



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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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 County

Acts of 1870 (2nd Extra Session) Chapter 29

SECTION 1. That a new county be and the same is hereby established, to be composed of portions taken from the northern portion of Jackson and Overton Counties, to be known and designated by the name of County of Clay, and shall be bounded as hereinafter provided.

SECTION 2. That the general boundaries of said county shall be as follows, to-wit: Beginning at the common corner of Jackson and Overton Counties, upon the State line between Kentucky and Tennessee, running thence with said line east to a point in said line on the northern boundary of Overton County, to be fixed by the Commissioners to be hereafter designated in this act; thence south or southwest to a point in Overton County, to be also fixed and established by the said Commissioners; thence in a westerly direction through Overton and Jackson counties to a point to be fixed by the Commissioners; thence north with said line to the State line; thence east with said line to the beginning; Provided, That no line of said new county shall approach the Court-houses of Jackson and Overton Counties nearer than ten miles in a direct line from the same.

SECTION 3. That R. P. Brooks, Jas. G. Cunningham and Job M. Morgan, of Jackson County, and W. H. Turner and Thomas Armstrong, of Overton County, be and they are hereby appointed Commissioners, with full power and authority to run out and designate the boundaries of said county by actual survey; and they are authorized to employ a competent person to survey the same; and if, upon finding that their territory and population are sufficient to meet the requirements of the Constitution without infringing the constitutional territory or population of the counties from which said County of Clay is to be taken, then said Commissioners shall have the lines of said County of Clay plainly marked, and cause a correct map of the same to be made out and transmitted to the Secretary of State, who shall file the same in his office; and the County of Clay is hereby established upon the following conditions:

SECTION 4. That it shall be the duty of said Commissioners, as soon as they shall ascertain that there is territory and population sufficient to establish a new county under the requirements of the second and third sections of this act, after giving twenty days' notice in three or more public places of the time and place in each of the fractions proposed to be stricken off from the Counties of Jackson and Overton, to open and hold an election in each of the fractions proposed to be stricken off from the counties aforesaid, for the purpose of ascertaining whether two-thirds of the voters residing in those fractions, are in favor of or opposed to the establishment of said County of Clay; and all persons qualified to vote for members of the General Assembly who have resided in the fractions aforesaid six months immediately preceding the day of election, shall be entitled to vote; and each voter who desires the establishment of the new county, shall have on his ballot "New County," and those opposed to the new county shall have on their ballots "Old County;" and if upon counting the ballots, the judges of the several elections shall return that two-thirds of each of the fractions have voted for the new county, then the County of Clay shall be and the same is hereby established, with all the powers, privileges and advantages, and subject to all the liabilities of other counties in this State.

SECTION 5. That all officers in said county shall continue to hold their offices and exercise all the powers and functions thereof, until others are elected and qualified according to law, and the said County of Clay shall elect her officers on the day and under the same rules and regulations as provided by law for the election of officers in other counties in this State.

SECTION 6. That the Commissioners appointed by the third section of this act shall appoint such persons as they deem suitable to open and hold elections for county officers for the County of Clay; and the persons so appointed shall be and are hereby invested with full power and authority to appoint Deputies, Clerks and Judges, and by themselves and deputies to administer all necessary oaths, and to do and perform all other duties as by law are required of Sheriffs and other officers holding similar elections.

SECTION 7. That it shall be the duty of the Commissioners aforesaid, as soon after the County of Clay shall have been established as practicable, to select and secure, by purchase or otherwise, a suitable site for the seat of justice in said county, and the said Commissioners, having first caused a deed to be made to themselves and their assigns, with general warranty, to a sufficient quantity of land, including the site so selected, shall cause a town to be laid off thereon, with as many streets and alleys as they may deem sufficient, within a suitable square, for the erection of public buildings. Said Commissioners may reserve such lots as they may deem advisable, for the purpose of erecting a jail, and such other purposes as they deem proper, and said town, so laid off, shall be known by the name of _____;

Provided, Said Commissioners shall consult the wishes and convenience of a majority of the citizens of said county; and said Commissioners shall open and hold an election at three or more places in said county, first giving twenty days [sic] notice of the time and place, for the purpose of fixing upon an eligible site for the seat of justice in said County of Clay; and should said election be held, all qualified voters for members of the General Assembly, shall be entitled to vote in selecting said site. Should there be two or more places put in nomination and voted for, the place receiving a majority of the votes cast shall thereupon be declared, by said Commissioners, the seat of justice of Clay County: Provided, That said Commissioners shall have the right to hold elections, from time to time, until one place shall receive a majority of those voting.

SECTION 8. That the Commissioners of said county shall sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers, of the time and place, and shall take bond, with security, from the purchasers of said lots, payable to themselves or their successors in office, and shall make title, in fee simple as Commissioners, to the respective purchasers of said lots.

SECTION 9. That the proceeds of sale of said lots aforesaid, shall be a fund in the hands of said Commissioners for the defraying of the expenses incurred in the purchase of said tract of land on which the said county site shall be located, and, also, for defraying the expenses of erecting the public buildings for said County of Clay.

SECTION 10. That the Commissioners shall also appoint five Commissioners, whose duty it shall be to divide and lay off said county into civil districts, designate the place of holding elections therein, and do and perform all the duties relative thereto, which, by the laws of this State, such Commissioners are authorized and required to do.

SECTION 11. That the County Court of Clay County, when organized, shall be authorized to make such appropriations as they think proper to the Commissioners appointed under this act, to compensate them for their necessary expenses and services.

SECTION 12. That for the convenience of the citizens, and for the administration of justice, the County and Circuit Courts for the County of Clay shall be held at such place as may be designated by said Commissioners, until the public buildings for said county shall be completed, due notice of which shall be given to the clerks of the several courts of said county, by the Commissioners herein appointed, after which time they shall be held at the Court-house in the county aforesaid.

SECTION 13. That the Commissioners appointed by the provisions of this act, together with Surveyor employed to run out and designate the boundary of said county, shall, severally, before they enter upon the discharge of the duties assigned them, take an oath before some Justice of the Peace to discharge the duty assigned them, without partiality or prejudice, to the best of their judgment according to law.

SECTION 14. That the Commissioners of Clay County be, and they are hereby authorized to exercise all the powers conferred in this act, and such other powers as may be necessary and proper to the complete organization of the County of Clay.

SECTION 15. That the citizens of Clay County, in all elections for Governor, Representatives in Congress, and the election of President and Vice-President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment.

SECTION 16. That the counties of Jackson and Overton shall retain complete jurisdiction over the fractions stricken off from said counties, until the County of Clay shall be completely organized.

SECTION 17. That the fractions of Jackson and Overton Counties, formed by this act into the County of Clay, shall continue liable for their pro rate of all debts contracted and owing by said Overton and Jackson Counties, as well as entitled to any portion of any stocks and credits belonging to said Overton and Jackson Counties.

SECTION 18. The public welfare requiring it, that this act take effect from and after its passage.

Passed: June 16, 1870.

Change of Boundary Lines

Public Acts of 1871 Chapter 6

SECTION 1. That the county line between Overton and Clay counties be changed as follows: Beginning on said county line south of G. W. Morgan's, where his line crosses said line, running with said Morgan's line and R. J. Upton's, to the eleven and three-fourth miles post from Livingston, on Mill Creek; thence an easterly course a straight line, passing the south end of William Garrett's land, to the forks of Carter's

Creek, above Jesse M. Martin's; thence a slight variation north of east, so as to include in Clay county all of Thomas Martin's and W. W. Chilton's lands, passing through the land dividing the lands of Mrs. Ruth Martin and O. T. L. Martin, to a chestnut oak, southeast corner of Thomas W. Barry's land, and including all his land, intersecting the county line again in the land dividing the lands of W. J. Dennis and Ezekiel Long: Provided, said line so changed shall not approach nearer than ten miles of Livingston, the county seat of Overton county, on a direct line.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: October 20, 1871.

Acts of 1875 Chapter 140

COMPILER'S NOTE: Section 2 is the only Section that applies to Clay County. Therefore, the other sections were omitted.

SECTION 2. The lines between the counties of Overton and Clay be changed as follows: Beginning on the south boundary line of Clay county, between Overton and Clay counties, near the farm of Marion Taylor, running thence an eastern direction with Taylor's line to the Livingston and Mouth of Wolf road; thence with said road to the east boundary line of the Jesse Heard tract of land; thence east with said line to the land of Matthew Arme; thence with his boundary line to Obed's river; thence across said river and up the same to the east boundary line of Armstrong's 5000 acre survey; thence north 370 poles to a stake; thence west to the beginning corner of said survey; thence south to the Obed's river, which is the Gore line. Also this further change: beginning at a sour wood in said Gore line south, and near the residence of Ensley Billbery, running thence east to a white oak near Jesse Martin's; thence northeast so as to run through the lane which divides the lands owned on the one side by Mrs. Ann Martin, and on the other by Mrs. Ruth Martin, to a large double chestnut in T. W. Berry's south boundary line; thence with Berry's line, so as to intersect the Gore line near Joseph Parkers, so as to include all the lands of T. W. Berry, Thomas Martin, W. W. Chilton, C. H. Heard, W. Hear, W. H. Welburn, Matthew Arme, and John F. Gawette, in Clay county; provided the county of Overton shall not be reduced by said change below its constitutional limits in territory, or the line run nearer the Court House of Overton county than ten miles, and said applicants shall pay all expenses of change.

Passed: March 24, 1875.

Acts of 1869-70 (2nd Sess.) Chapter 29

SECTION 1. That a new county be and the same is hereby established, to be composed of portions taken from the northern portion of Jackson and Overton Counties, to be known and designated by the name of County of Clay, and shall be bounded as hereinafter provided.

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SECTION 4. That it shall be the duty of said Commissioners, as soon as they shall ascertain that there is territory and population sufficient to establish a new county under the requirements of the second and third sections of this act, after giving twenty days' notice in three or more public places of the time and

place in each of the fractions proposed to be stricken off from the Counties of Jackson and Overton, to open and hold an election in each of the fractions proposed to be stricken off from the counties aforesaid, for the purpose of ascertaining whether two-thirds of the voters residing in those fractions, are in favor of or opposed to the establishment of said County of Clay; and all persons qualified to vote for members of the General Assembly who have resided in the fractions aforesaid six months immediately preceding the day of election, shall be entitled to vote; and each voter who desires the establishment of the new county, shall have on his ballot "New County," and those opposed to the new county shall have on their ballots "Old County;" and if upon counting the ballots, the judges of the several elections shall return that two-thirds of each of the fractions have voted for the new county, then the County of Clay shall be and the same is hereby established, with all the powers, privileges and advantages, and subject to all the liabilities of other counties in this State.

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SECTION 8. That the Commissioners of said county shall sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers, of the time and place, and shall take bond, with security, from the purchasers of said lots, payable to themselves or their successors in office, and shall make title, in fee simple as Commissioners, to the respective purchasers of said lots.

SECTION 9. That the proceeds of sale of said lots aforesaid, shall be a fund in the hands of said Commissioners for the defraying of the expenses incurred in the purchase of said tract of land on which the said county site shall be located, and, also, for defraying the expenses of erecting the public buildings for said County of Clay.

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employed to run out and designate the boundary of said county, shall, severally, before they enter upon the discharge of the duties assigned them, take an oath before some Justice of the Peace to discharge the duty assigned them, without partiality or prejudice, to the best of their judgment according to law.

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SECTION 18. The public welfare requiring it, that this act take effect from and after its passage.

Passed: June 16, 1870.

Public Acts of 1974 Chapter 421

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. The boundary line between the counties of Pickett and Clay is hereby changed by detaching from the county of Clay, and attaching to the county of Pickett, all of the hereinafter described territory, to-wit:

A tract or parcel of land now lying in the 4th Civil District of Clay County adjacent to the existing line between Clay-Pickett County line, and beginning at the corner of tract D-81 in the division property line of G-404A; thence, north 86 degrees, 30 minutes West 920 feet; thence, north 13 degrees, 45 minutes West, 1225 feet; thence, north 38 degrees, 00 minutes East, 920 feet; thence, north 69 degrees, 15 minutes East, 335 feet; thence, north 14 degrees, 30 minutes West for 490 feet; thence north 56 degrees, 30 minutes East for 660 feet; thence, north 67 degrees, 30 minutes East for 80 feet, to the Pickett-Clay County line, south to the point of the beginning; containing approximately 48 number of acres.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

Passed: January 28, 1974.

Boundaries - Historical Notes

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

1. Acts of 1881, Chapter 131, changed the boundary between Clay and Overton Counties so as to include all the lands of Thomas and William Martin in Clay County.
2. Acts of 1883, Chapter 122, Section 1, transferred all the lands of F. M. Taylor, and the lands of the Taylor heirs as they were described therein comprising thirty acres, more or less, from Clay County into Pickett County.
3. Acts of 1885, Chapter 125 moved the land known as the old W. C. Heard farm, recently purchased by W. H. Hawkins and lying on Ashburn Creek into Clay County; also transferred into Clay County from Pickett County were the lands of W. W. Heard, W. H. Wilburn, B. C. Wilburn, and S. R. Heard.
4. Acts of 1885, Chapter 128, changed the lines between Overton and Clay Counties so as to include the 15 acres belonging to T. B. Davis in Clay County.
5. Acts of 1887, Chapter 52, detached the lands of P. H. Wilburn from Pickett County and attached them to Clay County.
6. Acts of 1887, Chapter 102, transferred the lands of B. K. Biggerstaff, known as Brimstone Island, from Jackson County to Clay County.

7. Acts of 1889, Chapter 62, changed the lines between Overton and Clay Counties so as to move all the lands of Thomas Marlin and J. K. P. Davis into Clay County.
8. Acts of 1891, Chapter 233, transferred the properties of John Conner, James Conner, and O. C. Waddle from Clay County into Overton County.
9. Acts of 1893, Chapter 57, changed the lines between Clay and Pickett Counties with a metes and bounds description which would include in Pickett County all the lands belonging to Clay County lying between the Obed and the Wolf Rivers. This law was repealed by Chapter 270, Acts of 1901.
10. Acts of 1901, Chapter 214, moved the Robert Fletcher farm from Overton County into Clay County.
11. Acts of 1901, Chapter 282, detached the farm belonging to Sam H. Hance from Clay County and attached it to Macon County.
12. Acts of 1901, Chapter 482, moved the Gabriel A. Marcon property from Clay County into Overton County.
13. Acts of 1903, Chapter 226, moved all the properties of Jerry Age (sic) and Malangthon Kirby from Clay County into Macon County.
14. Acts of 1905, Chapter 258, altered the boundary between Clay and Overton Counties so as to include the land of James Glidewell lying near Oakly, Tennessee, in Overton County.
15. Acts of 1905, Chapter 266, moved the lands of Smith Mulens which were located near Head, Tennessee, from Clay County into Pickett County.
16. Acts of 1905, Chapter 337, transferred the combined properties of A. J. Poston, Bill Smith, J. P. Maxwell, J. B. Ayers, Elijah Carwile, and part of the farm belonging to Mrs. Fisk Kirkpatrick from Clay County into the Third Civil District of Overton County.
17. Acts of 1909, Chapter 167 transferred the lands of Eusebius Rich from Clay County into Jackson County.
18. Acts of 1909, Chapter 306, was identical with Chapter 167, Acts of 1909, Item 17 above.
19. Acts of 1909, Chapter 538, changed the boundary lines between Clay and Overton Counties so as to include the property of Dr. Cullom Sidwell, known as the Buck Farm, in Clay. This Act was repealed by Chapter 430, Private Acts of 1931.
20. Private Acts of 1911, Chapter 530, detached the combined properties of C. B. Jenkins, Elizabeth Crabtree, William Kemp, R. W. Allen, and G. S. McCain from Clay County and attached them to Jackson County.
21. Private Acts of 1911, Chapter 575, moved the farm of Joseph Griggiths from Clay into Jackson County.
22. Private Acts of 1933, Chapter 221, moved the farm of W. H. Maynard out of the jurisdiction of Clay County and into the area of Overton County.
23. Private Acts of 1939, Chapter 244, changed the lines between Clay and Overton Counties so as to include the property of Dillard Maynard in Overton County.
24. Private Acts of 1939, Chapter 561, took the land of Chatt Chilton from Overton County and placed them in Clay County as they were bounded on the north by G. L. Maynard and Eddie Brown, on the east by the Fletcher heirs, on the south by the B. Stinson heirs, and on the west by Farley Robbins, Gertrude Riley, and Edd Chilton, containing 150 acres, more or less.
25. Private Acts of 1943, Chapter 449, changed the boundary between Clay and Jackson Counties so as to move the land belonging to Frank Rogers, from the Second Civil District of Clay County into Jackson County, said land being known as the Moore and Brown farm and consisting of 100 acres, more or less.

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