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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,

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Chapter IV - Boundaries

Creation of the County

Acts of 1870 Chapter 30

SECTION 1. That a new county be, and the same is hereby established out of that portion of Obion County which lies west of low water mark of Reel Foot Lake, which shall be called the County of Lake.

SECTION 2. That the County of Lake shall be bounded as follows, to-wit: Beginning at a stake at low water mark on the west bank of Reel Foot Lake, at a point where the dividing line between Kentucky and Tennessee crosses said west bank; running thence in a southern direction with the meanderings of said western bank, at low water mark, to the Dyer County line; thence west with the Dyer County line to the State line; thence with said line up the Mississippi River, in a northern direction, to an intersection with the Kentucky line; thence east with the Kentucky and Tennessee line to the beginning.

SECTION 3. That for the purpose of effecting the organization of said County of Lake, Robert C. Nall, Wyatt Moring, E. E. Westbrook, L. Donaldson, and W. J. Wynn, are hereby appointed Commissioners, who shall, before entering on the discharge of their duties, take an oath before some Justice of the Peace faithfully and impartially to discharge all the duties imposed upon them by this act, and all vacancies that may occur among said Commissioners, previous to the organization of the County Court of Lake County, shall be filled by the remaining Commissioner. A majority of said Commissioners shall constitute a Board competent to do all things herein enjoined on them, and it shall be the duty of such Board to keep a true and faithful record of all their proceedings as Commissioners, which shall be returned to the County Court of Lake County at its first session, and the same shall be entered upon the records of said court, and said Commissioners shall make as frequent reports thereafter as said Court shall require.

SECTION 4. That said Commissioners shall have power and it shall be their duty to divide said county into such number of Civil Districts as the convenience of the inhabitants thereof may require, designating the boundaries of, and the places of holding elections in said Districts, and they shall perform all other duties in relation thereto, as by the laws of the State such Commissioners are required to perform, or as may be necessary to carry out the purposes of this Act.

SECTION 5. That said Commissioners shall appoint such suitable persons as they may deem proper, to open and hold the election for county officers for Lake County, and such persons so appointed shall have power to appoint deputies, clerks and judges; and by himself and deputies to administer all necessary oaths, and do and perform all other duties now imposed upon Commissioners of Registration or Sheriffs holding similar elections, and such officers so appointed and his deputies, shall open and hold an election for county officers on the first Thursday in August, 1870, which election shall be held in each Civil District in said county, and the officers so elected, shall hold their offices until the next regular election for the different officers so elected, takes place throughout the State.

SECTION 6. That the citizens of Lake County, in all elections for Governor, members of the General Assembly, Representatives in Congress, and Electors for President and Vice- President, and Judges, shall vote with the Citizens of Obion County until the next apportionment, agreeable to the provisions of the 5th Section of the 10th Article of the amended Constitution.

SECTION 7. That for the due administration of justice, the different courts to be holden for said county of Lake shall be held in the town of Tiptonville, until the seat of justice shall be located as hereinafter provided, and all writs and other process issuing from any of said courts returnable to that place, shall be legal, and the courts for the county of Lake shall be under the rules, regulations and restrictions, and shall have, hold and exercise the same powers and jurisdiction as similar courts in other counties. Said county shall be attached to the Twelfth Judicial Circuit, and the Circuit Court thereof shall be held by the Judge of said Circuit, on the third Mondays of January, May and September in each and every year, and shall be attached to the Ninth Chancery District, and the Chancery Court shall be holden at such times as may be here-after fixed by law. The County Court of said county of Lake shall have the powers conferred by the general law of the State upon County Courts, and meet at the times prescribed by said law.

SECTION 8. That immediately after the organization of the County Court of Lake County, or as soon thereafter as practicable, it shall be the duty of said County Court--every District in said county being represented therein--to designate, fix and establish a suitable location for the county seat of said county, and if deemed necessary by them, they may order an election to be held, to ascertain the sense of the people of Lake County upon the question as to where said county seat shall be located. Said county seat, when so fixed and established by said Court, shall never be removed except by a two-third vote of the

people of the county.

SECTION 9. That all officers, civil and military, now holding office in said county, shall continue to hold their offices and exercise all the powers and functions thereof, until others are elected and qualified according to this Act, and nothing in this Act contained shall deprive the county of Obion from having, exercising and holding jurisdiction over the county of Lake, and the citizens thereof, in as full and ample manner as they now have, until the election and qualification of county officers for said Lake County takes place according to this Act; Provided, That it shall be the duty of the present Tax Collector of Obion County, to pay over to the Trustee of Lake County, when elected and qualified, that portion of the county tax of Obion County, which shall have been collected by such Tax Collector within the boundaries of said Lake County for the year 1870, and said Trustee's receipt shall be a voucher to said Tax Collector on settlement with the Trustee of Obion County.

SECTION 10. That all offenses, misdemeanors, crimes and felonies which have been committed in said county of Obion before the passage of this Act, and which before the passage of this Act, were presentable and indictable in and by the Circuit Court of said county of Obion, held and to be holden in the town of Troy, shall still be the subject of presentment, indictment, trial, conviction and judgment by and in said Circuit Court at Troy, in the same manner and to the same extent as if this Act had not been passed.

SECTION 11. That this Act take effect, the public welfare requiring it, from and after its passage.

Passed: June 9, 1870.

Change of Boundary Lines

Acts of 1893 Chapter 173

SECTION 1. That the present boundary line between the counties of Lake and Obion be so changed as to read as follows: Beginning at a point in the present boundary line of said counties, on the west bank of Broad Slough, at the commencement of what is known as the Scatters, or Main Slough, draining Reelfoot Lake, at a large double leaning willow tree, marked with maple pointers twenty feet south-west of same, and an ash and three small cypress trees fifteen feet south; thence north 28 degrees east to what is known as "Willow Bar Two-head;" thence north 31 degrees east to the head of Rag Point (an island of green cypress trees) in the lake; and thence due north to the southern point of Horse Island, intersecting again the Lake and Obion County line.

SECTION 2. That all of said portion of Reelfoot Lake, and all territory therein included west of the above described line, and cut off from Obion County, by said survey, be added to Lake County; and that this act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1893.

Acts of 1897 Chapter 176

Whereas, a commission was appointed by the county courts of the counties of Lake and Obion to survey, fix, and establish the boundary line between said counties in accordance with the constitutional provision and legislative Act creating the county of Lake, as to that part of said boundary not already fixed by an Act of the General Assembly of 1893; and,

Whereas, said commissioners, L. Donaldson, of Lake County, and S. F. Howard, of Obion County as such commissioner, did survey, mark and establish said line and report to their respective counties; now, therefore,

SECTION 1. That the following line, be and the same shall constitute the boundary line between certain portions of the Counties of Lake and Obion; Beginning at a large double leaning willow tree on the west bank of Broad Slough, it being the beginning corner of the boundary line, established by the Act of the General Assembly of the State of Tennessee of 1893; running thence in a westerly direction with the center of Dredge Ditch to a stake in the center of the "Spill-way"; thence southwardly with the center of Free Bridges Dredge Ditch to the Dyer County line.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it. Passed: January 22, 1897.

COMPILER'S NOTE: This Act, and Act of 1870, Chapter 30, were both part of the basis for the decision of the Supreme Court in State v. Hoffman, 210 Tenn. 686, 362 S.W.2d 231 (1962). The court held that this act determined the boundary line between Lake and Obion Counties and therefore the venue of the misdemeanor case before the court was in Lake County where the defendant, Hoffman, had been tried. And, further, that he had no standing to question the constitutionality of Chapter 173, since counties had

long acquiesced in the boundary line established by this Act.

Boundaries - Historical Notes

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

1. Acts of 1870, Chapter 30, established out of that portion of Obion County which lied west of low water mark of Reel Foot Lake the County of Lake.
2. Acts of 1893, Chapter 173, changed the boundary lines between Lake and Obion counties.
3. Acts of 1897, Chapter 176, changed the boundary lines in accordance with the constitutional provision and legislative Act creating the county of Lake.

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