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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

Acts of 1855-56 Chapter 6

SECTION 1. That a new county is hereby established by the name of Cumberland: beginning at Jack Officer's in Putnam County, running thence a south direction to the thirteen mile tree, on the turnpike road leading from Sparta, in White County, to Kingston, in Roane County; thence, continuing in the same direction, to the Bledsoe County line, by way of the Tarken Ford on the Cany Fork river, and so as to include the place where George Thomas lives, in the new county; thence, running eastwardly to Hiram Stone's; thence, to Lollett's Mill, on the head of the Sequatchee valley; thence to Thompson's Mill, on the stock road in Rhea County; thence, to C. G. Gibson's; thence, northwardly to the Turnpike road before mentioned, leading from Sparta to Kingston, at where the same crosses Mammy's Creek; thence, to the head of Island Creek on the Crab Orchard Mountain; thence, to Davis' Bridge on Daddy's Creek; thence to Davis' Ford, on Obed's River; thence, up Obed's River with its meanderings, to the mouth of Otter Creek; thence, to the mouth of the Wolf-Pen Branch at Clear Creek; thence, up Clear Creek, including T. Tabor's place, and to the Emory Road west of Brice's Creek, and east of Lee Taylor's stand; thence, with said road to the Beginning:--including portions of White, Bledsoe, Rhea, Morgan, Fentress, and Putnam Counties.

SECTION 2. That the said county of Cumberland shall have all of the powers and privileges, and be subject to all the restrictions of the other counties in this State, and the citizens thereof shall vote with the counties from which they are taken, for members of Congress, Governor, and members of the General Assembly, until the next apportionment, agreeable to the provisions of the fifth section of the tenth article of the amended Constitution.

SECTION 3. That for the due administration of Justice, the different courts to be held in the said county of Cumberland, shall be holden at the house of James Scott, of Crossville, until the seat of justice for said county shall be located, and a suitable house erected for the purpose of holding the courts in; and the county courts shall, in the intermediate time, have full power to adjourn the courts to said other place in the said county, as they may deem better suited for the holding of the same, and to adjourn to the seat of justice when, in their judgment, the necessary arrangements are made for holding the said courts; and all writs and other process returnable to either place, shall be returned to the place to which said courts may have been adjourned by the County Court as aforesaid; and the said courts to be holden in and for the county of Cumberland aforesaid, shall be under the same rules, regulations, and restrictions, and shall have, hold and exercise, and possess, the same powers and jurisdiction as are possessed by said court in any other county in this State.

SECTION 4. That all officers, civil and military, in said county of Cumberland, shall continue to hold their offices, and exercise all powers thereof; have the same jurisdiction as other officers in this State, as they had before the said county was established, until others are elected under the provisions of the Constitution; and the said county of Cumberland 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 White, Rhea, Bledsoe, Morgan, Fentress and Putnam, from having and holding the jurisdiction they now have over the territory composing said county, and the citizens thereof, until the said county of Cumberland is organized, and have elected their officers.

SECTION 5. That the Circuit Courts shall be held for the county of Cumberland, by the Judge of the fourth circuit, on the first Mondays in September, January, and May, and shall hold its terms at the house of James Scott, at Crossville, until notified that the Justices of said county have removed the holdings of the courts of said county to the seat of justice, and shall adjourn to the seat of justice.

SECTION 6. That it shall be the duty of the County Court of said county, so soon as the Commissioners appointed by this act shall designate a suitable place for the seat of justice for said county, which shall be within five miles of the centre of said county, to appoint five commissioners to whom the said commissioners appointed by this act, shall convey the land acquired for the use of the county aforesaid, on which it shall be the duty of the commissioners appointed by the county court to cause a town to be laid off, with as many streets, and of such width as they may deem proper and necessary, and with such sized lots as they think proper, reserving three acres for a public square, upon which a court house shall be erected, and a lot shall be reserved, sufficient for a jail, and shall reserve such lots for churches as they may see proper; and said town, when laid off, shall be known by such name as the commissioners so appointed by the County Court may give it; and the said commissioners shall proceed to sell the lots upon at least twelve months' credit. They shall reserve a lot suitable for a County Academy, and shall give due notice of the time and place of sale, which shall be on the premises, and shall take bond with sufficient security, from the purchasers of said lots, payable to themselves and successors in office, and shall make

titles in fee simple, as commissioners, to the respective purchasers.

SECTION 7. That the proceeds of the sale aforesaid, shall be a fund, in the hands of said commissioners, for defraying the expenses incurred in the purchase of the land on which the county seat is erected and located, and also of erecting a court house and jail for said county; and the said commissioners shall superintend the building the court house and jail, and other necessary public buildings; and shall let out said buildings as the County Court may order, upon such terms as said Court may order, and shall take bond with sufficient security from the persons to whom the same is let, payable to themselves and successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of the contracts.

SECTION 8. That said commissioners shall, before they enter upon the duties of the appointment, shall take an oath that they will truly and faithfully perform the different duties by this act enjoined upon them, according to their best judgment, and shall enter into bond and security, in the sum of five thousand dollars, to the Chairman of the County Court of Cumberland aforesaid, conditioned for the faithful performance of their duties, as conferred upon them by this act, which bond shall be deposited in the office of the Clerk of the County Court of said county; they shall keep a regular account of all moneys by them received and expended, and make due return of the same to the County Court of said county, and shall, in all things, be subject to the order of said Court in relation to the buildings and funds, and shall account for all moneys and funds in their hands when required by said court; and shall be entitled to such compensation as the County Court may think reasonable.

SECTION 9. That the first County Court for said county, shall be held on the first Monday in April next, 1856, and shall perform all the duties of other county courts; and the first Circuit Court shall be held on the first Monday in May thereafter, and shall have all the jurisdiction of other circuit courts.

SECTION 10. That Thomas Frazier, of Bledsoe County, David Snodgrass, of White County, and Isaac Van Winkle, of Morgan County, Daniel Clark, of White, and John Johnson, of Putnam, are hereby appointed commissioners to locate the seat of justice in said county of Cumberland. They shall, so soon as the County Court shall notify them, proceed to locate the seat of justice for said county; purchase the land and convey the same to the commissioners, as directed in this act. Should any of them fail to attend, the County Court shall appoint others to fill their place. This act shall take effect, provided the same does not violate the Constitution in reducing the counties from which they are taken; and the County Court of said county shall cause the same to be surveyed and plat thereof to be filed in the Clerk's office of said court.

SECTION 11. That there shall be an election held at the several districts and precincts in said county of Cumberland, on the first Saturday in March, 1856; at which election, the qualified voters of said county shall vote to elect a Sheriff, Clerks of the Circuit and County Courts, a Register and Trustee, who shall, when elected, be qualified at the first term of their respective courts. And the County Court shall elect the county officers which they are entitled to elect, at their first session, and all elections thereafter for county officers shall take place at the times fixed by law for the elections of such officers in other counties in this State. And it shall be the duty of the Sheriff of Morgan County, to give the notice required by law, and by his Deputies, to hold the elections provided for in this section, and to make the same returns and certificates for said county of Cumberland, which are by law required to be made in other counties.

SECTION 12. That a County Academy is hereby established in said county, known by the name of Webster Academy, and shall be located in or near the county town of said county, which said Academy shall be entitled to all the rights and emoluments as other county academies are entitled to; and the Clerks of said courts, and Justices of the Peace, shall be entitled to such books as other clerks and justices are entitled to in this State.

Passed: November 16, 1855.

COMPILER'S NOTE: The act creating Cumberland County was cited in the case of Hubbard v. Godfrey, 100 Tenn. 150, 47 S.W. 81 (1898), a suit to quiet title to land. It was mentioned again in Kobbe v. Harriman Land Co., 139 Tenn. 251, 201 S.W. 762 (1918).

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