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# Private Acts of 1835-36 Chapter 48

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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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## Private Acts of 1835-36 Chapter 48

**SECTION 1.** That Isaac Lucas, Jas. M. Parker, William M'Castland, George Peoples and Hiram M'Elzeas, be, and they are hereby appointed commissioners for the county of Humphreys, with full power and authority to purchase and fix on a suitable site within four miles of the centre of said county, taking the public convenience and good into consideration, for the purpose of locating the county seat of said county, which shall hereafter be known by the name of Waverly.

**SECTION 2.** That before any of the commissioners hereby appointed shall proceed to perform any of the duties herein required, they shall take and subscribe the following oath before some justice of the peace for said county: I \_\_\_\_\_ do solemnly swear that I will well and truly execute and perform all the duties enjoined on me by law, as commissioner to fix on a permanent seat of justice in the county of Humphreys, to the best of my skill and ability. And in case any or either of the aforesaid commissioners shall fail or refuse to act under the provisions of this appointment, the county court of said county is hereby directed to fill such vacancy by appointing some person who shall not reside further than five miles from the person who shall fail or refuse to act, and the county court shall have full power and authority to fill such vacancy as they may occur, requiring the individual so appointed to be under the same regulations as the commissioners appointed by this act.

**SECTION 3.** That a majority of said commissioners shall constitute a board to transact business, and it shall be their duty as soon as they have fixed on a place for the seat of justice in said county, immediately to proceed to obtain a tract of land, not less than forty acres, to be conveyed to them by general warranty and in trust, for the purpose of laying off the said town of Waverly, and they shall lay the same off into convenient lots, lanes, streets and alleys, reserving therein on the most convenient and eligible place, two acres in a square form, to be called the public square, on which to erect the court house; and the said commissioners shall sell the lots so laid out, to the highest bidder for the same, at public sale, giving a credit to the purchaser of twelve months from the day of sale, and make deeds of conveyance to the purchasers respectively; but said sales of lots shall not take place until the time and place of the sale of said lots shall have been advertised four months in three newspapers printed in this State, and at the most public places in the county; and in all cases of sales of lots, the said commissioners shall take notes under hand and seal, payable to themselves and their successors as commissioners, with good and sufficient security for the purchase money of the respective purchasers.

**SECTION 4.** That the commissioners shall let out the building of the court house and jail of said town to the lowest bidder, and appropriate the money arising from the sale of the lots in payment of the same; and in case the proceeds of the sale of the said lots shall not be sufficient to build said court house and jail, the county court of said county shall have full power and authority to lay a tax on all taxable property from year to year, not exceeding one half of the State tax, to build said court house and jail, which moneys, when collected by the sheriff of said county, shall be paid to said commissioners or their successors on application.

**SECTION 5.** It shall be the duty of the commissioners aforesaid, before they enter into any of the duties enjoined on them by this act, enter into bond and security in the penal sum of five thousand dollars, payable to the chairman of the county court of said county and his successors in office, for the use of the county, faithfully to discharge their duty as commissioners for said county, and correctly account for all sums of money that may come into their hands as commissioners, and it shall be the duty of said commissioners to make full and perfect settlements of all their accounts with the county court once in each year.

**SECTION 6.** The county court of said county is hereby authorized to make such appropriations as compensation for said commissioners, as they shall from time to time think just and right.

**SECTION 7.** That when the commissioners aforesaid shall certify to the county court of said county, that the court house is in sufficient preparation and readiness to transact business in, it shall be the duty of the county court to order from henceforth, the courts of said county shall be held at Waverly; and all writs, bonds, processes and recognizances, shall be made returnable at the town of Waverly after the order of said court shall have been made.

**SECTION 8.** That the commissioners aforesaid shall, when they may think proper, expose to public sale, by giving ten days notice, the public jail of said county, for the use and benefit of the counties of Humphreys and Benton; and the said commissioners of each county shall, among themselves, determine the proportion due to each county, which decision and determination by the said commissioners shall be final between the two counties.

Passed: February 10, 1836.

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