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# Creation of the County

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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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# Creation of the County

## Private Acts of 1841-42 Chapter 45

**SECTION 1.** That a new county shall be established, to be known and distinguished by the name of Macon, to be composed of parts of the counties of Smith and Sumner, beginning at a White Oak, the North-east corner of Smith county, and North-west corner of Jackson county, on the Kentucky line, running thence South with said line, fourteen miles and two hundred and sixty perches to a stake in Neal Carver's field, on Wartrace creek, thence West crossing the head of Defeated creek near John Carter's and Peyton's creek, below Joseph Cocker's and the East fork of Goose Creek, North of Brevard's, and the Middle fork of Goose creek, North of Mungle's, the West fork below Sloan's, thence on to a Mulberry tree near Richard Hickerson's farm, making twenty-three miles and three-quarters. Thence North, running East of said Hickerson's farm, fourteen miles and two hundred and sixty perches to a large white oak, West of Big Trammell creek on the Kentucky line, thence East with said line to the beginning.

**SECTION 2.** That for the due administration of justice, the different Courts to be holden in said county of Macon, shall be holden at the house of Wm. Dunn, in the county of Macon, until the seat of justice for said county shall be located, and a suitable house erected for that purpose, and the County Court in the intermediate time shall have full power to adjourn to such other place, in the said county, as they may deem better suited for such holding of the same, and for public convenience, and to adjourn to the seat of justice whenever in their judgment the necessary arrangements are made, and all writs and other precepts returnable to either place, shall and may be returned to the place where said courts may have been removed by the County Court aforesaid, and the said courts to be holden in and for said county of Macon, shall be under the same rules, regulations and restrictions, and shall have, hold and exercise and possess the same powers and jurisdiction, as are possessed by said courts in other counties in this State.

**SECTION 3.** That all officers, civil and military, in said county, shall continue to hold their offices and execute all the powers and functions thereof until others be elected under the provisions of the Constitution and laws made in pursuance thereof, and it shall be the duty of the County Court of Macon, at their first term, to appoint some suitable person to open and hold elections in each civil district in said county, on the first Saturday in March next, for the purpose of electing county officers, which election shall in all respects, be conducted agreeable to the existing laws regulating elections in other counties in this State. The County officers so elected shall have the same jurisdiction, powers and emoluments that other county officers are entitled to under the existing laws; and the said county of Macon shall be placed on an equal footing, possess equal powers and privileges, in all respects, as other counties in this State: Provided, nothing in this act contained shall be so construed as to prevent the counties of Smith and Sumner from having, holding and exercising jurisdiction over the territory composing the said county of Macon, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers: Provided, also, that nothing in this act contained, shall be so construed as to prevent the counties from selling, under such judgments, any lands within said county of Macon, for taxes, costs or charges, for the present or any preceding year; nor to prevent the Sheriffs of either of said counties from collecting from the citizens of said county of Macon, any taxes due for the present or any preceding year.

**SECTION 4.** That the citizens of the county of Macon, in all elections for Governor, for members of Congress, and for members of the General Assembly, shall vote with the counties from which they may have been stricken off, until the next apportionment of members of the General Assembly agreeably to the Constitution.

**SECTION 5.** That Button Holland, Wm. Dunn, Samuel Sullivan, Eason Howell and Jefferson Short, be and they are hereby appointed commissioners, a majority of whom shall have authority to act---who shall, on the last Saturday of March, 1842, first giving five days' notice at four of the most public places in said county of Macon, open and hold an election for the purpose of fixing upon a suitable site for the county seat of said county, and all those residing within the bounds of said county, who are entitled to vote for members of the General Assembly, shall be entitled to vote in selecting the site, and said election shall be held at seven several places, to be designated in said county for the convenience of voters, by said commissioners, in the notice of the election herein required to be given; and it shall be the duty of the commissioners to select and put in nomination, to be voted for, two of the most eligible sites within three miles of the centre of said county, in their estimation, for such county seat in said county; and the place receiving a majority of all the votes taken, shall be and the same is hereby established the county seat of said county of Macon; and said commissioners are hereby authorized to appoint suitable persons, and to administer to them the proper oaths, as officers and judges, to open and hold the elections at the several places that may be appointed to vote, and to make return of the polls to the house of Wm. Dunn, in said county, where they shall be compared on the Monday next succeeding the day of election.

**SECTION 6.** That said commissioners are hereby authorized to purchase or otherwise procure a sufficient quantity of land upon which to lay off a town, and to erect all necessary public buildings for said county, at the place elected by the qualified voters as aforesaid; and the commissioners shall take themselves, as commissioners of the county of Macon and their successors in office, a deed or deeds of conveyance, with general warranty for the lands by them so purchased, or otherwise obtained.

**SECTION 7.** That it shall be the duty of the commissioners herein appointed, to cause a Town to be laid off at said county seat into lots, streets and alleys, of such size and width as they may deem necessary and proper, reserving a sufficient quantity of land for a public square and for the public buildings, and when so laid off the Town shall be named by the Commissioners.

**SECTION 8.** That it shall be the duty of the commissioners of said county of Macon to sell all the lots in said Town, in the county of Macon, upon a credit of twelve months, after first giving thirty day's notice of the time and terms of said sale, in one or more of the nearest newspapers, and the commissioners shall take bonds with sufficient security from the purchasers of said lots, payable to themselves as commissioners and their successors in office, and they are hereby authorized and empowered to make to the purchasers of said lots titles in fee simple for the same.

**SECTION 9.** The proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners, to defray the expenses incurred in the purchase of the lands upon which said Town may be located, and also the expenses of erecting the public building of said county.

**SECTION 10.** That said commissioners shall superintend the erection of the court house and jail and other necessary public buildings as shall be ordered by the county court of said county of Macon, a majority of said Justices being present, and upon such terms and conditions, as said court shall direct, and the commissioners aforesaid shall take bond with sufficient security from the contractor or contractors, in such penalties as said court shall prescribed payable to themselves as commissioners of the county of Macon as aforesaid and their successors in office, conditioned for the faithful performance of such contract or contracts as the case may be.

**SECTION 11.** That it shall be the duty of said commissioners to report all proceedings by them had under this act, to the first county court of said county of Macon to be holden therein, after the first day of March next, and it shall be the duty of said court to enter the same upon their records.

**SECTION 12.** That said commissioners, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace, to honestly and faithfully perform the duties assigned by this act, to the best of their judgment, and they shall moreover enter into bond with approved security, in the penalty of five thousand dollars, payable to the chairman of the county court of Macon County and his successors in office, conditioned for the due and faithful performance of the duties enjoined upon them by this act, and for the just application or forthcoming of such funds as may come to their hands as commissioners as aforesaid.

**SECTION 13.** That said commissioners shall keep a regular and fair record and account of all monies by them received and expended, which statement shall, from time to time, when required by the county court of Macon county, be laid before said court, and when the public buildings of said county shall be completed, said commissioners shall, by order of said court, pay over any surplus money that may be in their hands to the county Trustee of said county for county purposes, and they shall, for their services, receive such reasonable compensation as shall be adjudged them by said county court.

**SECTION 14.** That Bennett Wright, Alexander Furguson, Edward Glover, and Jefferson Bratton, or a majority of them, shall have power and authority, and they are hereby appointed commissioners to lay off said county into seven civil districts, in which there shall be elected Justices of the Peace and constables, at the time prescribed by law for electing such officers in other counties in this State.

**SECTION 15.** That the county of Macon shall form one Regiment, and said Regiment in all its relation to the Militia of the State shall assume the place of the Regiment, and shall be attached to the ninth Brigade, and that the field officers, included in said county of Macon, shall meet at the house of Wm. Dunn in said county on the first Saturday in March next, and divide said Regiment into Battalions and Companies and provide for electing all officers in said Regiment into Battalions and Companies and provide for electing all officers in said Regiment in the manner pointed out by law.

**SECTION 16.** That the county of Macon be, and the same is hereby attached to the fourth Judicial Circuit and the Circuit courts therefor shall be held by the Judge of said circuit of the first Mondays in January, May and September, in each and every year, at the house of Wm. Dunn or such other place as the county court may direct.

**SECTION 17.** That the county of Macon shall be attached to the chancery court district to be holden at Carthage, Smith County.

**SECTION 18.** That all appeals, writs of error and appeals in the nature of writs or error from the circuit courts of said county of Macon, shall be taken to the Supreme Courts to be held for the Middle division at Nashville.

**SECTION 19.** That should the boundary lines of Macon County, as described in the first section of this act, approach nearer to the county seat of either the old counties from which the territory constituting the county of Macon is taken, than is prescribed by the constitution: it shall be the duty of the county court of Macon county to appoint some surveyor who shall re-run and re-mark such line or lines so as not to violate the constitutional rights of such old county, and said surveyor shall make report to the county court of Macon county, which report so made, shall be recorded by the clerk of said court, and such line or lines so run, shall be the established line or lines of said county.

Passed: January 18, 1842.

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