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Acts of 1855-56 Chapter 122

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Sincerely,

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SECTION 1. That a new County shall be established, to be known and distinguished by the name of Cheatham, to be composed of parts of the Counties of Davidson, Robertson, Montgomery, and Dickson; beginning at a point in a line dividing the Counties of Robertson and Montgomery, eleven miles north of the mouth of Harpeth River, the above point being on James W. Moody's plantation, a southwest direction from his dwelling; running thence west, two and a half miles, to a post oak and black gum, marked with the letters, M.C.; thence south, forty degrees west, crossing the stage road leading from Nashville to Clarksville, at two miles, two hundred and four poles, and crossing Cumberland River, in all six and one-half miles, to the south bank of said river; thence up the said river, with its meanders, to the mouth of Barton's Creek; thence up said Creek, with its meanders, to the mouth of the Barren Fork of said creek; thence up said creek, with its meanders, to the road leading from Clarksville to Charlotte, by the road; thence a due south course four and three-quarters miles, to a point in the Dickson County line; thence east with said line one mile, to a large dead red oak, and pointers one-half mile north of the Family Forge; thence south seventy-two degrees, east crossing said Barton's Creek at one hundred and twenty poles, and the road leading from said forge to Weakley's Ferry, at one mile and one hundred and twenty poles, and the road leading from said ferry to Cumberland Furnace, at three miles and ninety poles, and crossing Johnson's Creek, at five miles and sixty-eight poles, continued, in all seven miles, to three hickories on the east side of a hill; thence south forty-seven degrees, east crossing the road leading from Charlotte to the mouth of Harpeth River, at ninety-eight poles, and crossing said Harpeth River, at one mile, one hundred and twenty poles, and again at two miles and eighty poles, and again at three miles, one hundred and four poles, about ten poles above the mouth of Mann's Creek; thence south, from the mouth of Mann's Creek; thence south, from the mouth of Mann's Creek with the Davidson County line, seven and a half miles to the Charlotte turnpike; thence east, with the pike, ten miles to a stake; thence north, in a direct line until it intersects the original line of Cumberland County heretofore established, of which this is in lieu; thence north twenty-one degrees, east crossing Big Marrow-bone, at five miles and sixty-eight poles, continued, in all, six miles to a chestnut and poplar east of the north fork of said creek, thence north, five degrees, west crossing the stage road from Nashville to Clarksville, at two miles and eleven poles, and the road by the Pinnacle Bluff, on Sycamore Creek, at three miles, one hundred and fifty-one poles and continued, in all, five miles and sixty-eight poles, to a beech on the south bank of Sycamore Creek; thence down said creek, with its meanders, to the mouth of Hollis' Mill Creek; thence up said creek one hundred and forty poles, to the mouth of Jackson's Branch; thence up said branch three-quarters of a mile to a sugar-tree and hickory standing at the mouth of Edward Smith Church's Spring Branch; thence north seventy-three and one-half degrees, west two miles and thirty-four poles, to a small black walnut and red oak standing on the east side of the road leading from Springfield to the mouth of Harpeth; thence a direct course in a point one-half mile east of the point of beginning; thence west to the beginning.

SECTION 2. That, for the due administration of justice, the different courts to be holden, in said County of Cheatham shall be holden at Sycamore Mills, in the County of Cheatham, until the seat of justice for said County shall be located, and a suitable house erected for that purpose. The County Court in the intermediate time, shall have full power to adjourn to such other place in 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 judgment, the necessary arrangements are made; and all writs and other precepts returnable to either place, shall, and may be, returned to the place where said courts may have been moved by the County Court aforesaid; and the said courts to be holden in and for said County of Cheatham shall be under the same rules, regulations, and restrictions, and shall have, hold, and exercise, and possess the same powers and jurisdictions, as are 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 shall have been elected under the provisions of the Constitution and law made in pursuance thereof; and it shall be the duty of the County Court of Cheatham County, at their first term, to appoint some suitable person to open and hold elections in each civil district in said County, on the 15th day of May, 1856, for the purpose of electing County officers; which election shall, in all respects, be conducted agreeably to the existing laws regulating elections in other Counties in this State. The officers so elected shall have the same jurisdiction, powers, and emoluments that the County officers are entitled to under the existing laws; and the said County of Cheatham shall be placed on 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 Davidson, Robertson, Montgomery, and Dickson from having, holding, and exercising jurisdiction over the territory composing the said County of Cheatham, and the citizens thereof, in as full and ample a manner as they now have, until the election of County officers: Provided also, that nothing

in this act contained shall be so construed as to prevent the Counties of Davidson, Robertson, Montgomery, and Dickson from entering up judgments, or the Sheriffs of said Counties from selling under such judgments, any lands within said County of Cheatham, for taxes, costs, or charges, for the present or any preceding year; nor to prevent the Sheriff of either of said Counties from collecting from the citizens of said County of Cheatham any taxes due for the present or any preceding year.

SECTION 4. That the citizens of the County of Cheatham, 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 Constitution.

SECTION 5. That B.F. Binkley, of the County of Davidson, Henry Frey and Wiley Woodard, of the County of Robertson, Pleasant Ragwell, of the County of Montgomery, and Benjamin C. Robertson, of the County of Dickson, be, and they are hereby, appointed Commissioners, a majority of whom are hereby authorized to act; who shall, on or before the 21st of April, 1856, proceed to fix on a suitable and eligible site for the seat of justice, and for the County Town within three miles of the centre; at which site the 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 and their successors in office, by general warranty, and the said Commissioners shall name the County Town, and report all the 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 said 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 public jail; and the said town, when so laid off, shall be known by such name as may have been given to it by said Commissioners herein appointed.

SECTION 7. That the Commissioners of said County shall sell lots of said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers printed in this State, and shall take bond, with good and sufficient security, for the purchase money, payable to themselves and their successors in office, and shall make title in fee simple, as Commissioners, to the respective purchasers thereof.

SECTION 8. That the proceeds of the sales of said lots 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 County Seat is located, and also for defraying the expenses of erecting the public buildings.

SECTION 9. That said Commissioners shall superintend the building of the courthouse and jail, and other necessary 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 security, from the person or persons to whom the same is let, payable to them and their successors in office, for double the sum for which the said buildings were undertaken to be built, conditioned for the faithful performance of his or their contracts.

SECTION 10. That said Commissioners, before they enter upon the duty of their office assigned to 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, according to the best of their judgment, and, moreover, shall enter into bonds, with approved security, payable to the Chairman of the County Court of Cheatham County, and his successors in office, in the sum of ten thousand dollars, conditioned for the true and faithful performance of the duty enjoined upon them by this act; which bond shall be deposited in the Clerk's office of 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 more than once in each and every year; and when all the public buildings are completed, the said Commissioners shall, by order of the County Court, pay over all surplus money in their hands 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 Commissioners first appointed by this act shall each receive the sum of three dollars for their services for each and every day they may be absent from home, and necessarily employed in performing the duties required by them in this act, to be paid by said County of Cheatham of any moneys in the Treasury not otherwise appropriated.

SECTION 13. That John M. Joslin, of the County of Davidson, be, and he is hereby, appointed to run and plainly mark the dividing line between the Counties of Davidson and Cheatham; between the Counties of Montgomery and Cheatham; between the Counties of Dickson and Cheatham; and he shall ascertain the number of square miles within the limits of said new County, in accordance with the boundaries as set forth in the first section of this act; and he shall further ascertain whether the line, or any one of them approach within twelve miles of the County Seats of the old Counties from which said new County is taken, and report the same to the Governor; and he shall have full power to employ chain-carriers, who shall receive a reasonable compensation for their services, to be paid by the said County of Cheatham; and the said John M. Joslin shall receive the sum of four dollars per day for each day he may be necessarily employed in the business required by this act, to be paid by the said County of Cheatham.

SECTION 14. That the County of Cheatham be, and the same is hereby, attached to the Seventh Judicial Circuit; and the courts thereof shall be held by the Judge of said circuit on the _____ Monday in _____, in each and every year, at L.A. Perdue's, in said County of Cheatham, until the seat of justice for said County is established by the Commissioners appointed by this act, and the erection of a courthouse for the same.

SECTION 15. That the suitors in said County of Cheatham may file their bills in the Chancery Court at Clarksville, in the County of Montgomery, in Charlotte, in the County of Dickson, or at Nashville, in the County of Davidson, at their discretion.

SECTION 16. That all appeals, writs of error, and appeals in the nature of writs of error, from the Circuit Courts of said County of Cheatham, shall be taken to the Supreme Court, to be held for the Middle Division at Nashville; that the County Court of said County shall be holden on the first Monday in March next, under the same rules, regulations, and restrictions, as the County Courts of other Counties are held.

SECTION 17. That the County of Cheatham shall form one regiment, and said regiment, in all its relations to the militia of this State, shall assume the place of the 160th Regiment, and shall be attached to the 14th Brigade; that the field officers, or officers included in said County of Cheatham, shall meet at the house of John J. Hinton, in said County, on the first Saturday in May next, and divide said regiment into battalions and companies, and provide for electing all officers in said regiment, in the manner pointed out by law.

SECTION 18. That, on the first Saturday in April, 1856, it is hereby made the duty of the Sheriffs of Robertson, Davidson, Montgomery, and Dickson Counties, by themselves and deputies, to open and hold elections for the purpose of receiving the votes of the qualified voters residing in each fraction taken from the several Counties to form the said County of Cheatham; at which election the polls shall be opened at ten o'clock, A.M., and close at 4 o'clock, P.M.; and no person shall vote at said election unless he has resided in the fractions in which he offers to vote, six months immediately preceding the day of said election; and those who wish to vote for the new County, shall put "Cheatham" on their tickets, and those against shall put the words, "Old County" on their tickets; and no vote shall be counted unless the above word or words be upon it; and should any person vote at either of said elections, not being a qualified voter, or residing in the fraction of which he may vote, such offender, on conviction thereof, shall forfeit and pay the sum of twenty-five dollars, to be recovered before any tribunal having cognizance thereof.

SECTION 19. That the election for that fraction which is taken off of Davidson, shall be held at the houses of John Hooper and James M. Lee; for that fraction taken from Robertson, shall be held at Hudgins' Tan Yard; for that fraction taken from Montgomery, at the houses of John H. Atkins' Store and Littleton Perdue; and for that fraction taken from Dickson, shall be held at the house of John J. Hinton.

SECTION 20. That immediately after the elections, the Sheriffs of Davidson, Robertson, Montgomery, and Dickson, shall make returns to the Governor, of a full statement of all the votes, both for and against the establishment of said County of Cheatham; and, if it shall appear that a majority of the qualified voters, voting in each fraction taken from old Counties, to form said new County; and, if it shall further appear, by the report of the said John M. Joslin, that there are within the limits of said new County, three hundred and fifty square miles, and that the lines of said new County as designated in the first section of this act, do not run nearer than twelve miles to the County Seat of the old Counties from which said County of Cheatham is taken; and, if it shall further appear from the returns of said Sheriff, that there is a constitutional number of qualified voters in said County of Cheatham; then the Governor shall forthwith issue his proclamation, setting forth that said County of Cheatham has become a constitutional County; and the same shall be immediately organized, in conformity with this act: Provided, that, after a survey of Dickson, it shall be found that there will still remain to Dickson County her full constitutional territory of 625 square miles.

SECTION 21. That the act passed 3d January, 1844, establishing the County of Cumberland be, and the same is hereby repealed.

SECTION 22. That it shall be lawful for the surveyor to depart from the original line; provided, he does not approach nearer than twelve miles of each County Seat.

SECTION 23. That the County line between the Counties of DeKalb and Warren, be so changed as to embrace the residence and premises of John Martin, Jr., in DeKalb County.

SECTION 24. That there be a new civil district constituted in the County of McNairy, known as the 16th district, with the following boundary: Beginning on the south line of the 12th district, at Hardin O'Neal's, running thence to Hampton's the south-west corner of the 12th district; thence, west to the Purdy and Jack's Creek Road; thence, north, along the Jack's Creek Road, to John Plunk's, on said road; thence, along said road to the Henderson line, to John P. Moses's; thence, south, to A. K. German's; thence, south, to John Canaday's' thence south, to Miles Davis's; thence to Hardin O'Neal's; with election precinct at James Malone's.

SECTION 25. That the County line between Monroe and Polk, be so changed as to include all the premises and lands of Burgis Witt in the County of Monroe.

SECTION 26. That the act to establish the County of Cheatham, be so amended as that the lines of said County, shall be altered as follows, viz: With the proper degrees, so as to strike the mouth of Barton's Creek, in all six miles, and so as not to approach Clarksville at any point nearer than twelve miles; thence, up the east fork of said Barton's Creek one mile, with its meanders; thence, south so as not to approach Clarksville nearer than twelve miles; thence south, with the proper degrees east, so as to keep a distance of twelve miles from Charlotte, in all six miles; thence south, with the proper degrees east, so as not to approach said County Seat of Dickson County, nearer than twelve miles, four miles to the County line of Dickson, near the mouth of Mana's Creek; thence south, nine miles, to the Charlotte Turnpike near or at Ben Anderson's; thence east, with the meanders of said Charlotte Pike, ten and one-half miles, so as to run north, in a direct line until it intersects the original line of Cumberland County, heretofore established--of which this is in lieu; thence north twenty-one degrees, east four miles to Marrow-bond Creek.

SECTION 27. That this act shall take effect from and after its passage.

Passed: February 28, 1853.

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