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Creation of County

Dear Reader:

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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 County

Private Acts of 1835-36 Chapter 30

SECTION 1. That from and after the first day of January, 1836, the county of Humphreys shall be and the same is hereby declared divided, making the Tennessee river the dividing line of said county.

SECTION 2. That there shall be a new county laid off including all that part or section of country, west of the Tennessee river, formerly included in the county of Humphreys, to be called, known and designated in this State by the county of Benton, to have and possess all the rights and privileges, known to any other county in this state, by any general law or usage.

SECTION 3. That George Camp, sen., Green Flowers, Ephraim Perkins, Lewis Brewer, and John F. Johnson, be and they are hereby appointed commissioners for said county, whose duty it shall be to purchase and fix on some suitable situation within two miles of the centre of said county of Benton, for the purpose of locating a town, which shall be the county seat of said county, and called and known by the name of Cambden, and it shall be the duty of said commissioners or a majority of them to purchase said situation, and take a deed of conveyance to themselves and their successors in office for the use of the said county of Benton, for any number of acres not exceeding forty, and they shall lay off said town on the said situation so purchased, in lots of a convenient size, with a public square and such streets and alleys as they may deem most convenient and suitable for purchasers and a location of said town.

SECTION 4. That it shall be the duty of said commissioners or a majority of them, so soon as said town shall be laid off, and the lots surveyed, to advertise in some newspapers in this state, the sale of the lots of said town at least two months previous to the sale thereof, when it shall be the duty of said commissioners to offer said lots for sale on a credit of one or two years to the highest bidder, and take from the purchasers such security for the purchase money as they shall deem most expedient to secure the purchase money; which purchase money, when paid, the commissioners shall appropriate to the erection of public buildings, and give to the purchasers such deed or deeds of conveyance as will invest the purchasers or their assigns, with the fee simple to said lot or lots;

PROVIDED, nothing herein contained, shall prevent said commissioners from taking bond and security for the purchase money, and making a deed of conveyance at the time of the sale.

SECTION 5. That said commissioners shall take all bonds and notes arising from the sale of said lots payable to themselves and their successors in office which notes may be assignable as other promissory notes are by the existing laws, and it shall be the duty of said commissioners to superintend the building of the court house and jail, and other necessary public buildings, and shall let out such buildings as the county court of 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 the themselves and their successors in office, in double the amount of their contract or contracts, conditioned for the faithful performance thereof; and the proceeds of the sale of lots aforesaid and such tax as may be collected in pursuance of this act shall be a fund in the hands of said commissioners for the payment of the purchase money for the tract of land on which said town shall be located, and defraying the expenses of erecting public buildings; and when said buildings are completed, said commissioners shall by order of the county court pay over all surplus moneys to the county trustee for county purposes.

SECTION 6. That it shall be the duty of said commissioners, before they enter on any of the duties required of them by this act, to enter into bond and security, in the penalty of one thousand dollars each, payable to the chairman of the county court of Humphreys county and his successors in office, to faithfully and honestly discharge all the duties of a county commissioner for said county; and they shall moreover take an oath before some justice of the peace, to faithfully and honestly discharge all the duties enjoined on them by this act, which bonds shall be filed in the county court clerk's office, of the county of Benton, and suit may be brought on the same for a breach thereof, in the name of the chairman of the county court of Benton county.

SECTION 7. That it shall be the duty of the county and circuit courts, to hold their terms of said Court at the house of Samuel H. Burton on Cypress creek in said county, until a courthouse shall be erected; and all writs, process returns, recognizances, and other proceedings shall be made returnable at the house of the said Samuel H. Burton, until a majority of the County Court shall certify and order that the court house of said County is ready for the transaction of business when they shall be returned at the court house in the town of Cambden.

SECTION 8. That in case either or any of said commissioners shall die, resign, remove or refuse to act, it

shall be the duty of the county court to supply such vacancy as they shall occur; and the said commissioners shall, from time to time, when required, to lay before the county court detailed statements of all the money, notes or other instruments received by them as commissioners, with a full statement of the disbursements and how the same has been applied and for what purposes.

SECTION 9. That the county court of said county shall have full power and authority to lay a tax on all taxable property in said county to the full amount of the state tax for the purposes of building said court house and jail, and the money, when collected, shall be paid over to said commissioners for the purposes aforesaid.

SECTION 10. That the county court of said county shall allow said commissioners from time to time such compensation for their services as they may deem sufficient.

SECTION 11. 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 are elected under the provisions of the amended constitution and the laws made in pursuance thereof; and the said county of Benton shall elect her officers, civil and military, under the amended constitution, at the same time and under the same rules and regulations prescribed by law for the election of officers in other counties in this state, and the citizens of the said county of Benton, in all elections for Governor, members of congress and members of the general assembly shall vote with the county of Humphreys until the next apportionment of members of the General Assembly, agreeably to the provisions of the fifth section of the tenth article of the amended constitution.

SECTION 12. That nothing in this act contained shall be so construed as to prevent the county of Humphreys from entering up judgements, or the sheriffs of said county from selling under such judgements, any lands or other property within the bounds of said county of Benton for taxes and charges that are due from the citizens of said county of Benton, for the present or any preceding year.

Passed: December 19, 1835.

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