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Creation of the County

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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 the County

Private Acts of 1835-36 Chapter 33

SECTION 1. That a new county is hereby established, to be called and known by the name of Cannon; east of Rutherford, north west of Warren and south of Wilson and Smith counties, and composed of parts of the said counties of Warren, Rutherford and Smith; beginning on the ridge, the dividing line between Bedford and Rutherford counties, where Trott's survey strikes the same, near the house of Thomas Bruce; running from thence north to the twelve mile tree marked by Joseph Fowler, near Readyville, in Rutherford county, and continuing the same course to the Wilson county line; thence north-east with the several lines of Wilson county, to the line between Smith and Wilson; thence with the line between Wilson and Smith, four miles to a point on the line heretofore run by Henry Trott, Jr.; thence north eighty degrees east, with said line, seven and a half miles to the line between Warren and Smith; thence north eighty degrees east, nine and half miles, to the Smith county line; thence the same course seven and a half miles, to the line between Warren and Smith counties; thence with the line dividing Warren and Smith counties, seven miles, to the Caney fork of Cumberland river; thence up the meanders of the Caney fork to the mouth of Lick creek; running from thence to Perry G. Magnus's, leaving the dwelling house of said Magnus in the county of Warren; thence to a point a westwardly course, so as to run not nearer than twelve miles of McMinnville; thence to John Martin's, esq. on a line heretofore run by Henry Trott; thence south, thirty degrees west, seven miles and one hundred and ninety two poles; thence south, twenty degrees west, two miles; thence south five miles and one hundred and eighty six poles; thence south, seventy-one degrees west, six miles and seventy poles; thence north, eleven degrees west, three miles and seventy poles; thence with the dividing ridge between Rutherford and Bedford counties, to the beginning.

SECTION 2. That for the due administration of justice, the different courts to be holden in said county of Cannon, shall be holden at the house of Henry D. McBroom, 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 the 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 whenever in their judgement the necessary arrangements are made; and all writs and other precepts returnable to either place, shall and may be returned to the place to which said courts may have been removed by the county court aforesaid; and the said courts to be holden in and for said county of Cannon, shall be under the same 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 the said county of Cannon shall elect her officers, civil and military, under the amended constitution, at the same time, 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 Cannon shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State; PROVIDED, nothing in this act contained, shall be so construed as to prevent the counties of Warren, Rutherford, and Smith, from having, holding and exercising jurisdiction over the territory composing said county of Cannon and the citizens thereof, in as full and ample 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 Warren, Rutherford, and Smith from entering up judgements, or the sheriffs of said counties from selling, under such judgements, any lands within the bounds of said county of Cannon, for taxes, costs and charges, for the present or any preceding year; nor to prevent the sheriffs of either of said counties from collecting, from the citizens of said county of Cannon, any taxes due for the present or any preceding year.

SECTION 4. That the citizens of the county of Cannon, 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, agreeably to the provisions of the fifth section of the tenth article of the amended constitution.

SECTION 5. That George Elliott, of the county of Sumner, Jonathan Webster of the county of Coffee, and John S. Russwurm, of the county of Williamson, be and they are hereby appointed commissioners, a majority of whom can act, who shall, on or before the first Monday in May next, proceed to fix on a suitable and eligible site for the seat of justice and for the county town, within five miles of the town Danville. And 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 or their successors in office, by general warranty; and the said commissioners shall name the county town, and report all their proceedings relative to and concerning said county, to the county court of said county--and it is hereby made the duty of the clerk 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 the county aforesaid, 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 three 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 such name as may be given to it by the commissioners herein appointed.

SECTION 7. That the commissioners of said county shall sell the lots in said town on a credit, at least, of twelve months; first giving due notice thereof in one or more newspapers printed in this State; and shall take bonds with sufficient security for the purchase money, payable to themselves and their 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 judgement; and more-over, shall enter into bond with approved security, payable to the chairman of the county court of Cannon 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 clerks office in said county, and shall not be so construed as to make one of the commissioners security for another.

SECTION 11. That said commissioners shall keep a fair and regular statement of all moneys 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 all 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 Cannon, out of any moneys in the treasury not otherwise appropriated.

SECTION 13. That the commissioners that may be appointed to lay off the town, shall also reserve as many lots as they may deem necessary, to be given to the different religious denominations, on which to erect houses of public worship, and also a lot for a public burying ground; and said commissioners shall also reserve lots for a male and female academy, of such size as they may think necessary.

SECTION 14. That the surplus territory in the southern part of the county of Smith, shall be attached to and made a part of the county of Cannon, on the following conditions, to wit:--Abraham Overall, Moses Allen, Leonard Lamberson, John Fite and Joel Cheatham, are hereby appointed commissioners, who, or a majority of whom, shall proceed, on or before the first day of May next, and ascertain, by actual survey, the territory attached to the southern extremity of the county of Smith, over and above six hundred and twenty-five square miles, excepting the fifteen square miles included in Cannon; not running the line nearer than within twelve miles of the town of Carthage; so soon as said fact shall be ascertained, it is hereby made the duty of said commissioners, to hold an election at some suitable time and place, to be designated by the commissioners, and advertised at four of the most public places, at least ten days in said surplus territory, for the purpose of ascertaining whether a majority of the citizens in such surplus territory, are willing to be attached to the county of Cannon; and if upon counting the votes it shall appear that a majority of all the voters, competent to vote for members of the general assembly, have voted to be attached to the county of Cannon, then the said commissioners shall report the fact to the first term

thereafter, of the county court to be held for the county of Cannon; which report shall be entered on the minutes of said county court; and in that event said territory shall be attached to and from a part of the county of Cannon; the citizens thereof shall be entitled to all the rights, privileges, immunities and exemptions conferred by this act on the citizens of Cannon.

SECTION 15. That nothing herein contained shall be so construed as to exempt that portion of the citizens of Warren county, included in the county of Cannon, from the payment of their rateable proportion of the subsisting-county (sic) debt of Warren County.

Passed: January 31, 1836.

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