



County Technical Assistance Service  
INSTITUTE for PUBLIC SERVICE

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## Chapter IV - Boundaries

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1803 Chapter 68

**SECTION 1.** That Montgomery county be divided by a line which shall commence in the Kentucky line, thirteen miles west of the meridian of Clarksville, and run south to the southern boundary of this State; and all the territory west of the said line be constituted a separate and distinct county called and distinguished by the name of Stewart.

**Sec. 2.** That James Elder be appointed surveyor to run the division line between the said county of Stewart and the county of Montgomery, and that he be allowed the sum of two dollars and fifty cents per day for his services, and that he be authorized to employ two chain carriers and one marker for the purposes aforesaid, which several sums shall be paid out of the funds of said county.

**Sec. 3.** That for the purpose of fixing on the most central and eligible place for the permanent seat of justice, that James Elder, Amos Bird, James Haling, Harry Small, and John Blair, esquires, be appointed commissioners for that purpose; and that they or any three of them, first being sworn, fix the same on Cumberland river, twelve and a half miles west of the eastern boundary of said county, or as near thereto as convenience will admit of; and that said commissioners be allowed the sum of two dollars for each and every day they are necessarily employed therein, which money shall be paid by the county as aforesaid.

**Sec. 4.** That the first court of said county of Stewart shall be held at the dwelling house of Mr. Martin, near the bald island, from thence to adjourn to such place as they may think proper, until the public buildings for said county are ready for their reception.

**Sec. 5.** That the Sheriff of Montgomery county shall have power to collect the taxes for the present year, and all arrearages of taxes due for any preceding year, from any of the inhabitants of the said county of Stewart in as full and ample manner as if this act had not been passed.

**Sec. 6.** That elections for governor, representatives to congress, members to the general assembly and field officers shall be held in said county at the place of holding courts, and shall be conducted under the same rules and regulations as established by law; and in all cases of elections the Sheriff shall be bound by the laws now in force and use in this State, and shall observe the same rules and regulations in making returns and comparing votes as are now observed and in use in the electoral district composed of the counties of Montgomery and Robertson.

**Sec. 7.** That the law authorizing and establishing separate elections and general musters at Palmyra, in Montgomery county, passed at the last general assembly, is hereby repealed and made void.

**Sec. 8.** That as soon as practicable after the aforesaid commissioners shall fix on the place for erecting the court house, prison and stocks in the county by this act established, that George Petty, Caleb Williams, and James Tagert, be and they hereby are appointed commissioners, who are hereby authorized to contract for, and purchase from the owner or owners, thirty acres of land, including the place so fixed as aforesaid, which said thirty acres of land, when so purchased, the commissioners last mentioned shall take a deed or deeds in fee simple, to them and their successors in office, for the use and benefit of the said county of Stewart.

**Sec. 9.** That the last mentioned commissioners, or majority of them, shall, as soon as may be after purchasing and obtaining a title to the thirty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Monroe, for county purposes, reserving one and an half acres for the public square, including the spot fixed on for erecting the court house, prison and stocks of said county, which one and an half acres in the plan of the said town shall be denominated the public square.

**Sec. 10.** That the said commissioners be, and they are hereby authorized, to sell the lots of said town at public sale, at a credit of six months, giving sixty days previous notice, by advertising the same in the Tennessee Gazette; and when sold shall take bond, with sufficient security, for the payment of the purchase money to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance, in fee simple, for the same, to the purchasers, which shall be good and valid in law to all intents and purposes.

**Sec. 11.** That the money arising from the sale of the aforesaid lots shall be by the said commissioners applied to the payment of the said thirty acres of land, and the building of the court house, prison, and stocks for said county. And they are hereby authorized to contract with a suitable person or persons to

erect the same; the court house to contain convenient rooms for juries.

**Sec. 12.** That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of said county, when demanded. And the said court shall have full power and authority to levy a county tax, not exceeding twelve and an half cents on each hundred acres of land, twelve and an half cents on each white poll, twenty five cents on each black poll, twenty five cents on each town lot, and one dollar on each stud horse kept for mares, for the purpose of defraying the expense of the public buildings; which tax, if necessary, may be levied for three successive years and no longer, unless otherwise provided for by law, and shall be collected in the same manner and by the same persons as public taxes are; and the money arising from said taxes shall be paid by the collector thereof, first deducting the same per centum for collection as is by law allowed for collecting public taxes, into the hands of the aforesaid commissioners or a majority of them, to be applied to the purposes aforesaid.

**Sec. 13.** That the said commissioners shall give bond with sufficient security in the sum of one thousand dollars each, payable to the chairman of the court of said county and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

**Sec. 14.** That the first court held for the county by this act established, shall commence on the first Monday succeeding the fourth Monday in January, one thousand eight hundred and four.  
November 1, 1803

## Change of Boundary Lines

### Private Acts of 1804 Chapter 13

**Sec. 1.** That hereafter the lines which divide the counties of Montgomery and Stewart shall be as follows, to wit: Beginning on the Kentucky line, sixteen miles west of the meridian of Clarksville, then south fifteen degrees east, to intersect the line of Dickson county, about three miles east of the line run heretofore for Stewart county; thence with the ridge which divides the waters of yellow creek from the water of Guises and Wells creek to the Indian boundary, and with said boundary westwardly to the line run for Stewart county.

**Sec. 2.** That the territory which lies west of the line established between the same and the former line shall be and the same is hereby declared to be part of Stewart County, Guises creek settlement included, and that territory which lies east of the line hereby established between the same and the former line, shall be, and is hereby declared a part of Montgomery County. July 31st 1804.

### Acts of 1809 Chapter 31

**1.** That a new county be and is hereby established on the south of Stuart, and adjoining the counties of Dickson and Hickman on the west, to be known by the name of Humphreys; bounded as follows, to wit: Beginning at the mouth of White Oak creek, on the bank of the Tennessee river, thence east to the dividing ridge between the waters of Tennessee and Cumberland rivers, thence with the said dividing ridge to Dickson county line, thence with said line to the line of Hickman, and thence with said line of Hickman to Duck river, thence south and west for compliment.

**COMPILER'S NOTE:** The remaining sections of this Act did not affect Stewart County and are not repeated here.

Passed: October 19, 1809.

### Acts of 1839-40 Chapter 76

**SECTION 1.** That so much of the county of Stewart as lies within the following described bounds, to wit: beginning at a point where the line between Stewart and Humphreys counties crosses the dividing ridge between White Oak and Turkey creek, at the head of Varner's branch, running thence down said branch to White Oak creek, thence up White Oak creek with its meanders to the mouth of Lewis' branch, thence up said branch with its meanders to the forks to the same at or near Nimrod Crosswell's, thence up the south fork of the same to the Tennessee ridge, thence along the top of said ridge to where the road leading up the Long branch of White Oak crosses the same, thence a due east course to the line of Dickson county, thence southwardly with said line to the north boundary of Humphreys county, thence with the line dividing Stewart and Humphreys counties to the beginning, be, and the same is hereby attached to the county of Humphreys, and that the citizens included in that portion of Stewart attached to the county of Humphreys shall have and enjoy all the rights and privileges of other citizens of Humphreys county.

**SEC. 2.** That all civil officers residing in that portion of Stewart county thus attached to the county of Humphreys shall continue in and hold their offices until the next regular election for county officers.

**SEC. 3.** That Alexander Brown, William O. Gwinn, Elisha Crosswell, William Rye and Alexander Irwin be, and they are hereby appointed commissioners, a majority of whom may act, to superintend the running and marking said line; and they shall have authority to appoint a competent surveyor, whose duty it shall be to run said line and make out two correct plats of said territory, one of which shall be deposited with the county court clerk of Stewart county, and the other with the county court clerk of Humphreys county; said commissioners and surveyors shall be entitled to the same compensation for their services that other persons are entitled to for performing similar services, to be paid out of any money in the hands of the trustee of Humphreys county not otherwise appropriated.

**SEC. 4.** That William O. Gwinn, Esq. shall open and hold an election at the house of Alexander Brown, Esq. on the 15th day of February, 1840, after first giving ten days notice by advertisement at two or more public places in the territory above named, and if there be a majority in favor of being attached as provided in the foregoing provisions of this act, then this act shall take effect, and not otherwise.

Passed: January 20th, 1840.

## Public 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.

**SEC. 2.** That the general boundaries of said county shall be as follows, towit: 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; 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 the said river, with its meanders, to the beginning, twelve and one-half miles, containing three hundred and forty square miles.

**COMPILER'S NOTE:** The remaining sections of this Act did not affect Stewart County and concerned Houston County only and are therefore omitted from this compilation.

Passed: January 21, 1871.

## Acts of 1909 Chapter 126

WHEREAS for a number of years doubts have existed as to the true locality of portions of the line between the counties of Stewart and Houston running from the Tennessee River to the Montgomery County line; therefore, in remedy thereof,

**SECTION 1.** That the line between the counties of Stewart and Houston be, and the same is hereby, settled and fixed as follows-to wit:

Beginning on the Tennessee River at the Lagrange Metal Landing, the northwest corner of Houston County, as established by the Commissioners of said county; running thence east one and five-eighths miles 526 poles to Station 79 in an old field near a ridge road between Leatherwood and Hurricane Creeks, know as the "Cotton Patch;" thence with said road north 57' east 22 poles to Station 80; thence north 70' east 54 poles to Station 81; thence north 50' east 22 poles to Station 82, a point on said ridge road eleven miles from Dover; thence with the arc of a circle, keeping the distance of eleven miles from Dover, south 60' east 86 poles to Station 83; thence south 66' one mile to Station 84; thence south 72' east one mile to Station 85; thence south 78' east one mile to Station 86; thence south 84' east one mile to Station 87' thence south 87' east one mile to Station 88, a point due south of Dover, eleven miles from Dover; thence north 87' east one mile to Station 89; thence north 84' east one mile to Station 90; thence north 78' east one mile to Station 91;

thence north 72' east, crossing Hurricane Creek about 200 yards south of Samuel French's, at 144 poles, in all one mile to Station 92; thence north 66' east one mile to Station 93; thence north 60' east one mile to Station 94; thence north 54' east one mile to Station 95; thence north 48' east one mile to Station 96; thence north 42' east 180 poles to Station 97, a small black oak and several black oak pointers on a high ridge in the Bryan Forge Coaling about onehalf mile north 4' east from George Hornberger's; thence north 86' east, crossing Wells' Creek at mouth of Dr. Carter's lane at three and one-half mile, crossing Grice Creek near Auther Powers at five and three-quarter miles, in all seven miles to Montgomery County line, to Station 98 in Montgomery County line, this being the line called for and established between the counties of Stewart and Houston by the Supreme Court of Tennessee in the case of W. L. Dunbar et. al. vs. N. McKinnon et. al. on the twenty-ninth day of March, 1896.

**SEC. 2.** That all territory lying south of said line shall be included in Houston County, and all territory lying north of said line shall be included in Stewart County.

**SEC. 3.** That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 18, 1909

## Boundaries - Historical Notes

The following is a summary of acts which authorized boundary changes for Stewart County.

1. Acts of 1804, Chapter 6, appointed a surveyor to mark the line as run by the Virginia Commissioners from the Cumberland River to the south fork of the Red River, reciting that it appeared that the line, as marked, was marked only for a short distance. Robert Crowell was appointed at a salary of \$2.00 per day, and he may employ a marker at \$1.00 a day, all of which shall be paid by the counties of Stewart and Montgomery.
2. Acts of 1806, Second Session, Chapter 12, appointed James Tagert as a commissioner to run and mark the line between Montgomery County and Stewart County, agreeable to an act of the general assembly passed on July 31, 1804. The act provided that Stewart County pay him \$3.00 per day as compensation for him and his marker.
3. Acts of 1806, Second Session, Chapter 50, provided that the principal surveyors of the first and second districts shall proceed to run the boundary lines between the counties of Williamson, Rutherford, and Dickson and Stewart south to the southern boundary of the state and make proper return of the same to the county court clerk of each county.
4. Acts of 1809, First Session, Chapter 31, created Humphreys County and mentioned Stewart County several times in the description of the new county. However, it seems there were no territorial changes in Stewart County as a result of this act.
5. Acts of 1809, First Session, Chapter 36, named John Allen, of Stewart County, and Dudley Hutson, of Humphreys County, as commissioners to run and mark the line between Stewart County and Humphreys County agreeable to an act to lay off a new county south of Stewart and west of Dickson and Hickman counties. Each would be paid \$2.00 per day for each day spent on this program by their respective county courts.
6. Private Acts of 1823, Chapter 251, changed the lines between Stewart and Humphreys counties beginning at the first ford on White Oak Creek below McKernan's mill, thence north two miles, thence eastwardly to the northeast corner of Humphreys County, at or near David Wills, which lines shall be the permanent dividing lines between these two counties. Humphreys County was directed to appoint someone also to run and mark this line and pay them for their efforts.

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