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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

Public Acts of 1819 Chapter 6

SECTION 1. That the following described bounds shall be and is hereby made and constituted a new and distinct county by the name of Hardin county, in honor, and to perpetuate the memory of Col. Joseph Hardin deceased; beginning at the south west corner of Wayne county, and running thence north with the west boundary line of said county to the north west corner thereof; then due west to the Mississippi; thence down said river to the southern boundary line of the state; thence east with the south boundary line aforesaid to the beginning.

SECTION 2. That for the due administration of Justice, the first court of Pleas and Quarter Sessions, and the Circuit Court, and all subsequent Courts, until otherwise provided for by law, shall be holden at the house of Col. James Hardin, under the same regulations and restrictions, and shall have and exercise the same powers and jurisdictions as are or shall be prescribed for the several counties in this state.

SECTION 3. That it shall be the duty of the sheriff of said county of Hardin, to hold an election at the place of holding courts in said county on the first Thursday and Friday in March next; for the purpose of electing a Colonel and two Majors for said county of Hardin, which shall be conducted under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county shall compose the sixty fifth regiment and be attached to the fifth Brigade.

SECTION 4. That the election for company officers for the county of Hardin shall be held at such places as the commandant of the militia of said county may think proper to appoint, which said election shall be held on the first Monday in April next, under the same rules, regulations and restrictions as are prescribed in like cases.

SECTION 5. That the sheriff of said county of Hardin on the days prescribed by law shall hold an election at the place of holding courts for the purpose of electing a Governor, Members of the state Legislature, members of Congress, and Electors to elect a President and Vice-President of the United States, under the same rules and regulations as prescribed by law.

SECTION 6. That it shall and may be lawful for any Justice of the Peace for Hickman or Wayne counties, to attend at the place prescribed by law for holding court in Hardin County at the first court of Pleas and Quarter sessions appointed to be holden for said county for the purpose of administering to the justices of said county the necessary oaths.

SECTION 7. That this act shall be in force from and after the passage thereof.

Passed: November 13, 1819.

Change of Boundary Lines

Public Acts of 1821 Chapter 32

SECTION 8. That the following described lines shall be the bounds of one other county which may hereafter be established west of Hardin county; beginning at the south west corner of Hardin county; running thence north with the west boundary of the same, twenty seven and a half miles; thence west passing the south east corner of Madison county, to a point three miles west of the first range line in the 9th district; thence south parallel with said range line to the south boundary of the state; thence east on said boundary to the beginning. Which last described bounds shall be attached to, and be a part of, Hardin County, until otherwise provided for by law, and shall enjoy all the privileges, and be subject to all the duties as citizens of Hardin county, with this exception, that no tax shall be laid or collected in said bounds for the purpose of erecting public buildings for Hardin county.

COMPILER'S NOTE: The sections of the act precedent to and subsequent to Section 8 applied to other counties and are not reprinted here.

Private Acts of 1821 Chapter 135

SECTION 1. That the lines of Hardin County shall be as follows, (to wit:) Beginning at the south west corner of Wayne County, thence west with the southern boundary line of this state, to the south west corner of section one in range six in the 9th surveyors district, thence north thirty miles to the north west

corner of section 6, in range 6, thence east to the east bank of Tennessee river, thence up with the meanders of said river, to the point where Wayne county leaves said river, thence with Wayne county line to the beginning.

SECTION 2. That James Barnes, Robert Shannon, Hieram Boon, John Williams, Alexander Swaney, Tilman Patton and John Kendle, be and they are hereby appointed commissioners to fix on a place within three miles of the center of said county, and as such nearer the center as a suitable situation can be procured, and the said commissioners shall purchase fifty acres of land at the place which they may fix upon as aforesaid, and shall receive a title to the same in fee simple to themselves, and their successors in office and shall lay off the said fifty acres of land into a town to be known by the name of Hardinsville, reserving near the center thereof a public square of two acres, on which the court-house and stocks shall be built, likewise reserving any other lot they may think proper for the purpose of having a jail built thereon for the use of the said county of Hardin.

SECTION 3. That the said commissioners shall sell the lots of said town at public sale on a credit of twelve months, giving due notice thereof in one or more of the public newspapers, printed in Columbia or Nashville, and shall take bond with sufficient security from the purchasers of said lots payable to themselves and successors in office for the use of said county, and shall make titles in fee simple to the respective purchasers of said lots.

SECTION 4. That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of the said commissioners for defraying the expenses incurred in the purchase of the tract of land on which the town above mentioned is directed to be laid off, and also for the defraying the expense (sic) of building a court-house, prison and stocks.

SECTION 5. That the said commissioners shall superintend the building of said court-house, prison and stocks, and shall let the court-house to the lowest bidder, advertising the same sixty days, in one of the newspapers printed in Columbia, setting forth the dimensions of which it is to consist, and the materials of which it is to be built, and shall take a bond with sufficient securities from the person to whom the said courthouse is let, payable to themselves and successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his contract; and if the proceeds of the sales of said lots is not sufficient for the purposes above mentioned, it shall be the duty of the county court of Hardin, to lay a tax not exceeding the amount of the state tax levied in said county to be applied to the objects aforesaid, and to be continued until all arrearages are paid off.

SECTION 6. That the said commissioners before they enter upon the duties to their appointment shall give a bond in the sum of five thousand dollars each, payable to the chairman of the county court of Hardin, and his successors in office for the use of said county, conditioned for the faithful performance of the trust reposed in them, and shall likewise take the following oath:

I, A.B. Do solemnly swear (or affirm) that as a commissioner to act for the county of Hardin, I will do equal and impartial justice to the citizens of said county to the best of my skill and ability, SO HELP ME GOD.

And the bond shall be filed in the clerk's office for the county of Hardin, and shall not be so construed as to make any one of said commissioners security for another.

SECTION 7. That so soon as said scite (sic) shall have been fixed upon, and purchased by said commissioners, the county court of Hardin county, shall at their discretion adjourn said court and all proceedings therein to said place, and from thence forth the same shall be the seat of justice for said county, and all matter, causes and things then depending in the county and circuit courts of Hardin county, shall be tried and determined in the same manner as if they had **been originally made returnable to that place.**

SECTION 8. That a majority of the commissioners by this act appointed shall in all cases be competent to perform the duties by this act assigned them, and if any one neglects or refuses to act, a majority of the justices of said county of Hardin may appoint another in his place, and when the said commissioners shall have performed the duties above enjoined upon them, they shall lay before the county court of Hardin a full statement of all their proceedings, and the said county court shall make them a reasonable compensation for their services.

SECTION 9. That all laws and parts of laws, coming within the purview and meaning of this act, be and the same are hereby repealed, and this act shall take effect and be in force from and after the first day of January next.

Passed: November 1, 1821.

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 hereafter 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. Connelly, 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 State of Tennessee and Mississippi.

Passed: November 9th, 1837.

Acts of 1849 - 50 Chapter 197

That portion of Hardin County, embraced within the following limits be annexed and attached to Wayne County, (viz:) beginning on the Tennessee River where the lines of Wayne and Hardin county strike said river, running from thence up said Tennessee River with its meanders to the mouth of Masses Creek, thence South to the dividing ridge between said creek and Short creek, thence with said ridge until it strikes the road leading from the old Marion Furnace to the Indian Creek road, thence with said road to the dividing ridge between Hardin's creek and Indian creek, thence east with said ridge to where it strikes the Wayne county line, thence North with said line to the beginning: Provided, however, this transfer of territory does not reduce Hardin county below her constitutional area.

Passed: February 1, 1850.

Acts of 1855 - 56 Chapter 173

SECTION 4. 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 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 the County of Decatur.

SECTION 5. That so much of an act passed February 4, 1852, entitled "An act to change the line between the Counties of Hardin and Decatur," so far as it refers to the Counties of Hardin and Decatur, be, and the same is hereby, repealed.

COMPILER'S NOTE: Other sections contained in the act do not apply to Hardin County and are not reprinted here.

Private Acts of 1911 Chapter 246

SECTION 1. That the Judges of Hardin and McNairy Counties shall procure a copy of the original Act establishing the line between said Hardin and McNairy Counties, and shall set a date and designate a point of beginning, and the county surveyors of said Hardin and McNairy Counties shall meet on the dates so fixed by the County Judges aforesaid and at the place designated by them, and to proceed to survey said line according to the bounds given in said original Act, and continue surveying from day to day until they establish said line, and shall make two plats of said line, and cause the same to be recorded in the Registers' office of said Hardin and McNairy Counties, and when so established and recorded shall be and remain the legal line between said counties.

SECTION 2. That said Hardin and McNairy Counties shall pay the expenses of said survey, making and recording said plats, each county paying one-half of the expenses out of the county funds of said counties.

SECTION 3. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1911.

Boundaries - Historical Notes

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

1. Private Acts of 1823, Chapter 137, Page 137, Section 3, provided that the south boundary line between Henderson and Hardin Counties would run as follows: beginning at the southwest corner of Perry County and running thence west to a point due north of the northeast corner of McNairy County; thence south to the south line of Henderson County. The surveyor appointed to run the line between Henderson and Hardin Counties would also run the line between Henderson and McNairy Counties and the respective counties would pay the surveyor a reasonable compensation.
2. Acts of 1851-52, Chapter 367, Page 680, changed the line between Hardin County and Decatur County so that a parcel of land near the Tennessee River was annexed to Decatur County, provided the County Court of Decatur County or the persons living within the parcel of land furnished sufficient funds to the Hardin County Court to hire a surveyor and plot done of Hardin County. The act was later repealed.
3. Private Acts of 1857-58, Chapter 129, Page 324, changed the line between Hardin and Wayne Counties to include in Wayne County the lands of Soloman H. Baker.
4. Public Acts of 1866-67, Chapter 28, Page 49, changed the line between Wayne and Hardin Counties so as to include in Wayne County the house and lands of William H. Brown.
5. Public Acts of 1867-68, Chapter 13, Page 10, changed the line between Wayne and Hardin Counties to include in Hardin County the land of W. H. Brown.
6. Public Acts of 1871, Chapter 33, Page 31, changed the county line between Hardin and Decatur Counties to the extent that all the territory known as "Eagle Nest Island" in the Tennessee River was detached from Hardin County and attached to Decatur County, and the low water mark on the east side of Eagle Nest Island was declared to be the boundary between the two Counties. So much of the land in Decatur County adjoining Hardin County that belonged to William White was

detached from Decatur County and attached to Hardin County.

7. Public Acts of 1889, Chapter 61, Page 91, transferred the lands of J. H. Mitchell from McNairy County into Hardin County.
8. Public Acts of 1889, Chapter 143, Page 280, changed the boundary between Hardin and Chester Counties to include within Chester County all the lands of Neil Shelton.
9. Public Acts of 1889, Chapter 253, Page 478, transferred all the lands belonging to W. S. White from McNairy County into Hardin County.
10. Public Acts of 1889, Chapter 255, Page 481, was a House bill identical to Public Acts of 1889, Chapter 143, above, which involved the property of Neil Shelton.
11. Public Acts of 1891, Chapter 151, Page 325, changed the County line between Hardin County and Chester County to include in Chester County all the lands of J. P. Bradley.
12. Public Acts of 1893, Chapter 19, Page 29, repealed Public Acts of 1889, Chapter 61, above.
13. Public Acts of 1893, Chapter 53, Page 71, changed the line between the Counties of Hardin and McNairy to include the residence and premises of W. W. Scott in McNairy County.
14. Public Acts of 1899, Chapter 112, Page 190, repealed Public Acts of 1893, Chapter 53, above.
15. Acts of 1903, Chapter 528, Page 1405, detached all the lands and premises belonging to J. L. McBride from Hardin County and placed them in Henderson County.
16. Private Acts of 1917, Chapter 311, Page 958, changed the line between the Counties of Hardin and Chester to include in Chester County all the farm and lands belonging to Mrs. Pearl Anderson.

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