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Acts of 1799 Chapter 2

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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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COMPILER'S NOTE: The following paragraphs of this act have been omitted, as they do not apply to Sumner County: paragraph 3, 14, 16, 18, 19 and 20.

That the county of Sumner shall be reduced to constitutional limits, to wit; Six hundred and twenty five square miles, exclusive of such part of Cumberland river as shall be contained therein, and shall be bounded on the west by a line beginning upon the south bank of the said river, at low water mark, immediately opposite the mouth of Mansker's creek, thence directly across the river to the mouth of said creek and up the same with the line of the county of Davidson to the line of the county of Robertson, and with that line to the northern boundary of the state; on the south, by the south bank of said river Cumberland according to its meanders; on the north by the northern boundary of the state; and on the east by a north and south line extended from the northern boundary of the state, to the said south bank of the river Cumberland. That Wallace Harris and Edward Guinn, are hereby appointed with power to both or either to ascertain by actual survey, the eastern boundary of the said county, from the northern boundary of the state to the south bank of Cumberland river, and mark it, also to extend and mark a north and south line through the said county, from the said northern boundary to Cumberland river, so as to leave as near as may be, one moiety of the said county to the west, and the other moiety to the east of said line, for which service they shall be paid by the county, each two dollars per day, and each chain carrier and marker by them employed, one dollar per day.

That an act, entitled an act, to repeal an act, entitled An act appointing commissioners and trustees, the former to fix on a place in the county of Sumner, and the latter to purchase lands, erect a court house prison and stocks, and establish a town thereon," passed at Knoxville in the year one-thousand seven hundred and ninety-six, and for other purposes therein mentioned, be and the same is hereby repealed.

That David Shelby, David Beard, Senior James Crier, Edward Guinn, and Captain James Wilson, son of John Wilson, be, and are hereby appointed commissioners, who, or a majority of them, shall have full power and authority to purchase sixty acres of land, situate within one mile and an half of the north and south line dividing as before directed, the said county into two moieties, on some part of which shall be erected the court house, prison, and stocks of the said county, on the best terms on which it can be obtained, and to take a deed or deeds of conveyance for the same in their own names as commissioners, in trust for the county, which shall be good and valid in law, and shall vest in them and their successors in office, a complete title for the uses in this act expressed. And the said commissioners shall, by a majority, have full power to elect any suitable person or persons to fill any vacancies that may happen in their own body, by death, resignation, or otherwise.

That the said commissioners, or a majority of them, shall as soon as may be after purchasing and obtaining a title to sixty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Rutherford, for county purposes, reserving two acres near the centre thereof, on which shall be erected the court house, prison and stocks of the said county, which two acres in the plan of the said town shall be denominated the public square.

That the said commissioners be, and they are hereby authorized to sell the lots of the said town at public sale at a credit of six months, giving thirty days previous notice of such sale, by advertisement, at four or more of the most public places in the said county, taking bond, with sufficient security, for the payment of the purchase money to themselves and their successors in office. And the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance, in fee simple, for the same, to the purchasers, which shall be good and valid in law, to all intents and purposes.

That the money arising from the sales of the aforesaid lots, shall by the said commissioners be applied to the building of the court house, prison and stocks; and they are authorized to contract with a suitable person or persons to erect the same: and the court house to contain convenient rooms for the juries, and the prison to consist of two rooms at least.

That the monies already appropriated by the county of Sumner, for the purpose aforesaid, shall be paid into the hands of the said commissioners, and be by them, or a majority of them, applied in paying for the lands purchased; and the overplus shall be an additional fund to that arising from the sale of the lots, to defray the expenses of erecting and [compleating] the court house, prison and stocks.

That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of the said county, when demanded; and if the monies already appropriated, shall not be sufficient to defray the expenses of the sixty acres of land, and erecting of the court house, prison, and stocks, the court shall have full power, by a county tax to make up the deficiency: Provided, that two thirds of the acting justices be present when the taxes are laid; and provided also, that the said tax shall not exceed six and a fourth cents on every white poll between the

age of twenty one and fifty years, a tax not exceeding twelve and an half cents on every black poll between the age of twelve and fifty years; a tax not exceeding one dollar on each stud horse kept for the purpose of covering mares, and a tax not exceeding six and a fourth cents on each hundred acres of land in any one year, which shall be collected in the same manner, and by the same persons as public taxes are; and the monies arising from the said taxes shall be paid by the collector thereof, first deducting the same per centum for collection as is by law allowed for the collection of public taxes, into the hands of the aforesaid commissioners or a majority of them, to be applied to the purposes aforesaid.

That the aforesaid commissioner shall give bond with sufficient security, in the sum of five thousand dollars, payable to the chairman of the court of said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act. That the said commissioners, when the buildings are [completed], shall lay before the court of the said county, a fair and just statement of the costs and expenses of said purchase and buildings, together with their receipts, and shall be allowed a reasonable compensation for their services by the said court; Provided that two thirds of the acting justices of said county be present when such allowance is made.

That it shall and may be lawful for the sheriff of Sumner county to collect the taxes for the year one thousand seven hundred and ninety nine, and all arrearages of taxes for every and any preceding year, in the same manner, and with as full authority, as if this act has not been passed; and Sumner county shall be liable to the payment of every demand that any of the citizens of Wilson or Smith counties, heretofore a part of the said county, may legally have for services rendered the said county, in the same manner as if this act had never been passed.

That elections for members to the General Assembly, the Governor and members of Congress, shall be held at the court houses of the counties of Smith and Wilson, on the days on which elections for such purposes are authorized to be held, and the sheriffs of those counties shall meet the sheriff of Sumner county, at the court house of said county, on the succeeding Monday, and with him examine the respective polls of election for the three counties, heretofore the county of Sumner, and declare the persons duly elected members to the General Assembly, and give certificates accordingly to the persons duly elected; and it shall be the duty of the said sheriff to transmit a statement of the poll of election for Governor and member of Congress to the Speaker of the Senate, in the same manner as directed by law, as the duty of sheriffs of counties heretofore established.

Passed: October 26, 1799.

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