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Acts of 1809 (Sept. Sess.) Chapter 78

Dear Reader:

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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 it shall be the duty of the sheriff of Franklin county to open and hold an election at the present place of holding court in said county, on the first Thursday and Friday of February next, for the purpose of electing seven fit and proper persons, as commissioners to fix on and finally establish a permanent seat of justice in and for the said county of Franklin; which said election shall be advertised by the sheriff of said county, at three of the most public places, in each captains company, at least fifteen days previous to the time of holding said election, and every free male person above the age of twenty-one years, actually resident in said county at the time of such election, shall be permitted to vote: and the seven persons who have the highest number of votes, shall be the commissioners for the purpose aforesaid.

SECTION 2. That it shall be the duty of said commissioners, when so elected, before they enter on the duties of their appointments, to take the following oath, to wit: I, A. B. do swear that I will well and truly execute and perform all the duties enjoined on me by law, as a commissioner to fix on a permanent seat of justice in the county of Franklin, to the best of my skill and ability, So help me God.

SECTION 3. That it shall be the duty of said commissioners, and they have full power and authority to fix on a proper place for the seat of justice in and for said county, which site shall be as near the centre as a due regard for timber and water will permit.

SECTION 4. That a majority of said commissioners shall constitute a board to transact business, and it shall be their duty, so soon as they have fixed on a place for the seat of justice in said county, immediately to proceed to obtain a tract of land, not less than forty acres, to be conveyed to them by general warrantee deed, in trust, for the purpose of laying off a town thereon, and they shall lay off the same into convenient lots, lanes, streets and allies, reserving therein, in the most convenient and eligible place, two acres in a square form, to be called the Public Square, on which to erect the public buildings, and said commissioners shall sell the lots so laid out to the highest bidder for the same, at public sale, giving a credit to the purchaser or purchasers, of twelve months from the day of sale, and make deeds of conveyance to the purchasers respectively, but said sale of lots shall not take place until the time and place of sale shall have been advertised at four of the most public places in said county, and in some newspaper printed at Carthage or Nashville, two months at least before such sale shall be made, and in all cases of sales of lots, the said commissioners shall take notes under hand and seal, to themselves as commissioners aforesaid, with good and sufficient security, for the payment of the purchase price (?) of their respective purchasers.

SECTION 5. That the said commissioners shall let out the building of the court house, prison, and stocks in said town, to the lowest bidder, and appropriate the money arising from the sales of lots, in payment for the same, and to no other purpose whatever, unless the monies arising from the sales of lots should be more than sufficient to pay for the public buildings, then, in that case, they shall deposit the residue in the county treasury, to be appropriated as other county monies; but in case the monies arising from said sales, should be found insufficient, it shall be the duty of the court of said county, a majority of the justices being present, on application to them made by said commissioners, to lay a tax not exceeding the amount of the state tax, to be raised from the same property and polls, and be collected by the same persons and in the same manner as the state tax, which tax is to be laid annually for the term of three years, from the first imposition thereof, if said buildings shall not have been sooner paid for; Provided, said buildings shall not be let out until the time and place of letting out the same shall have been duly advertised at four of the most public places in said county, and in some newspaper at Carthage or Nashville, at least three months previous to the date of letting out the same.

SECTION 6. That the said commissioners shall, before entering into duties of their office, give bond to the chairman of the said court, and his successors in office, with security to be approved of by the court, in the sum of five thousand dollars, conditioned that they will faithfully discharge the trust reposed in them by this act, and fairly account for all monies that may at any time come to their hands, by virtue of their appointment as commissioners aforesaid, and it shall be their duty to settle with the court when called on for that purpose: Provided said commissioners be not called on for a settlement oftener than once in each year.

SECTION 7. That the said court are hereby authorized to order such sum or sums of money to be paid out of the county treasury, to each of said commissioners as they may deem an adequate compensation for his service and expenses in the performance of the duties enjoined on him by this act.

SECTION 8. That the town herein directed to be laid off, shall be called and known by the name of Winchester, and the same shall be the place of holding court for said county of Franklin, as soon as a majority of the magistrates of said county in court, may be of opinion that the improvements will authorize an adjournment thereto.

SECTION 9. That this act shall commence and be to force from and after the passing thereof.

Passed: November 22, 1809.

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