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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,

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Creation of the County

Acts of 1788 Chapter 28

Whereas, the great extent of the County of Davidson renders it inconvenient to the inhabitants thereof to attend courts, general musters, and election:

SECTION 1. Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the said county of Davidson shall be divided by a line beginning on the Virginia line, running south along Sumner County to the dividing ridge between Cumberland River and Red River, then westwardly along the said ridge to the head of the main south branch of Sycamore Creek, then down the said branch to the mouth thereof, then due south across Cumberland River to the Davidson County line; and all that part of Davidson county that lies east of the said line shall continue and remain the County of Davidson; and all that part of the said county of Davidson that lies west of the said line, shall be erected into a county by the name of Tennessee.

SECTION 2. That the courts for the said county shall be held by the justices thereof on the third Mondays in January, April, July and October; and the justices for the said County of Tennessee are empowered to hold the first court at the house of Isaac Fitzworth, and all subsequent courts at such place as the said justices may adjourn to, until a court house shall be built for the said County of Tennessee, and then all causes, matters, and things depending in the same court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said County of Tennessee shall be held by commission to the justices, in the same manner and under the same rules and restrictions, and shall have and exercise the same powers and jurisdictions, as are and shall be prescribed for other courts held for the several counties in this state.

Acts of 1796 Chapter 30

SECTION 1. That the county of Tennessee be divided by a line as follows, viz. Beginning at the upper end of the first bluff above James McArline's on Red River, near Allin's Cabbins, running from thence a direct course to the Sulphor Fork, one quarter of a mile below Elias Fort's, thence up the creek, as its meanders, to the head, thence a direct course to the Davidson County line, at the mouth of Sycamore Creek, thence up said Sycamore Creek, with the Davidson County line, in the Sumner County line, thence with the extreme height of the dividing ridge, eastwardly to the Kentucky road, leading from Nashville, thence north-westerly, with said road, to the Kentucky state line, thence west with said line, to such place as a south east course, leaving Joseph French in the lower county, will strike the beginning; and all that part contained in the said boundary henceforth be erected into a new and distinct county, by the name of Robertson; and the other part thereof be and remain a separate and distinct county, by the name of Montgomery.

SECTION 2. That William Johnston, Sen. James Norslet, John Young, John Dennelson, and Samuel Crocket, be and they are hereby appointed commissioners, and authorized to appoint and lay off a place the most central and convenient on said county of Robertson, for the purposes of erecting a court house, prison and stocks.

SECTION 3. That the aforesaid commissioners are hereby authorized and required, as soon as can be, after agreeing on the place whereon the court house, prison and stocks are to be erected in said county of Robertson, to contract and agree with suitable workmen for erecting and building at the place aforesaid, a court house, prison, and stock, for the use and benefit of said county.

SECTION 4. And the better to enable the commissioners aforesaid, to carry this act into effect. Be it enacted, that a tax not exceeding twelve and a half cents on each hundred acres of land--a tax not exceeding a twenty-five cents on each town lot--a tax not exceeding twenty-five cents on each slave, between the age of ten and fifty years--and a tax not exceeding twelve and a half cents on each white male between the age of twenty-one and fifty years, shall be collected in the said county of Robertson, for two years, by the Sheriff or collector of the same, and accounted for, and paid to the said commissioners, at the same time and same manner, and under the like penalties and restrictions, as is or may be directed for collecting, accounting for, and paying public taxes.

SECTION 5. That, before the said commissioners shall take into their hands any of the monies directed to be collected by this act, they shall enter into bond, in the sum of one thousand dollars, payable to the governor and commander in chief for the time being, and its successors, conditioned for the faithful discharge of the trust reposed in them.

SECTION 6. And for the due administration of justice, Be it enacted, That the court for the said county of Robertson shall be held constantly by the justices of said county, on the third Mondays in January, April, July and October, in every year: And the justices for said county of Robertson, are hereby authorized and empowered to hold the first court for the same at the house of Jacob M'Carty; and all subsequent courts for said county, on the days above mentioned for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house shall be built for the said county of Robertson; and then all causes, matters and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court house and all courts, held in and for the said county of Robertson, shall be held by commission to the said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are, or shall be prescribed for the courts for the several counties in this state.

SECTION 7. That the aforesaid county of Robertson, shall be, and is hereby declared to compose in part of the district of Mero in the same manner and for all purposes, civil and military as it did when it stood undivided: Provided, nothing in this act contained shall be so construed as to prevent the sheriff or collector of the taxes of the county of Tennessee, from collecting the same, both public and county, within the limits of the said county of Robertson, which are, at this time, in arrearages, in the same manner as if this act had not been passed; and the said county of Robertson, from and after, the passing of this act, shall furnish six, and the county of Montgomery, six jurors, to the superior court of law and equity, for the district of Mero aforesaid.

SECTION 8. That Barclay William Pollock and Joseph Carmack, be appointed commissioners, who are authorized to run the dividing lines between the aforesaid counties, that is, where they are not already run, or particularly pointed out by natural boundaries; for which services each of the commissioners shall be allowed two dollars per day, and the markers each one dollar per day, the expenses to be equally paid by the aforesaid counties.

SECTION 9. That all proceedings, now pending in the county court of Tennessee, shall be proceeded on, and determined in that part of said county, now called Montgomery, in the same manner as if this law had not passed.

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