



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Creation of the County

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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Table of Contents

| | |
|--------------------------------------|----------|
| Creation of the County | 3 |
| Acts of 1801 Chapter 48 | 3 |

Creation of the County

Acts of 1801 Chapter 48

SECTION 1. That the bounds of Smith county shall be as follows, viz. Beginning one mile due west of the south east corner of Sumner county, on the south bank of Cumberland river, thence south, twenty three degrees east, to the Indian boundary, thence along the same until it intersects the Caney Fork road, thence along the dividing ridge between Martin's creek and Flinn's creek to the river, thence up the river one half mile above the ferry landing at Fort Blount, thence a due north course until it strikes the state line, thence west along the state line, to the corner of Sumner county, thence south along the Sumner line to the river, thence down the same to the beginning.

SECTION 2. That a new county be established by the name of Jackson, to be contained with the following described bounds, (viz) Beginning on the state line, at the north east corner of Smith county, thence east along the state line to where it intersects the Indian boundary, thence along the same to where it crosses the Caney Fork road, thence along the eastern boundary of Smith county to the beginning.

SECTION 3. That it shall and may be lawful for the sheriff of Smith county to collect the taxes for the present year and all arrearages of taxes, for every and any preceding year, in the same manner, and with as full authority as if this act had not been passed; and Smith county shall be liable for the payment of every demand that any of the citizens of Jackson county, theretofore a part of said county, may legally have for services rendered the said county of Smith; and it is moreover understood that the sheriff of Wilson county shall have the same power and authority as the sheriff of Smith, for the collection of the taxes of that part of Wilson county which is by this act annexed to Smith county.

SECTION 4. That the courts of pleas and quarter sessions of Jackson county shall be held on the second Mondays in December, March, June, and September, at the house of John Bowen on Roaring river, with the same power and authority as other courts of pleas and quarter sessions heretofore established by law.

SECTION 5. That Charles Cavanaugh, esquire, William Sullivan, senior, Andrew Greer, Thomas Smith, senior, and Thomas Draper, be, and are hereby appointed commissioner, who, or a majority of them, shall have full power and authority to procure by purchase, or otherwise, forty acres of land, for the purpose of erecting a court house, prison, and stocks, as near the centre of the county, as the situation will admit of, and to take a deed or deeds of conveyance for the same in their own names as commissioners, in trust for the county, which shall be good and valid in law, and shall vest in them and their successors in office, a complete title for the uses in this act expressed, and the said commissioners shall, by a majority, have full power to elect any suitable person or persons to fill any vacancies that may happen to their own body, by death, resignation or otherwise.

SECTION 6. That the said commissioners, or a majority of them, shall, as soon as may be, after purchasing and obtaining a title to forty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Smithfield, for county purposes, reserving one and an half acres near the centre thereof, on which shall be erected the court house, prison and stocks of the said county, which one acre and an half in the plan of the said town, shall be denominated the public square.

SECTION 7. That it shall be the duty of the commissioners to attend at the place of holding court in said county, on the first Monday in December next, to designate a place where the court house, prison and stocks shall be erected for said county, and the commissioners shall, before they proceed upon the duties of their appointment, take the following oath to wit: I, A.B. do solemnly swear or affirm (as the case may be,) that as a commissioner for Smith county, I will do equal and impartial justice to the people, and endeavor to fix the public buildings as near as possible to the requisition of this act. So help me GOD.

SECTION 8. That the said commissioners be, and they are hereby authorized to sell the lots of the said town at public sale, at a credit of six months, giving thirty days previous notice of such sale by advertisement, at four or more of the most public places in the said county, 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 conveyances in fee simple for the same to the purchasers, which shall be good and valid in law to all intents and purposes.

SECTION 9. That the money arising from the sale of the aforesaid lots, shall be by the said commissioners applied to the building the court house, prison and stocks, and they are authorized to contract with a suitable person or persons to erect the same, the court house to contain convenient rooms for the juries, and the prison to consist of two rooms at least.

SECTION 10. That the said commissioners shall keep a fair and regular account of all monies by them

received and expended, which shall be laid before the court of said county when demanded, and the said court shall have full power and authority to levy a county tax for the purpose of defraying the expense of the public buildings: Provided, That the said tax shall not exceed six and one fourth cents on every white poll between the age of twenty one and fifty years, a tax not exceeding twelve and an half cents on every black poll between the age of twelve and fifty years, a tax not exceeding six and a fourth cents on each hundred acres of land in any one year, which shall be collected in the same manner, and by the same persons as public taxes are, & monies arising from said taxes, shall be paid by the collector thereof, first deducting the same per cent for collection, as is by law allowed for the collection of public taxes, into the hands of the aforesaid commissioners, or a majority of them, to be applied to the purposes aforesaid.

SECTION 11. That the said commissioners shall give bond with sufficient security, in the sum of five thousand dollars, payable to the chairman of the court of said county and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

SECTION 12. 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, five, or a majority of the acting justices of said court be present when such allowance is made.

SECTION 13. That elections for members to the general assembly, the governor, and member or members of congress, shall be held at the court house of Jackson county, on the days on which elections for such purposes are authorized to be held, and the sheriff of Jackson county shall meet the sheriff of Sumner county at the court house of said county, on the succeeding Monday, and with him examine the respective polls of election, and declare the persons duly elected members to the general assembly, and give certificates accordingly to the persons duly elected, and it shall be the duty of the said sheriff to transmit a statement of the poll of election for governor and member or members to congress, to the speaker of the senate, in the same manner as directed by law, as the duty of sheriffs of counties heretofore established.

SECTION 14. That it shall be the duty of the sheriff of the county of Jackson, to hold an election at the place of holding court in the county of Jackson, on the first Thursday of March and the succeeding day, for the purpose of electing one colonel and two majors for the county of Jackson, under the same rules, regulations and restrictions, as prescribed by law for the election of such officers.

SECTION 15. That the elections for company officers for the county of Jackson, shall be held at their respective company muster grounds on the last Saturday of May next, in the same manner and form as appointed by law for electing company militia officers.

SECTION 16. That the county of Jackson shall be in all cases whatsoever, considered as a part of the district of Mero.

SECTION 17. That Willis Jones is hereby appointed a surveyor to run the lines of Smith county as prescribed by this act, and that Lewis McFarland, is hereby appointed to mark the said line, and when completed, (sic) the said surveyor shall receive two dollars per day, and the marker one dollar per day, as full compensation for their services, to be paid by the said county of Smith.

SECTION 18. That it shall and may be lawful for Moses Fisk, esquire, or any other justice of Smith county, to attend at the time and place of holding the first court in Jackson county, and is hereby authorized and empowered to administer the oath of office to the justices of said county.

Passed: November 6, 1801.

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