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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 County

Private Acts of 1835-36 Chapter 30

SECTION 1. That from and after the first day of January, 1836, the county of Humphreys shall be and the same is hereby declared divided, making the Tennessee river the dividing line of said county.

SECTION 2. That there shall be a new county laid off including all that part or section of country, west of the Tennessee river, formerly included in the county of Humphreys, to be called, known and designated in this State by the county of Benton, to have and possess all the rights and privileges, known to any other county in this state, by any general law or usage.

SECTION 3. That George Camp, sen., Green Flowers, Ephraim Perkins, Lewis Brewer, and John F. Johnson, be and they are hereby appointed commissioners for said county, whose duty it shall be to purchase and fix on some suitable situation within two miles of the centre of said county of Benton, for the purpose of locating a town, which shall be the county seat of said county, and called and known by the name of Camden, and it shall be the duty of said commissioners or a majority of them to purchase said situation, and take a deed of conveyance to themselves and their successors in office for the use of the said county of Benton, for any number of acres not exceeding forty, and they shall lay off said town on the said situation so purchased, in lots of a convenient size, with a public square and such streets and alleys as they may deem most convenient and suitable for purchasers and a location of said town.

SECTION 4. That it shall be the duty of said commissioners or a majority of them, so soon as said town shall be laid off, and the lots surveyed, to advertise in some newspapers in this state, the sale of the lots of said town at least two months previous to the sale thereof, when it shall be the duty of said commissioners to offer said lots for sale on a credit of one or two years to the highest bidder, and take from the purchasers such security for the purchase money as they shall deem most expedient to secure the purchase money; which purchase money, when paid, the commissioners shall appropriate to the erection of public buildings, and give to the purchasers such deed or deeds of conveyance as will invest the purchasers or their assigns, with the fee simple to said lot or lots;

PROVIDED, nothing herein contained, shall prevent said commissioners from taking bond and security for the purchase money, and making a deed of conveyance at the time of the sale.

SECTION 5. That said commissioners shall take all bonds and notes arising from the sale of said lots payable to themselves and their successors in office which notes may be assignable as other promissory notes are by the existing laws, and it shall be the duty of said commissioners to superintend the building of the court house and jail, and other necessary public buildings, and shall let out such buildings as the county court of said county shall order to be built, upon such terms and conditions as the said court shall direct, and shall take bond with sufficient securities from the person or persons to whom the same is let, payable to the themselves and their successors in office, in double the amount of their contract or contracts, conditioned for the faithful performance thereof; and the proceeds of the sale of lots aforesaid and such tax as may be collected in pursuance of this act shall be a fund in the hands of said commissioners for the payment of the purchase money for the tract of land on which said town shall be located, and defraying the expenses of erecting public buildings; and when said buildings are completed, said commissioners shall by order of the county court pay over all surplus moneys to the county trustee for county purposes.

SECTION 6. That it shall be the duty of said commissioners, before they enter on any of the duties required of them by this act, to enter into bond and security, in the penalty of one thousand dollars each, payable to the chairman of the county court of Humphreys county and his successors in office, to faithfully and honestly discharge all the duties of a county commissioner for said county; and they shall moreover take an oath before some justice of the peace, to faithfully and honestly discharge all the duties enjoined on them by this act, which bonds shall be filed in the county court clerk's office, of the county of Benton, and suit may be brought on the same for a breach thereof, in the name of the chairman of the county court of Benton county.

SECTION 7. That it shall be the duty of the county and circuit courts, to hold their terms of said Court at the house of Samuel H. Burton on Cypress creek in said county, until a courthouse shall be erected; and all writs, process returns, recognizances, and other proceedings shall be made returnable at the house of the said Samuel H. Burton, until a majority of the County Court shall certify and order that the court house of said County is ready for the transaction of business when they shall be returned at the court

house in the town of Cambden.

SECTION 8. That in case either or any of said commissioners shall die, resign, remove or refuse to act, it shall be the duty of the county court to supply such vacancy as they shall occur; and the said commissioners shall, from time to time, when required, to lay before the county court detailed statements of all the money, notes or other instruments received by them as commissioners, with a full statement of the disbursements and how the same has been applied and for what purposes.

SECTION 9. That the county court of said county shall have full power and authority to lay a tax on all taxable property in said county to the full amount of the state tax for the purposes of building said court house and jail, and the money, when collected, shall be paid over to said commissioners for the purposes aforesaid.

SECTION 10. That the county court of said county shall allow said commissioners from time to time such compensation for their services as they may deem sufficient.

SECTION 11. That all officers, civil and military, in said county shall continue to hold their offices and exercise all the powers and functions thereof until others are elected under the provisions of the amended constitution and the laws made in pursuance thereof; and the said county of Benton shall elect her officers, civil and military, under the amended constitution, at the same time and under the same rules and regulations prescribed by law for the election of officers in other counties in this state, and the citizens of the said county of Benton, in all elections for Governor, members of congress and members of the general assembly shall vote with the county of Humphreys until the next apportionment of members of the General Assembly, agreeably to the provisions of the fifth section of the tenth article of the amended constitution.

SECTION 12. That nothing in this act contained shall be so construed as to prevent the county of Humphreys from entering up judgements, or the sheriffs of said county from selling under such judgements, any lands or other property within the bounds of said county of Benton for taxes and charges that are due from the citizens of said county of Benton, for the present or any preceding year.

Passed: December 19, 1835.

Change of Boundary Lines

Private Acts of 1835-36 Chapter 45

SECTION 1. That all that part of Perry county lying between Purdy's and Daugherty's line, be and same is hereby attached to the county of Benton, to wit:--Beginning on the Tennessee river, at the line that divides Purdy's and Daugherty's districts, and thence running with said line to the north east corner of Henderson county; thence with the Henderson county line to the Carroll county line, where the same intersects the county of Benton.

SECTION 2. That the citizens within the aforesaid boundary shall, in all respects, be entitled to all the privileges and rights that are extended to the county of Benton.

SECTION 3. That all taxes and other public dues from the citizens within the aforesaid boundary, shall be payable and collected by the proper officers of the county of Perry, in as full and ample a manner as if this act had not been passed; and the county courts of said county shall have full power and authority to render judgment for taxes and public dues, against the land and other property of citizens within the aforesaid boundary, in as full and ample a manner as if said citizens had not been detached from the county of Perry.

SECTION 4. That Hamilton Ledbetter, Adam Walker and John Meanes, be and they are hereby directed to hold an election at the precinct within the aforesaid bounds, first giving ten days notice, to receive the votes of the qualified voters within the aforesaid boundary, for and against being attached to the county of Benton; and they are hereby directed to compare the votes as taken before some justice of the peace for Perry county; and if a majority of the citizens shall vote for being attached to the county of Benton, they shall certify the same to the governor, the number of votes given for and against the same, and the governor shall immediately proclaim the fraction hereby proposed to be attached to the county of Benton, shall from twenty days after the date of such proclamation, be attached to the county of Benton; PROVIDED, that the governor shall not issue his proclamation until it shall be shewn [sic] by actual survey, that to attach the territory hereby proposed, will not reduce the county of Perry below its constitutional limits; PROVIDED, also, that the citizens residing within the aforesaid boundary, and voting against being detached from the county of Perry, shall not be required to pay any portion of the expense of making a survey of said county of Perry.

Passed: February 20, 1836.

Private Acts of 1835-36 Chapter 70

SECTION 1. That all that portion of the county of Henry, contained within the following boundary, shall hereafter be and the same is hereby attached to the county of Benton, to wit:--Beginning on the Tennessee river, on the line that divides the county of Henry and Benton, and thence running down said river with its meanders, so far, to a point, that by running a line due west will include all the inhabitants on Lick creek to Sandy river; thence up the said river with its meanders, to where it intersects with the county line of Benton county.

SECTION 2. That D.P. Henderson, Nicholas Brewer and Charles J. Wheatley, be and they are hereby appointed commissioners to run and mark the boundary as herein prescribed; for which they shall receive a compensation to be allowed them by the county court of Benton county, and they shall make a complete plat of the territory hereby included in said county, and the same shall be spread on the records of the said county.

SECTION 3. That the citizens within the aforesaid boundary shall exercise all the rights and privileges of the citizens of the county of Benton, in electing their county officers for said county; PROVIDED, they shall vote for members of congress, governor, electors for president and vice president, and members of the general assembly, with the county of Henry, until the next enumeration, in pursuance of the fifth section and tenth article of the amended constitution.

SECTION 4. That all taxes and public dues from the citizens within the aforesaid boundary, due to the county of Henry, shall be collected in the same manner as heretofore, and they shall be liable for the same, in as full and ample a manner as if said citizens had never been detached from said county of Henry.

Passed: February 15th, 1836.

Public Acts of 1883 Chapter 221

SECTION 1. That the county line between Benton and Decatur counties shall be and the same is hereby so changed that the line of Benton county shall run from its northeast corner south, up Tennessee River about one mile, to a slough; thence west with the Bark Road, on a dividing ridge, to H. C. Walker's; thence north with west boundary line of H.C. Walker's farm, across with the west boundary line of Alfred Tipitt's farm to the Benton line near Richard Odle's.

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

Passed: March 29, 1883.

Private Acts of 1949 Chapter 599

SECTION 1. That the county line between Carroll and Benton Counties is hereby changed so as to take from the 16th Civil District of Carroll County and place in the 12th Civil District of Benton County the following described land:

A strip of land forty (40) feet wide extending twenty (20) feet on each side of a line beginning in the center of the road from Mt. Carmen Church, in Benton County, to McMackin's spur, in Carroll County, at the point where the county line between Carroll and Benton Counties crosses said road and running west with the center of said road to a point in said road ten (10) feet west of Big Sandy River Canal.

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

Passed: April 4, 1949.

Boundaries - Historical Notes

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Benton County.

1. Acts of 1843-44, Chapter 40, Section 2, provided that Thomas R. Jett and Burwell Beard of Benton County and John L. Houston and Jesse Taylor, of Perry County, be appointed commissioners to run and designate the dividing line between the two counties on the west side of the Tennessee River, and the said line, as it is run and marked, shall constitute the county line between the two.

2. Acts of 1845-46, Chapter 62, Section 3, appointed John L. Houston and William H. Storm, of Decatur County, and William F. Daugherty and the present county surveyor of Benton County to run the line between the two counties and to mark the same. They shall commence on the Tennessee River at the northeast corner of Decatur County and run westerly. They shall make reports to their respective county courts who shall compensate them as they think best.
3. Public Acts of 1867-68, Chapter 20, Section 4, changed the boundary lines between Benton and Carroll Counties as follows "beginning on the Big Sandy River where the said county line crosses the said river; thence running down the river, to the mouth of Bear Creek; thence up the said creek to the old county line, attaching all the territory within the thusly described area to Carroll County". This act was repealed by the one below.
4. Public Acts of 1868-69, Chapter 39, Section 3, repealed Public Acts of 1867-68, Chapter 20, Section 4, which moved a portion of Benton County into Carroll County, thus restoring the described premises to Benton County.
5. Public Acts of 1877, Chapter 58, changed the lines between Benton and Decatur Counties so as to include the lands and residence of Allen Styers in Decatur County.
6. Public Acts of 1881, Chapter 161, changed the boundaries between Benton County and Henry County as follows "beginning at the McCampbell Ford on the Big Sandy River, thence run a direct line eastward until it strikes the Tennessee River at what is known as Wynn's Ferry, taking in the residence of Mrs. Josiah Askew at or near the last named ferry; thence with the said Tennessee River northward as it meanders to the corner of Henry County".
7. Public Acts of 1883, Chapter 55, changed the lines between Benton County and Carroll County so as to include the dwelling house and lands of J. T. Dudley, which are generally described in the act, within the confines of Benton County.
8. Public Acts of 1885, Chapter 152, repealed Public Acts of 1881, Chapter 161, above, in its entirety as it transferred land from Benton County to Henry County and restored all of the same to Benton County.
9. Public Acts of 1891, Chapter 51, moved all the lands belonging to D. A. Gossett out of Decatur County and into Benton County.
10. Public Acts of 1891, Chapter 200, provided that hereafter the Sandy River shall be the dividing line between Benton County and Henry County, from the south boundary line of the 23rd Civil District of Henry County up the said Sandy River to the point where the Carroll County line crosses the said river.
11. Acts of 1905, Chapter 20, transferred the residence and outbuildings of S. C. Walker from Benton County into Carroll County.
12. Private Acts of 1935, Chapter 730, detached the lands of J. C. Porter and J. M. Porter which are now in Humphreys County, containing some 241 acres, from that county and attached the same to Benton County, the lands perhaps better known as White Oak Island in the Tennessee River.
13. Private Acts of 1939, Chapter 600, changed the boundaries between Benton County and Decatur County so that the 4 acres and 52 poles of land belonging J. B. Odle be included wholly within Benton County.
14. Private Acts of 1951, Chapter 605, takes out of the 14th Civil District of Carroll County and places in the Second Civil District of Benton County the lands belonging the heirs of W. T. Miller, and to Brinkley, being described as "beginning at the concrete marker, designated as State No. 192, running rods to another stake; thence south 200 rods to the beginning corner".

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