



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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<b>Chapter IV - Boundaries .....</b>	<b>. 3</b>
<b>Creation of the County .....</b>	<b>. 3</b>
<b>Acts of 1809 Chapter 31 .....</b>	<b>. 3</b>
<b>County Seat .....</b>	<b>. 3</b>
<b>Private Acts of 1833 Chapter 125 .....</b>	<b>. 3</b>
<b>Private Acts of 1835-36 Chapter 48 .....</b>	<b>. 4</b>
<b>Change of Boundary Lines .....</b>	<b>. 5</b>
<b>Public Acts of 1819 Chapter 2 .....</b>	<b>. 5</b>
<b>Acts of 1820 Chapter 90 .....</b>	<b>. 5</b>
<b>Private Acts of 1835-36 Chapter 30 .....</b>	<b>. 6</b>
<b>Private Acts of 1835-36 Chapter 46 .....</b>	<b>. 6</b>
<b>Acts of 1839-40 Chapter 76 .....</b>	<b>. 7</b>
<b>Public Acts of 1870-71 Chapter 46 .....</b>	<b>. 7</b>
<b>Boundaries - Historical Notes .....</b>	<b>. 7</b>

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1809 Chapter 31

**SECTION 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.

**SECTION 2.** That the first court, and all subsequent courts, of said county of Humphreys, shall be held at the house of Samuel Parker, Junior, until otherwise altered or provided for by law. And all courts held in and for said county of Humphreys shall be held by commissions 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 of the several counties in this state.

**SECTION 3.** That the first court of pleas and quarter sessions held for the county of Humphreys, shall commence and be held on the first Monday of February, May, August and November, in each and every year, and may be held six judicial days if necessary.

**SECTION 4.** That it shall be the duty of the Sheriff of the said county of Humphreys to hold an election at the place of holding courts in the same, on the second Thursday and succeeding day in February next, for the purpose of electing one colonel and two majors for the said county of Humphreys, under the same rules, regulations and restrictions as are prescribed by law in similar cases; and that the militia of the said county of Humphreys shall compose the thirty eighth regiment of this state, and shall be a part of the fifth brigade.

**SECTION 5.** That the elections for company officers for the county Humphreys, shall be held at such places as the commandant of said county may think proper to appoint, which said elections shall be held on the third Saturday in March next, under the same rules, regulations and restrictions as are prescribed in like cases; and elections of members of the General Assembly, Governor and members of Congress, and electors to elect a President and Vice-President of the United States, shall be held at the place of holding courts in said county of Humphreys, on the same days on which elections for the same purpose are authorized to be held; and the Sheriff of said county of Humphreys shall meet the Sheriff of Stuart County, on the succeeding day at Rostin, or place of holding a separate election in Stuart county, and with him the Sheriff of Stuart county shall examine the respective polls of election for both counties, and the said Sheriff of Stuart county shall make the returns of both counties as he is bound by law to make, to the Sheriff of Montgomery.

**SECTION 6.** That the county of Humphreys shall in all cases be considered as a part of the district of Robertson.

**SECTION 7.** That it shall and may be lawful for any judge of the superior court, or any justice of the peace in this state, to attend at the place of holding court in said county of Humphreys, when said county is about to be organized, and administer the oaths of office to the officers thereof.

**SECTION 8.** That nothing herein contained shall be so construed as to prevent the Sheriff of Stuart County from collecting the taxes that have been already laid in said county, and he is hereby authorized to collect the same, and all arrearages of taxes in the same manner as if said county of Humphreys had not been laid off, any law to the contrary notwithstanding.

Passed: October 19, 1809

### County Seat

#### Private Acts of 1833 Chapter 125

Whereas, it is represented to this General Assembly, that a majority of the citizens of Humphreys County are desirous to locate their county seat at some other and more healthy situation than where it now is: For remedy whereof,

**SECTION 1.** That the sheriff of Humphreys county is hereby directed to open and hold an election at all

the precincts in the county of Humphreys, on the first Monday in March next, for the purpose of receiving votes for or against the removal of the county seat of said county; and the sheriff aforesaid, is hereby required to do and perform all things necessary to carry said election into effect and operation, in the same way that is prescribed now by law for carrying on elections.

**SECTION 2.** That the present county seat shall be put in nomination, and an eligible situation in the vicinity of Kirkman's ferry; and if a majority of the citizens of said county shall vote for the removal of the county seat, from the place where it is now located, Mitchell Childreas, Isaac Lucas, Edmund F. Wells, Solomon Copeland, James S. Sayle and Allen Box, shall, and they are hereby, appointed commissioners for the purpose of laying off a town, at the place where a majority of the citizens aforesaid shall designate, or in the opinion of the commissioners (a majority acting) shall be best for the interest of the county.

**SECTION 3.** That so soon as it shall appear that a majority of the citizens of said county are in favor of moving the county seat, it shall be the duty of the commissioners to designate the place for said town, and proceed immediately to lay off said town, on the lands of any individual they can make the best contract with for the situation of said town; and the commissioners aforesaid, are hereby empowered with all the rights and privileges that the commissioners of Reynoldsburgh were originally empowered with, and shall have the same powers of suing and being sued, contracting and being contracted with, to sell and dispose of all the present public buildings and public square, to lay off said town, under the same rules, regulations and size that Reynoldsburgh is now incorporated under, and possess the same power of contracting for public buildings, and do and perform all things necessary to sell and dispose of the lots and perfect titles to the same, in as full and ample a manner as any other commissioners in laying off county towns are entitled to.

**SECTION 4.** That if the county seat of said county shall be moved as contemplated by this act, from and after the first day of June next, the place so designated by the commissioners, shall be, and is hereby, known as the county seat of Humphreys County, and shall be called Waverly. All writs, process, and other legal proceedings, shall be returned at said town, from and after the first day of June next; and all courts now holden for said county at Reynoldsburgh, shall, from and after the first day of June next, be held at Waverly, at the same time that is now prescribed for holding courts in said county.

Passed: November 16, 1833

## Private Acts of 1835-36 Chapter 48

**SECTION 1.** That Isaac Lucas, Jas. M. Parker, William M'Castland, George Peoples and Hiram M'Elzeas, be, and they are hereby appointed commissioners for the county of Humphreys, with full power and authority to purchase and fix on a suitable site within four miles of the centre of said county, taking the public convenience and good into consideration, for the purpose of locating the county seat of said county, which shall hereafter be known by the name of Waverly.

**SECTION 2.** That before any of the commissioners hereby appointed shall proceed to perform any of the duties herein required, they shall take and subscribe the following oath before some justice of the peace for said county: I \_\_\_\_\_ do solemnly swear that I will well and truly execute and perform all the duties enjoined on me by law, as commissioner to fix on a permanent seat of justice in the county of Humphreys, to the best of my skill and ability. And in case any or either of the aforesaid commissioners shall fail or refuse to act under the provisions of this appointment, the county court of said county is hereby directed to fill such vacancy by appointing some person who shall not reside further than five miles from the person who shall fail or refuse to act, and the county court shall have full power and authority to fill such vacancy as they may occur, requiring the individual so appointed to be under the same regulations as the commissioners appointed by this act.

**SECTION 3.** That a majority of said commissioners shall constitute a board to transact business, and it shall be their duty as soon as they have fixed on a place for the seat of justice in said county, immediately to proceed to obtain a tract of land, not less than forty acres, to be conveyed to them by general warranty and in trust, for the purpose of laying off the said town of Waverly, and they shall lay the same off into convenient lots, lanes, streets and alleys, reserving therein on the most convenient and eligible place, two acres in a square form, to be called the public square, on which to erect the court house; and the said commissioners shall sell the lots so laid out, to the highest bidder for the same, at public sale, giving a credit to the purchaser of twelve months from the day of sale, and make deeds of conveyance to the purchasers respectively; but said sales of lots shall not take place until the time and place of the sale of said lots shall have been advertised four months in three newspapers printed in this State, and at the most public places in the county; and in all cases of sales of lots, the said commissioners shall take notes under hand and seal, payable to themselves and their successors as commissioners, with good and sufficient security for the purchase money of the respective purchasers.

**SECTION 4.** That the commissioners shall let out the building of the court house and jail of said town to the lowest bidder, and appropriate the money arising from the sale of the lots in payment of the same; and in case the proceeds of the sale of the said lots shall not be sufficient to build said court house and jail, the county court of said county shall have full power and authority to lay a tax on all taxable property from year to year, not exceeding one half of the State tax, to build said court house and jail, which moneys, when collected by the sheriff of said county, shall be paid to said commissioners or their successors on application.

**SECTION 5.** It shall be the duty of the commissioners aforesaid, before they enter into any of the duties enjoined on them by this act, enter into bond and security in the penal sum of five thousand dollars, payable to the chairman of the county court of said county and his successors in office, for the use of the county, faithfully to discharge their duty as commissioners for said county, and correctly account for all sums of money that may come into their hands as commissioners, and it shall be the duty of said commissioners to make full and perfect settlements of all their accounts with the county court once in each year.

**SECTION 6.** The county court of said county is hereby authorized to make such appropriations as compensation for said commissioners, as they shall from time to time think just and right.

**SECTION 7.** That when the commissioners aforesaid shall certify to the county court of said county, that the court house is in sufficient preparation and readiness to transact business in, it shall be the duty of the county court to order from henceforth, the courts of said county shall be held at Waverly; and all writs, bonds, processes and recognizances, shall be made returnable at the town of Waverly after the order of said court shall have been made.

**SECTION 8.** That the commissioners aforesaid shall, when they may think proper, expose to public sale, by giving ten days notice, the public jail of said county, for the use and benefit of the counties of Humphreys and Benton; and the said commissioners of each county shall, among themselves, determine the proportion due to each county, which decision and determination by the said commissioners shall be final between the two counties.

Passed: February 10, 1836.

## Change of Boundary Lines

### Public Acts of 1819 Chapter 2

**SECTION 1.** That the boundaries and lines hereinafter described, shall be and constitute the limits of Humphreys County, to wit; beginning at the mouth of White Oak creek, on the Tennessee River, where the upper line of Stewart county strikes said river; running thence a due west course to the top of the ridge dividing the waters of Sandy river from the water of the Tennessee; ---- thence southwardly on the top of said ridge, to a point thereon which will be at least twenty five miles south of the north boundary line of Humphreys county, hereinbefore mentioned, or so much farther, as that a line therefrom due east to the west boundary line of Hickman county and the other boundaries of said county of Humphreys which are herein after mentioned, will include six hundred and twenty five square miles; thence due east to the west boundary line of Hickman county; thence north and west with the lines of Hickman, Dickson and Stewart counties as heretofore described by law, to the beginning.

**SECTION 2.** That Robert Jarmon, David Wells, John Thompson, Dawsey P. Hudson, and Harmon Lytle, be, and they are hereby appointed commissioners, with authority to employ a surveyor, and have the lines of the county of Humphreys, as above described, run out and marked as soon as may be convenient; and the county court of said county are hereby authorized to pay said commissioners and surveyor, such sum as said court may deem a sufficient compensation, for the services required of them by this act, out of any monies belonging to said county, not otherwise appropriated.

**SECTION 3.** That this act shall be in force from and after the passing thereof.

Passed: November 15, 1819.

### Acts of 1820 Chapter 90

**SECTION 1.** That the boundaries of Humphreys county shall be as follows, to wit, beginning at the mouth of White Oak Creek, on the Tennessee river, where the upper line of Stewart County strikes said river, running thence west four miles and a half, thence south, fortyfive degrees west, ten miles and a half, thence due south to a point, that a line due east, intersecting the west boundary line of Hickman County, and the other boundaries of said Humphreys county, heretofore established by law, will include six hundred and twenty five square miles; thence due east to the west boundary line of Hickman County,

thence north and west with the lines of Hickman, Dixon and Stewart as heretofore described by law to the beginning.

**SECTION 2.** That the territory by this description of boundary thrown off from Humphreys county on the south, shall be, and constitute a part of Perry County.

Passed: July 6, 1820

## Private Acts of 1835-36 Chapter 30

**COMPILER'S NOTE:** Sections 3 through 11 concerned only Benton County and are not published in his volume.

**SECTION 1.** That from and after the first day of January, 1836, the county of Humphreys shall be and the same is hereby declared divided, making the Tennessee river the dividing line of said county.

**SECTION 2.** That there shall be a new county laid off including all that part or section of county, west of the Tennessee river, formerly included in the county of Humphreys, to be called. known and designated in this State by the county of Benton, to have and possess all the rights and privileges, known to any other county in this state, by any general law or usage.

**SECTION 12.** That nothing in this act contained shall be so construed as to prevent the county of Humphreys from entering up judgments, or the sheriffs of said county from selling under such judgments, any lands or other property within the bounds of the said county of Benton for taxes and charges that are due from the citizens of said county of Benton, for the present or any preceding year.

Passed: December 19, 1835.

## Private Acts of 1835-36 Chapter 46

**SECTION 1.** That all that portion of Dickson county lying in the following boundaries, shall hereafter be attached to and belong to the county of Humphreys: ---Beginning at the south west corner of Dickson county, and thence running east with the south boundary line of said county of Dickson, to where the said line intersects the ridge that divides the waters of Hurricane creek from the waters of Garner's creek; thence with said ridge, to where said ridge intersects with the ridge that divides the waters of Cumberland and Duck rivers; thence north westwardly with said ridge, to the line that divides the counties of Dickson and Humphreys; thence south with said line to the beginning.

**SECTION 2.** That all that territory and county now lying in the county of Hickman, within the following boundaries, shall hereafter belong and (be) attached to the county of Humphreys to wit: ---Beginning in the line dividing the counties of Hickman and Humphreys, where the same first strikes Duck River, running south from the north west corner of Hickman; running thence up with the meanders of Duck river, with the main channel, to where the middle of the main ridge dividing the waters of Sugar and Trumbling creeks strikes the river; thence in a north easterly course, along the summit of said ridge, between the waters of said creeks, to the main ridge dividing the waters of Garner's and Little Hurricane creeks; thence along the summit of the same to the north boundary line of Hickman county; thence west with said line, to the north west corner of said county; thence south with the line dividing the counties of Hickman and Humphreys to the beginning.

**SECTION 3.** That the citizens residing within the aforesaid boundaries, shall still vote with the county from which they have been detached, until the next enumeration, for the members of the general assembly, members to congress, governor and electors for president and vice president; Provided, the lines hereby directed to be run, shall not run within twelve miles and a half of the present county seats of said counties; and Provided, also, the said counties shall not be reduced below their constitutional limits.

**SECTION 4.** That all taxes and other public dues from citizens within the aforesaid boundaries, shall be collected in the same manner as heretofore; and the county courts are hereby authorized to render up judgment for the same, in the same manner as if the territory hereby detached still remained attached to their respective counties.

**SECTION 5.** That all officers, civil and military, shall remain in office, within the aforesaid boundaries, until elections shall take place by law, to supply the same; when it shall be lawful for the citizens within said boundaries to vote with and in all things be considered citizens of the county of Humphreys.

**SECTION 6.** That John Thompson, Isaac Little, Henry Luton and William McCastland, be and they are hereby appointed commissioners to survey, run out, and mark the boundaries as herein directed, and have a copy and plat of the same transmitted to the county courts of each county; which copy and plat shall be spread on the records of their county.

**SECTION 7.** That the said commissioners shall receive three dollars per day for each day they may be engaged in making the survey, hereby directed to be paid out of the county treasury of Humphreys County.

Passed: February 2, 1836.

## 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 of 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.

**SECTION 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.

**SECTION 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.

**SECTION 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 20, 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.

**SECTION 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 forty square miles.

**COMPILER'S NOTE:** The remainder of this Act concerned the establishment of Houston County and is not reprinted in this volume.

Passed: January 21, 1871.

## Boundaries - Historical Notes

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

1. Acts of 1809, Chapter 36, appointed 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 according to Acts of 1809, Chapter 31, for which services they would be compensated at the rate of up to \$2 per day.
2. Acts of 1809, Chapter 97, provided that so much of Dickson County as lay west of the Tennessee Ridge would be a part of Humphreys County; beginning on the said ridge where the dividing line between Stewart and Humphreys counties struck the Dickson County line, then south along the top of Tennessee Ridge so far as to include the waters of White Oak Creek in Humphreys County, and then west to the said Dickson County line.
3. Private Acts of 1821, Chapter 125, appointed David B. Carns, Joseph Ury, Hugh Ross, Dawsey P. Hudson and Benjamin Hudson, as commissioners, to employ a surveyor and two chain carriers to run and mark the lines of Humphreys County. They would begin at the northeast corner of the county near David Wells' and run west to the mouth of White Oak Creek, crossing the Tennessee River, and still running west four miles and one-half, thence south fortyfive degrees west ten miles and one-half, thence south so far that an east course would give Humphreys County 625 square miles. They would also calculate and take into Humphreys County that part of the head of White Oak which was taken off from Dickson County in the year 1809 and added to Humphreys County.
4. Private Acts of 1823, Chapter 251, changed the lines between the counties of Humphreys and Stewart 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 would be the permanent dividing lines between the two counties.
5. Public Acts of 1867-68, Chapter 60, Section 6, moved the lands belonging to George Beard out of Humphreys County and into Perry County.
6. Public Acts of 1879, Chapter 57, Section 2, rearranged the lines between Humphreys County and Perry County so that the lands belonging to G. D. Hays, T. B. Smith, S.W. Goodman, J. H. Goodman, A. D. Goodman, A. G. Goodman, W. F. Goodman, J. M. Gray, J. L. Phelps, G. T. Phelps, and J. H. Wooten would all be included within Humphreys County wholly and the line would run as was generally described therein.
7. Public Acts of 1883, Chapter 93, changed the lines between Humphreys County and Dickson County commencing at the northwest corner of A. Vetter's farm, running north and crossing the Northwestern Railroad to the county line on the top of the Tennessee Ridge, so as to include the lands of W. Beckman and the tenants of W. A. Moody wholly within the confines of Dickson County.
8. Private Acts of 1935, Chapter 730, rearranged the boundary lines between Benton County and Humphreys County so that the lands of J. M. Porter and J. C. Porter, about 241 acres in all, and known as White Oak Island in the Tennessee River would be taken out of Humphreys County and placed into Benton County

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