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Private Acts of 1835-36 Chapter 39

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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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SECTION 1. That Hugh Robinson, of the county of Cannon, and Solomon Beasley and Alfred P. Gowen, of the county of Rutherford, are hereby appointed commissioners to run and plainly mark the dividing line between the counties of Cannon and Rutherford, and the line between Cannon and Warren, according to the provisions of the act as above recited, to which this is a supplement, except so far as the same directs that said line shall be run north from the twelve mile tree, near Readyville, marked by Joseph Fowler; and instead of so running, they shall run north from said twelve mile tree to John Witherspoon's, and from thence a northwest direction, leaving said Witherspoon in Rutherford County, to the nearest point of Rucker's Knob, leaving Bennett Rucker and Higdon R. Jarratt, in Cannon county; thence with the summit of the ridge to the dividing ridge, between the waters of Stone's river and Landers' Fork; thence with the summit of said ridge to the Wilson county line. The said commissioners shall run from said twelve mile tree south to Jesse Stovall's field, then run west of south so as to strike the point of the ridge that divides the waters of Cripple creek from Brawley's Fork, and so as to include the house of Jesse Stovall, in Cannon county, leaving William Stacy in Rutherford county, then with the top of the ridge to the line of Coffee county; and the line so run, shall forever be the boundary between the said counties of Cannon and Rutherford; and said county of Cannon shall pay said commissioners a reasonable compensation for their services in running and marking said line; and the citizens residing in that part of said county of Cannon taken from Rutherford County, shall not be liable to pay any part of the debts of the county of Warren or any other county, except debts which may be hereafter incurred by the county of Cannon.

SECTION 2. That the sheriff of said county of Cannon shall, on the first Monday of January, 1837, and on the first Monday of January in every year thereafter, hold an election in the town that may be laid off under the provisions of the act to which this is a supplement, for the purpose of electing by the qualified voters of said town, four town commissioners, who shall appoint one of their own body chairman, and shall also appoint a clerk and treasurer; and said commissioners shall have power to lay and collect a tax for the use of said town, on all property within its limits which is taxable by the constitution of the State, and to lay and collect a tax on all shows and public exhibitions for money in said town; and to pass all by-laws and ordinances necessary for the regulation of said town: PROVIDED, that they shall not pass any by-laws or ordinances incompatible with the constitution and laws of the State.

SECTION 3. That all civil suits at law which may be, on the first day of March next, pending in the county and circuit courts of the counties of Cannon and Rutherford, and wherein both plaintiff and defendant, or plaintiffs and defendants, reside within the limits of the county of Cannon, it shall be the duty of the clerks of said courts respectively, to transfer them to the circuit court of said county of Cannon; and they shall forthwith, after said first day of March, file in the office of the clerk of said county, a transcript of the record of all such suits, and all the papers and proceedings in relation to them; and any suit so transferred, shall be proceeded in said circuit court of Cannon county, in the same manner as if they had been originally instituted therein.

COMPILER'S NOTE: Sections 4 and 5 did not apply to Cannon County and therefore, are not included herein.

SECTION 6. That the act to which this is a supplement shall be and is hereby amended, so that the line of the said county of Cannon, shall run from the point where the line of Cannon county strikes the line between Rutherford and Wilson according to the first section of this supplement; thence with the line of Wilson to the point near Stroud's where the line run by Trott enters Wilson county; thence north eighty degrees east with the line run by said Trott through the county of Wilson to the Smith county line; thence to the point where the line of Cannon county leaves the county line of Wilson, according to the act to which this is a supplement: PROVIDED, that the county of Wilson, on a survey to be made by the county surveyor of Sumner county, or some other good surveyor of that county, to be selected by the Senator and Representatives of Sumner county, shall have the constitutional quantity of territory after cutting off the territory aforesaid: PROVIDED, also, that if there should be less surplus territory in the county of Wilson, the line shall be so run by the surveyor aforesaid as to include such surplus territory and no more, in the county of Cannon; and as soon as the said survey may be made, and the line run cutting off the surplus territory of Wilson county to the said county of Cannon, the citizens thus cut off, shall be entitled to all the rights, privileges and immunities, in every respect, that the citizens of said county of Cannon have conferred on them by the act to which this is a supplement.

SECTION 7. If the line of the county of Cannon should be run through the county of Wilson as provided in the foregoing section, the said surveyor shall return to the Governor a fair plat of such survey, who shall in that event issue his proclamation to that effect; after which, the part of Wilson county taken off by such survey, shall be and constitute a part of the county of Cannon; and the citizens in the portion of territory so laid off, shall have all the privileges, and be subject to all the duties of other citizens of the

county of Cannon: PROVIDED, that the citizens so added to the county of Cannon shall not be liable to pay any part of the debts of the county of Warren, or any other county, except debts which may be hereafter incurred by the county of Cannon.

SECTION 8. That the portion of the county of Wilson so to be taken off and attached to the county of Cannon, shall constitute one civil district, in addition to the number now allowed to the county of Cannon, until changed according to law; and an election for magistrates and constables, and all other elections required to be held in other districts in said county of Cannon, shall take place therein at the same time, and in the same manner of other districts in the county of Cannon; PROVIDED, that if such election should not take place at the time of elections in other districts, the first election in the same may be held at any other time, to be fixed by the first county or circuit court of Cannon county; PROVIDED, also, that so soon as the proclamation shall have issued as aforesaid, the commissioners heretofore appointed to lay off Wilson county into districts, shall designate the place for general elections in said district so cut off to the county of Cannon; and they shall also arrange the territory that may be left on the Wilson county side of such line, if the said line shall divide any of the civil districts of Wilson county into a new district, or attach portions, or all of such territory to other districts, or newly to arrange the districts in that part of the county, in the manner that will best promote the convenience of the people.

SECTION 9. Said county of Cannon shall be entitled to the share to which its population will entitle it of the common school and other public funds, that are by law to be distributed among the several counties of this State; and the portion of such funds allotted to the counties from whose territory the county of Cannon is taken, shall have a deduction in proportion to the quantity of their territory and population so taken off.

SECTION 10. That in addition to the fifteen square miles taken from the county of Smith and attached to the county of Cannon, by the act to which this is a supplement, the following territory shall also be attached: beginning at a stake in the line dividing the counties of Smith and Wilson, four miles from the southwest original corner of Smith County, running thence north twenty-three degrees west eight and one fourth miles, to an elm tree in said line; thence south eighty degrees east sixteen miles, to the Caney Fork river; thence up said river with the meanders, intersecting at that point the eastern boundary of said county of Cannon; and the inhabitants included in said boundary shall have all the rights, privileges and immunities, that the inhabitants of said county of Cannon have conferred on them by the act to which this is a supplement.

SECTION 11. That in addition to the commissioners appointed by joint resolution of both houses of this Legislature to lay off Smith county into civil districts, Jacob Fite and John Fite shall, and they are hereby appointed; and it is hereby made the duty of said commissioners, or any three of them, forthwith to lay off that part of Smith county which, by this act, is attached to the county of Cannon, into civil districts, and designate the places of holding elections in such districts; which districts shall be added to the number of districts for Cannon county, and shall be laid off as near as may be convenient, with not less than one hundred free voters to one district; and they shall also regulate and lay off the districts in Smith county, adjoining its south boundary line, as established by this act, so as to suit the convenience of the citizens, and to return ideal plats with certificates for Cannon county, to the county court of Cannon, and for Smith, to the county court of Smith, and one for each to the Secretary of State.

SECTION 12. That so much of the act to which this is a supplement, as requires the commissioners who were appointed by said act to ascertain the surplus territory in Smith County, and hold an election to ascertain the consent of the inhabitants within said surplus territory to be attached to Cannon county, to report their proceedings to the county court of Cannon county, be, and the same is hereby repealed.

Passed: February 19, 1836.

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