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# Acts of 1845-46 Chapter 7

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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 1.** That all that part of the county of Perry, lying and being East of the Tennessee river, together with that portion of Wayne, attached by this General Assembly to the county of Perry, shall be and remain the county of Perry aforesaid.

**SECTION 2.** That the civil and military divisions within the boundaries of Perry 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.

**SECTION 3.** That the county seat of the county of Perry be and is hereby located at Harrisburg, in said county, and for the administration of justice, the county and circuit courts of said county shall be held in some house in the town of Harrisburg, in said county, and the circuit courts thereof shall be holden on the 3d (sic) Mondays in January, May and September, and said county shall be attached to the 14th Judicial circuit in said State, provided that the county court of Perry, a majority of the Justices concurring therein, may adjourn to some other place said county, if they find it more convenient to hold the courts aforesaid, and adjourn to the seat of justice whenever the necessary arrangements are made, or public buildings erected, as hereinafter provided in this act, and all writs and other precepts returnable to either place where said courts may have been removed by the county court aforesaid, and said courts to be under the same rules, regulations and restrictions, and shall have, hold, exercise and possess the same power, as courts in other counties in this State.

**SECTION 4.** That Isaac W. Stanly, Wylly R. Lane, William Watson, Andrew H. Guthrie and Basdal Brown, be, and they are hereby appointed a board of Commissioners for said county of Perry, for the purposes hereafter mentioned:--They shall appoint a Chairman and Clerk of their own body, and keep a regular record of all their proceedings, and shall, as soon as practicable after the location of the county seat shall be permanently established, as hereinafter provided for, procure by purchase or otherwise, a sufficient quantity of land upon which to lay off a town and to erect all necessary public buildings for said county, and the Commissioners shall make to themselves, and their successors in office, a deed or deeds of conveyance with general warrantee for the lands so purchased or otherwise obtained, and it shall be the duty of said Commissioners to cause a town to be laid off in said county, at the county seat, into lots, streets and alleys, of such size and width as they may deem necessary, reserving a sufficient quantity of land for the purpose of erecting a Jail and Court House; and further, it shall be the duty of said Commissioners to sell the lots in said town on a credit of at least twelve months, first giving twenty days notice in some newspaper published in Columbia and Jackson, and setting a day on which the sale will take place at the county seat, and shall take bond with good security from the purchaser or purchasers of said lots, payable to themselves and their successors in office, and said Commissioners shall give a bond as Commissioners, for a title to the purchasers in fee simple, when the said lot or lots shall have been paid for.

**SECTION 5.** That the proceeds of the sales of the lots, aforesaid, shall be a fund in the hands of said Commissioners for defraying the expenses incurred in the purchase of said tract of land, on which the county seat shall be located, and for defraying the expenses of erecting the necessary public buildings as a majority of the county court of said county shall order to be built, and shall at the same time take bonds from the undertakers, with ample penalties and sufficient securities, payable to themselves and their successors in office, conditioned for the faithful performance of his or their contract, and it shall be the further duty of the Commissioners to report all proceedings by them had under this act to the county court of said county, when called by notice from the Chairman of said court, and said Commissioners, before they enter upon the duties assigned them by this act, shall take an oath before some Justice of the Peace to faithfully and honestly perform the duties of their office, to the best of their judgment and ability, and they shall moreover enter into bond with security in the penalty of two thousand dollars, payable to the Chairman of said county court and his successors in office, conditioned for the faithful performance of the duties enjoined upon them by this act, and for the just application or forthcoming of such funds as may come to their hands, as Commissioners aforesaid; and further, the said Commissioners shall keep a regular and fair record of all moneys by them received, and the amount expended, and when the public buildings of said county shall have been completed, the Commissioners shall, by order of the county court,

pay over any surplus money that may be in their hands, to the county Trustee, of said county, for county purposes, and they shall, for their services, receive such reasonable compensation as shall be adjudged them by the county court of Perry county.

**SECTION 6.** That a majority of said Commissioners shall have full power to transact any business that the whole of them are empowered to transact and do, and if a vacancy occurs, it shall be filled by the County Court, he or they entering into bond as required by this act.

**SECTION 7.** That the Sheriff of said county shall open and hold an election on the first Thursday in August next, at each precinct in said county, wherein every voter, qualified by law to vote for Governor, members of Congress, and members of the General Assembly, &c., shall be entitled to vote, under the same regulations, penalties and restrictions, as are now provided for by law, for the permanent location of the Seat of Justice in said county of Perry; there may be an indefinite number of places designated to vote for, but none of them shall be more than six miles from the centre of said county, and if no place shall receive a majority of all the votes cast, at said election, then and in that case, said sheriff shall on the first Thursday in September next, open and hold an election in like manner as aforesaid, when the two places which received the highest number of votes shall only be put in nomination, and whichever of said places shall receive a majority of votes, shall be considered the permanent Seat of Justice for said county.

**SECTION 8.** That all the suits which may be upon the Dockets of the Circuit Court of Perry, at the time this act takes effect, where both plaintiff and defendant, or plaintiffs and defendants reside within the newly described county of Perry, shall be transferred to the Dockets of said county for trial, and all other causes, remaining upon said Dockets shall be heard and determined in the new county of Decatur established by this act, and all books, paper, &c., belonging to the offices in the county of Perry before this act takes effect, be transferred to the proper officers and offices, of the county of Perry, as herein organized, except those papers, &c., which are necessary in those suits to be heard and determined in the county of Decatur, and that the officers of the two counties, be not required to hold their offices at the county seats, until the complete and permanent location of the county seats for the respective counties, which county seats shall be known and distinguished by whatever names the majority of each board shall designate for their respective county seats.

**SECTION 9.** That all debts and liabilities, which may now be due and owing by the county of Perry, shall be liquidated and paid by each county respectively, in proportion to the Tax (sic) lists taken for the year 1845, until said debts are paid.

**SECTION 10.** That on the first Saturday in March next, there be elected for the county of Perry as constituted by this act, a Circuit Court Clerk and Register, and all officers required by law to be elected in the respective counties.

**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 southwest 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 Courthouse 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.

**SECTION 19.** That the 15th section of the act to establish the county of Lewis, be so amended, as to authorize the several Courts directed in said act to be holden at the house of John Blackburn, until the public buildings for said county shall be completed, shall be so construed as to authorize said Courts to be holden in the town of Gordon, so soon as a suitable house shall be procured; due notice of which shall be given to the clerks of the several Courts in said county, by the Commissioners therein appointed.

Passed: November, 1845

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