



December 20, 2024

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## Chapter IV - Boundaries

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## Chapter IV - Boundaries

### Creation of the County

#### Private Acts of 1835-36 Chapter 35

**SECTION 1.** That a County is hereby established on the west of Bedford, the east of Maury, the northeast of Giles, and the northwest of Lincoln, to be known and distinguished by the name of Marshall, late Chief Justice of the United States, to include the territory contained in the following described lines, running the courses and distances hereinafter described, to wit: Commencing at a point eleven and a half miles due west of Shelbyville, running northwardly and southwardly to the Williamson and Lincoln county lines, leaving to Bedford county four hundred and seventy five square miles and no more; thence west with the Williamson County line between Williamson and Bedford counties to the Maury County line; thence to a point five miles north of Duck River, in a line the north from the point twelve miles east of Columbia; thence south to said twelve mile point, east of Columbia, to a stake in Carthel's field; thence three hundred and four poles south to two ironwoods; thence south nine and a half degrees west two miles to a hackberry and black walnut; thence south nineteen and a half degrees west two miles to a sugar tree and ironwood; thence south thirty eight degrees west two miles to a point in John Vincent's lot; thence south forty-seven and a half degrees west two miles to a sugar tree and ash, near Holt's mill; thence south fifty-seven degrees west two miles to a point in Thomas Cheatham's lot; thence south two miles and one hundred and twenty-eight poles

to Giles county line on the ridge; thence eastwardly along the line between the counties of Maury and Giles, eight miles one hundred and thirty-two poles, on a straight line to the Buckeye, corner of Bedford, Lincoln, Maury and Giles counties; thence south along the line between Lincoln and Giles seven miles; thence south eighty-eight and a half degrees east four miles and two hundred and twenty-four poles to five sugar trees; thence north thirty-two and a half degrees east two miles to a stake in a field; thence north forty-two degrees east two miles to a beech; thence north fifty-one and a half degrees east two miles to a chinquapin oak, in Baty's field; thence north sixty-one degrees east two miles to a cherry tree in Petersburg; thence north seventy and a half degrees east 2 miles to two sugar trees, near Win. J. Davidson's; thence north five and a half degrees west two miles and one hundred and seventy-six poles to a chinquapin oak, on the Elk ridge being the line run and marked by Hugh B. Bighain, including within the above described boundaries all the territory contained within the several times, amounting to about three hundred and fifty-one square miles.

**SECTION 2.** That for the due administration of justice the several courts of said county of Marshall shall be holden at the house of Abner Houston, until the seat of justice shall be located and a suitable house erected for that purpose. The county court shall, in the meantime, have full power and authority to adjourn the courts to such other place in said county as the justices may deem better suited for the holding the same, and more for the public convenience, and to adjourn to the seat of justice, when in their judgment and necessary arrangements are made; and all writs and other process made returnable to either place shall be returnable to the place to which said court may have been removed by the said justices. And the said courts to be holden in and for said county of Marshall shall have and exercise the same powers and jurisdiction under the like limitations and restrictions as other courts in the State.

**SECTION 3.** That all officers, civil and military, in said county, shall continue to hold their offices and exercise all the functions thereof, until their successors are elected according to the provisions of the amended constitution and the laws made in pursuance thereof. And said county of Marshall shall elect her officers, civil and military, under the amended constitution, under the same rules and regulations, and in the same manner, as other counties in this State; and the said county of Marshall shall possess equal powers and privileges, in all respects, as other counties: Provided, nothing in this act shall be so construed (as) to deprive the counties of Bedford, Maury, Lincoln and Giles from having and exercising jurisdiction over the territory composing said county and the citizens thereof, in as ample manner as is now possessed, until the election and qualification of county officers for said county, as provided for by law; Provided, also, that nothing in this act shall be construed to prevent the courts in the counties of Bedford, Maury, Giles and Lincoln from rendering judgments, or the sheriffs of said counties from selling under such judgments, any lands or other property within the bounds of said county of Marshall, for taxes, cost and charges, for any preceding year; nor to prevent said sheriffs from collecting any taxes already due for any preceding year; nor to levy and sell under any execution issued from any judgment already rendered, or to be rendered on any suit commenced interior to the organization of said county, in as ample manner as if this act had not been passed.

**SECTION 4.** That Richard Warner, Williamson Smith, Holman R. Fowler, George A. M'Bride and William D.

Orr, are hereby appointed commissioners, a majority of whom shall be competent to net; and they shall, before the first day of April next, designate a place as near the centre of said county as an eligible site can be procured, and within three miles of the centre, at which they shall procure by purchase or donation, or otherwise, at least fifty acres of land, for which they shall cause a deed to be executed to them and their successors in office, and they shall return their proceedings to the county court of said county, and the same shall be recorded in the clerk's office.

**SECTION 5.** That it shall be the duty of the County Court of said county to appoint five commissioners, to whom the commissioners appointed by this act shall convey the land acquired for the use of said county, on which they shall lay out a town, with as many streets, at least eighty feet wide, as they shall deem necessary, reserving at least four acres for a public square, and a lot of one acre each for a jail, a male school or academy, a female school, and two acres for the erection of churches; and the said town, when so laid off, shall be known by the name of Lewisburg in honor of Merriwether Lewis.

**SECTION 6.** That the commissioners shall sell the lots in said town on a credit of at least twelve months, after giving due notice thereof in one or more newspapers in this State, and shall take bonds with sufficient securities, payable to themselves and successors, and shall make titles in fee simple, as commissioners to the purchasers of said lots.

**SECTION 7.** That the money's arising from the sales of said lots shall constitute a fund for defraying the purchase of said tract of land on which said town shall be located, and for the erection of public buildings.

**SECTION 8.** That the commissioners shall superintend the erection of the court house, jail, and other necessary public buildings, and shall let out such buildings as the county court of said county shall order to be erected, on such terms and conditions as said court shall direct, and shall take bonds with sufficient securities from the undertakers, payable to them and their successors, in the sum of \$10,000, conditioned for the faithful performance of their contracts.

**SECTION 9.** That before said commissioners cater on their duties, they shall take an oath or affirmation to execute all the duties enjoined on them faithfully and impartially according to the best of their knowledge and understanding; and shall moreover enter into bond with sufficient security, payable to the chairman of the county court and his successors in office, in the sum of \$10,000 conditioned for the faithful performance of the duties enjoined on them by law, which bond shall be deposited in the clerk's office in the county court, and shall not be so construed as to render one of the commissioners security for another.

**SECTION 10.** That the commissioners shall keep a regular and correct statement of all moneys by those received and expended, which, when required, shall be exhibited to the county court, and when the necessary public buildings are completed, said commissioners shall pay over all surplus moneys to the county trustee for county purposes; and they shall be allowed by the county court a reasonable compensation for their services. That the justices of the county court upon a majority of the whole number voting in the affirmative, may appropriate funds for the improvement of the public square and streets in the town of Lewisburg, the moneys therein ordered to be paid to the county trustee for county purposes, or any part thereof if they should deem proper.

As amended by: Private Acts of 1837-38, Chapter 202.

**SECTION 11.** That the first five commissioners mentioned in this act shall receive three dollars for each day they may be necessarily engaged in performing the duties required of them to be paid by the trustee of said county of Marshall.

**SECTION 12.** That the county of Marshall shall be entitled to her rateable proportion of the common school and academy and internal improvement funds, in the same manner that old counties are entitled to the same.

**SECTION 13.** That on the first Thursday in April next, it is hereby made the duty of the sheriffs of Bedford, Maury and Lincoln Counties, by themselves and their deputies, to open and hold elections, for the purpose of receiving the voters of the qualified voters residing in each fraction taken from the several counties to form the said county of Marshall, at which election the polls shall be opened at 10 o'clock A.M., and closed at 4 o'clock P.M.; and no person shall vote at said elections except he has resided in the fraction taken off to form a part of said county of Marshall six months immediately preceding said election, in which the election shall be held, and those who wish to vote for the new county shall put "Marshall" on their tickets, and those against it shall put the words "Old County" on their tickets, and no vote shall be counted except the above named word or words be upon it; and shall any person vote at either of said elections not being a qualified voter or not residing in the fraction in which said election is held, such offender, on conviction thereof, shall forfeit and pay the sum of twenty dollars, to be recovered before any tribunal having cognizance thereof.

**SECTION 14.** That the elections for that fraction taken from Bedford shall be held at the house of Abner

Houston and Chapel Hill; for that fraction taken from Maury, at James Davis, Cedar Spring, and at Galloway's near the Big Spring; for that fraction from Lincoln, at Thomas Short's and at Maulding and Goodrioh's stores.

**SECTION 15.** That immediately after the elections, the sheriffs of Lincoln, Bedford and Maury, shall make return to the Governor, a full statement of all the votes both for and against the establishment of the said county of Marshall; and if it shall appear that a majority of the qualified voters voting in each fraction taken from old counties to form said new county, the Governor shall forthwith issue his proclamation, setting forth that the said county of Marshall has become a constitutional county, and in that event, said county shall be immediately organized agreeable to this act.

**SECTION 16.** That a line may be run from the southwest corner of Marshall County to the Lincoln line, taking a part of Giles in the northeast corner of said county, not reducing Giles below her constitutional limits of six hundred and twenty-five square miles; and when so taken off, it shall be the duty of the sheriff of Giles county to hold an election in said fraction under the same rules, regulations and restrictions, as named in this act for other elections; and if, upon counting out the votes, it shall appear that a majority of the qualified voters voting in said fraction have voted in favor of becoming a part of Marshall county, the sheriff shall notify the Governor of that fact, who shall, by proclamation declare that said fraction of Giles county is a part of Marshall county: Provided, that before the sheriff of Giles county shall be permitted to open and hold an election in compliance with the provisions of this act, such persons as are interested shall exhibit a fair map of the county of Giles, showing that after the proposed reduction of said county, the said old county contains at least six hundred and twenty-five miles; said survey as he made by Mitchell K. Jackson of Franklin County, and in the event of his failure may act from any cause, then any competent surveyor residing in the county of Franklin, who shall make his return of said survey on oath: And provided, also, that Lincoln County shall not be reduced below as constitutional limits and the sheriff of Giles shall give ten days notice of the time and place of holding the election in the fraction taken from Giles, and that the election in that fraction shall be held on the last Thursday of March, 1836.

**SECTION 17.** That if that part of Giles named in this act should vote to become a part of Marshall county at any time prior to the holding of elections in the other fractions, so much territory as comes in Marshall county from Giles shall be stricken from the south part of the Lincoln fraction, and the remainder of the Lincoln fraction may vote themselves to Marshall county as provided for by this act, to hold the elections in said remainder agreeable to this act.

**SECTION 18.** That if the county of Marshall should be permanently established agreeably to the provisions of this act, it shall and may be lawful for officers of the General Assembly, to hold their offices and discharge the duties of the same for the time for which they were elected, and should there be vacancies in said county of Marshall, such vacant office shall be filled as the law directs; and it shall be the duty of the sheriffs of Maury county to hold the election to fill the same; and if any civil district or districts should be divided by the lines of the said county of Marshall passing through them, it shall be may be lawful for the county court of said county, and the courts of the several counties from which said county has been taken, to attach the said fractions to other districts in their respective counties, or form a district or districts of one or more fractions as said courts may think proper.

**SECTION 19.** That said county of Marshall shall be attached to the Middle division, and appeals, in the nature of writs of error, and writs of error shall be taken to the supreme court at Nashville; and said county of Marshall shall be attached to the sixth chancery district of the Middle division, the court for which is held at Shelbyville, in Bedford county; and said county of Marshall shall be attached to the eighth judicial circuit, and the circuit courts thereof shall be held on the fourth Mondays of March, July and November.

**SECTION 20.** That the justices of the peace elected for said county, may be qualified by any justice of the peace of any adjoining county, and that the first county court for said county shall be held on the first Monday in June next, and that said county shall in all respects be organized according to the laws passed at the present session of the General Assembly for reorganizing the State governments.

**SECTION 21.** That should the county of Marshall be established pursuant to the act, the judge of the eighth judicial circuit shall hold the first circuit court that comes on afterwards in the county of Lawrence, and the judge of the 11th circuit shall hold the second court, and ever afterwards the said judges shall alternately hold the circuit courts in the said county of Lawrence, in the order above specified.

Passed: February 20, 1836.

## Change of Boundary Lines

## Acts of 1837-38 Chapter 199

**SECTION 1.** That the western boundary line of Marshall county shall be altered in the following manner, (viz:) commencing at the point where the western boundary line now crosses Duck river, running thence with the meanders of Duck river down to the mouth of Cedar creek, thence running to the point in Dr. Anderson's field, where present boundary line; and, also the territory lying between the present line strikes the same, and thence with the present line, and the line herein established shall constitute part of the territory of Marshall county, and the citizens residing therein shall enjoy all the privileges and be subject to all the duties of other citizens of Marshall county. Provided, the sheriff of Maury county shall have right to collect any taxes which may not have been paid by the inhabitants residing in said territory, and to enforce payment of any judgment which has been heretofore rendered, or which may be rendered against any of them in any suit now pending in any court of Maury county.

**SECTION 2.** It shall be the duty of the sheriff of Marshall county, after giving twenty days notice of time and place to hold an election in that fraction of Marshall taken from Maury county, lying north of Duck river, and if a majority of the qualified voters residing in said fraction shall vote in favor of being again attached to Maury county, he shall make return thereof to the succeeding county court of Maury county, and said return shall be entered of record, and from the date of such record the said fraction shall constitute part of Maury county: Provided, that if the territory mentioned in this section shall be attached to Maury county, the sheriff of Marshall shall have all the powers therein which are conferred by the proviso to the first section of this act upon the sheriff of Maury.

**SECTION 3.** That the dividing line between the counties of DeKalb and White, running north from the four tree mile, on Dibrell's road, be so changed as to run with the line of the eighth district to the Jackson county line, leaving all the citizens residing in said eighth district in the county of White.

**SECTION 4.** That the line of Powel county as established by this General Assembly, be so changed as to exclude the long islands from said county and to leave them in the county of Sullivan.

PASSED: January 27, 1838.

## Acts of 1837-38 Chapter 272

**SECTION 1.** That the line heretofore run and marked, and now known as Cotner's line commencing at a point eleven and one half miles due west from Shelbyville, and running thence due north to the Williamson county line, and the line run and marked, and known as Bigham's line, commencing at the same point, and running thence in a southwardly direction to the Lincoln county line, be, and the same is hereby established and made the dividing line between the said counties of Bedford and Marshall.

**SECTION 2.** That nothing in this act shall prevent the sheriff of Marshall county from collecting any taxes or money due on judgments and executions, which may be in his hands for collection at the time of the passage of this act, within the territory over which the county of Marshall at this time exercises jurisdiction, but in all cases he shall proceed to collect the same as though this act had not been passed.

Passed: January 17, 1838.

## Acts of 1841-42 Chapter 179

**COMPILER'S NOTE:** Sections 1 and 3 do not pertain to Marshall County. Therefore, they have been omitted.

**SECTION 2.** That the territory lying north and east of a line beginning at the south west corner of Marshall county, on the old line dividing Maury and Giles counties; running thence a south east direction to James Reynolds; thence to David Wilks; thence to Thomas Gills; thence south east, so as to strike the corner of Marshall county, south of Cornersville and Lincoln county line, be, and the same is hereby attached to said county of Marshall: Provided, that in running said line, Giles county shall not be reduced below six hundred and twenty-five square miles, to be ascertained by actual survey: and provided also, that a majority of the qualified voters living in said fraction, and voting in the election hereinafter provided for, shall vote in favor of being attached to said county of Marshall: Provided, that before that fraction of Giles county intended to be attached to Marshall county, shall hold any election, or by any other manner, be recognized as a part of Marshall county; said county of Marshall, or section so intended to be detached from and added to said Marshall county, at their cost, shall cause the county of Giles to be surveyed by a sworn surveyor, who shall not be a resident in either county, or fraction, and if, upon the actual survey of said county of Giles, it shall be ascertained that the said county of Giles will not be reduced below the constitutional number of square miles, then, and in that case, the said fraction shall compose a part of

Marshall, as provided in this act; said surveyor shall make return of the plat and certificate to the Secretary of State, and the Governor shall make proclamation accordingly.

**COMPILER'S NOTE:** Two "Section Fours" appear in this act. The first Section four does not pertain to Marshall County.

**SECTION 4(sic).** That the constable in the Cornersville District, in Giles county, shall open and hold an election at the town of Cornersville, at such time as he may appoint, after giving ten days notice at three of the most public places in said fraction, at which way qualified votes, being in said fraction, shall be entitled to vote, and should a majority of said voters vote in favor of being attached to said county of Marshall, the Territory lying South and East of said line, as aforesaid, shall be, and the same is hereby attached to Marshall county.

Passed: February 4, 1842.

## Acts of 1870 Chapter 34

**SECTION 1.** That the territory of Giles County lying north and east of the line beginning on the top of the ridge in Giles and Marshall County line, at the west end of Enoch Smith's farm, not far from Wesley Griffis; running thence, in a southern direction with a land, to the Bear Creek Church road; thence with said road to the mouth of the lane in the Cornersville and Lynnville road that divides the farm of P. T. Cox and Richard Wilkes; thence south with the Cornersville and Lynnville road to a large poplar in the road where the Cornersville and Lynnville road turns east; thence with the old Huntsville and Columbia road to the Christian Church near D. G. Ussey's, the same being the line of the seventeenth district of Giles County; thence with the said Huntsville and Columbia road and the civil district line, to what is known as the G. W. Day farm and Easlick's mills; then east, so as to strike the line that divides the lands of S. G. Marsh and W. W. Simmons, near the Cornersville and Pulaski turnpike; thence east with said Marsha and Simmons' line to the southeast corner of said Marsh's farm; thence north to the middle of Richland Creek; thence east up Richland Creek, meandering the same to the point where the Giles and Marshall County line crosses the creek near James Moore's shall be, and the same is hereby attached to and constitute a part of Marshall County.

**SECTION 2.** That the territorial fractions, taken from Giles and added to Marshall County by this act, shall continue liable for its pro rata of all debts contracted by Giles County before the passage of this act, and the said fraction shall be entitled to its proportion of any stocks or credits belonging to Giles County.

**SECTION 3.** That the State and County taxes of said fraction for the year 1870, shall be collected by the Tax Collector of Giles County, and when collected in said fraction, the county tax shall be paid to the County Trustee of Giles County, and constitute a part of the county revenue of Giles County.

**SECTION 4.** That as the public welfare requires it, this act shall take effect from and after its passage.

Passed: June 30, 1870.

## Boundaries - Historical Notes

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

1. Acts of 1837-8, Chapter 272, established the dividing line between Marshall and Bedford Counties. The line ran from Cotner's line due north to the Williamson county line, to Bigham's line and then south to the Lincoln county line.
2. Acts of 1845-46, Chapter 31, changed the lines between Marshall and Maury Counties beginning at a point running south from Duck River, fifty feet north of William D. Baldrige's dwelling house, running thence west 50 feet; thence south 120 feet; thence east to the present line so as to include the entire dwelling house of the said Baldrige and to attach the same to Marshall County.
3. Acts of 1853-54, Chapter 181, changed the lines between Maury and Marshall counties so as to move the dwelling house of James W. Baird into Marshall County and declared him to be a citizen of that county.
4. Acts of 1855-56, Chapter 161, in Section One moved the farm of James Old from Maury County into Marshall County; in Section 3, transferred the residence and plantation of James M. Reynolds and George W. Wiles into Maury County; and in Section Four moved George Whitson's farm from Maury into Marshall County.

5. Acts of 1855-56, Chapter 173, rearranged the lines between Bedford County and Marshall County so as to include the entire farm of E. G. Hamilton in Bedford County.
6. Acts of 1859-60, Chapter 100, detached the residence and farm of M. H. Hughes from Marshall County and placed it into Williamson County.
7. Acts of 1859-60, Chapter 210, transferred the residence and out houses belonging to Nathan Landen from Maury County into Marshall County.
8. Acts of 1866-67, Chapter 9, moved the property of Thomas W. Brents from Bedford County into Marshall County. This act was repealed by Acts of 1867-68, Chapter 20.
9. Acts of 1867-68, Chapter 20, repealed Acts of 1866-67, Chapter 9, concerning Bedford County, and in Section 3 moved the farm of William Buchanan from Lincoln County into the 4th Civil District of Marshall County.
10. Acts of 1867-68, Chapter 60, changed the lines between Marshall and Rutherford Counties so as to include all the properties of Thomas Burnett, Sarah Johnson, W. A. McCord, and John Haily in Rutherford County.
11. Acts of 1870-71, Chapter 121, transferred the lands of John B. Wilkes and John Coffey to Maury County from Marshall County directing that taxes for 1871 be paid to Maury County.
12. Acts of 1875, Chapter 120, provided that the line between Marshall and Maury Counties be changed to run with the Franklin and Lewisburg Turnpike Road from Hardison's old storehouse to the south bank of the Duck River.
13. Acts of 1877, Chapter 165, changed the boundaries between Marshall and Williamson Counties so as to include in the 22nd Civil District of Williamson County the dwelling and outhouses of W. O. Smithson and N. J. Wood and the tracts of land upon they are located, and the 50 acres of land belonging to G. R. Rucker, which would be cut off thereby, is transferred to Marshall County.
14. Acts of 1879, Chapter 21, detached the lands of James Perry, Mr. Pollis, and D. W. Kincaid from Marshall County and attached them to Giles County. See Wilson v. State, 143 Tenn. 68, 224 SW 172 (1920).
15. Acts of 1879, Chapter 57, amended an 1870 act to throw all the lands of W. T. Marsh, or which are connected to that tract into Marshall County instead of Giles County.
16. Acts of 1883, Chapter 124, changed the boundaries between Rutherford and Marshall Counties so as to include fractions of the farms of S. B. Holt and J. A. Joice (sic) which now lie in the 8th Civil District of Rutherford County in Marshall County.
17. Acts of 1887, Chapter 48, altered lines between Marshall, Maury, and Williamson Counties so as to include portions of the farms of J. S. Flemming, W. P. Flemming, and S. C. Smithson lying in Maury and Marshall Counties in Williamson County.
18. Acts of 1889, Chapter 112, transferred the farm of Racine England from Marshall into Bedford County.
19. Acts of 1889, Chapter 129, moved about 25 acres belonging to George A. Reed and located in the 9th Civil District of Marshall County into Williamson County.
20. Acts of 1895, Chapter 216, has a rather meager description of the involved lands in Section 2 of the Act but actually moved the farms and homes of Mike Crawell, W. A. Crawell, Jasper W. Dickens, W. H. Moon, J. W. Hopkins, and J. P. Crawell into Bedford County from Marshall County.
21. Acts of 1899, Chapter 421, transferred the entire farms belonging to Erwin Purdom, S. R. Purdom, and Mariah Hardison from Maury County into Marshall County.
22. Acts of 1901, Chapter 307, changed the line between Marshall and Rutherford Counties so that the whole of the farms of W. F. Ogilvie and E. S. Hughes were included in Rutherford County.
23. Acts of 1901, Chapter 308, detached all the land belonging to T. M. Burgess, N. M. Smith, M. L. Burgess, W. N. Poarch, T. L. Poarch, James Gosnell, Mrs. S. J. Harris, and Mrs. Emma Moore from Giles County and attached them to Marshall County.
24. Acts of 1905, Chapter 28, moved the farms of J. S. Cainer and J. B. Smithson from Giles County into Marshall County.
25. Acts of 1905, Chapter 67, moved the land of T. M. Liles from Lincoln County into Marshall County.
26. Private Acts of 1907, Chapter 101, provided that the land now owned by Howard Fox and located in the 17th Civil District of Giles County be included in the 4th Civil District of Marshall County.
27. Private Acts of 1907, Chapter 490, moved the lands of J. E. Hopkins and Mrs. Sallie Brown, now in



the 11th Civil District of Bedford County, into Marshall County and the lands of Sandy Moon and Elgin Cooper, located in the First Civil District of Marshall County were moved into Bedford County.

28. Private Acts of 1909, Chapter 101, directs that the present line between the counties of Giles and Marshall be changed so that the land now owned by Howard Fox who is in the seventeenth district of Giles County be included in the fourth civil district of Marshall county.
29. Private Acts of 1915, Chapter 384, was declared unconstitutional by the Tennessee Supreme Court in the case of Giles County v. Marshall County (1915), 133 Tenn. 415, 181 SW 308, because the Marshall County line in some places was less than eleven miles from the county seat of Giles County and the defect could not be cured by pushing the line back at those points.
30. Private Acts of 1925, Chapter 640, moved a certain tract of land belonging to G. W. Stallings situated in the Fourth Civil District of Marshall County, containing ten acres, more or less, into Giles County.

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