



July 03, 2024

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# Acts of 1841-42 Chapter 169

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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](http://www.ctas.tennessee.edu)

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## Acts of 1841-42 Chapter 169

**SECTION 1.** That a new county is hereby established, to be known by the name of Putnam County, in honor of the brave Revolutionary General of that name, to be taken from the counties of White, Fentress, Overton and Jackson, and bounded as follows: Beginning where the Cumberland River crosses the line between the counties of Smith and Jackson; running thence up the river, with its meanders to the mouth of Indian Creek; thence southeast upon the extreme height of the dividing ridge to a point, from which an East line will cross Martin's Creek, near the mouth of Shaw's Branch; thence crossing Martin's Creek at a point above the mouth of said branch, continuing East so as to leave Gainsborough twelve miles to the North, to the line of Overton county; thence a direct line to William Marchbanks; thence a direct line to the Walton road, where the same strikes the Cumberland Mountain; thence with the said road to George M'Cormacks, in Fentress county; thence a direct line to the line of Morgan county; then Southward with the same to its corner, at Johnson's stand; thence South-westwardly to the declivity of Cumberland Mountain; then Westwardly with the extreme height of the mountain, meandering the Bluff, so that, running West, will strike the ridge dividing the waters of the Calf Killer Fork, of the Caney Fork from the Board Valley; thence upon the extreme height of said ridge, West, leaving Sparta twelve miles to the South, crossing the Falling Water, and running near to where Lawler now lives, including Ditty's Stand, to the corner of DeKalb county; thence with the line of said county, West to Smith county line; thence North with the same to the beginning.

**SECTION 2.** That, for the due administration of Justice in said county of Putnam, the several different courts, to be holden in said county, shall be held at White Plains, in the said county, 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 as they may deem proper in said county, better suited for the holding the same 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 processes returnable to either of the places, shall and may be returned to the place where said courts may have been removed by the county court aforesaid, and the said courts to be holden for the said county of Putnam, shall be under the same rules and restrictions, and shall have the same power and jurisdiction as are possessed by other courts of the same character and denomination in the other counties in this State.

**SECTION 3.** That all officers, civil and military, in said county of Putnam, shall continue to hold their offices, and exercise all of the powers and functions thereof, until others are elected under the constitution and laws made in pursuance thereof; and it shall be the duty of the county court of said county, at their first session, to appoint some suitable person to open and hold elections in each civil district and parts of districts, in said county, on the first Saturday in March, 1842, for the purpose of electing county officers, according to the constitution and laws of this State; also all other officers that, by the constitution, the people are entitled to elect, and the officers so elected, shall have the same powers and jurisdiction, subject to the same restrictions, and have the same fees and emoluments as the officers of other counties have by law; and the said county of Putnam shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State; provided, that nothing in this act shall prevent the counties of Jackson, White, Overton and Fentress from exercising jurisdiction over the Territory composing said county, as they now do, until the election of county officers in said county; Provided also, nothing in this act shall be so construed as to prevent the counties aforesaid from entering up Judgment or the sheriffs of said counties from selling, under such Judgment, any lands within the said county of Putnam, for taxes for any preceding year, or to prevent the sheriffs thereof from collecting the taxes due for any preceding year.

**SECTION 4.** That the citizens of the county of Putnam, in all elections, for Governor, members of Congress, for President and Vice-President, and members of the General Assembly, shall vote with the counties from which they have been stricken off, until the next apportionment, agreeable to the constitution.

**SECTION 5.** That Isaac Buck, Burton Marchbanks, Henry L. McDaniel, Lawson Clark, Carr Terry, Richard F. Cook, H. D. Marchbanks, Craven Maddox, Elijah Con, of Jackson county, or any five of them, are hereby appointed commissioners, any three of whom may act, and they shall employ Mounce Gore, of Jackson county, to survey said county, a plat of which shall be deposited, mark the lines calling for natural objects; and he shall designate the center thereof, and if it shall appear, from the measurement, that there is not a constitutional Territory, or any of the counties from which the Territory is taken, shall be reduced below their constitutional limits, then it shall be the duty of said commissioners, to designate the place for the seat of Justice, and report the same to the county court of said county, which place, designated, shall not be more than three miles from the center of said county, as fixed upon by the surveyor aforesaid: Provided, the same shall, in no event, be East of the White Plains.

**SECTION 6.** That, so soon as the said commissioners shall report, it shall be the duty of the county court of said county, to appoint five commissioners, who shall proceed to lay off a town at the place designated, to be known by the name of Monticello, with an many streets, and of such width as they may deem necessary, reserving at least three acres for a Public Square, a lot for a Public Jail, and lots for a male and female Academies, and for the erection of a Church for Public Worship.

**SECTION 7.** That the commissioners of the town of Monticello, shall sell the lots in said town, on a credit of at least twelve months, first giving due notice thereof, in some newspaper printed in this State, and shall take bond with sufficient security, for the purchase money, payable to themselves and successors in office, and shall make titles in fee simple to the respective purchasers of said lots, and the proceeds of sales of said lots, shall be a fund in the hands of said commissioners, for defraying the expenses incurred in purchasing the land upon which the said town is erected, and erecting the public buildings.

**SECTION 8.** That said commissioners shall superintend the building of a court house and jail, and shall let out the building of the same upon such terms, and of such dimensions as the county court of said county shall direct or order, and shall take bond and good security from the undertaker, payable to themselves and successors, for double the sum for which said buildings may be undertaken, conditioned for the faithful performance of the contract.

**SECTION 9.** That the said commissioners, before they enter upon the duties of their office, shall take an oath before the county court of said county, that they will well and truly perform the duties assigned to them by this act, to the best of their ability, and shall, moreover, execute bond and security in the sum of ten thousand dollars to the chairman of the county court, conditioned for the true and faithful performance of their duties as enjoined upon them by this act, which bond shall be filed in the clerk's office of said county, and the said commissioners shall keep a fair and regular statement of all monies received and expended, which statement, when required, shall, from time to time, be laid before the county court, and when all of the public buildings are completed, pay over what may remain, if any, to the county trustee of said county, and it shall be the duty of they county court to make a reasonable allowance to both sets of commissioners and surveyor appointed by this act, to be paid out of the Treasury of said county.

**SECTION 10.** That the said county of Putnam shall be attached to the chancery court district of Gainesborough, and all appeals in nature of writs of error, and writs of error shall be taken to the supreme court at Nashville, and the first county court shall be held on the first Monday in February next, and afterwards as the county courts of the other counties of the several counties in this State are held.

**SECTION 11.** That the said county of Putnam shall constitute one Regiment, and shall be attached to the Brigade to which they are now attached, and the field officers shall meet at White Plains on the first Monday in February next, to lay off and divide the said Regiment into Battalions and companies, and provide for electing all officers in the manner prescribed by law.

**SECTION 12.** That the first circuit court of said county of Putnam shall be held at White Plains, in said county, on the second Monday of March next, and ever after on the second Monday of March, July and November, and the Judge of the fourth Judicial circuit shall hold the courts thereof, and shall adjourn to the seat of Justice whenever the county court of said county shall notify him that a suitable house is erected to held the court in.

**SECTION 13.** That it shall be the duty of the commissioners, first in this act appointed, to purchase twenty acres of land, including the town to be laid off, upon the best terms they can, and make report thereof to the county court of said county.

**SECTION 14.** That if it shall appear, from the survey directed to be made by this act, that there is not a constitutional Territory contained in the bounds of said county of Putnam, or that either of the counties from which it is taken is reduced below the constitutional limits, then this act shall not take effect: Provided, that it shall not be lawful for the county lines of the said county of Putnam to approach nearer than twelve miles to the seat of Justice of either of the counties from which it is taken, and, in no case, shall any charge be made upon the State for any cost or charges in establishing the county.

**SECTION 15.** That the citizens of said county may file their bills in the chancery court at Gainsborough, Sparta or Livingston, at their option; and each of said courts shall have jurisdiction of all equity causes in said county.

**SECTION 16.** That an Academy is hereby established at Monticello, in said county, with all of the rights and emoluments of other counties in this State; and the county court shall appoint trustees as in other counties, and shall name the same; and may, at their option, change the name of the county town from Monticello to any other name they may see proper.

Passed: February 2, 1842.

**COMPILER'S NOTE:** This Act was declared to be in violation of the Tennessee Constitution in the case of

Patrick Pool and William Goodbar v. William H. Carr, et. al. in the Chancery Court of Overton County, during the March 1853 Term.

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