

ACTS OF TENNESSEE 1843-44, CHAPTER 204:

"An Act to establish the county of Grundy."

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That a new county be, and the same is hereby established, by taking a part of the counties of Warren and Coffee, to be known and designated by the name of Grundy, in honor of the Honorable Felix Grundy, deceased.

SECTION 2. BE IT ENACTED, That the beginning corner of the county of Grundy shall commence in the center of the stage road leading from McMinnville, where the Coffee County line crosses the same; thence a southerly direction, so as not to approach Manchester nearer than twelve miles, until near Benjamin Douglas'; thence eastwardly up the mountain to the top; thence with the meanders of the bluffs to the line of District No. 13, in Coffee County; thence with said line to the line of Franklin County; thence east with said line to James Petty's, near the foot of Cumberland Mountain; thence with the burned stand road to the line of Marion County; thence with said line to the line of Warren County; thence with the line of Warren County, to the line of Van Buren County; thence west with said line to the corner of Jesse Savage's; thence round the Bluffs of Hill's Creek, so as not to approach nearer the town of McMinnville than twelve miles, to a point on the road leading to the Bershebee [sic] Springs, twelve miles south-east from McMinnville; thence westwardly crossing the mountains, so as to keep twelve miles from McMinnville, to a point near Jesse Fults; thence westwardly passing between John Brown Esq., and William Roton's; thence a direct line to the beginning; said lines in no case to approach nearer than twelve miles of the town of McMinnville and Manchester.

SECTION 3. For the purpose of organizing the county of Grundy, William Dugan, Adrian Northcut, and James Tate, from the county of Warren, and Alfred Brawley and John Burrows, of the county of Coffee, shall be and are hereby appointed commissioners, who shall take an oath before some justice of the peace, faithfully and impartially to discharge the duties enjoined upon them in this act, and in all cases of vacancy that may occur among said commissioners previous to the organization of the county court of Grundy County, the same shall be filled by the other commissioners, and all cases occurring after the said organization, shall be filled by the county court of Grundy County, the said commissioners shall enter into bond and security, to be approved by the county court of Grundy County, and payable to the Chairman thereof, in the sum of two thousand dollars, conditioned for the faithful discharge of their several duties; a majority of said commissioners shall constitute a board to do all things herein enjoined

upon them, they shall keep a regular record of all their proceedings as commissioners, which shall be returned to the county court of Grundy County at their 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.

SECTION 4. It shall be the duty of said commissioners, first giving ten days notice, in two or more public places, of the time and places to open and hold an election at one or more places in each of the fractions proposed to be stricken off from the counties of Warren and Coffee, respectively, for the purpose of ascertaining whether a majority of the voters residing in the several fractions are in favor of, or opposed to the establishment of the county of Grundy, and all persons qualified to vote for members of the General Assembly, who have resided in the fractions proposed to be stricken off, six months immediately preceding the day of 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 several fractions shall return that a majority of each of the fractions have voted for the new county, then the county of Grundy shall be, and the same is hereby established with all the powers, privileges and advantages, and subject to all the liabilities and duties with other counties in this state.

SECTION 5. That for the due administration of justice, the different courts to be held in said county of Grundy, shall be held at Beersheba Springs until the seat of justice shall be established, that the County Court shall in the intermediate time, have full power to adjourn the courts to such other place in said county as they deem better suited for 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 of the county of Grundy shall be under the same rules, regulations, and restrictions, and shall have, hold, exercise and possess the same powers and jurisdiction as are prescribed by law for holding courts in other counties; said county shall be attached to the 13th Judicial Circuit, and the circuit courts shall be held by the judge of said circuit, on the second Mondays in April, August, and December in each and every year, and the citizens of said county may file bills in chancery, at the Chancery Court at McMinnville.

SECTION 6. 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 county of Grundy shall elect her officers on the same day, and under the same regulations as provided by law for the election of officers in other counties in this state; *Provided*, that nothing in this act contained shall deprive the above named counties from having, holding, and exercising jurisdiction over the territory composing the county of Grundy 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 rendering judgments, or the sheriffs of said counties from selling under such judgments any lands within the bounds of said county of Grundy, for taxes, costs, and charges, until the county of Grundy shall be fully organized.

SECTION 7. The citizens of Grundy 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 fifth section of the tenth article of the constitution of Tennessee.

SECTION 8. It shall be the duty of the commissioners aforesaid, as soon after the county of Grundy shall have been established as practicable, 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 their successors with general warranty, to 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 on which to build a public jail for said county, and also such other lots as they may deem prudent, on which to erect other public or religious buildings; said town so laid off shall be known by such name as said commissioners may give it.

SECTION 9. 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 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 10. The proceeds of the sale of the lots aforesaid shall be a fund in the hands of the commissioners for defraying the expenses incurred in the purchase of said tract of land, on which said seat of Justice shall be located and also for defraying the expenses of erecting the public buildings for said county of Grundy.

SECTION 11. The commissioners shall superintend the building of such public buildings as the county court of said county shall order and direct to be built, (and shall order and direct to be built) and shall let the same out and take bonds from the undertakers with ample penalties and securities payable to themselves and their successors, conditioned for the faithful performance of his or their contracts, that the balance if any, of the proceeds arising from the sales of the lots of said town remaining in the hands of said commissioners after defraying the expenses aforesaid shall be paid over by said commissioners to the trustee of said county of Grundy, to be held, applied, and accounted for by him as other county funds.

SECTION 12. The said commissioners shall appoint five suitable persons as commissioners whose duty it shall be to divide and lay off said county of Grundy into civil districts, designate the place for holding elections therein, and do and perform all the duties relative thereto which by the laws of this state such commissioners are authorized and required to do.

SECTION 13. The county of Grundy shall form one regiment, which shall be known and designated as the 161st regiment, and shall be attached to the tenth brigade. The militia officer or officers highest in command included within said county of Grundy, 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 elections for the purpose of electing all officers in said regiment in the manner prescribed by law.

SECTION 14. The county court shall be and is hereby authorized to make such allowance as they may deem reasonable as a compensation to said county commissioners for their services in organizing said county, to be paid out of the treasury of said county of Grundy.

SECTION 15. BE IT ENACTED, That to avoid all litigation, cost and dispute which may arise in settling the boundaries of said county of Grundy, and to secure the counties of Coffee and Warren from being reduced below their constitutional limits, it shall be the duty of the commissioners appointed by the third section of this act, previous to the

holding of the election provided for in the fourth section of this act, to cause to be made a re-survey of all the boundary lines of said counties, and that they shall give notice to the county court of Coffee County, of the time when the line will be run taking off so much of the territory as is taken from said county of Coffee, and also notice to the county court of Warren, of the time when the line will be run taking off a portion of said county of Warren, which notices shall be given sixty days before the running of said line, and shall be given by a written notice by said commissioners or a majority of them, directed to the county court and filed with the clerk of the same, and the said courts shall have power, and may at their discretion, respectively appoint a commissioner or surveyor to superintend on the part of each of said counties, the making of the several surveys, so far as each county is concerned, to see that the limits of each of said counties of Warren and Coffee, are not reduced below their proper constitutional limits; each of said commissioners or surveyors so appointed by said county courts, to act on behalf of the county and county court within which he has been appointed, and if said courts shall refuse or decline to make such appointment, after such notice, the said commissioners mentioned in the said third section, may proceed to make said re-survey, and lay off by running the lines described in this act, and shall, when said survey is completed, so as to include the proper constitutional limits in said county, and not reducing the said other counties below their constitutional limits, and shall cause said survey to be recorded and registered in the Register's office of said county of Grundy when the same is organized, and said boundaries shall become so established, and when marked and designated by the general calls contained in this act; and the re-survey here provided for, shall be made by a sworn surveyor, and sworn chain carriers, under direction of said commissioners named in the third section, and such as may be appointed by said county courts; *Provided*, that nothing in this act contained, shall be so construed as to authorize or attach any portion of the territory now belonging to Marion County, to the county of Grundy.

Passed on January 29, 1844