



November 19, 2024

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# Creation of County

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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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# Creation of County

## Public Acts of 1879 Chapter 42

**SECTION 1.** That a new county be, and the same is hereby established, out of fractions of Madison, Henderson, McNairy and Hardeman counties, to be known as Chester County.

**SECTION 2.** That the county of Chester shall be bounded as follows: Beginning at a stake on the south bank of the middle fork of the Forked Deer River, where the Henderson and Madison county line crosses said river, at a beech and two hickory pointers, thence east with the meanderings of said river to a stake, hickory, elm and hornbean pointers on the land of Dr. W. E. Tucker; thence with the arc of a circle with the radius of 11 miles; from the town of Lexington 12°93 miles; thence east 1 mile; thence in a southern direction to the northwest corner of Hardin County; thence with said line to the northeast corner of McNairy county; thence south with the McNairy and Hardin county line 1°52 miles; thence west 1°39 miles; thence south to the corner of the old survey of Wisdom County, made under the Act, this to repeal, on the lands of Thomas Wilkerson; thence west 8 miles; thence with the arc of a circle, with the radius of 11 miles, from the town of Purdy 14 miles; thence west 2°53 miles; thence with the arc of a circle with the radius of 11 miles from the town of Bolivar, 8°75 miles; thence north to the Madison county line; thence east with the Madison and Hardeman county line to a stake 10 poles east of the house of Rev. Robert Rainey; thence north 61½ degrees east 9 miles; thence north 26½°east to the Henderson and Madison county line; thence north with said line to the beginning. 278°77 square miles.

**SECTION 3.** That for the purpose of organizing the said county of Chester, that J. F. Hamlet, Robert Long, B. H. Brown, J. H. Fry, B. I. Young, A. B. Patterson, J. W. Perkins, J. H. Mitchel, J. M. Simmons, John Barham, John M. Sherell, W. L. Steagall, William Rust, J. M. Reams, M. D. Pare and Able Stewart, shall be, and are hereby appointed Commissioners on the part of the several fractions in which they reside, who shall, before entering on the discharge of their duty, take an oath before some Justice of the Peace, to faithfully and impartially discharge all the duties incumbent 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 said county of Chester, the remaining Commissioners shall fill by appointment said vacancies--and vacancies occurring after the organization of such court, shall be filled by said court of the county of Chester. The said Commissioners shall enter into such bond and security as may be required by the said County Court of Chester--made payable to the Chairman thereof, conditioned for the faithful performance of their duties as required by this Act; a majority of said Commissioners shall constitute a board competent to do all things herein enjoined upon them. They shall keep a record of their proceedings as Commissioners, which shall be returned to the County Court of Chester county, at its first term, and the same shall be recorded by the clerk thereof, on the records of said court, and they shall make such returns after the organization of said court, as shall be directed thereby.

**SECTION 4.** That it shall be the duty of said Commissioners, first giving thirty days notice in one public place or more, of the time and place to open and hold an election in one or more places in each of the fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, in order to ascertain whether two-thirds of the voters residing in each of the said fractions are in favor of, or opposed to, the formation of said new county of Chester, and all persons qualified to vote for members of the General Assembly, residing in said fractions, shall be entitled to vote in said elections, and each voter who is in favor of the formation of the new county, shall have on his ticket, "New County," and each voter opposed to the formation of said new county of Chester, shall have on his ticket, "Old County," and after counting the vote cast in said election, if it shall appear that there are two-thirds of the legal voters in each of said fractions in favor of the new county, then in that case, the county of Chester shall be, and is hereby declared a county, with all the privileges and advantages, and subject to all the liabilities and duties with other counties in this State.

**SECTION 5.** That in order to carry into effect, and make certain and accurate, the provisions in the fourth section of this Act, said Commissioners are hereby empowered and authorized to canvass and take the census of the qualified voting population in the bounds of the several fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, and if for any cause the election as herein provided shall not be held in any of said fractions, on the day appointed, said Commissioners shall provide for another election as herein provided in such fractions.

**SECTION 6.** That for the due administration of justice, the different courts to be held in said county of Chester, shall be at such place or places as may be designated by said Commissioners, until the seat of justice shall be located, and all writs and other processes issued from said courts returnable to the place, shall be legal, and the courts of the county of Chester shall be under the same rules, regulations and

restrictions of other counties of this State; shall have, "exercise," and possess the same power and jurisdiction as prescribed by law for holding courts in other counties, and said county shall be attached to the Eleventh Judicial Circuit, and the first Circuit Court shall be at the time designated by the Judge of said Circuit, and shall be attached to the Tenth Chancery Division, and the Chancery Courts shall be held at the time designated by the Judge of said Chancery Division.

**SECTION 7.** That all officers, civil or military, now holding office in said county, shall continue to hold their offices and exercise all functions and powers thereof until others are elected and qualified according to the provisions of this Act; *Provided*, That nothing in this Act shall deprive the counties from which the fractions have been taken, from exercising and holding jurisdiction over the county of Chester 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 the provisions of this Act.

**SECTION 8.** That said Commissioners are hereby empowered, and it shall be their duty to appoint five qualified and suitable persons to divide said county into not less than ten nor more than twelve civil districts, designating boundaries and places for holding elections in said districts, and performing all the duties relating thereto, which by the law of the State such commissioners are required to do.

**SECTION 9.** That the Commissioners appointed by this Act shall appoint such persons as they think proper to open and hold the election for county officers for the said county of Chester, and such persons so appointed shall have power to appoint deputies, clerks and judges, and by himself and deputies to administer all the necessary oaths and perform all other duties that are now made the duty of Sheriffs or other officers holding similar elections, and it shall be the duty of such persons so appointed, together with their deputies, after giving fifteen days notice, to open the polls and hold an election in each civil district in said county, for district and county officers, and the officers so elected shall hold their offices until the next regular election for the different officers so elected takes place in other counties.

**SECTION 10.** That it shall be the duty of the above named Commissioners, so soon as convenient after the full and complete organization of the said county of Chester, to select and put in nomination two or more suitable locations for the seat of justice of the said county of Chester, having due regard to health and convenience of a majority of the citizens of said county, neither of which places shall be more than three and a half miles from the supposed or probable center of said county of Chester, which places shall be voted for by the legal voters of said county of Chester, and the site nominated receiving the highest number of votes shall be, and is hereby declared to be the seat of justice of said county of Chester.

**SECTION 11.** That it shall be the further duty of said Commissioners to superintend the erection of such public buildings as the County Courts of said county may direct to be built, and shall let the same out publicly, and shall take bond with good and sufficient security, payable to themselves and their successors in office, conditioned for the faithful performance of his or their contracts. The proceeds of all donations, lands, town lots, or other gifts that may be made in consideration of the location of the seat of justice for the said county of Chester, or otherwise shall be a fund in their hands to pay the necessary expenses in organizing said county and paying for the erection of public buildings ordered to be built by the County Court, and should any surplus remain in their hands, it shall be their duty to pay over the same to the Trustee of the county, to be accounted for by him as other county money in his hands.

**SECTION 12.** That said Commissioners of Chester county be, and they are hereby authorized to exercise all powers and privileges conferred on them by this Act, and any and all other powers not in violation of the Constitution of the State that may be necessary and proper for the complete and setting up and organization of said county of Chester.

**SECTION 13.** That the citizens of Chester county in all elections for Governor, Members of the General Assembly, Representatives in Congress and Electors for President and Vice President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment agreeable to the provisions of the fifth section of the Tenth Article of the Constitution of the State.

**SECTION 14.** That the fractions composing the said county of Chester shall be liable for their pro rata of the debts contracted and owing by the counties from which they were taken, and shall also receive their proportion of any stock or credits belonging to said old counties.

**SECTION 15.** That an Act passed March 19, 1875, entitled, "An Act to create a new county off of Madison, Henderson, McNairy, and Hardeman counties, in the State of Tennessee," and all other Acts and parts of Acts in conflict with this Act be, and the same are hereby repealed.

**SECTION 16.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 1, 1879.

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