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## Chapter IV - Boundaries

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## Chapter IV - Boundaries

### Creation of the County

#### Private Acts of 1823 Chapter 302

**SECTION 1.** That Jonathan Douglass, of the county of Overton, be, and he is hereby, appointed surveyor to reduce Overton county to its constitutional limits, beginning at the north-east corner of Jackson county, on the east bank of Cumberland river, in the Kentucky line; running thence east with the Kentucky line, so far that by running south parallel with the eastern boundary of the said county of Jackson, until it strikes the Morgan county line; thence with the same to the Cumberland road, and with that westwardly to the line of the said county of Jackson, and with the same to the beginning, will leave Overton county its constitutional limits.

**SECTION 2.** That a new and distinct county be, and the same is hereby, established east of the county of Overton, to be known and distinguished by the name of Fentress county; beginning at the north-east corner of the said county of Overton, (when reduced,) in the Kentucky line; running thence east, with the Kentucky line, to the south fork of Cumberland river; thence up the same as it meanders, to the Clear fork; thence up the same to the forks where Pile's turnpike was formerly kept, where Richard Butler now lives, so as to leave said Butler in Morgan county; thence up the right-hand fork of the said Clear fork, to its head or source; from thence a direct line to the south-east corner of Overton (when reduced;) thence northwardly with the line of Overton county to the beginning.

**SECTION 3.** That, for the due administration of justice, the Court of Pleas and Quarter-Sessions, and the Circuit Courts in said county, shall be holden at the house of George Helms, until otherwise provided for, under the same regulations and restrictions, and shall exercise and possess the same powers and jurisdiction, as is possessed by said courts in other counties in this state.

**SECTION 4.** That sheriff of Fentress county shall hold an election at the place of holding courts in said county, on the first Thursday and succeeding days in April next, for the purpose of electing field-officers for said county of Fentress, under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county of Fentress shall constitute the \_\_\_ regiment and shall become a part of the\_\_ brigade.

**SECTION 5.** That elections for company officers for the county of Fentress, shall be held at such places as the commandant of militia in said county may appoint; which said elections shall be held on such days as may be directed by said commandant.

**SECTION 6.** That the surveyor appointed by the first section of this act, shall be allowed the sum of two dollars per day, and the chain-carriers and markers who may be employed by said surveyor, shall each be allowed the sum of one dollar per day, for their services in running and marking said lines, to be paid equally by the counties of Overton and Fentress, out of any moneys not otherwise appropriated.

**SECTION 7.** That the county of Fentress shall be a part of the district for electing Governor, Representatives to Congress, Electors to elect a President and Vice President of the United States, and Members to the General Assembly, to which the county of Overton now belongs, and that elections be held at the place of holding courts in said county, (and such other places as the court may establish,) at the time, and in the manner, by law directed; and the sheriff, or returning officer of said county, shall make return of the polls of said election to the sheriff of Overton county, shall make return of the polls of said election to the sheriff of Overton county, in the town of Monroe, on the day next succeeding each election.

**SECTION 8.** That such Justices of the Peace as may have been heretofore appointed, and which may fall within the bounds of the county of Fentress, be, and they are hereby, continued in office: AND PROVIDED NEVERTHELESS, that nothing in this act contained, shall be so construed as to prevent the sheriffs of Overton and Morgan counties from collecting the taxes which may be due within their respective counties for the present year, or any preceding year.

Passed: November 28, 1823.

### County Seat

#### Private Acts of 1825 Chapter 319

**SECTION 1.** That William Gore, of the county of Overton be, and he is, hereby appointed to survey the

lines of the county of Fentress so as to ascertain the center of said county, and that he shall be allowed a reasonable compensation for his services, by the county court, as also, for the necessary chain carriers, to be paid out of any monies belonging to said county not otherwise appropriated.

**SECTION 2.** That Woodson P. White, of White County and John Graham and Daniel Keith, of Jackson County, and George Finley and Joseph Bates, of Overton County be, and they are, hereby appointed commissioners, whose duty it shall be, or a majority of them, so soon as practicable after said lines are run or center ascertained by the said surveyor, to proceed to view the premises, including said central point, and if the same is an eligible site for a town, to report the same to the county court of Fentress, and should such central point, not be a suitable place for a town, the said commissioners shall select the nearest eligible site for a town to said point, which may, in their opinion, be suitable for that purpose; said commissioners to be paid for their said services a reasonable compensation by the county court of Fentress, out of any monies belonging to said county, not otherwise appropriated.

**SECTION 3.** That it shall be the duty of the county court of Fentress county, at their first session after the passage of this act, to appoint eight commissioners, whose duty it shall be to procure, from the person or persons who may own the site selected as aforesaid, a good and sufficient legal title for as much land as to them may be deemed requisite for that purpose, and it shall be their duty, in case they cannot agree with the proprietor or the proprietors for the site agreed on as aforesaid, they may choose five disinterested freeholders, who, after having been duly sworn before any acting justice of the peace for the said county of Fentress to decide impartially, proceed to value the said site or premises and report to the county court accordingly, whose duty it shall be, to pay to the proprietor or proprietors of the said site the amount of money for which the same is valued out of any monies belonging to said county, not otherwise appropriated.

**SECTION 4.** That the commissioners appointed by the county courts as aforesaid, shall proceed to lay off said town and designate the plan thereof, to cause to be laid off the lots, streets, lanes and alleys, and designate the place for the court house and other public buildings, to be erected in said town.

**SECTION 5.** That when the town shall be laid off, the commissioners shall advertise the same in the newspapers printed at Sparta, specifying the time and place for the same of said lots, which advertisement shall be at least thirty days before the day of sale, and they shall proceed to sell said lots upon twelve months credit, taking bond with good and sufficient security therefor, making deeds in fee simple to the purchasers.

**SECTION 6.** That the said commissioners or a majority of them, shall contract with some suitable person or persons, to build a courthouse, prison and stocks, at the site selected and laid off for the seat of justice, and the monies arising from the sale of the lots, after paying for the land purchased, shall be appropriated to the expenses in erecting said public buildings, and if the monies arising from the sale of lots aforesaid, be insufficient to pay for the land and public buildings, it shall, and may be, lawful for the county court of Fentress, a majority of the acting justices being present, to lay a county tax on taxable property, not exceeding the State tax, which may be continued from year to year, until a sum is raised sufficient to answer the purposes intended, and the tax aforesaid shall be collected at the time and in the same manner, other taxes or dues are collected, and in case of default in collecting or accounting for said tax to the commissioners, the sheriff, for such his default, may be proceeded against by motion, and judgment before the county court as in other cases of default.

**SECTION 7.** That before the commissioners shall proceed to discharge the duties assigned them, they shall enter into bond to the Governor of the State of Tennessee and his successors, in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of their appointment, to be filed with the clerk of the county court, and be by him recorded.

**SECTION 8.** That the commissioners appointed by the county court as aforesaid, to carry this act into effect, and a majority of them shall at all times be competent to transact any business or perform any duty imposed on them as commissioners.

**SECTION 9.** That in case of death, resignation or refusal to act, of any one or more of the commissioners herein named, it shall and may be lawful for the balance of said commissioners to elect one or more by ballot so as to complete the number of commissioners hereby appointed, and the commissioners thus elected, shall have the same powers and privileges with the commissioners by this act appointed.

**SECTION 10.** That said commissioners, shall appoint one of their body as chairman, in whose name all notes, bonds, etc. and in whose name all suits, may be instituted on the notes, bonds, etc. and for their services, as by this act directed, said commissioners shall be entitled to such compensation as may be allowed by the county court of Fentress.

**SECTION 11.** That said county town or seat of justice in said Fentress County, shall be known and called by the name of Jamestown, in honor of James Fentress.

**SECTION 12.** That so soon as the court-house hereby authorized to be built, shall be in a situation that the courts of Fentress county can be held therein, the said commissioners shall certify the same to the county court of said county, whereupon it shall be the duty of the several courts of Fentress County, to adjourn from the present place of holding courts in said county, to the court- house in Jamestown, or if said commissioners can procure a private house of any kind, in the town aforesaid, suitable for holding the several courts as aforesaid in, the commissioners shall report the same to the county court as aforesaid, and the said courts shall adjourn to the house specified, in said town, without delay, and all writs, subpoenas and other process, made returnable to the present place of holding courts in said county, shall be returnable to the house specified in such town, until the courthouse aforesaid be completed, after which, the courts as heretofore directed by this act, shall adjourn without delay, to the courthouse in Jamestown, and all writs, subpoenas and other process, be returned to the courthouse in Jamestown, and shall be as good and available in law as if they had originally been made returnable to the said courthouse in Jamestown.

**SECTION 13.** That the said commissioners before entering on the duties enjoined on them by this act, shall, before some acting justice of the peace for Fentress County, take an oath well and truly, faithfully and impartially to perform all the duties required of them to do and perform by the provisions of this act.

Passed: December 5, 1825.

## County Line

### Acts of 1845-46 Chapter 175

**SECTION 1.** That the line between the counties of Morgan and Fentress shall be changed, so as to leave the line as heretofore run at the forks of the Clear fork; thence up the left hand fork to the mouth of Shoal creek; thence up Shoal creek to its head, making the meanders of said creek the line; thence with the dividing ridge between the Clear fork and Cook's creek, keeping on its extreme height to the head of Bise's creek; thence down Bise's creek to Clear creek; thence up Clear creek to the old county line; as heretofore established between said counties.

**SECTION 2.** That the field officers of the 17th and 18th regiments of militia, which regiments compose the militia of Claiborne county, be and the said field officers are hereby required to meet at the courthouse in Tazewell, on the first Monday in July next, for the purpose of making a more equal division of the said regiments without regard to the civil districts.

**SECTION 3.** That the county courts of Morgan and Fentress, or either of them, be and they are hereby authorized to employ the county surveyors of said counties, or either of them, or any other competent person or persons to run and mark said line, and make such surveyors such compensation as the said court or courts may think reasonable, payable out of the county treasury.

**SECTION 4.** That nothing in this act contained shall be so construed as to require said county courts, or either of them, to have said line run and marked, or to make an appropriation for the payment thereof, unless at the discretion of the court, a majority of the justices being present and voting in the affirmative.

Passed: February 2, 1846.

### Acts of 1855-56 Chapter 166

**COMPILER'S NOTE:** This act provided for boundary changes in eight counties, but only Section 3 is applicable to Fentress County.

Although this act is incorrectly numbered as Chapter 156 in the text, the Act is placed between number 165 and 167 in the text. Furthermore, there is already an Act numbered 156 in the Private Acts of 1855-56. Therefore, the numbering appears to be a misprint.

**SECTION 3.** That the dividing line between the Counties of Morgan, Scott, and Fentress run by Riley Long, is hereby permanently established.

Passed: February 29, 1856.

### Private Acts of 1859-60 Chapter 135

**COMPILER'S NOTE:** Only Section 2 of this act affected Fentress County, the remaining sections provided for boundary changes for several other counties.

**SECTION 2.** That the county line between the counties of Fentress and Scott, be so changed that commencing at the north of Scull Creek on the Clear Fork, it shall run thence down said river to the South

Fork, to the mouth of Honey Creek at the old county line.

Passed: March 19, 1860.

## Public Acts of 1871 Chapter 14

**SECTION 1.** That the County Line between the Counties of Scott and Fentress be changed as follows: Beginning in the Scott and Fentress County line, on the north bank of the Clear Fork, at the mouth of "Caney Branch," and about two hundred poles above where J. M. Shoemaker formerly lived; thence north 45E west twenty-one miles to the extreme top of the mountain north of Rock Creek; thence along the top of said mountain north of the Scott and Fentress County line including John Draughn, Elswich Thompson, C. Blevins, Daniel Blevins, George Smith, Lewis Burk, Harmon Burk and Samuel Smith in Scott County.

**SECTION 2.** That nothing in this Act shall be so construed as to include any liners in Scott County except those mentioned in the preceding Section.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: October 26, 1871.

## Private Acts of 1897 Chapter 217

**SECTION 1.** That the boundary line between the counties of Scott and Fentress in the State aforesaid, be and the same are hereby defined and constituted as follows: Beginning at the mouth of Caney Branch on the north said of Clear Fork, and running thence north 35 degrees, 45 minutes; west 1,067 poles to the mouth of Potter's Branch, on Whiteoak creek; thence north 18 degrees, 30 minutes, west 1,450 poles to a set stone on latitude line 36 degrees, 30 minutes, known as the old Matthews line, near Katy Blevins' old place; thence north 27 degrees, west 1,600 poles to a stone north of the Louis Burke old place; thence north 32 degrees, west 1,000 poles to a planted rock in the present line between the States of Kentucky and Tennessee.

**SECTION 2.** That from and after the passage of this Act this shall be the dividing line between the counties of Scott and Fentress as aforesaid, except as follows: That the whole farm of Franklin Sewell shall be included in Fentress County, and the whole of the farm now owned and occupied by Daniel Blevins and Jacob Blevins and the Louis Burke place shall be included in the county of Scott.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 9, 1897.

## Private Acts of 1897 Chapter 257

**SECTION 1.** That the boundary line between the counties of Scott and Fentress in the counties aforesaid be and the same are hereby defined and constituted as follows: Beginning at the mouth of Caney Branch on the north side of the Clear Fork, and running thence north 35 degrees, 45 minutes, west 1,067 poles to the mouth of Potter's Branch, on White Oak creek; thence north 18 degrees, 30 minutes, west 1,450 poles to a set stone, on latitude line 36 degrees, 30 minutes, known as the old Matthews' line, near Katy Blevins' old place; thence north 27 degrees, west 1,600 poles to a stone north of the Louis Burke old place; thence north 32 degrees, west 1,000 poles to a planted rock in the present line, between the States of Kentucky and Tennessee.

**SECTION 2.** That from and after the passage of this Act, this shall be the dividing line between the counties of Scott and Fentress as aforesaid, except as follows: That the whole farm of Franklin Sewell shall be included in Fentress County, and the whole of the farm now owned and occupied by Daniel Blevins and Jacob Blevins, and the Louis Burke place shall be included in the county of Scott.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 11, 1897.

## Boundaries - Historical Notes

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

1. Private Acts of 1831, Chapter 153, changed the line between Fentress and Overton Counties to include the land of Willis Huddleston in Overton County.
2. Acts of 1853-54, Chapter 181, changed the line between Scott and Fentress Counties to include Belfield Moore in Fentress County.

3. Public Acts of 1870-71, Chapter 68, changed the line between Overton and Fentress Counties to include the lands of James Amonett in Overton County.
4. Public Acts of 1873, Chapter 80, changed the line between Fentress and Overton Counties to include the lands of William Gunter in Fentress County.
5. Public Acts of 1875, Chapter 140, changed the line between Fentress and Overton Counties to include the farm of James H. Ferrell in Overton County.
6. Public Acts of 1883, Chapter 65, changed the line between Fentress and Overton Counties to include the lands of Tranville F. Bilbrey in Overton County.
7. Public Acts of 1885, Chapter 156, changed the line between Fentress and Pickett Counties to include the lands of Stockley Crabtree, Marion Crouch, J. J. Pile, David Cooper, Jennie Cooper, Thomas King, Mary Ann Hover, George Smith, Austin Choate, William Choate, Thomas Cooper, William Cooper, and Madison Hoover in Fentress County.
8. Public Acts of 1889, Chapter 26, changed the line between Fentress and Cumberland Counties to include the land of E. S. Jones in Fentress County.
9. Public Acts of 1891, Chapter 28, changed the line between Fentress and Pickett Counties to include the farms of G. W. Crouch and Jackson Rains in Pickett County.
10. Public Acts of 1891, Chapter 42, changed the line between Pickett and Fentress Counties to include the lands of N. E. Storie and F. P. Storie in Pickett County.
11. Public Acts of 1899, Chapter 105, changed the line between Pickett and Fentress Counties to include the lands of F. M. Lynch in Pickett County.
12. Acts of 1903, Chapter 512, changed the line between Fentress and Overton Counties to include the lands of Melvin Phillips in Overton County.
13. Acts of 1905, Chapter 39, changed the line between Pickett and Fentress Counties to include the lands of W. M. Johnson in Fentress County.
14. Private Acts of 1905, Chapter 453, changed the county line between Overton and Fentress Counties to include the farm of Sam Hall into Overton County.
15. Private Acts of 1911, Chapter 244, changed the county line between Pickett and Fentress Counties to include the land of Dry Creek farm owned by Robbins and Parris into Pickett County.
16. Private Acts of 1919, Chapter 327, changed the county line between Overton and Fentress Counties to include the lands of M. B. Smith in Overton County.
17. Private Acts of 1919, Chapter 611, changed the county line between Overton and Fentress Counties to include the lands of Polk Wilson in Overton County.
18. Private Acts of 1921, Chapter 453, changed the county line between Pickett and Fentress Counties to include the lands of Hiram C. Crabtree in Pickett County.
19. Private Acts of 1921, Chapter 700, changed the county line between Fentress and Pickett Counties to include the lands of Ed Storie in Pickett County.
20. Private Acts of 1921, Chapter 803, changed the county line between Fentress and Pickett Counties to include the lands of E. G. Jones in Pickett County.
21. Private Acts of 1927, Chapter 776, changed the line between Fentress and Pickett Counties to include the lands of S. R. West in Fentress County.
22. Private Acts of 1951, Chapter 243, changed the county line between Fentress and Cumberland Counties to include the lands of R. L. Maddux in Cumberland County.

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