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Acts of 1849-50 Chapter 61

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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 a new County be and the same is hereby established, to be composed of fractions taken from the counties of Grainger, Claiborne, Campbell, Anderson and Knox, and to be known and designated by the name of Union County.

SECTION. 2. That the county of Union, shall be bounded as follows, to wit: Beginning at a sweet gum, in the Knox county line, at the end of Clinch mountain, and four chains south of the Nance's ferry road; thence running north thirty-eight, east one mile, and thirty-four poles, to the top of a chain of Clinch mountain; thence north, twenty-five east, one mile and forty-two poles, to the top of a spur, of said mountain; thence north six west, three quarters of a mile, crossing the main range of Clinch mountain; thence north forty-five east, along the side of the mountain one mile, to a white oak on the top of a spur, leading down the mountain opposite Wm. Donehue's; thence north, crossing Flat creek two miles and twenty poles, to a beech on the bank of Dyer's branch; thence north ten west, two hundred and twenty poles, to the top of the Copper ridge; thence north one mile and three quarters, to the top of the Log mountains; thence north twentyfive, east one hundred and ninety-two poles to a sugar tree near John Bullard's; thence north eighty, east one hundred poles to a stake, near John Wolfinbarger's house; thence north eighteen, east five miles and eight poles to Clinch river, three quarters of a mile above Capp's ford; thence down the south bank of said river, as it meanders, five miles and a quarter, to a large double sycamore, below Dodson's island; thence north twenty-five, west, crossing Clinch river, one hundred and eighty-two poles, to a white oak, four poles north of the Big Valley road; thence north thirty-five, west five miles, to Powel's river, at a Spanish oak, forty poles below the mouth of Camp creek; thence down the south bank of Powel's river, as it meanders, twenty-nine miles and a quarter, to a walnut, at Thomas's ford; thence south ten east, four miles and a quarter, to Clinch river, eight poles above a large spring; thence crossing said river the same course, twenty poles, to a beech on the south bank of said river; thence down said river, as it meanders, two miles, to the line of Henderson & Co.'s survey, about two miles above the mouth of Powel's river; thence with the line of Henderson & Co., south forty-five, east a half mile, to a white oak in said line; thence south, thirty-eight east, four miles and one hundred and ten poles, to Byram's fork, on Hynes's creek, four poles above a large white oak; thence south fifty west, one hundred and forty poles, to a stake, in Charles Mitchell's field; thence south twenty-eight east, two miles and one half, to the Knox county line, on top of the Chestnut or Hynd's ridge; thence along the top of said ridge, with the Knox county line, two hundred and thirty poles, to a road crossing from Martin Gentry's to Knoxville; thence south thirty-five east, two miles, crossing Raccoon Valley road and Bull-run creek, to a stake, near Marvil Hill's house; thence south seventy-five east, four miles and twenty poles, to a white oak, east of Gorden Mynatt's; thence north seventy-eight east, two miles and fourteen poles, to an ash, in J. Gibb's field; thence south eighty-one east, four miles and three hundred and ten poles, to the top of House mountain; thence with the extreme height of said mountain, to the east end of the same; thence north fifteen east, four miles and twenty poles, to the Knox county line at Nelson Mynatt's; thence with said line to the beginning.

SECTION. 3. That for the purpose of organizing the county of Union, William T. Carden, John F. Huddleston, Ezre Buckner and Wm. Colvin, of the county of Grainger; Malcijah Nash, J. G. Palmer and John Sharpe, of Claiborne county; Isaac C. Dyer, Meril Hill and Hazell Hill, of Campbell county; James W. Turner, Allen McCoy and A. L. Carden, of the county of Anderson and Henry Graves and Henry G. Rovers, of the county of Knox, shall be and they are hereby appointed commissioners, who shall take an oath before some justice of the peace, faithfully and impartially to discharge the duties enjoined on them in this act, and in all cases of vacancy that may occur among said commissioners, previous to the organization of the county courts of Union county, the same shall be filled by the other commissioners; and all vacancies occurring after said organization, shall be filled by the county courts of Union county; the said commissioners, shall enter into bond and security, to be approved of by the county court of Union county, and payable to the chairman thereof, in the sum of five thousand dollars, conditioned for the faithful discharge of their several duties; a majority of said commissioners, shall constitute a board, competent to do all things herein enjoined on them; they shall keep a regular record of all their proceedings, as commissioners, which shall be returned to the county court of Union county, at its first session, and the same shall be recorded by the clerk thereof, on the records of said court, and they shall make such other returns after the organization of said court, as shall be directed thereby.

SEC.TION 4. That it shall be the duty of said commissioners, first giving thirty days notice in two public places, or more, of the time and place to open and hold an election at one place, in each of the fractions proposed to be stricken off from the counties of Grainger, Campbell, Anderson, Knox and Claiborne, for the purpose of ascertaining whether a majority of the voters residing in those fractions, are in favor of, or opposed to the establishment of the county of Union, and all persons qualified to vote for members of the General Assembly, who have resided in the fractions proposed to be so stricken off, six months,

immediately preceding the election, shall be entitled to vote, and each voter, who desires to vote for the establishment of the new county, shall have on his ticket, the words, "new county," and those voting against the new county, shall have on their tickets, the words, "old county," and if, upon counting all the ballots, the judges of the several elections, shall return that a majority of each of the fractions, respectively, have voted for the new county, then the county of Union, shall be and the same is hereby declared to be a county, with all the powers, privileges and advantages, and subject to all the liabilities and duties with other counties in the State.

SECTION. 5. That if from any cause, elections shall not be held in all or each of the fractions, as before directed, the said commissioners shall proceed, as soon as practicable, to hold said election, so omitted, to be held in the same manner and under the same regulations, as specified in the foregoing section, and in like manner, if the said commissioners shall believe upon investigation, which they are hereby authorized to institute, into the manner of holding the several elections that any improper or fraudulent practices have been permitted, they shall have power, to declare the election, so held in any fraction, to be void, and proceed to hold another election in said fraction, first giving thirty days' notice, as heretofore provided.

SECTION. 6. That for the due administration of justice, the different courts, to be holden in the said county of Union, shall be held at John F. Huddleston's, on the waters of Bull run, until the seat of justice shall be located; the county court shall, in the intermediate time, have full power to adjourn the courts to such other place in said county, as they may deem better suited for the holding of the same, and for public convenience; and, to adjourn to the seat of justice, when, in their judgment, the necessary arrangements are made, and all writs and other precepts, issuing from any of said courts, returnable to either place, shall and may be returned to the place to which said court may have been removed, by the county court aforesaid, and the courts for the county of Union, shall be under the same rules, regulations and restrictions, and shall have, hold and exercise, and possess the same powers and jurisdiction, as prescribed for holding courts in other counties; said courts shall be attached to the twelfth judicial circuit; and the circuit court shall be held by the judge of said circuit, on the first Monday in February, June and October, in each and every year, and the citizens of said county, may file bills in chancery, at either of the chancery courts, held at Rutledge, Tazewell or Knoxville, at their election.

SECTION. 7. 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 according to law, and the said courts of Union shall elect her officers on the same day and under the same rules, regulations and restrictions, as provided by law, for the elections of officers in the other counties in this State; Provided, That nothing in this act contained, shall deprive the above named counties from having and exercising jurisdiction over the territory composing the county of Union and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers takes place according to law; Provided also, Nothing herein shall prevent the above named counties, from entering upon judgments, or the sheriffs of said counties from selling under such judgments any lands, within the bounds of the county of Union, for taxes, costs and charges, until the county of Union is organized.

SECTION. 8. That the commissioners appointed by this act, shall appoint such person as they may deem of suitable qualifications to open and hold the election for county officers for the said county of Union, and such person, so appointed, shall be and he is hereby invested with full power and authority, to appoint deputies, clerks and judges, and by himself and deputies, to administer all the necessary oaths, and to do and perform all other duties, as by law are required of sheriffs or other officers holding similar elections.

SECTION. 9. That citizens of Union county, in all elections for Governor, Representatives in Congress, members of the General Assembly and electors of President and Vice President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment, agreeable to the provisions of the fifth section of the tenth article of the constitution.

SECTION. 10. That it shall be the duty of the commissioners aforesaid, as soon as practicable, after the county of Union shall have been established, to select and procure, by purchase or otherwise, a suitable site for the seat of justice, in said county, having due regard to the convenience and wishes of a majority of the citizens of said county, and the said commissioners, having first caused a deed to be made to themselves and successors, with general warranty, to be a sufficient quantity of land, including the site so selected, shall cause a town to be laid off thereon, with as many streets, of such width, as they may deem necessary, reserving a sufficient quantity of land for a public square; said commissioners shall designate and reserve from sale, one lot in said town, for the purpose of erecting a public jail, for said county; said town, as soon as laid off, shall be known by such name as said commissioners may give it; Provided, The commissioners shall open and hold an election at two or more places in said county, first giving twenty days' notice of the time and place, for the purpose of fixing upon an eligible site for the seat of justice in said county of Union, and should such election be held, all qualified voters for members to the General Assembly, shall be entitled to vote, in selecting said site; should there be two or more places put

in nomination and voted for, the place receiving a majority of all the votes taken in shall thereupon be declared by said commissioners, the seat of justice of Union county; Provided, Said commissioners shall have the right to hold elections from time to time, until one place receives a majority of all those voting.

SECTION. 11. That the commissioners of said county, shall sell the lots in said town, on a credit of at least twelve months, first giving due notice thereof, in some one or more newspapers, and shall take bond with sufficient security from the purchasers of said lots, payable to themselves and their successors, in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

SECTION. 12. That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners, for defraying the expense incurred in the purchase of said tract of land, on which the said seat shall be located, and also for defraying the expense of erecting the public building for said county of Union.

SECTION. 13. That the commissioners, shall superintend the erection of such public building, as the county court of said county shall order and direct to be built, and shall let the same out, shall take bonds from undertakers, with ample penalties and sufficient securities, payable to themselves and their successors, conditioned for the faithful performance of his or their contracts; that the balance of any of the proceeds, arising from the sales of the lots, herein authorized to be laid off and sold, remaining in the hands of the commissioners, after defraying the expense of purchasing the town site, for the county seat, and the cost of the public building, ordered to be built, by the county court, shall be paid over, by said commissioners, to the trustee of said county of Union, to be held, applied and accounted for, by him, as other county funds.

SECTION. 14. That said commissioners shall also appoint five suitable persons, as commissioners, whose duty it shall be, to divide and lay off said county of Union, into civil districts, designate the places of holding elections therein, and do and perform all the duties relative thereto, which, by the laws of the State, such commissioners are authorized or required to do.

SECTION. 15. That the county of Union, shall form one regiment, and shall be known and designated as the 162d regiment, and shall be attached to the 4th brigade, the militia officer of officers, highest in command, included in said county of Union, shall, at such time and place, as he or they may determine upon, call all the commissioned officers together, and such of them as shall attend, are hereby authorized and empowered to lay off said county, into battalions and companies, and provide for holding said elections, for the purpose of electing all officers in said regiment, in the manner prescribed by law.

SECTION. 16. That should the boundary line of Union county, as designated in the second section of this act, approach nearer to the county seat of either of the old counties, from which the territory constituting the county of Union is taken, than is prescribed by the constitution, it shall be the duty of the commissioners, herein appointed, to appoint some surveyor, who shall rerun and mark such line or lines, so as not to violate the constitutional rights of said old county, and said surveyor, shall make a report, to the county court of Union, which report shall be the recorded by the clerk of said court, and such line, so run, shall be established line of said county.

SECTION. 17. That the commissioners of Union county, be and they are hereby authorized to exercise all the powers conferred in this act, and such other powers, as may be necessary and proper, to the complete organization of the said county of Union.

SECTION. 18. That before the said county shall be established, said commissioners shall be satisfied from the survey already made, or from actual survey to be made, that said county contains not less than three hundred and fifty square miles, and a population of four hundred and fifty qualified voters, and that said counties of Grainger, Claiborne, Campbell, Anderson and Knox, will not be reduced below their constitutional limits; Provided, The survey provided for by this section, may be dispensed with if there is no opposition to the organization of the county, on an alleged reduction of the county or counties below their constitutional limits, from which the county of Union is stricken.

SECTION. 19. That if the new county of Union, shall fail to organize against the first Saturday in March next, and consequently, fail to elect necessary county officers, as prescribed in the seventh section of this act, they shall proceed to elect their county officers on the second Saturday in July next thereafter, under the same rules and regulations as are now prescribed by law, and such officers, so elected, shall hold their offices until the regular time of electing officers in this State, and no longer.

SECTION. 20. That the commissioners, herein appointed, in laying off the town, shall 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 said commissioners shall also reserve two lots, upon which to build a male and female academy, of such size as they may think suitable for said purposes.

SECTION. 21. That the said commissioners shall keep a fair and regular statement of all the moneys by them received and expended, which statement, when required, shall, from time to time, be laid before the

county court, and when all the public buildings are completed, the said commissioners shall, by order of the county court, pay over all surplus money, if there be any, to the county trustee for county purposes, and they shall be allowed, by the county court, a reasonable compensation for their services.

SECTION. 22. That the line of Union county, shall not approach the county seat of any old county, nearer than twelve miles, any thing in this act to the contrary notwithstanding.

Passed January 3, 1850.

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