amounting to about three hundred and fifty-one square miles.

SECTION 2. That for the due administration of justice the several courts of said county of Marshall shall be holden at the house of Abner Houston, until the seat of justice shall be located and a suitable house erected for that purpose. The county court shall, in the meantime, have full power and authority to adjourn the courts to such other place in said county as the justices may deem better suited for the holding the same, and more for the public convenience, and to adjourn to the seat of justice, when in their judgment and necessary arrangements are made; and all writs and other process made returnable to either place shall be returnable to the place to which said court may have been removed by the said justices. And the said courts to be holden in and for said county of Marshall shall have and exercise the same powers and jurisdiction under the like limitations and restrictions as other courts in the State.

SECTION 3. That all officers, civil and military, in said county, shall continue to hold their offices and exercise all the functions thereof, until their successors are elected according to the provisions of the amended constitution and the laws made in pursuance thereof. And said county of Marshall shall elect her officers, civil and military, under the amended constitution, under the same rules and regulations, and in the same manner, as other counties in this State; and the said county of Marshall shall possess equal powers and privileges, in all respects, as other counties: Provided, nothing in this act shall be so construed (as) to deprive the counties of Bedford, Maury, Lincoln and Giles from having and exercising jurisdiction over the territory composing said county and the citizens thereof, in as ample manner as is now possessed, until the election and qualification of county officers for said county, as provided for by law; Provided, also, that nothing in this act shall be construed to prevent the courts in the counties of Bedford, Maury, Giles and Lincoln from rendering judgments, or the sheriffs of said counties from selling under such judgments, any lands or other property within the bounds of said county of Marshall, for taxes, cost and charges, for any proceeding year; nor to prevent said sheriffs from collecting any taxes already due for any preceding year; nor to levy and sell under any execution issued from any judgment already rendered, or to be rendered on any suit commenced interior to the organization of said county, in as ample manner as if this act had not been passed.

SECTION 4. That Richard Warner, Williamson Smith, Holman R. Fowler, George A. M'Bride and William D. Orr, are hereby appointed commissioners, a majority of whom shall be competent to net; and they shall, before the first day of April next, designate a place as near the centre of said county as an eligible site can

be procured, and within three miles of the centre, at which they shall procure by purchase or donation, or otherwise, at least fifty acres of land, for which they shall cause a deed to be executed to them and their successors in office, and they shall return their proceedings to the county court of said county, and the same shall be recorded in the clerk's office.

SECTION 5. That it shall be the duty of the County Court of said county to appoint five commissioners, to whom the commissioners appointed by this act shall convey the land acquired for the use of said county, on which they shall lay of a town, with as many streets, at least eighty feet wide, as they shall deem necessary, reserving at least four acres for a public square, and a lot of one acre each for a jail, a male school or academy, a female school, and two acres for the erection of churches; and the said town, when so laid off, shall be known by the name of Lewisburg in honor of Merriwether Lewis.

SECTION 6. That the commissioners shall sell the lots in said town on a credit of at least twelve months, after giving due notice thereof in one or more newspapers in this State, and shall take bonds with sufficient securities, payable to themselves and successors, and shall make titles in fee simple, as commissioners to the purchasers of said lots.

SECTION 7. That the money's arising from the sales of said lots shall constitute a fund for defraying the purchase of said tract of land on which said town shall be located, and for the erection of public buildings.

SECTION 8. That the commissioners shall superintend the erection of the court house, jail, and other necessary public buildings, and shall let out such buildings as the county court of said county shall order to be erected, on such terms and conditions as said court shall direct, and shall take bonds with sufficient securities from the undertakers, payable to them and their successors, in the sum of \$10,000, conditioned for the faithful performance of their contracts.

SECTION 9. That before said commissioners cater on their duties, they shall take an oath or affirmation to execute all the duties enjoined on their faithfully and impartially according to the best of their knowledge and understanding; and shall moreover enter into land with sufficient security, payable to the chairman of the county court and his successors in office, in the sum of \$10,000 conditioned for the faithful performance of the duties enjoined on them by law, which bond shall be deposited in the clerk's office in the county court, and shall not be so construed as to render one of the commissioners security for another.

SECTION 10. That the commissioners shall keep a regular and correct statement of all moneys by those received and expended, which, when required, shall be exhibited to the county court, and when the necessary public buildings are completed, said commissioners shall pay over all surplus moneys to the county trustee for county purposes; and they shall be allowed by the county court a reasonable compensation for their services. That the justices of the county court upon a majority of the whole number voting in the affirmative, may appropriate funds for the improvement of the public square and streets in the town of Lewisburg, the moneys therein ordered to be paid to the county trustee for county purposes, or any part thereof if they should deem proper.

As amended by: Private Acts of 1837-38, Chapter 202.

SECTION 11. That the first five commissioners mentioned in this act shall receive three dollars for each day they may be necessarily engaged in performing the duties required of them to be paid by the trustee of said county of Marshall.

SECTION 12. That the county of Marshall shall be entitled to her rateable proportion of the common school and academy and internal improvement funds, in the same manner that old counties are entitled to the same.

SECTION 13. That on the first Thursday in April next, it is hereby made the duty of the sheriffs of Bedford, Maury and Lincoln Counties, by themselves and their deputies, to open and hold elections, for the purpose of receiving the voters of the qualified voters residing in each fraction taken from the several counties to form the said county of Marshall, at which election the polls shall be opened at 10 o'clock A.M., and closed at 4 o'clock P.M.; and no person shall vote at said elections except he has resided in the fraction taken off to form a part of said county of Marshall six months immediately preceding said election, in which the election shall be held, and those who wish to vote for the new county shall put "Marshall" on their tickets, and those against it shall put the words "Old County" on their tickets, and no vote shall be counted except the above named word or words be upon it; and shall any person vote at either of said elections not being a qualified voter or not residing in the fraction in which said election is held, such offender, on conviction thereof, shall forfeit and pay the sum of twenty dollars, to be recovered before any tribunal having cognizance thereof.

SECTION 14. That the elections for that fraction taken from Bedford shall be held at the house of Abner Houston and Chapel Hill; for that fraction taken from Maury, at James Davis, Cedar Spring, and at Galloway's near the Big Spring; for that fraction from Lincoln, at Thomas Short's and at Maulding and

Goodrion's stores.

SECTION 15. That immediately after the elections, the sheriffs of Lincoln, Bedford and Maury, shall make return to the Governor, a full statement of all the votes both for and against the establishment of the said county of Marshall; and if it shall appear that a majority of the qualified voters voting in each fraction taken from old counties to form said new county, the Governor shall forthwith issue his proclamation, setting forth that the said county of Marshall has become a constitutional county, and in that event, said county shall be immediately organized agreeable to this act.

SECTION 16. That a line may be run from the southwest corner of Marshall County to the Lincoln line, taking a part of Giles in the northeast corner of said county, not reducing Giles below her constitutional limits of six hundred and twenty-five square miles; and when so taken off, it shall be the duty of the sheriff of Giles county to hold an election in said fraction under the same rules, regulations and restrictions, as named in this act for other elections; and if, upon counting out the votes, it shall appear that a majority of the qualified voters voting in said fraction have voted in favor of becoming a part of Marshall county, the sheriff shall notify the Governor of that fact, who shall, by proclamation declare that said fraction of Giles county is a part of Marshall county: Provided, that before the sheriff of Giles county shall be permitted to open and hold an election in compliance with the provisions of this act, such persons as are interested shall exhibit a fair map of the county of Giles, showing that after the proposed reduction of said county, the said old county contains at least six hundred and twenty-five miles; said survey as he made by Mitchell K. Jackson of Franklin County, and in the event of his failure may act from any cause, then any competent surveyor residing in the county of Franklin, who shall make his return of said survey on oath: And provided, also, that Lincoln County shall not be reduced below as constitutional limits and the sheriff of Giles shall give ten days notice of the time and place of holding the election in the fraction taken from Giles, and that the election in that fraction shall be held on the last Thursday of March, 1836.

SECTION 17. That if that part of Giles named in this act should vote to become a part of Marshall county at any time prior to the holding of elections in the other fractions, so much territory as comes in Marshall county from Giles shall be stricken from the south part of the Lincoln fraction, and the remainder of the Lincoln fraction may vote themselves to Marshall county as provided for by this act, to hold the elections in said remainder agreeable to this act.

SECTION 18. That if the county of Marshall should be permanently established agreeably to the provisions of this act, it shall and may be lawful for officers of the General Assembly, to hold their offices and discharge the duties of the same for the time for which they were elected, and should there be vacancies in said county of Marshall, such vacant office shall be filled as the law directs; and it shall be the duty of the sheriffs of Maury county to hold the election to fill the same; and if any civil district or districts should be divided by the lines of the said county of Marshall passing through them, it shall be may be lawful for the county court of said county, and the courts of the several counties from which said county has been taken, to attach the said fractions to other districts in their respective counties, or form a district or districts of one or more fractions as said courts may think proper.

SECTION 19. That said county of Marshall shall be attached to the Middle division, and appeals, in the nature of writs of error, and writs of error shall be taken to the supreme court at Nashville; and said county of Marshall shall be attached to the sixth chancery district of the Middle division, the court for which is held at Shelbyville, in Bedford county; and said county of Marshall shall be attached to the eighth judicial circuit, and the circuit courts thereof shall be held on the fourth Mondays of March, July and November.

SECTION 20. That the justices of the peace elected for said county, may be qualified by any justice of the peace of any adjoining county, and that the first county court for said county shall be held on the first Monday in June next, and that said county shall in all respects be organized according to the laws passed at the present session of the General Assembly for reorganizing the State governments.

SECTION 21. That should the county of Marshall be established pursuant to the act, the judge of the eighth judicial circuit shall hold the first circuit court that comes on afterwards in the county of Lawrence, and the judge of the 11th circuit shall hold the second court, and ever afterwards the said judges shall alternately hold the circuit courts in the said county of Lawrence, in the order above specified.

Passed: February 20, 1836.

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