



November 19, 2024

Creation of the County

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

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

Table of Contents

Creation of the County	3
Acts of 1870-71 Chapter 46	3

Creation of the County

Acts of 1870-71 Chapter 46

SECTION 1. That a new county be, and the same is hereby established out of the fractions of the territory composing the counties of Stewart, Humphreys, Montgomery and Dickson, to be known and designated by the name of the county of Houston, and shall be bounded as hereinafter provided.

SECTION 2. That the general boundaries of said county shall be as follows, to-wit:

Beginning at a mulberry about six poles below the mouth of White Oak Creek, on Tennessee river; running east eleven miles, with the old Stewart and Humphreys county line, to a point due north from Waverly, eleven miles; thence east with a circle, keeping eleven miles from Waverly, seven miles; thence east six miles to the Dickson county line; thence north 21° east, by Norris' Mills, three and a half miles, to a sycamore on the right bank of Bear Creek, about three hundred and fifty yards from Maj. Shelton's residence; thence north seven miles, to the Montgomery county line; thence west with said county line, four miles to the south-west corner of Montgomery county; thence north 19° west, with said county line to the Cumberland river; thence with said river and its meanders, seven miles, to the residence of Capt. Naylor, on the bank of said river, opposite the "Checkered House," and about eleven miles from Dover, to a stake eleven miles due south of Dover, and about one quarter of a mile west of the last residence of John Barnes, deceased; thence north 73° west, with the same circle, six and one-half miles to Leatherwood Creek; thence down said creek, with its meanders, to the Tennessee river; thence up the said river, with its meanders, to the beginning, twelve and one-half miles, containing three hundred and forty square miles.

SECTION 3. That for the purpose of organizing said county of Houston, the following named persons are appointed Commissioners, to-wit: John Brown, M. W. Blake and J. W. Lewis, of the county of Humphreys; Abner Skelton, A. J. Parrish and Dudley Clyner, of the county of Dickson; and Ransom Dudley, John L. McMillan and J. J. Pollard, of the county of Stewart, on the part of the several fractions in which they reside, who shall, before entering upon the duties herein specified, take an oath before some Justice of the Peace, faithfully and impartially to discharge their duties as such Commissioners; and in case of vacancy from any cause, or refusal to act on the part of any Commissioner, his place shall be filled by the other Commissioners, who shall elect his successor from the fraction of the county in which the vacancy occurred. A majority of said Commissioners shall constitute a Board, competent to do all things enjoined on them as such Commissioners; and they shall elect a chairman and secretary, and keep a record of all their proceedings as Commissioners, which shall be returned by them to the County Court of said county of Houston at its first session, and the same shall be recorded by the clerk thereof, on the records of said court; and a certified copy thereof shall be evidence in the various courts of this State.

SECTION 4. That it shall be the duty of the said commissioners to designate three voting places in the Stewart County fraction; two in the Humphreys County fractions, and at least one in the Dickson County fraction; and shall give ten days' notice by written or printed circulars posted in five or more public places in each fraction taken from the respective counties of Stewart, Humphreys and Dickson, that an election will be held, in which all persons entitled to vote for members of the General Assembly, who have resided in the fraction proposed to be stricken off, for six months immediately preceding said 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 desiring to vote against the new county, shall have on their tickets "old county" and if, upon the counting of all the votes cast at said election, in that part of each of the counties of Stewart, Humphreys and Dickson, it shall appear that two-thirds of the qualified voters in each of the parts so taken off, vote in favor of being attached to the new county, then that part shall be a part of the county of Houston, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State; Provided, however, that if there should not be a two-thirds vote in any one of the said fractions in favor of the said new county, the fractions of the other two old counties, shall constitute the county of Houston when the consent of two-thirds of the qualified voters residing in the part so taken off has been legally given; and provided, also, that the new county so formed, contains the requisite number of square miles; that said commissioners shall appoint Judges and Clerks to hold in each place designated in each fraction, who shall have all the powers and perform all the duties imposed by law upon other officers holding elections under the laws of this State; and who shall, after the polls are closed, and the votes counted, make out and certify the result and return the same with a copy of the poll books, to the Chairman of the Board of Commissioners, who shall, when the returns are all received, in the presence of said Board, proceed to compare the vote and certify the result; and the election therein provided for shall be held on the same day in each of said fractions; and if, for any cause, the election as herein provided, shall not be

held in any of said fractions, on the day appointed, the said Board shall provide for another election as herein provided in such fraction. The commissioners are hereby empowered immediately, and it shall be their duty, to mark the boundary line of said County of Houston, guided by the marks and bearings set forth in the second section of this Act; and it shall be their duty to divide the said county into such number of civil districts as the convenience of the inhabitants may require, as provided by the general laws of this State, designating the boundaries of, and giving the places of holding the elections in said districts, and they shall perform such other duties as may be necessary to carry out the provisions of this Act.

SECTION 5. That said commissioners shall open and hold an election in each civil district in said county, first giving twenty days' notice of said election, for the purpose of fixing upon an eligible site for the seat of justice in said county of Houston, and all the qualified voters for members of 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 the majority of the votes cast shall thereupon be declared by said commissioners the seat of justice of Houston County; Provided, That said commissioners shall have the right to hold elections from time to time, dropping the place receiving the lowest number of votes, until one place shall receive a majority of those voting.

SECTION 6. That said commissioners, before said election shall be held, shall ascertain upon what terms a suitable lot of ground can be procured for the county site, from the several persons owning the places put in nomination, and, if necessary, make a conditioned purchase or arrangement for the same; and when the county site shall have been located, as provide in section fifth of this Act, shall proceed to close the trade and acquire, by purchase or otherwise, such grounds as may be necessary for the use of said county; and said commissioner shall cause a town to be laid off, thereon, with as many streets and alleys as they may deem sufficient, with a suitable square for the erection of public buildings.

SECTION 7. That the commissioners of said county shall sell the lots with the right to reserve alternate lots in said town, on a credit of at least twelve months, first giving due notice thereof in one or more newspapers, of the time and place of said sale, and shall take bond with security from the purchasers of said lots, payable to themselves or their successors in office, and shall make title in the fee simple as commissioners, to the respective purchasers of said lots.

SECTION 8. That the proceeds of the sale of said lots shall be a fund in the hands of said commissioners for defraying of the expenses incurred in the purchase of said tract of land, on which the said county site shall be located, and also for defraying the expenses of erecting the public buildings for said county of Houston.

SECTION 9. That said commissioners shall have the power to designate a suitable place for holding courts of said county of Houston, until a permanent county site shall have been selected, as provided in section fifth of this Act.

SECTION 10. That at the same time and places in which the election shall be held under said section fifth of this Act, to select a county site for said county, the said commissioners shall open and hold an election, giving the notice required in said section, for one Sheriff, one clerk for the County Court, one clerk for the Circuit Court, one County Trustee, one Revenue Collector, one Register; and also two Justices of the Peace, and one Constable, for each civil district of said county; Provided, That all the Justices of the Peace and Constables that may be in office in either of said fractions, shall hold their office and exercise the functions thereof, until their successors are elected and qualified as herein provided, and the returns of said election shall be made to the Chairman of the Board of Commissioners, who shall proceed to compare the vote in the presence of said Board, and shall certify the result, and make return thereof according to law; and thereupon the Governor shall proceed to issue commissions to such of said officers as are required to be commissioned by him according to existing laws.

SECTION 11. That the different fractions of the several counties embraced in the county of Houston, shall vote with the several counties to which they now belong, in all elections for Governor, Representatives in Congress, President and Vice-President, and members of the General Assembly of the State of Tennessee, until the next apportionment, agreeable to the provisions of the fourth Section of the second Article of the Constitution.

SECTION 12. That the said fractions shall remain subject to the jurisdiction of the several counties from which they were stricken off, until the organization of the courts of law and equity in said county of Houston.

SECTION 13. That there shall be organized for said county of Houston, one Chancery Court and one Circuit Court, and also a County Court, having all the powers and jurisdiction now exercised by said courts in other counties of this State; that the county of Houston shall constitute a part of the Sixth Chancery Division and Tenth Judicial Circuit of Tennessee; and the Chancery Court shall be held by the Chancellor thereof, on the third Mondays in May and November; and the Circuit Court shall be held on the first

Mondays in April, August and December.

SECTION 14. That when said courts shall have been organized as provided in the thirteenth Section of this Act, all causes which may have originated in the limits of said new county, shall be transferred to the appropriate courts thereof; and the clerks of the several courts in which said suits are now pending, shall, on application of either party, unless the defendant reside out of Houston county, and is not a non-resident of the State, shall furnish a certified copy of the proceedings already therein had, together with all the papers pertaining to said causes, and their fees for the same shall be taxed in the bill of costs, and await the final proceedings to be held therein.

SECTION 15. That the fractions of Stewart, Humphreys, and Dickson, formed by this Act into the county of Houston, shall continue liable for their pro rata of all debts heretofore contracted and owing by said counties of Stewart, Humphreys and Dickson, as well as entitled to any portion of any stocks, credits and choses in action belonging to said counties; and the County Courts of the old counties, respectively, and also the County Court of Houston county, shall each appoint three suitable persons on the part of each, to apportion the public debt that each county may owe, and also to apportion the public securities or stocks that may be owned by either of the old counties, and also to apportion the revenue assessed for county purposes, which may have been collected by the old counties for the year 1870; and in making such apportionment, the aggregate value of all taxable property and polls in each, shall be taken as a basis of said apportionment; and the County Courts of each of said counties are fully authorized to make such orders and regulations as may be necessary to carry out the provisions of this section, so as to effect as fair and equitable apportionment of the debts owing, stocks owned, and revenue collected by each; provided, that the Revenue Collector for the county of Houston shall collect all the taxes remaining unpaid in said fractions, after the organization of said county.

SECTION 16. That the commissioners aforesaid, are hereby authorized to exercise such other and further powers as may be necessary to complete the organization of the county of Houston, and make any change in the lines of said new county, if found necessary, so as to conform to the requirements of the Constitution of the State of Tennessee.

SECTION 17. That for the purpose of building a Court-house and Jail, the County Court of Houston County, shall have power to issue bonds bearing eight per cent interest, running not less than ten years and for an amount not exceeding twenty thousand dollars, interest payable semi-annually, with coupons attached, and the same shall have power to assess and levy a tax to meet the interest and provide a sinking fund to meet the payment of said bonds. The bonds shall bear upon their face the object and purpose for which they were issued.

SECTION 18. That the part of Montgomery County embraced in the following boundaries, to-wit: Beginning at the point where the east boundary line of Houston County strikes the south boundary line of Montgomery County, four miles from the south-west corner of Montgomery County; running thence due north to Cumberland River; thence down said river with its meanders to the point where the west boundary line of Montgomery County crosses Cumberland River; thence south nineteen degrees east, with said line, to the southwest corner of Montgomery County to the beginning, containing about thirty-two square miles, be, and the same is hereby attached to Houston County and made part, on the following terms and conditions, to-wit:

SECTION 19. That J. H. Marable, Wm. C. Jackson and Barney Powers be, and the same are hereby appointed commissioners on the part of the fraction of Montgomery aforesaid, to act in concert with those already designated in section two of this Act, and shall have all the powers and privileges, and discharge all the duties and obligations imposed upon said Board of Commissioners, and shall constitute part of the same.

SECTION 20. That at the time and places designated in section 4 of this Act, said Board of Commissioners shall also, after giving the notice required in said section, in two or more public places in said fraction of Montgomery County, cause an election also to be held therein as provided in said section for the other fractions; and if a majority of two-thirds of the qualified voters therein shall vote in favor of the new county, the said fractions of Montgomery shall thereupon become a part of Houston County, and shall have and be invested with all the further rights and privileges and subject to all the duties of citizens of said county, as provided in this Act; Provided, That Montgomery County shall not thereby be reduced below the number of square miles which the constitution requires.

SECTION 21. That this Act shall take effect from and after its passage, the public welfare requiring the same.

Passed: January 21, 1871.