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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 1845-46 Chapter 7

WHEREAS, It has been satisfactorily made known to this General Assembly, that the county of Perry is divided by the Tennessee river, to the manifest inconvenience of a very large portion of its citizens, and that by attaching a portion of the county of Wayne to the county of Perry, there is sufficient territory within the requirements of the constitution to divide said county by the river, and organize a new county on the west side of the river. Therefore,

SECTION 11. That a new county be and is hereby established to be composed of all that part of Perry county lying on the west side of Tennessee river, to be known and distinguished by the name of Decatur county, in honor of, and to perpetuate the memory of Commodore Stephen Decatur, of the United States Navy, of whose services our Nation should be proud, and whose memory should be revered.

SECTION 12. That the county of Decatur shall be bounded as follows, to wit: --Beginning on the west bank of Tennessee river, at the low-water mark, in the north-east corner; thence west with the line between Humphreys and Perry, to its north-west corner; thence south with the line between Perry, Carroll, Henderson and Hardin, to the Tennessee river, at its south west corner; thence with the Tennessee river, to its south-east corner; thence north with the line between Wayne and Perry, to the Tennessee river; thence north with the low-water mark of Tennessee river, to the beginning.

SECTION 13. That for the purpose of organizing the county of Decatur, John C. Yarbrough, Wm. J. Menzies, John S. Walker, Samuel Brashear, and David B. Funderburg, be, and they are hereby appointed a board of Commissioners, who shall have the same powers, and perform the same duties and labor, under the same obligations, that are imposed upon the Commissioners for Perry county; and as Commissioners for Decatur county, that are required to be performed by the Commissioners of Perry county, in the 4th, 5th, and 6th sections of this act; and further, it shall be the duty of the Sheriff of Decatur county, to perform the same duties for Decatur county that are imposed upon the Sheriff of Perry county, as contained in the seventh section of this act. Provided, that nothing herein contained, shall prevent Perryville being voted for as the county seat of Decatur county, in the same manner and regulations as provided in the said 7th section of this act; even though it might prove to be more than six miles from the centre of said county of Decatur.

SECTION 14. That the civil and military divisions within the boundaries of Decatur county, as described by this act, and all the respective officers thereof shall remain as they now exist, with all the rights, duties, jurisdictions and functions, as the law now confers, as well in the civil administration of justice as in its military organization, under the same rules, regulations, and restrictions, as if this act had never been passed. Provided, that the Circuit Clerk and Register may hold their offices, and exercise the duties thereof, as Clerk and Register of Decatur county, until the next regular election for such officers, and all officers required by law to be elected on the first Saturday in March, for other counties, shall be elected in Decatur county.

SECTION 15. That until the duties imposed upon the Commissioners and Sheriff of Decatur county be complied with, as hereinafter set forth, the County and Circuit Courts shall be held at Perryville, in some house within the corporate limits of said town. And further, it is provided, that if Perryville should be selected by the people, agreeably to the provisions of this act, for the county seat of Decatur county, then the Jail already built, shall be made use of as the county Jail, and the public square appropriated for the building of a Court-house for Decatur county.

SECTION 16. That the county of Decatur shall be attached to the 10th Judicial Circuit, and the Circuit Courts shall be held on the 3rd Mondays in March, July and November, and Decatur county shall be attached to the same Chancery Court district to which Perry county now belongs.

SECTION 17. That the citizens of Decatur county, in all elections for Governor, Representatives in Congress, members of the General Assembly, and Electors for President and Vice President, shall vote with Perry county, from which they have been taken off agreeably to the provisions of the 5th section of the 10th article of the Constitution of the State.

SECTION 18. That this act shall take effect, and go into operation from and after the first Thursday in March, 1846; provided, that the counties of Wayne and Perry be not reduced below the constitutional amount of six hundred and twenty-five square miles. And provided, Decatur county contains the constitutional amount of three hundred and fifty square miles.

COMPILER'S NOTE: The first ten sections and the last section involved Perry County and therefore are not included herein.

Passed: November, 1845.

Change of Boundary Lines

Acts of 1851-52 Chapter 367

SECTION 1. That the lines between the counties of Hardin and Decatur be changed as follows, to wit: Beginning at a point where the counties of Henderson, Hardin, and Decatur join, running from thence with the Hardin County line to Doe creek; thence down said creek to the Tennessee river; thence down said river to the south boundary line of Decatur county, and that all that part of Hardin county contained within the lines as herein designated, and situated north and west of the Tennessee river, and below Doe creek, be attached to the county of Decatur, and that all persons living within said bounds shall be entitled to all the rights and privileges, and subject to all the liabilities of other citizens of said county of Decatur, provided it does not reduce the county of Hardin below her constitutional limits of six hundred and twenty-five square miles, and in order to ascertain that fact it shall be the duty of the county court of the county of Hardin, whenever the county court of the county of Decatur or the petitioners residing within the strip of the county of Hardin, who have petitioned to be annexed to the county of Decatur, shall have furnished to the county court of the county of Hardin, the money or means wherewith to survey the county of Hardin, to appoint a competent surveyor of the county of Hardin, whose duty it shall be to survey said county of Hardin, and make a plat thereof, which plat and survey, when made, shall be by said surveyor laid before the county courts of the counties of Hardin and Decatur. Provided further, This act shall not take effect until said survey, showing it does not infringe on the constitutional rights of the county of Hardin.

Passed: February 4, 1852.

COMPILER'S NOTE: The remainder of this act did not affect Decatur County and is not reprinted herein.

Acts of 1947-48 Chapter 15

SECTION 1. That the eastern boundary of Decatur county be extended to the low water mark on the east bank of Tennessee river, and that revenue accruing from trading boats, &c., trading on said eastern side of the river shall be due to the proper officers in Perry County, and collected as other revenue.

SECTION 2. That the Surveyors of Henderson and Decatur counties, as soon as practicable after the passage of this act, be and they are hereby required to commence at the point where the county line crossed the road leading from Lexington to Perryville, previous to the act passed at the last General Assembly, attaching a portion of Henderson to Decatur, and run in a south-westwardly direction so as to strike the southern boundary of Henderson county, at a point that will leave Henderson county her constitutional limits; and all east of the line shall be and is hereby attached to the county of Decatur; and the citizens thereof shall be entitled to all the rights and privileges and subject to all the liabilities of other citizens of Decatur county; and said Surveyors shall be allowed such compensation as the County Court of Decatur county may think their services reasonably worth.

SECTION 3. That all that portion of territory, lying north of the road leading from Lexington to Perryville, attached by the last General Assembly to Decatur county, be and the same is hereby declared a portion of Henderson county, and that the Sheriff of Henderson county, be and he is hereby authorized and required to collect the taxes due for the year 1847, in that portion of territory attached by the last General Assembly to Decatur county; and that he pay over all sums collected north of said road to the Trustee of Henderson county; and all such sums as may be collected south of said road, and east of the line described in the second section of this act, shall be paid over to the Trustee of Decatur county, and their receipts shall be good vouchers in the hands of the Sheriffs or Tax Collectors in the final settlement of their accounts; and all monies collected by the revenue collector of Decatur county from citizens in that portion of territory made by this act a part of Henderson county, shall be paid over to the Trustee of Henderson county, and his receipt shall be a good voucher in the hands of said revenue collector upon final settlement.

SECTION 5. That the said Surveyors, after running the line described in the second section of this act, shall designate two suitable places to open and hold an election of the qualified voters in said portion of territory by this act attached to Decatur county, and also two suitable persons to open and hold the same

at each place; which election shall be held in thirty days after the running of said line, notice first having been given in at least four public places within the said territory for at least fifteen days; and those in favor of being attached to Decatur county, shall have on their tickets "Decatur county," and those opposed shall have on their tickets "Henderson county;" and if a majority vote in favor of being attached to Decatur, then those holding the elections shall make a report of the same to the County Court Clerks of each county, which shall be filed in their respective offices; and the portion thus attached to Decatur, shall be deemed and taken as a part of Decatur, and shall be under the jurisdiction of the same, in all things, as other portions of said Decatur county.

Passed: December 1, 1847.

COMPILER'S NOTE: Sections 4 and 6 concerned Perry County only and are not reprinted herein.

Acts of 1845-46 Chapter 7

WHEREAS, It has been satisfactorily made known to this General Assembly, that the county of Perry is divided by the Tennessee river, to the manifest inconvenience of a very large portion of its citizens, and that by attaching a portion of the county of Wayne to the county of Perry, there is sufficient territory within the requirements of the constitution to divide said county by the river, and organize a new county on the west side of the river. Therefore,

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SECTION 16. That the county of Decatur shall be attached to the 10th Judicial Circuit, and the Circuit Courts shall be held on the 3rd Mondays in March, July and November, and Decatur county shall be attached to the same Chancery Court district to which Perry county now belongs.

SECTION 17. That the citizens of Decatur county, in all elections for Governor, Representatives in

Congress, members of the General Assembly, and Electors for President and Vice President, shall vote with Perry county, from which they have been taken off agreeably to the provisions of the 5th section of the 10th article of the Constitution of the State.

SECTION 18. That this act shall take effect, and go into operation from and after the first Thursday in March, 1846; provided, that the counties of Wayne and Perry be not reduced below the constitutional amount of six hundred and twenty-five square miles. And provided, Decatur county contains the constitutional amount of three hundred and fifty square miles.

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Passed: November, 1845.

Boundaries - Historical Notes

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

1. Acts of 1845-46, Chapter 62, Section 3, appointed John H. Houston and William H. Storm, of Decatur County, and William F. Doherty and the present county surveyor of Benton County, as Commissioners to run the line between the two counties, and clearly mark the same, commencing at the Tennessee River on the northeast corner of Decatur County and run westerly, making reports to their respective county courts which shall allow each of them such compensation as to them seems reasonable and proper. This amendment is conditioned upon Decatur County being created.
2. Acts of 1849-50, Chapter 92, declared that the line between Decatur and Henderson Counties should conform to the line commencing at the point designated in the act passed January 19, 1848, and run in a southwesterly direction (so as not to approach Lexington nearer than 12 miles) to the line known as the Brown line; thence south with that line to the Hardin County line; and the citizens east of that line are entitled to all the rights and privileges and are subject to all the liabilities as are other citizens of Decatur County.
3. Acts of 1855-56, Chapter 173, Section 4, established the line between Decatur and Hardin Counties as beginning at a point where the Counties of Henderson, Hardin, and Decatur join; running thence with Hardin County line to Doe Creek; thence down the said creek to the Tennessee River; thence down the said river to the south boundary of Decatur County, and all that part of Hardin County contained within the lines designated, and situated north and west of the Tennessee River, and below Doe Creek is attached to Decatur County, all citizens living in that area being declared residents of Decatur County. Section 8 of this act transferred all the lands of E. Lee out of Henderson County and into Decatur County.
4. Acts of 1868-69, Chapter 36, changed the boundary lines between Decatur and Wayne Counties so as to include all that portion of Wayne County lying west of the Tennessee River in the County of Decatur.
5. Acts of 1871, Chapter 33, detached all that area known as "Eagles Nest Island" from Hardin County and attached the same to Decatur County. This same act then moved all the lands belonging to William White which were in Decatur County over to Hardin County so as to place all his lands wholly within Hardin County.
6. Acts of 1873, Chapter 100, rearranged the county lines between Decatur and Henderson Counties so that all the lands and residences belonging to J. Henry Thomas and J. H. Dodd were included wholly within Decatur County.
7. Acts of 1877, Chapter 14, established subject, however, to the approval of two-thirds of the voters in the area affected, a new county by the name of Hanes which would be composed of parts of Benton, Carroll, Henderson, and Decatur Counties, as the parts were described therein. A commissioner would be named, and the county, if formed, would be part of the 12th Judicial Circuit.
8. Acts of 1877, Chapter 58, moved the home and farm belonging to Allen Steyers out of Benton County and into Decatur County.
9. Acts of 1881, Chapter 130, changed the line between Decatur and Henderson Counties beginning at the county line at the land or lands, known and formerly owned by G. M. Morgan, and now owned by Noah Williams, running east with the line of John F. Chumley, continuing with the same until it strikes the present county line at and with T. Lemon's line.
10. Acts of 1883, Chapter 221, changed the line between Decatur and Benton County so that the

Benton County line would run from its northeast corner south up the 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 the west boundary line of H. C. Walker's farm across with the west boundary line of Alfred Tippitt's farm to the Benton County line near Richard Odle's.

11. Acts of 1885, Chapter 13, altered the lines between Decatur and Henderson Counties. Beginning where the county line crosses the north boundary line of J. C. P. Myracle's home tract of land, known as the Cox land; running thence west continuously with said lines to its northwest corner; thence south to its southwest corner; thence east to where the county line crosses the south boundary of the above mentioned land, so as to include all of the J. C. P. Myracle tract in Decatur County.
12. Acts of 1891, Chapter 51, moved the residence and farm belonging to D. A. Gossett out of Decatur County and into Benton County.
13. Private Acts of 1939, Chapter 600, changed the boundary lines between Decatur and Benton Counties so that four acres and 52 poles belonging to J. B. Odle shall all be included in Benton County.

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