



July 05, 2024

Creation of the County

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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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.

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