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## Chapter IV - Boundaries

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1819 Chapter 107

**SECTION 1.** That a new county be and the same is hereby established, north of Wayne county West of Hickman and south of Humphreys counties by the name of Perry County, which shall be bounded as follows, to wit: beginning at the south east corner of Humphreys county, running west, thence south, thence east, thence north to the beginning so as to include all the territory lying between Humphreys, Hardin, Wayne, and Hickman counties, and all that tract of territory included in the above described lines shall be included within the said county of Perry.

**SECTION 2.** That for the due administration of Justice, the first court of pleas and quarter-sessions and circuit courts and all subsequent courts, until otherwise provided for, shall be held at the house of James Yates, on Toms creek, or at such other place in said county as the justices in said county may adjourn from the said James Yates, to hold their courts after the first term under the same rules, regulations, and restrictions, and shall have and exercise the same powers and jurisdiction 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 the said county of Perry, to hold an election at the place of holding courts in said county on the first Thursday in April next, for the purpose of electing one colonel and two Majors for said county of Perry, 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 68th regiment, and be attached to the 6th Brigade.

**SECTION 4.** That the election for company officers for the county of Perry, 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 second Saturday in June next under the same rules, regulations and restrictions as are prescribed in like cases.

**SECTION 5.** That the county of Perry shall be a part of the district for electing a Governor, Representative to Congress, Electors to elect a President and Vice President of the United States, and members to the General Assembly, to which the county of Hickman belongs, and the elections be held at the place of holding courts in said county, at the time, and in the manner prescribed by law and that the Sheriff or returning officer of said county make a return of the polls at the town of Vernon.

**SECTION 6.** That the county courts shall be held in Perry county on the \_\_\_\_\_ Monday in \_\_\_\_\_.

**SECTION 7.** That it shall be the duty of the clerk of the said county of Perry to receive and receipt for the quantum of acts and journals of the present session.

Passed: November 18, 1819

### Change of Boundary Lines

#### Private Acts of 1821 Chapter 202

**SECTION 1.** That from and after the passage of this act the boundary line of Perry county shall be as follows, to wit: Beginning on the north boundary line of Wayne county at a point due south of the Mossy shoals of Duck river, running north to the south east corner of Humphreys county; thence west with the south boundary line of Humphreys county twenty five miles, or so much further that a south course to the north boundary line of Hardin and Wayne counties shall give Perry County six hundred and twenty-five square miles; thence east with said lines to the beginning.

**SECTION 2.** That Charles Miles, John Reaves, James Dickson, Charles Graham, William S. Britt and William Patterson of Perry County, be and they are hereby appointed commissioners, and they or a majority of them are authorized to employ some suitable person as a surveyor to run out and mark the lines of said county of Perry, and ascertain the center of said county; and it shall be the duty of said commissioners and they have full power and authority to fix on a proper place for the seat of justice in and for the said county, having due regard to the central situation of said county, and its commercial advantages, and its navigation as far as conveniency may admit, where a majority of said commissioners shall agree on; and if the said commissioners of Perry county cannot agree on the place to fix the seat of

justice, William Easley, William Philips and Charles Bowling of Hickman county or a majority of them are appointed as umpires to fix on the place for the seat of justice in said county of Perry as aforesaid, and the said commissioners from Hickman county shall fix on the place for the seat of justice in Perry county, be entitled to receive for their services three dollars for every twenty-five miles traveling to, and returning from, the place, and three dollars for every day they may be necessarily engaged in the performing the duties enjoined on them by this act, out of any monies that are in the hands of the county trustee of Perry county, not otherwise appropriated.

**SECTION 3.** That the said commissioners of Perry county are hereby authorized to purchase fifty acres of land on the most reasonable terms, on some part of which shall be erected the court house, prison and stocks for the use of said county; and said commissioners or a majority of them shall take a deed in fee simple, in trust for the county, to themselves and successors in office, for the use and benefit aforesaid, and shall as soon as may be, after purchasing and obtaining a title thereto, proceed to lay off a town thereon, to be called and known by the name of Perryville, reserving two acres for a public square, on which shall be erected a court house, prison and stocks for said county, which two acres shall be denominated the public square.

**SECTION 4.** That the said commissioners or a majority of them be and they are hereby authorized and required to advertise and sell the lots in said town to the highest bidder on a credit of twelve months, taking bond with approved security for the purchase money to themselves and their successors in office, for the use of said county, and they are hereby authorized to execute deeds to the purchasers which shall be good and valid in law to all intents and purposes, and the money arising from the sale of said lots shall be appropriated to the payment of the land by them purchased as aforesaid, and the residue to the building of a court-house (sic), prison and stocks, and no other purpose, and they are hereby authorized and required first to advertise the sale of the said lots at least three months in some newspaper printed in Nashville or Clarksville, and at the court-house (sic) or place of holding court in the county of Perry, to contract and receive proposals for building said court-house (sic), prison and stocks.

**SECTION 5.** That the said commissioners shall before they enter on the duties of their office, assigned them by this act, take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined on them, according to the best of their judgment, and moreover enter into bond with approved security to the chairman of the Perry County court and his successors in office in the sum of six thousand dollars, conditioned for the due and faithful performance of the duties enjoined on them by this act, which bond shall be deposited in the clerk's office of said county.

**SECTION 6.** That the said commissioners shall keep a fair and regular statement of all monies by them received and expended, which statement when required shall from time to time be laid before the county court, but said commissioners shall not be called on oftener than once a year.

**SECTION 7.** That when the buildings aforesaid are completed the said commissioners shall lay a fair statement of the amount of money by them received and expended for the purposes aforesaid, before the court aforesaid, who shall allow the said commissioners a reasonable compensation for their services, provided two thirds of the justices of said county be present, and if, after the completion of the said buildings there be any surplus money in the hands of said commissioners it shall be paid over to the county trustee for county purposes by a motion of the county trustee, and it shall be his duty to make such motion.

Passed: November 14, 1821

## Acts of 1823 Chapter 137

**SECTION 1.** That the west boundary of Perry County be altered as follows: beginning at the north-west corner of said county; and running thence south parallel with the range line to a point two miles south of the line that divides the sixth and seventh sections in the ninth surveyor's district; thence east to Turnsbow's creek; thence down said creek to the Tennessee river; thence down with the west bank of said river, to a point due west of the point that the west boundary line of Wayne county leaves said river; thence with the said boundary line, down said river, to the north-west corner of Wayne county; which shall be the permanent lines dividing said counties.

**SECTION 2.** That the court of Perry county shall appoint a suitable person to run the aforesaid lines, and allow them such pay as to them may seem reasonable and right.

**SECTION 3.** That the south boundary line dividing Henderson and Hardin counties, shall be run as follows: beginning at the south-west corner of Perry county, and running thence west to a point due north of the north-east corner of M'Nairy county; thence south to the south boundary line of Henderson county; which shall be the permanent lines dividing said counties.

**SECTION 4.** That the court of Henderson county shall appoint some suitable persons to

run said lines, and allow them such pay as they deem reasonable and right.

**SECTION 5.** That the surveyor appointed to run the dividing line between Hardin and Henderson counties shall run the dividing line between Henderson and M'Nairy counties and shall be paid as provided for in this act.

Passed: October 31, 1823.

## Private Acts of 1909 Chapter 441

**SECTION 1.** That the line between the counties of Perry and Wayne be so changed as to make the line read as follows between said counties:

Beginning on a stake at the intersection of the present Perry and Wayne County line with E. S. Chappell's west boundary line, and run thence south instead of north as it now does .... poles until it intersects with the McLemore line of a 70-acre tract now owned by S. T. and G. W. Sharp; thence south with said McLemore west boundary line....poles to the southwest corner of said 70-acre tract; thence east with the south boundary line of said tract .... poles to Buffalo River; thence up said river .... poles with its meanders to a point on said river where it turns east; thence on in an eastern direction up said river with its meanders to the southwest corner of the land now owned by J. E. Bastin; thence in a northern direction .... poles with his west boundary line to O'Possum Creek; thence up said creek with its meanders .... poles to Edwin Pope's west boundary line; thence in a northern direction .... poles with his west boundary line to a stake in the present Perry and Wayne County line.

**SECTION 2.** That all real estate added to Perry County by this Act shall be added to and become a part of the Third Civil District of Perry County for all civil and school and all other purposes.

**SECTION 3.** That all 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: April 30, 1909.

**COMPILER'S NOTE:** This act was part of the litigation in State v. Marshall, 124 Tenn. 233, 135 S.W. 926 (1911).

## 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

## Acts of 1845-46 Chapter 62

**SECTION 1.** That the act passed by this General Assembly, dividing Perry county, and establishing Decatur county, shall not take effect until the first Monday in April 1846, and the commissioners appointed for each county shall have power if they deem it necessary, to employ a surveyor and two chain carriers to ascertain the centre of said counties, which surveyors shall determine upon the centre of their respective counties, and whether places put in nomination for the county seats shall be within six miles of the same, and make return to the county court of their respective counties, which shall be entered upon the records of the same, and the respective county courts shall make them such allowance as they may think their services reasonably worth.

**SECTION 2.** That the act attaching a portion of Wayne county to the county of Perry, be so amended as to authorize the polls to be opened, and an election held on the 7th February next, at the Widow Halliboughs on Sinking creek, in addition to the place appointed in said act, and Simon D. Whitley and Andrew J. Helms, the commissioners appointed in that act, shall appoint some one (sic) to hold said election, and said commissioners are required to divide that portion of Wayne attached to Perry into two civil districts, and make report to the first term of the county court of Perry, except that position lying between Lewis county and Perry, which shall be attached to the Sugarhill district No. 10, in Perry, and if a majority do not vote in favor of being attached on the 7th February, then notice being given, there may be another election held as aforesaid on the 21st February thereafter.

**SECTION 3.** That John L. Houston and William H. Storm of Decatur county, and William F. Doherty and the present county surveyor of Benton county be appointed commissioners to run the line between said counties and distinctly mark the same, and said commissioners shall commence at Tennessee river on the north east corner of Decatur county, and run westerly, and shall make their return to their respective county courts, which shall allow them such compensation as their services are reasonably worth, and their returns shall be entered upon the records of said county courts.

**SECTION 4.** That the within described territory (a portion of the county of Hickman) be attached to the county of Perry, beginning on the Hickman county line on the top of the dividing ridge between the waters of Brush and Cane creek, and running from thence with the meanders of the main ridge dividing the waters of Brush and Cane creek, eastwardly to a point that a line due south will include all the settlements on Coon and Brush creeks to a point that due east will strike the corner of Lewis county, thence with Lewis county line south to where the same crosses the Hickman county line, thence west with the same to the south-west corner of Hickman county, thence north to the beginning, and that all the within described territory shall be attached to and constitute a part of Perry county.

**SECTION 5.** That Hiram Campbell Esq., Thomas Vickery and Abram Barber, or any one of them, after giving ten days notice shall open and hold an election at the house of Abram Barber on Coon creek, and all persons constitutionally qualified to vote for members of the Legislature, living within the territory proposed to be attached to Perry county, may vote for or against being attached to Perry county, those wishing to be attached to Perry county shall have on their ticket Perry county, and those opposed shall have on their ticket Hickman county, and if a majority of all the votes so cast shall vote to be attached to Perry county, then this act shall take effect and be in full force, and it shall be the duty of the persons appointed under this act to certify the result to the commissioners of Perry county, and the citizens so attached shall have and possess all the rights and privileges of other citizens of Perry county, and be attached to such civil district or districts in Perry county that may be most convenient for them.

**SECTION 6.** That nothing in this act shall be so construed as to reduce the county of Hickman below her constitutional limits, provided furthermore, should not the counties of Decatur and Perry both be organized, this act shall be null and void so far as relates to the county of Hickman.

**COMPILER'S NOTE:** The remainder of this Act concerns Decatur county and therefore is not included herein.

Passed: January 15, 1846.

## Acts of 1847-48 Chapter 15

**SECTION 1.** That the eastern boundary of Decatur county be extended to the low water mark on the east bank of Tennessee river, and that revenue accruing from trading boats, &c., trading on said eastern side of the river shall be due to the proper officers in Perry county, and collected as other revenue.

**SECTION 4.** That the county seat of the county of Perry shall after the passage of this act, be known and distinguished by the name of Lindon.



**SECTION 6.** That the Surveyor of Perry county, and the Surveyor of Wayne county be required to examine the line between Wayne and Perry as defined by the last General Assembly, and if it approaches nearer at any point to Waynesborough, than twelve miles, then said Surveyors shall so alter the line as to prevent it approaching nearer than twelve miles, and such line as defined by them shall be the line between Perry and Wayne; and said Surveyors shall have such compensation as their respective County Courts may deem their services reasonably worth.

**COMPILER'S NOTE:** Sections 2, 3 and 5 concern Decatur county and therefore are not included herein.

Passed: December 1, 1847.

## Acts of 1851-52 Chapter 189

**SECTION 1.** That the line between the counties of Perry and Hickman, be changed as follows, to wit: Beginning at a point on the Ridge between Cain creek and Brush creek, at the head of Dicky's branch, running thence north, so as to leave Isaac Depreast west of said line, crossing Cain creek, and continuing one half mile north of said creek, there to corner, and run from said corner west or north-west to the Perry county line, so as to include all the citizens living on Cain creek, below where said line crosses the creek, above said Depreast's, and that all the territory stricken off of Hickman county by changing the line as above described, be, and is hereby attached to the county of Perry.

**SECTION 2.** That all persons residing within the territory attached to the county of Perry, by the first section of this act, shall be entitled to all the rights and privileges, and subject to all the liabilities and penalties of other citizens of Perry county. Provided, It does not reduce the county of Hickman below its constitutional limits, and it shall be the duty of the county court of Hickman county to appoint a surveyor to run out said county, whenever the county of Perry shall have deposited with the county court clerk, of Hickman county, money sufficient to pay all the cost and expense for running out said county.

**COMPILER'S NOTE:** The remainder of this Act concerns counties other than Perry County and therefore is not included herein.

Passed: February 25, 1852.

## Acts of 1851-52 Chapter 220

That the line between Wayne and Perry counties be changed as follows: Beginning at a point on the Buffalo-hill, on the present line running on the dividing ridge between Beech and Whiteoak creek, to the north west point of said ridge; thence north forty-five west to the Tennessee river; thence up said river with its meanders to the lower end of Beech creek island; thence crossing said river so as to strike the line dividing the counties of Wayne and Decatur. Provided, that this transfer of territory does not reduce Perry county below its constitutional limits.

Passed: February 21, 1852.

## Acts of 1853-54 Chapter 138

**SECTION 1.** That the line between the counties of Perry and Hickman be changed as follows--to wit: Beginning on the present county line, twenty poles north of William Watson's; thence East, to Abisha Curl's, so as to include said Curl in Perry county; thence south-east to Owen Morgan's; thence south-east to Jno. Sutherland's, on the Cave branch; thence south-east to David Carry's, including all of said persons and places in Perry county; thence south-west so as to leave Alexander Joice in Hickman county; and thence so as to leave John Sisco's in said county of Hickman; thence south to the county line on the dividing ridge between Cane and Brush Creeks; and all the territory stricken from Hickman county by changing the line as above described, be, and the same is hereby attached to the county of Perry.

**SECTION 2.** That the persons residing within the territory attached to the county of Perry by the first section of this act, shall be entitled to all the rights and privileges, and subject to all the liabilities and penalties of other citizens of Perry county; and that this act shall take effect from and after the tenth day of March next.

**SECTION 3.** That it shall be the duty of the county surveyor of Perry county to run and mark the line between said counties of Hickman and Perry, as set forth in the first section of this act; and it shall be the duty of the county of Perry to pay for the same. Provided, said change does not reduce said county of Hickman below its constitutional limits.

Passed: March 3, 1854.

## Acts of 1855-56 Chapter 159

That an act passed February 21, 1852, to change the line between the Counties of Wayne and Perry, be so amended that the line dividing said Counties, shall begin at a point on the Tennessee River, west of the north-west corner of a tract of land owned by D. W. Carroll, and lying on the Tennessee River, and immediately below the mouth of Beech Creek; running thence to the north-east corner of said tract of land; thence, in a north-east direction, to the nearest point of the dividing ridge, between Beech and White Oak Creeks, to the line fixed by the act which this is intended to amend; thence, east with said line to its beginning;--and that this act shall take effect from and after its passage.

Passed: February 29, 1856.

## Acts of 1909 Chapter 441

**SECTION 1.** That the line between the counties of Perry and Wayne be so changed as to make the line read as follows between said counties:

Beginning on a stake at the intersection of the present Perry and Wayne County line with E. S. Chappell's west boundary line, and run thence south instead of north as it now does .... poles until it intersects with the McLemore line of a 70-acre tract now owned by S. T. and G. W. Sharp; thence south with said McLemore west boundary line....poles to the southwest corner of said 70-acre tract; thence east with the south boundary line of said tract .... poles to Buffalo River; thence up said river .... poles with its meanders to a point on said river where it turns east; thence on in an eastern direction up said river with its meanders to the southwest corner of the land now owned by J. E. Bastin; thence in a northern direction .... poles with his west boundary line to O'Possum Creek; thence up said creek with its meanders .... poles to Edwin Pope's west boundary line; thence in a northern direction .... poles with his west boundary line to a stake in the present Perry and Wayne County line.

**SECTION 2.** That all real estate added to Perry County by this Act shall be added to and become a part of the Third Civil District of Perry County for all civil and school and all other purposes.

**SECTION 3.** That all 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: April 30, 1909.

**COMPILER'S NOTE:** This act was part of the litigation in State v. Marshall, 124 Tenn. 233, 135 S.W. 926 (1911).

## Acts of 1945-46 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 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 south west 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 Court-house 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.

**COMPILER'S NOTE:** The first ten sections and the last section involved Perry County and therefore are not included herein.

Passed: November, 1845.

## Boundaries - Historical Notes

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

1. Acts of 1825, Chapter 247, extended the lines of Wayne County so as to take in the plantation on which Henry Mahan now lives, which is presently located in Perry County on the bank of the Tennessee River opposite the town of Carrollville, so that Mahan shall become a citizen of Wayne County.
2. Acts of 1835-36, Chapter 45, added the land of Perry County lying between the Purdy's and Daugherty's line to Benton County. The Perry County citizens that were affected by this act were to have all of the same rights and privileges of that were extended to Benton County citizens.
3. Acts of 1837-38, Chapter 273, attached to Wayne County all that part of Perry County on the south side of the Tennessee River, and on the east side of a line beginning on the south side of the River, opposite the lower end of James Island and running north to strike said River above Isaac West's, Senior, and this area shall be attached to the same Civil District in Wayne County which contains Carrollville.
4. Acts of 1839-40, Chapter 80, repealed Chapter 273, Acts of 1837-38, and states that the part of Perry County which was intended to be stricken off to Wayne County was that part of the bend of the Tennessee River lying east of a due line north from David Roach's landing on the said river.
5. Acts of 1843-44, Chapter 40, appointed Thomas R. Jett and Burwell Beard of Benton County, and John L. Houston and Jesse Taylor of Perry County, as commissioners to run the line between the two counties on the west side of the Tennessee River and the line so designated shall be the line

between Benton and Perry Counties. Each commissioner would be paid \$2.00 per day for each day's work.

6. Acts of 1859-60, Chapter 100, changed the lines between Perry and Wayne Counties so as to include the residences and farms of W. M. Lofferty and D. W. Carroll in Wayne County, provided Perry County is not reduced below its constitutional limits in so doing. Section 7, of the same Act, moved all the citizens living on Russell's Creek into Perry County from Hickman County.
7. Acts of 1866-67, Chapter 28, transferred the house and lands belonging to Clement C. Dyer out of Hickman County and into Perry County.
8. Acts of 1867-68, Chapter 60, moved the lands of George Beard out of Humphreys County and into Perry County, and the farm and residence of Amos S. Keltan out of Hickman County and into Perry County.
9. Acts of 1868-69, Chapter 31, returned to Maury, Hickman, Lawrence, Wayne, and Perry Counties the territory taken from them to compose Lewis County. Section 2 made some changes between Perry and Hickman described as beginning in the northwest corner of Amos Skelton's lands; thence to the farm of Joseph R. Sutton, leaving here in Hickman County; thence north so as to include the farm of Amos Edwards in Perry County; thence west of north to the southeast corner of the lands of C. C. Dyer, said boundary including the farms of Samuel Bates, James Rodgers, James Hughes, James Bates, William Whitwell, John Whitwell, the lands of Thomas Kelly deceased, and James Hofstedder all in Perry County. The first Section was repealed by the Act below and the other in Item 10.
10. Acts of 1869-70, Chapter 30, provided that the Act returning the fractions of counties, which composed Lewis County, to the original counties is repealed and Lewis County is restored in full. All officers would return as well as all the official records and the tax collectors would pay over to Lewis County all the taxes due it.
11. Acts of 1869-70, Chapter 88, repealed the second Section of Chapter 31, Acts of 1868- 69, Item 8, above, thus restoring the line between Perry and Hickman Counties to the status it was in before the passage of that Act.
12. Acts of 1879, Chapter 57, was the authority to change the boundaries between Perry and Humphreys Counties so as to include wholly within Humphreys County the lands of G. D. Hays, T. B. Smith, L. W. Goodman, J. N. Goodman, A. G. Goodman, W. F. Goodman, J. M. Gray, J. L. Phelps, G. T. Phelps, and J. A. Wooten.
13. Acts of 1891, Chapter 150, stated that, whereas grave doubt existed as to the exact location of the boundary line between Wayne and Perry Counties causing trouble and inconvenience to the citizens of both, the Quarterly Courts of the two counties shall appoint three competent men from their respective counties surveyors. The surveyors shall begin at the established corner of Wayne and Lewis Counties and run the line westward as far as may be necessary to definitely establish the disputed lines.
14. Acts of 1895, Chapter 174, transferred all the lands belonging to Mrs. H. A. Mauldin, Mrs. Mary Hamer, and J. C. Whittaker, out of Perry County, and into Wayne County.
15. Acts of 1899, Chapter 175, appointed B. W. Depriest, the County Surveyor of Perry County; William Grinder, and Commodore Dabbs, of Perry County; William Hale, the County Surveyor of Lewis County; Frank Fain and George Turnebo of Lewis County, to resurvey and establish the line between Lewis and Perry Counties, which shall be recorded as the true line between the two. They shall start on the Wayne County line between Opossum and Mills Creek, the southeast corner of an entry in the name of J. L. Webb and Thomas Lomax in Perry County and the southwest corner of an entry in Lewis County in the name of George Nixon, running north with the old county line as near as practicable until it strikes the line of Hickman County between the head of Coon and Brush Creeks and the waters of Cane Creek.
16. Acts of 1903, Chapter 53, altered the lines between Perry and Hickman Counties so as to include all the properties of Charles Cagle in Hickman County.
17. Private Acts of 1911, Chapter 21, moved the residences and farms belonging to R. G. Oglesby and C. B. Oglesby out of Perry County and into Lewis County.
18. Private Acts of 1915, Chapter 683, changed the lines between Wayne and Perry Counties so that the farms of J. L. Phillips, Mrs. Sallie Phillips, W. S. Stove, John J. Brumley, J. E. Baston, S. T. Kettrell, Mrs. Ed Pope, and F. M. Thomason. All being a part of the Flat Woods District, were all included in Perry County.

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