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Acts of 1815 Chapter 183

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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 so soon as the boundary line shall be settled between this state, and the state of Kentucky, either by Congress or by an adjustment by the respective states, the county court of Jackson county shall appoint some good mathematician to run out said county, to make three fair and distinct plats of the same, according to the lines and courses thereof, which said mathematician or surveyor shall have two sworn chain carriers with him, and when the said county shall be so run on, and the plat are made out, if there should not be a sufficient extent of territory, to comply with the requisition of the constitution, then and in that case the said surveyor shall immediately proceed to detach, as much of that of the county of White lying most convenient, and which was taken from Jackson county, and add the same to Jackson, in order to make the same a county of constitutional limits, and when said plats are made of the whole county, which shall comprehend said detached part, if any, said surveyor shall designate the centre of said county in said plat, the water courses & c. whereon it lies, and return one of said plats to the county courts of Jackson, to be lodged in the clerk's office, one plat to be given to the commissioners hereafter to be appointed by this act, and the other shall be preserved by said surveyor, which said surveyor and chain carriers shall be allowed the following fees, for the compensation, viz: two dollars and a half per day to the surveyor, and one dollar per day to each claim carrier.

SECTION 2. That when the centre is so ascertained, it shall be the duty of the commissioners or a majority of them, as shall be hereafter appointed by this act, to select the most eligible situation, and as near the centre as practicable to get good water, to lay off a county town for the seat of justice in Jackson county, and when they shall ascertain in manner hereinafter pointed out, that a majority of the voters are in favor of moving said seat of justice, they shall immediately proceed to procure from any person or persons who own the land where the site of said town is so settled, a good and sufficient title for forth acres of land, for the purpose of laying off said town which said commissioners shall do accordingly.

SECTION 3. That when the town shall be thus laid off, the said commissioners shall advertise the same in the Carthage Gazette, the time when the lots shall be sold, at least thirty days before the sale shall take place, and shall proceed to sell said lots on a credit of twelve months, taking bond with good security for the purchase money, and shall make deeds to the purchasers in fee simple.

SECTION 4. That it shall be the duty of said commissioners or a majority of them, to contract with some suitable person, to build a court house, prison and stocks, and the money arising from the sale of lots, shall be applied to the payment of building the same, after paying for the purchase of the land, to be procured by said commissioners.

SECTION 5. That if the money arising from the sale of lots be insufficient to pay for the building said court house, prison and stocks, it shall and may be lawful for the county court of said county, provided a majority of the acting justices be present, to lay a county tax, not to exceed the state tax, which tax may be continued from year to year until a sufficient sum shall be raised, to pay for said public buildings, which tax shall be collected by the sheriff, under the same rules, regulations and restrictions as other taxes, and shall be paid by him to said commissioner for said purpose and if the sheriff shall fail to pay over the same, he shall be liable to judgment on motion against him, and securities in the name of said commissioners in the same manner as for failing to pay over other taxes.

SECTION 6. That before said commissioners shall proceed on the duties of their appointment, they shall enter into bond to the governor, for the time being and his successors in office, on the sum of six thousand dollars, conditioned for the faithful discharge of the duties of their office, which bond shall be filed with the county court clerk, and by him be recorded.

SECTION 7. That the sheriff of Jackson county is hereby authorized and expressly required on the first Thursday and Friday in August next to open and hold an election at all the places of holding elections in Jackson County, under the same rules, regulations and restrictions as he is bound by law to hold other elections for members to the General Assembly, Congress, President, Vice President, Governor, & c. and all persons allowed by law to vote for the above officers, shall be entitled to vote at said election and the said sheriff shall put Williamsburg the present place of holding court in said county and a new courthouse in nomination on the day of election, and the free electors of Jackson county, shall vote the said place so nominated and when the votes for the whole county are collected and counted out in the same manner as is provided for other elections, if a majority shall be in favor of moving the seat of justice by giving the greatest number of votes to the new courthouse, then and in that case the seat of justice shall be removed to the place designated by the commissioners and upon that event the commissioner shall immediately proceed to put the provisions of the second, third and fourth sections of this act into operation, and lay off a town on said land, as soon as purchased, which town when so laid off, shall be named Gainesborough, in honor of Maj. General Edmond P. Gaines of Fort Erie memory and said

commissioner shall appoint a chairman to their body, whose duty it shall be to take bonds of all the purchasers of public lots in the town of Gainesborough in his name sake as chairman of the board of commissioners for the town of Gainesborough, who shall sue for and recover any money or monies arising from the sale of said lots.

SECTION 8. That Jacob Bennett, Philip Mully, William Scantling, James Terry, James W. Smith, James Vance, Joseph Hawkins, and Joseph Shaw shall be, and they are hereby appointed commissioners to carry this act into effect, and a majority of them shall be competent at all times to act, and before they enter upon the duties of their appointment, they shall take an oath or affirmation, to act to the best of their skill and judgment in all the duties imposed upon them.

SECTION 9. That as soon as said court-house shall be erected and received by said commissioners, the justices of the court for said county shall adjourn said court, and all the proceedings therein to the aid town of Gainesborough, at the court-house, and which place from thenceforth shall be the seat of justice, and place for holding courts for Jackson county, and all elections that are now directed by law, to be holden at Williamsburg shall be holden at Gainesborough forever after.

SECTION 10. That when the county is centered according to the provisions of this act of an eligible situation cannot be found nearer the centre than Williamsburg, then and in that case the seat of justice shall be, remain at Williamsburg.

SECTION 11. That all laws, and parts of laws which are contrary to the intent and meaning of this act shall be, and the same are hereby repealed.

SECTION 12. That if the Kentucky line should not be defined and established in time sufficient for the surveyor to run out the county and make out plats aforesaid, before the first Thursday and Friday in August next, then and in that case the election for and against the removal of the seat of Justice shall not take place until the first Thursday and Friday in April eighteen hundred and seventeen, when the sheriff is hereby required to hold the said election in the same manner prescribed by this act, as he was required to hold the same for the first Thursday and Friday in August next, which election on the 1st Thursday and Friday in April 1817, shall be as good to all intents and purposes as if the same had come on the days first prescribed in this act.

SECTION 13. That in case of death, resignation or removal of any of the commissioners appointed by this act, or in case of their refusal to act, then and in that case the balance of the commissioners may fill up such vacancy by ballot, and when so elected and sworn, shall possess the same privileges, powers, and capacities as the commissioners first appointed by this act.

SECTION 14. That if there are not constitutional limits in Jackson county when the surveyor undertakers to detach as much of that part of the county of White as was taken from Jackson – he shall do it in such a way as not to take that part which ran up in a point in White county, if he can get constitutional limits without, but take it along the broad side of that part of Jackson county as near as may be.

SECTION 15. That the county trustee of Jackson county, shall pay said chain carriers and surveyor, the amount of their services when finished and sworn to, out of any monies in his treasury, and their receipt shall be a sufficient voucher in the settlement of his accounts: provided nevertheless if there should be an overplus of monies in the hands of the commissioners, after paying for the public buildings, then and in that case, the said commissioners shall pay said surveyor, and chain carriers out of the same.

Passed: November 14, 1816.

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