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## Chapter IV - Boundaries

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# Chapter IV - Boundaries

## Creation

### Acts of 1796 (Mar. Sess.) Chapter 31

**SECTION 1.** That the county of Washington be divided by a line as follows, to wit, -- Beginning on the line that divides this state from the state of North Carolina, at a point from which a line to be drawn due north, will strike the house of George Haires -- thence the nearest direction to the top of the Buffaloe mountain -- thence along the heights of the said mountain, to the high knob on the fence, near the north end thereof -- thence a direct line to the house where Jonathan Tipton, junior, now lives, leaving said house in Washington county -- thence a direct line to the south bank of Watauga river, at Jeremiah Dungan's ford -- thence due north to the Sullivan line; and all that part lying to the east of said lines, henceforth be erected into a new and distinct county, by the name of Carter.

**SECTION 2.** That Landon Carter, Reuben Thornton, Andrew Greer, Senior, Zacheriah Campbell, and David M'Nabb, or a majority of them, be, and are hereby appointed commissioners, and authorized to appoint, fix on, and lay out a place the most suitable and convenient in said county, for the purpose of erecting a court house, prison and stocks.

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

**SECTION 4.** And the better to enable the commissioners aforesaid to carry this act into effect. That a tax of twelve and a half cents on each hundred acres of land -- a tax of twenty five cents on each town lot -- a tax of twenty five cents on each slave between the age of ten and fifty years -- and a tax of 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, 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 in the 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 five hundred dollars, payable to the governor and commander in chief, for the time being, and his successors, conditioned for the faithful discharge of the trust reposed in them.

**SECTION 6.** And for the due administration of justice in said county, Be it enacted, That the court for the said county of Carter, shall be held constantly by the justices of said county, on the first Mondays in April, July, October and January in every year: And the justices for said county of Carter are hereby authorized and empowered to hold the first court for the same, at the house of Samuel Tipton, 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 Carter, 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 Carter, shall be held by commission to said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same power 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 Carter shall be, and is hereby declared to compose a part of the district of Washington, in the same manner, and for all purposes, civil and military, as it did when it stood undivided from the county of Washington: And the said county of Carter, from and after the passing of this act, shall furnish three, and the county of Washington seven jurors to the inferior courts of law and equity, for the district of Washington aforesaid.

**SECTION 8.** That Joseph Brown and Nathaniel Taylor, 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 the said commissioners shall each be allowed two dollars per day, and the markers one dollar per day, the expense equally to be paid by the aforesaid counties.

**SECTION 9.** That the present sheriff or collector of Washington counties be authorized to collect all arrearages of public taxes, which by law he was authorized to collect, in the same manner that he might or could do, when the said county of Washington stood undivided.

# Change of Boundary Lines

## Private Acts of 1835-36 Chapter 31

**SECTION 1.** That a new and distinct county be and the same is hereby established, to be known and distinguished as the county of Johnson; beginning at the line of Sullivan county, at a place called the Rich End, where the cross ridge commences that divides the waters of Beaver Dam and Stoney creeks; thence running with the height of said ridge to the Iron mountain; thence with the extreme heights of said mountain to a point opposite the ridge running from said mountain between Dugger's and Vanhouse's; then with said ridge to the Watauga river; then up said river to the mouth of Elk creek; then with the ridge dividing Elk creek from the Watauga river, to the North Carolina line; then with the line between Carter county and North Carolina line to the Virginia line; then with the Virginia line to the corner between Carter and Sullivan counties, from thence to the beginning.

**COMPILER'S NOTE:** The remaining Sections of this act did not apply to Carter County and therefore are not included herein.

Passed: January 2, 1836.

## Boundaries - Historical Notes

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

1. Acts of 1803, Chapter 35, authorized the County Court of Carter County to appoint one Commissioner to run and designate such parts of the county lines as they he deemed proper. The Commissioner was permitted to employ one Marker. The act provided the Commissioner with \$2 per day for each day of employment and the Marker was allowed \$1 per day, to be paid out of the County Treasury.
2. Acts of 1804, Chapter 18, changed the lines between Carter and Sullivan Counties. John McKay was appointed Surveyor to run this line at a salary of \$2 per day for his services.
3. Acts of 1809 (Sept. Sess.), Chapter 27, authorized Elihu Embree, of Washington County, to employ a Surveyor to run a line to include the dwelling house of Embree in Carter County, but not to take more than 50 acres from Washington County. The line was to be recorded at Embree's expense and was to be part of the dividing line between Washington and Carter Counties.
4. Acts of 1837-38, Chapter 211, provided that the Quarterly County Court of Carter County appoint a suitable person to run and mark the line between the Counties of Johnson and Carter lying between the County of Sullivan and the Watauga River. Carter County was to pay a reasonable compensation out of any money in the County Treasury for the services. The Surveyor shall make and return a fair plat of such line to the Clerk of the County Court, who was to record the same.
5. Acts of 1851-52, Chapter 249, moved the lands upon which Joshua Perkins and Richard G. Perkins lived from Johnson County into Carter County.
6. Public Acts of 1868-69, Chapter 20, appointed James G. Smith and William C. Emmett of Carter County and John Anderson and John Welch of Sullivan County as a Commission to run the line between Sullivan and Carter Counties, beginning at the coroners of Carter, Sullivan and Washington Counties near Widow Humphrey's place with the county line to the top of Holston Mountain. Commissioners were to be compensated as the court might direct.
7. Public Acts of 1869-70 (2nd Sess.), Chapter 21, transferred the lands and residence of H.P. Phillips from Washington County into Carter County.
8. Public Acts of 1870-71, Chapter 41, appointed James G. Smith, William C. Emmett and Sam A. Cunningham of Carter County; John Wolf, R. P. Fickle and the Surveyor of Sullivan County; and John Bowman and G. W. St. John of Washington County as Commissioners to re-survey and establish the line between Carter and Sullivan Counties, beginning at the corner of Carter, Washington and Sullivan Counties near the residence of the Widow Humphreys, thence with the line between Carter and Sullivan Counties to the top of Holston Mountain. The Commissioners would run and mark the line and file a plat of it in the office of the Secretary of State and in the Register's office in Carter and Sullivan Counties. The line established would be recognized as the true dividing line. The expenses would be paid by the respective County Courts.
9. Public Acts of 1871, Chapter 61, appointed T. A. Faw, E. F. Akard and John Hardin of Washington County as Commissioners. They were to examine records, take testimony and any other means necessary to ascertain the true and original corner of Carter and Sullivan Counties on the same

lines mentioned in the above act. The Commissioners were to make full report of their findings to the County Courts of Carter and Sullivan Counties to enter into their respective records. This would be the boundary line in law and equity. The Commissioners would receive compensation for their services by Carter and Sullivan Counties.

10. Public Acts of 1883, Chapter 201, changed the lines between Carter and Unicoi Counties to begin at the State line between North Carolina and Tennessee on the top of Rickels Ridge, thence with the top of the Dividing Ridge to the top of Stone Mountain, thence on a direct line to Honey Comb Mountain, repealing all conflicting acts.
11. Public Acts of 1887, Chapter 21, designated practical Surveyors William H. Gaines of Sullivan County, J. O. Robertson of Washington County and Nat Hyder of Carter County as Commissioners. They would examine all records, evidence, take testimony and use any other means to determine the true and original corner of Carter and Sullivan Counties, near the Widow Humphrey's residence, to survey and mark the line between the two Counties to the top of Holston Mountain. If they could not serve, the County Court of that County would appoint another Surveyor. The Commissioners were to make a full report to the County Court of Carter and Sullivan Counties to enter into their respective records. This would be the established boundary in law and equity. The Commissioners would receive compensation for their services.
12. Public Acts of 1895, Chapter 61, changed the line between Carter and Johnson Counties to begin on the county line at the top of the Dividing Ridge between the said Counties, then with the old stage road to the Branch at the residence of Eli Oliver, up the McQueen Branch to the northern boundary of Dicey Marley's land, west with her line to the Johnson County line and then back to the beginning.
13. Public Acts of 1899, Chapter 171, altered the lines between Carter and Washington Counties so as to include all the farm of H.B. Huston in the 13th Civil District of Carter County. A metes and bounds description is furnished in the act.
14. Private Acts of 1911, Chapter 275, moved all the lands of I. W. McQueen and V. A. L. Rainbolt from Carter County into Johnson County.
15. Private Acts of 1915, Chapter 646, repealed Private Acts of 1899, Chapter 171, above.

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