



July 22, 2024

Private Acts of 1835-36 Chapter 28

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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,

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

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SECTION 1. That a new county be, and the same is hereby established between the Big Hatchee and Forked Deer rivers, and west of the county of Haywood, to be known and distinguished by the name of LAUDERDALE, in honor of, and to perpetuate the memory of Colonel James Lauderdale, who fell at the battle of New Orleans on the night of the 23d December, 1814; beginning where the west boundary line of Haywood county crosses the Big Hatchee river, running thence down the said river with its main channel, and with the main channel of the upper mouth of said river, to the main channel of the Mississippi river; thence up the said river to the old channel at Needham's cut off; thence up the said old channel to the mouth of the canal connecting the Forked Deer river with said old channel; thence in a direct line east to the Forked Deer river; thence up said Forked Deer river to a point one mile due north of the two sycamores known as the Key Corner; thence due east to the South fork of the Forked Deer river; thence up the same to the northern boundary line of Haywood county; thence in a south-western direction, through said county of Haywood, so as to cut off so much of said county of Haywood as will reduce it to six hundred and twenty-five square miles, to the west boundary line of said county; thence with said west boundary line to the beginning.

SECTION 2. That for the due administration of justice, the different courts to be holden in said county of Lauderdale, shall be holden at the house of Samuel Lusk, until the seat of Justice for said county shall be located, and a suitable house erected for that purpose. The county court shall, in the intermediate time have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same, and for the public convenience, and to adjourn to the seat of justice when in their judgment the necessary arrangements are made; and all writs and other precepts returnable to either place, shall and may be returnable to the place to which the said courts may have been removed by the county court aforesaid. And the said courts to be holden in and for the said county of Lauderdale, shall be under the same rules regulations and restrictions, and shall have, hold, exercise and possess the same powers and jurisdiction as is 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 exercise all the powers and functions thereof, until others be elected under the provisions of the amended constitution and the laws made in pursuance thereof; and said county of Lauderdale shall elect her officers, civil and military, under the amended constitution, at the same time and under the same rules and regulations, and in the same manner, that may be provided by law for the election of officers in other counties in this State; and the said county of Lauderdale, shall be placed upon an equal footing, possess equal powers and privileges in all respects, as other counties in the State; *provided*, nothing in this act contained, shall be so contained as to deprive the counties of Tipton, Haywood and Dyer from having, holding and exercising jurisdiction over the territory composing said county of Lauderdale, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers under the amended constitution: *Provided*, also, nothing in this act contained shall be so construed as to prevent the counties of Tipton, Haywood and Dyer from entering up judgments or the sheriffs of said counties from selling under such judgments, any lands within the bounds of said county of Lauderdale, for taxes, costs and charges for the present or any preceding year, nor to prevent the sheriffs of either of said counties of Haywood, Tipton or Dyer from collecting from the citizens of said county of Lauderdale any taxes due for the present or any preceding year.

SECTION 4. That the citizens of the county of Lauderdale, 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, agreeable to the provisions of the 5th section of the 10th article of the amended constitution.

SECTION 5. That Blackman Coleman, David Hay, Nicholas T. Perkins, Samuel Owen and Howell Taylor, all of Haywood county, be, and they are hereby appointed commissioners, (a majority of whom can act) who shall, on or before the first Monday in January next, proceed to fix on a place as near the centre of said county as an eligible site can be procured, at least within five miles of the centre of said county, at which site said commissioners shall procure by purchase or otherwise at least fifty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warrantee; and the said commissioners shall report and return all their proceedings relative to and concerning said county, to the county court of said county, and it shall be the duty of the clerk of said court to record the same.

SECTION 6. 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 it shall be the duty of the commissioners appointed by the county court to cause a town to be laid off, with as many streets and of such width as they may deem necessary, reserving at least four acres

for a public square, and a lot sufficient for building a jail. And the said town, when so laid off, shall be known by the name of Ripley.

SECTION 7. That the commissioners of said county shall sell the lots in said town, on a credit of at least twelve months, first giving due notice thereof in one or more newspapers printed in this State, and shall take bond with sufficient securities, from the purchasers of said lots, payable to themselves and successors in office, and shall make titles in fee simple as commissioners to the respective purchasers of said lots.

SECTION 8. That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners for defraying the expenses incurred in the purchase of said tract of land on which the said county seat is located, and also for defraying the expenses of erecting public buildings.

SECTION 9. That the said commissioners shall superintend the building of the court house, jail, and other necessary public buildings; and shall let out such buildings as the county court in said county shall order to be built, upon such terms and conditions as the said court shall direct, and shall take bond with sufficient securities from the person or persons to whom the same is let payable to themselves and their successors in office in the sum of ten thousand dollars, conditioned for the faithful performance of his or their contracts.

SECTION 10. That the said commissioners, before they enter upon the duties of their office assigned them by this act, shall take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined on them, according to the best of their judgment, and, moreover, shall enter into bond with approved security, payable to the chairman of the county court of Lauderdale county, and his successors in office, in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon them by this act, which bond shall be deposited in the clerk's office in said county, and shall not be so construed as to make one of the commissioners security for another.

SECTION 11. That the said commissioners shall keep a fair and regular statement of all monies by them received and expended, which statement, when required, shall from time to time, be laid before the county court; but said commissioners shall not be called on oftener than once a year, and when the necessary public buildings are completed, the said commissioners shall, by order of the county court, pay over all surplus money to the county trustee for county purposes, and they shall be allowed by the county court a reasonable compensation for their services.

SECTION 12. That the first five commissioners mentioned in this act shall each be entitled to receive as compensation for their services, the sum of three dollars for each day they may be absent from home and necessarily employed in performing the duties required of them by this act, to be paid by the said county of Lauderdale, out of any monies in the treasury not otherwise appropriated.

SECTION 13. That John R. Howard, of Henry County, be and he is hereby appointed to run and mark the dividing line between the said counties of Haywood and Lauderdale, and to reduce the said county of Haywood to six hundred and twenty-five square miles, and the line between the counties of Dyer and Lauderdale, and that he have full power to employ chain carriers, who shall receive a reasonable compensation for their services, to be paid by the said county of Lauderdale; and the said Howard shall receive the sum of two dollars and fifty cents for each day he may be necessarily employed in the business required by this act, to be paid by the county of Lauderdale.

SECTION 14. That should the county court of Lauderdale not be organized in time to appoint the commissioners to lay off the town and sell the lots, it shall and may be lawful for the county court of Tipton to appoint them, and the said county court of Tipton shall take the bonds and securities of said commissioners payable to the chairman of the county court of Lauderdale and his successors in office, and do and perform any other act or acts required by this act until the organization of said county court of Lauderdale, and it shall be as good and binding as if done by the county court of said Lauderdale.

Passed: November 24, 1835.

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