



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IV - Boundaries

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Chapter IV - Boundaries

Creation of the County

Acts of 1817 Chapter 109

- 1.** That the territory south west of Bledsoe, and south of Warren and Franklin counties, shall constitute a county by the name of Marion.
- 2.** That said county of Marion shall be bounded as follows, to wit: Beginning on the North West mountain, at the fork of Brush creek, where the road leading from Bledsoe county to Warren county crosses the same; thence down the said creek to the mouth; thence up Sequatchee river to the mouth of Prigmor's Powder Mill creek; thence up the said creek to the top of Walden's ridge; thence down the top of said ridge, to the bluff on Tennessee river; thence south to the southern boundary line of this state; thence west to the top of the ridge that divides the waters of Crow creek and Mud Creek; thence up the said ridge to the top of the mountain that divides the waters of Tennessee from Elk River, and the Caney Fork of Cumberland river to the beginning.
- 3.** That for the due administration of justice, the courts of pleas and quarter sessions, and the circuit court in said county, shall be holden at the house of John Shropshire, 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.
- 4.** That the sheriff of Marion county, shall hold an election at the place of holding courts in said county, on the first Thursday and Friday in April next, for the purpose of electing field officers for said county of Marion, under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county of Marion shall constitute the regiment, and shall be attached to, and become a part of the seventh brigade.
- 5.** That elections for company officers for the county of Marion, shall be at such places as the commandant of militia in said county may appoint, which said elections shall be held on the first Thursday in June next, under the same rules, regulations and restrictions as are prescribed in like cases.
- 6.** That said county of Marion, shall be a part of the district for electing a 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 Bledsoe now belongs, and that elections be held at the place of holding courts in said county, 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 elections, to the sheriff of Bledsoe county, in the town of Pikeville, on the day next succeeding each election, and upon comparing the votes, they shall declare the candidate for the representative of said county of Bledsoe and Marion, who may have the highest number of votes, duly elected, and give certificate accordingly; and it shall be the duty of the sheriff of Bledsoe county, to make the return of votes in said counties of Marion and Bledsoe, for senator of said district, members of Congress, Governor, &c: as heretofore directed by law.
- 7.** That it shall and may be lawful for any justice of the peace for Bledsoe county, to attend at the place appointed by law for holding court in Marion county, at the first court of pleas and quarter sessions, appointed to be holden for said county, for the purpose of administering to the justices of said county, the necessary oaths.
- 8.** That so soon as the treaty lately made with the Cherokee Indians, shall be ratified by the government of the United States, this act shall take effect and be in force, and until that period the inhabitants therein shall still be attached to, and considered a part of Bledsoe county.

Passed: November 20, 1817.

Establish County Seat

Acts of 1829 Chapter 306

SECTION 1. That David Oats, Burgess Mathews, William Stephens, Alexander Kelly, David Miller, William Stone and William King, be, and they are hereby appointed commissioners, who, or a majority of them, shall as soon as may be, select and fix on a place as near the centre of the county of Marion, as an eligible site can be procured, for a court house, prison and stocks, for the use of said county of Marion, and after

agreeing on the place, the said commissioners shall proceed to purchase, or otherwise procure, not less than forty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warranty, on which they shall cause a town to be laid off, with necessary streets and alleys, reserving not less than one acre of ground, as near the centre as may be, on which the court house, prison and stocks shall be erected, which town shall be known by the name of Jasper.

SECTION 2. That when the town shall be thus laid off, the aforesaid commissioners are further required to advertise for sale to the highest bidder, in some newspaper printed in Knoxville, and three of the most public places in said county of Marion, on a credit of twelve months, giving sixty days previous notice, and shall take bonds with sufficient security to themselves and their successors in office, for the purchase money arising from the sale of said lots, and shall make titles to the purchasers in fee simple.

SECTION 3. That it shall be the further duty of the said commissioners, to contract with suitable workmen to build a court house, prison and stocks, and the monies arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for said court house, prison and stocks.

SECTION 4. That should the money arising from the sale of said lots, prove insufficient to pay for said public buildings, then, and in that case, a majority of the acting Justices of the said county of Marion being present, shall in term time, have power, and are hereby authorized to lay an additional county tax, not exceeding twelve and one half cents on each hundred acres of land liable to taxation; twelve and one half cents on each white poll; twenty five cents on each black poll; one dollar on each stud horse kept for mares; twenty five cents on each town lot, and five dollars on each peddler, hawker, or merchant; the said tax shall be laid from year to year, until a sufficient sum shall be collected to pay for said public buildings, and shall be collected by the collector of public taxes, on the same per cent as other county taxes, and the said collector shall pay over the same, when collected to the aforesaid commissioners, and shall be, by them applied towards paying for the said public buildings, and whose receipts shall be allowed in the settlement of the said collectors accounts.

SECTION 5. That the said commissioners before entering on the duties of their appointment, shall enter into bond with sufficient security, payable to the Governor for the time being and his successors in office, in the sum of three thousand dollars, for the faithful discharge of their duty, as herein expressed; which bond shall be attested by, and lodged in the office of the clerk of the county court of said county of Marion.

SECTION 6. That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the county court of Marion county, a just and fair statement of all the monies by them received, as well as those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable compensation for their services; Provided, a majority of the acting justices of said county are present, when such allowance is made; and provided also, that the said county court of Marion, shall have power, and are hereby authorized to call on said commissioners for a statement of their proceedings, before the said public buildings are completed; but such call, by, and from the said court, shall not be oftener than once in each year.

SECTION 7. That when the court house hereby authorized to be erected, shall be finished, the said commissioners shall certify the same to the county court of Marion, who, thereupon, shall adjourn the several courts of said county to the town of Jasper, and all writs, subpoenas and other process made returnable to the present court house of Marion county, shall be returned to the said town of Jasper, and shall be a good and as available in law as if originally made returnable to the said town of Jasper.

SECTION 8. That the said commissioners before entering on the duties of their appointment, shall take an oath before some Justice of the Peace for Marion county, well and truly, faithfully and impartially to discharge all such duties as shall be incumbent on them to do and perform, and commissioners aforesaid.

Passed: October 30, 1819.

Change of Boundary Lines

Acts of 1821 Chapter 169

1. That the line running between the counties of Rhea and Hamilton, shall commence at a point one half mile below Blythe's ferry, and run across the Valley to the Mountain, so as to run between the lands of Benjamin Jones and John Russell, thence up the foot of the said mountain to the line of said counties as now run and marked.

2. That the dividing line between the counties of Hamilton and Marion shall be as follows, (to wit:) Beginning on the south east corner of Bledsoe county, thence along the extreme height of the mountain to the head of Suck creek, thence down said creek to the mouth thereof, thence due south to the southern

boundary of the state.

Passed: November 10, 1821.

Private Acts of 1825 Chapter 188

SECTION 1. That the territory now included in Marion county, lying west of the line, hereinafter described be, and the same is, hereby attached to Franklin county, to wit; Beginning on the southern boundary line of the State of Tennessee, between the waters of Battle creek and Crow creek, at the present point where the second surveyor's district in Tennessee intersects with said southern boundary line, running thence northwardly, with the line of said second surveyor's district, till it strikes the present boundary line of Franklin county, so as to include in said county of Franklin, the territory lying west of said line.

SECTION 2. That John Kelly and William M. Quisiberry be, and they are, hereby appointed commissioners and surveyors, to run and mark said line between said counties, whose duty it shall be to perform said duty on or before the first day of April next; the expense of which said running and marking shall be paid by the county of Franklin.

Passed: November 18, 1825.

Acts of 1829 Chapter 141

SECTION 1. That the dividing line between the counties of Hamilton and Bledsoe, shall be as follows, to wit: beginning on the north west corner of Hamilton county, on Walden's ridge near Keedy's road, running thence in a direction with Hamilton county line towards [sic] Tennessee river to the middle of Walden's ridge, thence running a direct line on the centre of said ridge, in a direction towards the mouth of Suck creek, to a point opposite the mouth of Brush creek, the dividing line between Bledsoe and Marion counties; thence to the south east corner of Bledsoe county, near the head of Kelly's mill creek.

SECTION 2. That the dividing line between the counties of Marion and Hamilton, shall be as follows, to wit: beginning on the line between Hamilton and Bledsoe counties, at a point opposite the mouth of Brush creek, on the centre of Walden's ridge, and thence with the centre of said ridge, or as nearly so as a direct line will admit, to Suck creek, and down said creek to its mouth, and with the line as now established by law between the said counties of Marion and Hamilton.

Passed: December 31, 1829.

Acts of 1841-42 Chapter 179

COMPILER'S NOTE: The first two sections of this act did not relate to Marion County. Therefore, they were omitted.

SECTION 3. That the first and second sections of "an act, Chap. 135, entitled an act to alter the dividing line between the counties of Marion and Hamilton," passed February 17th, 1836, be, and the same are hereby repealed.

SECTION 4. That the dividing line between the counties of Marion and Hamilton, on the south side of the Tennessee River, as run and marked by the surveyor General of the Hiwassee District, in pursuance of an act of the General Assembly, entitled "an act to extend the laws and jurisdiction of this State, to her Southern limits;" Chap. 16, passed November 8, 1833, shall hereafter be and remain the dividing line between said counties.

Passed: February 4, 1842.

Acts of 1853-54 Chapter 181

SECTION 1. That the county line between Grundy and Marion counties be so changed: Beginning on the south-east corner of Grundy County, running a north-eastwardly course to the Carlton place where John Lockheart now lives, and thence to the north-east line of Grundy county, so as to include as much territory now of Grundy county as is intended to be stricken off of Marion county.

SECTION 2. That the county courts of Grundy and Marion counties may appoint a surveyor of each county, with the necessary chain carriers and markers to run and mark said line; and when done, the county court of Grundy County shall appropriate the sum of two dollars and fifty cents each, per day, to the surveyors, and one dollar per day to the chain carriers and markers who may be necessarily employed in said duty.

SECTION 3. That the citizens of Grundy County be authorized to file bills and commence other proceedings in the Chancery Court at Jasper, as they are permitted to do at McMinnville or Manchester.

COMPILER'S NOTE: Sections 4-9 do not relate to Marion County. Therefore, they have been omitted.

Passed: March 3, 1854.

Public Acts of 1873 Chapter 105

SECTION 1. That the lines between the counties of Sequatchie and Marion be changed and included within the limits of the county of Sequatchie that portion of the Third Civil District of Marion County, described as follows: Beginning at a point in the line between Hamilton and Marion Counties on Walden's Ridge, so as to run a straight line by the Big Point, where the two suck creeks come together, to the headwaters of Looney's Creek, as it meanders to where it strikes the lands of George S. Smith; then with said George S. Smith's line around to where it comes to said Looney's Creek, so as to include the lands of said George S. Smith in Sequatchie County; then down said Looney's Creek to the mouth where it empties into Sequatchie River; then from the mouth of said Looney's Creek a straight line by the residence of James A. Smith, and on to where it will strike the Grundy County line.

SECTION 2. That the County Court of Marion County shall order an election to be held in that portion of Marion County which this Act seeks to attach to the County of Sequatchie, and if two-thirds of the qualified voters of said portion of Marion County, say by their ballots that they desire to be attached to Sequatchie County, then, and in that event, the said portion shall be attached to said county of Sequatchie, and not otherwise. The voters shall have written or printed on their ballots as follows: Those in favor of being attached to Sequatchie County shall have the word "Sequatchie" printed or written on their tickets, and those opposed to being attached to Sequatchie County shall have written or printed on their tickets the word "Marion."

SECTION 3. That said change shall not bring the line of Sequatchie nearer than eleven miles of the county seat of Marion County, nor reduce said county of Marion below its constitutional number of square miles.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 22, 1873.

Public Acts of 1877 Chapter 138

SECTION 1. That the following described portion of the third civil district of Marion county be detached from the county of Marion and attached to the county of Sequatchie, viz: beginning at the southeast corner of Sequatchie county and running up the northeast fork of Suck Creek to where the road leading from the McEntire farm to George W. Bridges crosses the same, thence westwardly a direct line to the south corner of Russell Bias' field, thence westwardly a direct line to the southeast corner of Josiah Burnett's land, thence with the southern boundary of said Burnett's land to the east main valley road, thence down the center of said road southwestwardly to a point in the center of the same near W.M. Roberts' and opposite the center of a lane leading westwardly; thence leaving said main valley road and running with the center of said lane westwardly to the west end of the same; thence a northwestwardly direction to the mouth of the Goose Pond Branch at Sequatchie River; thence down the center of Sequatchie River as it meanders to the southeast corner of David S. and LaFayette Condra's land; thence with the southern boundary line of said David S. and LaFayette Condra's lands westwardly to the southeast corner of the same near the west main valley road; thence a direct line to where the Nancy Williams or James Griffith Spring branch crosses said road; thence northwardly at the center of the main west valley road to where Joel Griffith's southern boundary land line crosses the same; thence westwardly with said line between Joel and James Griffith's lands to Joel Griffith's southwest corner; thence northwardly with said Joel Griffith's line to Joseph Golston's line; thence with the southern boundary of said Golston's lands, and around the same to his northwest corner, so as to include said Golston in Sequatchie county; thence north 50° west to the Grundy county line; thence with the Grundy county line to the southwest corner of Sequatchie county; thence with the southern boundary line of Sequatchie county to the beginning. Provided, the fraction above taken from Marion and attached to Sequatchie county shall be liable for its pro rata of all debts contracted by said Marion county prior to the separation, and shall be entitled to its proportion of any stocks or credits belonging to said county; and provided further, two-thirds of the qualified voters of said fraction shall vote in favor of the change.

SECTION 2. That it shall be the duty of the sheriff of Marion county, on the first Thursday in April next, at M.E. Deakins' store, to open and hold an election, at which election he shall receive the ballots of persons living within the boundary above described who are qualified to vote for members of the General

Assembly. Those who favor the detachment of said territory from Marion and the attachment of it to Sequatchie county, shall have written or printed on their ballots "For the detachment," and those opposed to the proposition shall have written or printed on their ballots the words, "Against the Detachment." If it shall appear that two-thirds of the votes cast at said election are in favor of the proposition, then said portion of said district shall be detached from Marion county and attached to Sequatchie county, without further form or ceremony.

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

Passed: March 24, 1877

Public Acts of 1891 Chapter 143

SECTION 1. That the line between the counties of Franklin, Marion and Grundy be changed to run as follows, to wit:

Beginning at what is know as Drip Spring, south of the railroad on the line between Franklin and Marion, and running east to Fred. Myers' spring, thence northeastward across the railroad to Bazil Summers' chalybeate spring in Grundy County; thence west along the north bluff of the mountain to the line between Franklin and Grundy Counties, north of the railroad.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1891.

Public Acts of 1897 Chapter 312

SECTION 1. That the line between Marion and Grundy Counties, at Monteagle be changed so as to make the present railroad the line from the old depot in a westerly direction to where the present county line crosses said railroad at the water tank.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 8, 1897

Acts of 1903 Chapter 448

SECTION 1. That the line between the counties of Grundy and Marion be changed so as to run as follows: Beginning on the Franklin County line at a point twenty-five (25) feet south of where the Tracy City branch of the Nashville, Chattanooga & St. Louis Railroad crosses same, and running thence parallel with said railroad to a point opposite the water tank; thence to the center of said railroad; thence with the center of said railroad to the freight depot; thence south twenty-five (25) feet; thence along and parallel with said railroad to a point where said railroad leaves the Marion County line.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1903.

Public Acts of 2014 Chapter 838

SECTION 1. The boundary line between Franklin County and Marion County shall be revised so that the new boundary line is established as follows:

Beginning at a concrete monument set in the Tennessee/Alabama State line, the NAD 83 State Plane coordinates for said monument are N 238417.707, E 2006538.893, said point also being located South 89 degrees 13 minutes 00 seconds East, 491.46 feet from an old rock corner found; Thence from the POINT OF BEGINNING proceeding along the agreed boundary line between Franklin and Marion Counties North 00 degrees 00 minutes 47 seconds West, 26,212.27 feet to a concrete monument set in the South boundary of the Franklin State Forest (N 264629.974, E 2006532.886), said point being located South 84 degrees 57 minutes 35 seconds East, 1145.05 feet from a concrete monument found; Thence with the Franklin State Forest line South 84 degrees 57 minutes 35 seconds East, passing through a rock corner found at 421.06 feet for a total distance of 2500.66 feet to a concrete monument set (N 264410.272, E 2009023.885); Thence North 00 degrees 35 minutes 30 seconds West, 58,772.59 feet to a concrete monument set (N 323179.730, E 2008417.090); Thence North 89 degrees 15 minutes 24 seconds West, 1876.54 feet to a point in a settling pond at the sand plant (N 323204.073, E 2006540.705); Thence North 00 degrees 00 minutes 00 seconds East, passing through a concrete monument set as a witness corner at 337.22 feet in all a total distance of 913.41 feet to the centerline intersection of US Highway 64/41-A and the old abandoned railroad bed (N 324117.486, E 2006540.705), said point being located North 00 degrees 00 minutes 00 seconds East, 64.76 feet from a concrete monument set as a witness corner.

SECTION 2. This act shall take effect January 1, 2015, the public welfare requiring it.

Boundaries - Historical Notes

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

1. Acts of 1829-30, Chapter 191, directed the Secretary of State to certify for printing the Private Act establishing the town of Jasper as the seat of justice for Marion County. This Act had been passed on October 30, 1819, but through error, had never been printed.
2. Acts of 1831, Chapter 222, made William Gibson a citizen of Franklin County, presumably by attaching his land to that county. The Act itself contained language which made him "subject to perform all the duties enjoined by law upon the citizens of Franklin County, and to enjoy the same privileges, etc," but did not specifically transfer his land.
3. Acts of 1833, Chapter 15, established the boundary line between the counties of Marion and Hamilton, running southwardly to the state of Georgia. This was repealed by Chapter 135, Acts of 1835-36, which defined another boundary line across the top of Raccoon Mountain, and was later repealed by Chapter 179, Acts of 1841-42.
4. Acts of 1853-54, Chapter 181, empowered the Marion County Court to appoint a surveyor with necessary chain carriers and markers to run and mark a new boundary line between Marion and Grundy Counties; to be paid by the Grundy County Court.
5. Acts of 1855-56, Chapter 162, attached the First and Second Civil Districts of Marion County to Hamilton County.
6. Private Acts of 1917, Chapters 366 and Chapter 477, changed the Marion Hamilton County line, and both were repealed by Private Acts of 1919, Chapter 44.

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