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Acts of 1809 Chapter 79

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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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Acts of 1809 Chapter 79

1. That from and after the passing of this act, the bounds of Warren county shall be as follows, to wit: Beginning on Cumberland mountain at the south west corner of White county, thence westwardly along the top of said mountain to a point just twenty poles further than a place opposite where Avent, a son-in-law of Thomas Vining now lives, thence a direct course by the house spring on the head of Stones river, to the east boundary line of Rutherford county, thence along the lines of Rutherford, Wilson, Smith and White counties, to the beginning; and that the country taken from Warren county by the reduction of it as aforesaid, shall be and the same is hereby declared to be attached to and held to be a part of Franklin county, any former law to the contrary notwithstanding.
2. That the sheriff of Warren county shall hold an election on the second Monday in March next, at the court house in said county; for the purpose of electing five commissioners to fix on a suitable place for the permanent seat of justice in said county, at which said election every free man of the age of twenty-one years and upwards, who may have been a resident of the county for the space of three months, immediately preceding the election, shall be entitled to a vote, and five persons thus elected, shall be, and they are hereby appointed commissioners, and they or a majority of them, are authorised to purchase forty acres of land, on the most reasonable terms, having special regard to situation, water and timber, for the purpose of erecting a courthouse, prison and stocks for the use of the county, and the said commissioners or a majority of them, shall take a deed in fee simple, intrust for the said county of Warren, to themselves and their successors in office, for the use and benefit aforesaid, and shall as soon as may be after purchasing and obtaining a title thereto as aforesaid, proceed to lay off a town thereon, to be called and known by the name of M'Minnville, reserving two acres for public use in or near the centre thereof, which shall be denominated the public square.
3. That the said commissioners or a majority of them, be, and they are hereby authorised and required to advertise and sell the lots in said town to the highest bidder, on a credit of twelve months for one half of the purchase money, and eighteen months for the other half, taking bond with good and sufficient security from each and every purchaser, to themselves and their successors in office, to and for the use of the said county, and they are hereby authorised to execute deeds to the purchasers, which shall be good and valid in law to all intents and purposes, and the money arising from the sale of said lots shall be applied to the payment of the land as by them purchased as aforesaid, and the residue thereof to the building of the said court-house, prison and stocks, and they are hereby authorized and required, first advertising the same in the Carthage Gazette, and at the court-houses of Warren, White, Jackson, Smith, Overton and Franklin, at least thirty days, to proceed to let out the building of the court-house, prison and stocks, to the lowest bidder, on such condition as may be approved of by said commissioners.
4. That in case there shall not be money sufficient arising from the sale of the land so purchased, that the county court have power to lay a tax not exceeding twelve and an half cents on each hundred acres of land, six and one fourth cents on each white poll, twelve and an half cents on each black poll, one dollar on each stud horse kept for mares, five dollars on each retail store, five dollars on each pedlar or hawker selling goods in said county, and not exceeding twenty-five cents on each town lot; and in case the tax aforesaid for one year shall not be sufficient to complete the said buildings, it shall and may be lawful for the said county court to continue the same tax from year to year until the same are completed, which tax shall be collected by the sheriff of the said county of Warren, under the same rules, regulations and restrictions, as other taxes are and shall be by him paid to said commissioners, to be applied as aforesaid.
5. That said commissioners, or a majority of them, shall before they enter on the duties assigned them by this act, take in open court the following oath or affirmation:

"I, A. B. do solemnly swear (or affirm as the case may be) that in fixing on a suitable place for the permanent seat of justice in Warren county, I will faithfully endeavor to have it as near the centre of the county as a due regard to situation, water and timber will permit, and that I will not be influenced by any private interest in fixing the same: Provided, in my opinion it does not accord with the interest of the county, and that I will to the best of my judgment perform from time to time, all other duties enjoined upon me by the act appointing me commissioner, SO HELP ME GOD."
6. That the said commissioners shall at the same time of being qualified as aforesaid, enter into bond to the chairman of Warren county court, and his successors in office in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon me by this act, which bond shall be deposited in the clerks office of said county.
7. That the said commissioners shall keep a fair and regular statement of all money by them received and expended in the execution of their official duties, which statement shall be laid before the county court at

least once in every twelve months without being required to do so, and oftener if required by the court.

8. That it shall be the duty of the sheriff of Warren county, as soon as he shall be furnished with a copy of this act, to notify the aforesaid commissioners of their appointments, requiring them to attend at the next succeeding court after such notification, for the purpose of being qualified, and in order that they may proceed to the discharging of the duties herein assigned to and required of them.

9. That in case of refusal to act, death, resignation, or the happening of a vacancy in any other manner, such vacancy shall be filled by the county court at their succeeding term, which appointment shall be made on the second day of such term, and the vacancy filled by a person residing within five miles of where the former commissioner resided.

10. That when the buildings aforesaid are completed, the said commissioners shall lay a fair statement of the money by them received and expended for the purpose aforesaid, before the court aforesaid, who shall allow the commissioners a reasonable compensation for their services: Provided, two-thirds of the justices of said county be present, and if after the completion of the said buildings there be any surplus money in the hands of said commissioners, it shall be paid to the county trustee for county purposes.

11. That the sheriff or collector of Warren county shall be permitted to collect any taxes now due him from any person or persons who may reside within the former bounds of the said county of Warren, any thing in this act to the contrary notwithstanding.

12. That the court of Warren county shall be held at the present place of holding it, until a majority of the magistrates of the county in court may think the improvements at M'Minnville have so far progressed as to afford sufficient accommodations for holding court there, at which time they may adjourn there, and forever afterwards the town of M'Minnville shall be the place of holding court for Warren county.

13. That all laws or parts of laws, coming within the purview and meaning of this act, be, and the same hereby are repealed.

14. That this act shall be in force from and after the passing hereof. Passed: November 22, 1809.

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