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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

Private Acts of 1823 Chapter 108

SECTION 1. That a county heretofore laid off south of Madison county, beginning at the south west corner of Madison county, running thence west six miles to a point one mile west of the fourth range line, the tenth district; thence south parallel with said line, to the south boundary of the state; thence east on said boundary, in a point two miles east of the meridian separating the ninth and tenth surveyors' districts; thence north of the Madison County line; thence west with the same to the beginning; be, and the same is hereby, established, to be called and known by the name of Hardeman County.

SECTION 2. That for the due administration of justice in the said county of Hardeman, the circuit court, and court of Pleas and Quarter Sessions, for said county, shall be held at the house of Thomas M'Neil, at the following times, to-wit: the court of Pleas and Quarter-Sessions, in said county, on the third Mondays in November, February, May, and August, in each and every year; and the circuit court, in said county, on the first Mondays in May and November in each and every year; at which place and times the said courts shall be holden, until otherwise provided for by law, under the same rules, regulations and restrictions, and shall exercise the same power and jurisdiction, that are now possessed by the said court respectively in other counties of this state.

SECTION 3. That the sheriff of the said county of Hardeman shall hold an election at the house of Thomas M'Neil, the place of holding courts in said county on the second Thursday and succeeding day in February, for the purpose of electing field officers of the militia for said county, under the same rules, regulations, and restrictions as are pointed out by law in similar cases; and the militia of the said county of Hardeman shall compose the eighty-first regiment, and shall be attached to the _____ brigade.

SECTION 4. That it shall be the duty of the commandant of the said eighty-first regiment, having first been commissioned, and sworn according to law, to divide his regiment into such number of companies as he shall think best for the convenience of said companies; and it shall be the duty of said commandant, to issue writs of election for company officers according to law.

SECTION 5. That this act shall go into effect from and after the passage thereof.

Passed: October 16, 1823.

COMPILER'S NOTE: Sections 6, 7, and 8 of the act concern Dyer County and are not reprinted here.

Change of Boundary Lines

Private Acts of 1823 Chapter 129

SECTION 1. That the following described bounds, to wit: beginning at the south-west corner of Hardeman county, running north with the west boundary line of said county, to the fifth sectional line in the tenth district; thence west, to a point one mile west of the third range line in the eleventh district; thence south parallel with said range line, to the south boundary of the state; thence east with said boundary, to the beginning; which above-described bounds was heretofore attached to Shelby county, shall be hereafter attached to, and be a part of Hardeman county, until otherwise provided for by law.

SECTION 2. That the citizens of the above-described bounds shall be entitled to all the privileges, and subject to all the duties, as other citizens of Hardeman county, with this exception, that they shall not be liable to pay any taxes for the purpose of erecting public buildings in said county of Hardeman.

Passed: October 30, 1823.

Public Acts of 1833 Chapter 46

SECTION 1. That the line as run and marked between this State and Mississippi, by John Thompson, commissioner for the State of Tennessee, be, and the same is hereby, declared to be the true southern boundary of the State of Tennessee, being the 35th degree of north latitude, and that the jurisdiction of the State be extended to the said line, in the same manner and under the same rules and regulations, and in as full and ample a manner as the same was extended to the line run by Winchester.

SECTION 2. That it is hereby made the duty of the principal surveyors in whose districts the counties

hereunder named lie, (viz:) Hardin, McNairy, Hardeman, Fayette, and Shelby, to extend the dividing lines of the same from what is called Winchester's line, to the line run by John Thompson, on the 35th degree of north latitude, and cause the same to be laid down on the general plan; and it is hereby made the duty of the treasurer of the western district to pay such surveyors for the same, and to take their receipts, which shall be good in settling his accounts: Provided, said surveyors shall not receive more than two dollars per mile, for the lines to be run under the provisions of this act: Provided, also, nothing in this act contained, shall be construed to authorize the location of any land warrant, or grant any right of occupancy between Winchester's and Thompson's line.

Passed: November 29, 1833.

Acts of 1837 - 38 Chapter 7

Whereas the State of Tennessee, believing the southern boundary line of the State, dividing Tennessee from Mississippi, was not correctly run by the commissioners in 1819, with the 35th degree of north latitude; and whereas, the State of Tennessee, by an act passed by the Legislature of the State, November 29th, 1833, entitled "An act to define and establish the southern boundary line of the State of Tennessee and Mississippi, and for other purposes," did establish what is known as "Thompson's line," as the southern boundary of the State, which act did not receive the sanction of the State of Mississippi; and whereas, the authorities of Tennessee and Mississippi having recently, by commissioners on the part of the two States, run and marked another line, which is agreed upon, as the dividing line of the States respectively, provided they ratify the same; which line is described in the commissioners report, as "commencing at a point on the west bank of the Tennessee river, six, four pole, chains south, or above the mouth of Yellow Creek, and about three quarters of a mile north of the line known as Thompson's line, and twenty-six chains and ten links north of Thompson's line, at the basis meridian of the Chickasaw surveys, and terminating at a point on the east bank of the Mississippi river, (opposite Cow Island,) sixteen chains north of Thompson's line: -- Therefore,

SECTION 1. That the line as run and marked between this State and Mississippi, by A. B. Ludlow, D. W. Connely, W. Petrie, John D. Graham, and Austin Miller, Commissioners for the two States, be, and the same is hereby declared to be the true southern boundary of the State of Tennessee, being the 35th degree of north latitude, and that the jurisdiction of the State be extended to said line, in as full and ample a manner as the same was extended to the line run by Winchester.

SECTION 2. That the State of Tennessee hereby surrenders all jurisdictions south of the line, recently run by the commissioners.

SECTION 3. That it shall be the duty of the different surveyors in the counties of Hardin, M'Nairy, Hardeman, Fayette, and Shelby, where the same has not been done, to extend the dividing lines of said counties to the line recently run by the commissioners, under the rules and regulations prescribed in the second section of the act of 1833, Chapter 46.

SECTION 4. That this act shall take effect from the date of the governor's proclamation, whose duty it shall be to issue the same, whenever the State of Mississippi shall ratify the line recently run and marked by the commissioners of the States of Tennessee and Mississippi.

Passed: November 9, 1837.

Public Acts of 1879 Chapter 42

SECTION 1. That a new county be, and the same is hereby established, out of fractions of Madison, Henderson, McNairy and Hardeman counties, to be known as Chester County.

SECTION 2. That the county of Chester shall be bounded as follows: Beginning at a stake on the south bank of the middle fork of the Forked Deer River, where the Henderson and Madison county line crosses said river, at a beech and two hickory pointers, thence east with the meanderings of said river to a stake, hickory, elm and hornbean pointers on the land of Dr. W. E. Tucker; thence with the arc of a circle with the radius of 11 miles; from the town of Lexington 12°93 miles; thence east 1 mile; thence in a southern direction to the northwest corner of Hardin County; thence with said line to the northeast corner of McNairy county; thence south with the McNairy and Hardin county line 1°52 miles; thence west 1°39 miles; thence south to the corner of the old survey of Wisdom County, made under the Act, this to repeal, on the lands of Thomas Wilkerson; thence west 8 miles; thence with the arc of a circle, with the radius of 11 miles, from the town of Purdy 14 miles; thence west 2°53 miles; thence with the arc of a circle with the radius of 11 miles from the town of Bolivar, 8°75 miles; thence north to the Madison county line; thence east with the Madison and Hardeman county line to a stake 10 poles east of the house of Rev. Robert Rainey; thence north 61½ degrees east 9 miles; thence north 26½° east to the Henderson and

Madison county line; thence north with said line to the beginning. 278°77 square miles.

SECTION 3. That for the purpose of organizing the said county of Chester, that J. F. Hamlet, Robert Long, B. H. Brown, J. H. Fry, B. I. Young, A. B. Patterson, J. W. Perkins, J. H. Mitchel, J. M. Simmons, John Barham, John M. Sherrell, W. L. Steagall, William Rust, J. M. Reams, M. D. Pare and Able Stewart, shall be, and are hereby appointed Commissioners on the part of the several fractions in which they reside who shall, before entering on the discharge of their duty, take an oath before some Justice of the Peace, to faithfully and impartially discharge all the duties incumbent upon them in this Act, and in all cases of vacancy that may occur among said Commissioners previous to the organization of the County Court of said county of Chester, the remaining Commissioners shall fill by appointment said vacancies -- and vacancies occurring after the organization of such court, shall be filled by said court of the county of Chester. The said Commissioners shall enter into such bond and security as may be required by the said County Court of Chester -- made payable to the Chairman thereof, conditioned for the faithful performance of their duties as required by this Act; a majority of said Commissioners shall constitute a board competent to do all things herein enjoined upon them. They shall keep a record of their proceedings as Commissioners, which shall be returned to the County Court of Chester county, at its first term, and the same shall be recorded by the clerk thereof, on the records of said court, and they shall make such returns after the organization of said court, as shall be directed thereby.

SECTION 4. That it shall be the duty of said Commissioners, first giving thirty days notice in one public place or more, of the time and place to open and hold an election in one or more places in each of the fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, in order to ascertain whether two-thirds of the voters residing in each of the said fractions are in favor of, or opposed to, the formation of said new county of Chester, and all persons qualified to vote for members of the General Assembly, residing in said fractions, shall be entitled to vote in said elections, and each voter who is in favor of the formation of the new county, shall have on his ticket, "New County," and each voter opposed to the formation of said new county of Chester, shall have on his ticket, "Old County," and after counting the vote cast in said election, if it shall appear that there are two-thirds of the legal voters in each of said fractions in favor of the new county, then in that case, the county of Chester shall be, and is hereby declared a county, with all the privileges and advantages, and subject to all the liabilities and duties with other counties in this State.

SECTION 5. That in order to carry into effect, and make certain and accurate, the provisions in the fourth section of this Act, said Commissioners are hereby empowered and authorized to canvass and take the census of the qualified voting population in the bounds of the several fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, and if for any cause the election as herein provided shall not be held in any of said fractions, on the day appointed, said Commissioners shall provide for another election as herein provided in such fractions.

Passed: March 1, 1879.

COMPILER'S NOTE: The remaining sections of the act do not apply to Hardeman County are not reprinted here.

Boundaries - Historical Notes

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

1. Private Acts of 1823, Chapter 238, declared that John H. Bills of Hardeman County would run and mark the south boundary line of Madison County and the Madison County Court was directed to compensate him. He would also run and mark the line between McNairy and Hardeman Counties, the Courts of which would pay him at the rate of \$3.00 per day and the chain bearers at \$1.50 per day.
2. Public Acts of 1857-58, Chapter 11, changed the boundary line between Hardeman and McNairy County so as to include in McNairy County the dwelling, out houses, and lands of Francis Clement.
3. Public Acts of 1883, Chapter 41, changed the boundary so that all the lands of Jesse Scoggins and W. A. Naylor, as described in the act, were transferred into Hardeman County.
4. Public Acts of 1883, Chapter 125, transferred all the land then owned by E. Chambers, R. H. Beard, and J. W. Bass, out of Fayette County and into Hardeman County.
5. Public Acts of 1885, Chapter 109, detached the farms and dwellings belonging to Jeremiah Hooper, William Howell, R. C. Howell, and Jasper Shelton from Chester County and attached them to Hardeman County.
6. Public Acts of 1889, Chapter 54, changed the line between Hardeman and Chester Counties so as to include in Hardeman County all the properties of Vincent King, S. B. White, J. N. Wilson, Eliza

Glidewell, James Glidewell, and Solomon Wilson.

7. Public Acts of 1893, Chapter 30, changed from Chester County to Hardeman County all the lands of Albert T. McNeal lying in that part of Chester County that was formerly in the Sixteenth Civil District of Hardeman County prior to the creation and organization of Chester County.
8. Public Acts of 1893, Chapter 44, transferred the lands belonging to C. H. Joyner out of McNairy County and into Hardeman County.
9. Acts of 1907, Chapter 429, transferred the lands belonging to James Parsons from Hardeman County into Fayette County.
10. Acts of 1907, Chapter 570, changed the line between Hardeman and Madison Counties so that all the lands of Robert B. Swint, which were formerly owned by Albert G. McNeal and located in the old Sixteenth Civil District of Hardeman County, would be located in Madison County.
11. Private Acts of 1931, Chapter 726, transferred a parcel of land located in the northeast corner of Hardeman County into Madison County. The 1931 taxes were to be paid by the inhabitants to Hardeman County and all subsequent taxes were to be paid to Madison County.
12. Private Acts of 1957, Chapter 152, repealed Private Acts of 1931, Chapter 726, above, and restored the property to Hardeman County.

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