



December 22, 2024

Acts of 1871 Chapter 46

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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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Acts of 1871 Chapter 46

COMPILER'S NOTE: Some sections were omitted, because they referred only to Houston County.

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, 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 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; thence south 70° west eleven miles, with a circle, keeping 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 said river, with its meanders, to the beginning, twelve and one-half miles, containing three hundred 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. Balke 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 evidenced in the various courts of this State.

SECTION 4. That it shall be the duty of 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 have 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 their 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 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, made 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; of said fractions; and if, for any cause, 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 district, and they shall perform such other duties as may be necessary to carry out the provisions of this Act.

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

Passed: January 21, 1871.

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