



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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Chapter IV - Boundaries

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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 3
Creation of the County 3
Private Acts of 1809 Chapter 48 3
Change of Boundary Lines 4
Private Acts of 1822 Chapter 109 4
Boundaries - Historical Notes 4

Chapter IV - Boundaries

Creation of the County

Private Acts of 1809 Chapter 48

SECTION 1. That Lincoln County shall be laid off and established within the following bounds (to wit:) Beginning on the north east corner of Giles county, and extending south with the eastern boundary line of the said county of Giles, to the southern boundary line of the state; thence with that line east, to a point due south from the mouth of Cove Spring Creek; thence north to the southern boundary line of Bedford county, and with the said line westwardly to the beginning.

SECTION 2. That John Whitaker, senr. Wright Williams, Eli Garret, Littleton Duty and Jesse Woodruff, be, and they are hereby appointed Commissioners, with full power to procure by purchase or otherwise, one hundred acres of land, on or near the north bank of Elk River, as near the center of the said county of Lincoln, east and west, as a proper situation will admit of, and all events not more than two miles from the said centre, and the said commissioners shall take a deed of conveyance for the same, to themselves and successors in office, in trust for the said county of Lincoln, and the said deed shall be good and valid in law, and shall vest in the said commissioners and their successors in office, a complete title, for the uses in this act expressed, and if any of the said commissioners should neglect or refuse to act, a majority of the justices of said county may appoint another in his place.

SECTION 3. That the said commissioners, immediately after procuring the aforesaid quantity of one hundred acres of land, shall cause a town to be laid off thereon, reserving near the centre thereof, a public square of two acres, on which the court-house and stocks shall be built, likewise reserving a lot in any other part of said town, for the purpose of erecting a jail, and the said town, when so laid off, shall be named Fayetteville.

SECTION 4. That the said commissioners shall sell the lot of the said town, at public sale, on a credit of twelve months, giving notice thereof sixty days, in one of the newspapers printed in Nashville, and taking bonds with sufficient securities from the respective purchasers, payable to themselves and successors in office, and the said commissioners shall execute titles, in fee simple, to the purchasers of the said lots.

SECTION 5. That the said commissioners, immediately after selling the lots as aforesaid, shall let to the lowest bidder, the building of the court-house in the said town of Fayetteville, giving public notice thereof in one of the newspapers printed in Nashville, at least sixty days, and setting forth in the said notice the dimensions of said court-house, and the materials of which it is to be built, and the said commissioners shall take from the person to whom the said building is let, bond with sufficient security, in the sum of ten thousand dollars, for the faithful performance of his contract, and in the same manner the said commissioners, when they think proper, shall let the building of a jail for the use of said county.

SECTION 6. That the court of Pleas and Quarter Sessions, for the county of Lincoln, shall be held on the fourth Monday in the months of February, May, August and November, annually, at the house of Brice M. Garner, until a place is provided for holding the said court in the town of Fayetteville, and any justice of the peace for the state of Tennessee, may appear at the first term of the said court, and administer the oaths of office to the respective Justices of the Peace.

SECTION 7. That the said commissioners, before entering on the duties of their appointment, shall give bond in the sum of five thousand dollars each, payable to the chairman of the said county court, and his successors in office, and conditioned for the faithful performance of the duties by this act assigned him, and shall moreover take an oath to act honestly and truly in the discharge of said duties, and when the said commissioners shall have finished the aforesaid duties, they shall lay a full statement of all their proceedings before the said county court of Lincoln, and shall be allowed by the said court a reasonable compensation for their services: Provided, not less than five of said justices be present when the said allowance is made.

SECTION 8. That the said county of Lincoln be, and the same is hereby declared a part of Mero District, and shall send three jurors to the superior court of law and equity, held for said district.

SECTION 9. That nothing herein expressed, shall be so construed as to prevent the sheriff or collector of Bedford county from collecting the taxes within the limits of the said county of Lincoln, which are now due and remain unpaid.

SECTION 10. That the said county of Lincoln be a part of the district to which the same has heretofore belonged, for electing a Governor, to elect an elector for electing the President and Vice- President of the

United States, Representatives in Congress, Senator of Senators, and Representatives in the General Assembly of this state; the said elections to be held at the place of holding court for said county, and shall be conducted according to the rules and regulations established by law, and the sheriff of said county, on the second Thursday of April, in the year 1810, and on the succeeding day shall hold an election at the said place, for the purpose of electing field officers for the said county of Lincoln, which election shall be conducted pursuant to the rules and regulations prescribed by law, and now in force; and in all elections in which the said county of Lincoln shall vote with the county of Bedford, the sheriff of Lincoln county shall make a return of said election to the sheriff of Bedford county, by eight o'clock of the day succeeding the day on which the said election shall terminate.

SECTION 11. That the militia of the county of Lincoln, shall compose the thirty-ninth regiment, and shall be attached to the fifth brigade.

SECTION 12. That in all cases wherein the commissioners appointed by this act are required to perform any services, a majority of said commissioners shall constitute a quorum to do business.

SECTION 13. That the territory east of Lincoln, south of Bedford, and north of the state line, shall be a part of the county of Franklin, and by this act is attached to and incorporated with the said county of Franklin.

SECTION 14. That this act shall be in force from the first day of January, in the year one thousand eight hundred and ten.

Passed: November 14, 1809.

Change of Boundary Lines

Private Acts of 1822 Chapter 109

SECTION 1. That all that part of the county of Lincoln be, and the same is hereby attached to the county of Bedford, (to wit) Beginning at the eastern height of the main ridge, west of Samuel Mc'Culloch's the present county line; thence running eastwardly along a road on the extreme height of a ridge dividing two small branches of the east fork of Mulberry creek, which line to continue until it will include the plantation of Jonathan Floyd; then running east of north until it will strike the present county line between the plantation of John Adkins and Lewis Martin.

SECTION 2. That the persons who are stricken off from Lincoln county and attached to Bedford county, shall be at an equal expense of running of said line.

SECTION 3. That the county courts of Bedford and Lincoln shall, at their first courts after the first of January next, or some other term thereafter appoint some competent person as a commissioner and surveyor to run and mark said line between said counties; and that nothing herein contained shall be so construed as to prevent the sheriff or any officer of Lincoln county from collecting any arrearages of tax or other dues which may be necessary for them to collect and now in suit.

Passed: August 20, 1822.

Boundaries - Historical Notes

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

1. Private Acts of 1811, Chapter 13, states that some doubt has arisen as to whether or not the dividing line between Lincoln and Giles Counties, as it was marked by the commissioner who laid off Giles County, is correct, this act confirms and ratifies that line as it was so marked as the true and correct boundary between Lincoln County and Giles County.
2. Acts of 1835-36, Chapter 35, established Marshall county. Lincoln County is only mentioned as a demarcation reference point in the act. No land was either added to or taken from Lincoln County due to this act.
3. Private Acts of 1849-50, Chapter 110, Section 2, changed the line between Lincoln and Giles Counties so that the residence of Thomas Collins is included in Giles County and the land commencing at the 8 mile post from the buckeye corner of Giles, Bedford, and Lincoln Counties and running east about 600 yards to the top of a ridge between John D. Jones, of Giles County, and Benjamin F. White, of Lincoln County thence with the said ridge due north to the Marshall County line. The County Surveyors of either county may run and mark the line in accordance with the terms of this act.
4. Private Acts of 1855-56, Chapter 161, Section 5, moved the residence and farm belonging to Allen

Johnson out of Lincoln County and into Franklin County.

5. Private Acts of 1855-56, Chapter 163, Section 23, changed the lines between the 19th and the 20th Civil Districts of Lincoln County so as to include the town of Camargo completely within the 19th Civil District.
6. Private Acts of 1859-60, Chapter 100, transferred the home and land belonging to C. H. Bean from Lincoln County into Franklin County.
7. Private Acts of 1867-68, Chapter 20, detached the residence and land belonging to William Buchanan out of Lincoln County and attached the same to the Fourth Civil District of Marshall County.
8. Private Acts of 1887, Chapter 99, moved the lands and improvements owned by L. J. Robertson, as they were generally described, out of Lincoln County and into the Seventh Civil District of Moore County.
9. Private Acts of 1905, Chapter 67, provided that the properties belonging to T. M. Liles would be wholly included in the county of Marshall and removed from Lincoln County.
10. Private Acts of 1905, Chapter 91, changed the boundaries between Lincoln and Moore Counties so as to include the land and home of J. L. Foster wholly within Moore County.
11. Private Acts of 1905, Chapter 136, altered the lines between Lincoln and Moore Counties so as to include what is known as the Dave Wagster place on Chestnut Ridge, consisting of about two acres being the same place recently purchased by Joe Stevenson, wholly within the boundaries of Lincoln County.
12. Private Acts of 1913, Chapter 218, moved all the properties belonging to E. H. Davis out of the Fifth Civil District of Lincoln County and into the First Civil District of Moore County.
13. Private Acts of 1917, Chapter 59, detached the lands of Spoon Motlow from Lincoln County and attached the same to the First Civil District of Moore County.
14. Private Acts of 1927, Chapter 735, changed the boundary lines between Moore and Lincoln Counties so as to include about ten acres of land belonging to J. J. Prosser wholly within the boundaries of the 8th Civil District of Moore County.
15. Private Acts of 1939, Chapter 343, transferred the house and lot owned by H. G. Hicks located in the Tenth Civil District of Lincoln County to be included wholly within the lines of Moore County.
16. Private Acts of 1939, Chapter 362, changed the lines between Lincoln and Moore Counties so as to include the house and lot containing about two acres and belonging to J. P. Murray, and wife, Joe Annie Murray, wholly within the Tenth Civil District of Lincoln County.
17. Private Acts of 1947, Chapter 357, detached from the Fifth Civil District of Lincoln County approximately 195 acres of land owned by G. B. Waggoner, and wife, Martha J. Waggoner, as the same was generally described in the act, and attached the same to the Seventh Civil District of Moore County.
18. Private Acts of 1947, Chapter 358, removed from the Fifth Civil District of Lincoln County about 404 acres of land belonging to Reagor Motlow bounded as the area was generally described in the act, and about 97 acres of land belonging to Conner Motlow and attached both tracts to the First Civil District of Moore County.

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