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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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# Creation of the County

## Private Acts of 1809 Chapter 48

**SECTION 1.** That Lincoln County shall be laid off and established within the following bounds (to wit:) Beginning on the north east corner of Giles county, and extending south with the eastern boundary line of the said county of Giles, to the southern boundary line of the state; thence with that line east, to a point due south from the mouth of Cove Spring Creek; thence north to the southern boundary line of Bedford county, and with the said line westwardly to the beginning.

**SECTION 2.** That John Whitaker, senr. Wright Williams, Eli Garret, Littleton Duty and Jesse Woodruff, be, and they are hereby appointed Commissioners, with full power to procure by purchase or otherwise, one hundred acres of land, on or near the north bank of Elk River, as near the center of the said county of Lincoln, east and west, as a proper situation will admit of, and all events not more than two miles from the said centre, and the said commissioners shall take a deed of conveyance for the same, to themselves and successors in office, in trust for the said county of Lincoln, and the said deed shall be good and valid in law, and shall vest in the said commissioners and their successors in office, a complete title, for the uses in this act expressed, and if any of the said commissioners should neglect or refuse to act, a majority of the justices of said county may appoint another in his place.

**SECTION 3.** That the said commissioners, immediately after procuring the aforesaid quantity of one hundred acres of land, shall cause a town to be laid off thereon, reserving near the centre thereof, a public square of two acres, on which the court-house and stocks shall be built, likewise reserving a lot in any other part of said town, for the purpose of erecting a jail, and the said town, when so laid off, shall be named Fayetteville.

**SECTION 4.** That the said commissioners shall sell the lot of the said town, at public sale, on a credit of twelve months, giving notice thereof sixty days, in one of the newspapers printed in Nashville, and taking bonds with sufficient securities from the respective purchasers, payable to themselves and successors in office, and the said commissioners shall execute titles, in fee simple, to the purchasers of the said lots.

**SECTION 5.** That the said commissioners, immediately after selling the lots as aforesaid, shall let to the lowest bidder, the building of the court-house in the said town of Fayetteville, giving public notice thereof in one of the newspapers printed in Nashville, at least sixty days, and setting forth in the said notice the dimensions of said court-house, and the materials of which it is to be built, and the said commissioners shall take from the person to whom the said building is let, bond with sufficient security, in the sum of ten thousand dollars, for the faithful performance of his contract, and in the same manner the said commissioners, when they think proper, shall let the building of a jail for the use of said county.

**SECTION 6.** That the court of Pleas and Quarter Sessions, for the county of Lincoln, shall be held on the fourth Monday in the months of February, May, August and November, annually, at the house of Brice M. Garner, until a place is provided for holding the said court in the town of Fayetteville, and any justice of the peace for the state of Tennessee, may appear at the first term of the said court, and administer the oaths of office to the respective Justices of the Peace.

**SECTION 7.** That the said commissioners, before entering on the duties of their appointment, shall give bond in the sum of five thousand dollars each, payable to the chairman of the said county court, and his successors in office, and conditioned for the faithful performance of the duties by this act assigned him, and shall moreover take an oath to act honestly and truly in the discharge of said duties, and when the said commissioners shall have finished the aforesaid duties, they shall lay a full statement of all their proceedings before the said county court of Lincoln, and shall be allowed by the said court a reasonable compensation for their services: Provided, not less than five of said justices be present when the said allowance is made.

**SECTION 8.** That the said county of Lincoln be, and the same is hereby declared a part of Mero District, and shall send three jurors to the superior court of law and equity, held for said district.

**SECTION 9.** That nothing herein expressed, shall be so construed as to prevent the sheriff or collector of Bedford county from collecting the taxes within the limits of the said county of Lincoln, which are now due and remain unpaid.

**SECTION 10.** That the said county of Lincoln be a part of the district to which the same has heretofore belonged, for electing a Governor, to elect an elector for electing the President and Vice- President of the United States, Representatives in Congress, Senator of Senators, and Representatives in the General Assembly of this state; the said elections to be held at the place of holding court for said county, and shall be conducted according to the rules and regulations established by law, and the sheriff of said county, on

the second Thursday of April, in the year 1810, and on the succeeding day shall hold an election at the said place, for the purpose of electing field officers for the said county of Lincoln, which election shall be conducted pursuant to the rules and regulations prescribed by law, and now in force; and in all elections in which the said county of Lincoln shall vote with the county of Bedford, the sheriff of Lincoln county shall make a return of said election to the sheriff of Bedford county, by eight o'clock of the day succeeding the day on which the said election shall terminate.

**SECTION 11.** That the militia of the county of Lincoln, shall compose the thirty-ninth regiment, and shall be attached to the fifth brigade.

**SECTION 12.** That in all cases wherein the commissioners appointed by this act are required to perform any services, a majority of said commissioners shall constitute a quorum to do business.

**SECTION 13.** That the territory east of Lincoln, south of Bedford, and north of the state line, shall be a part of the county of Franklin, and by this act is attached to and incorporated with the said county of Franklin.

**SECTION 14.** That this act shall be in force from the first day of January, in the year one thousand eight hundred and ten.

Passed: November 14, 1809.

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