

Ratification of TN Compact (1820)

CHAPTER DXLVI.

An Act to Ratify and Confirm the Adjustment of the Boundary Line between this State and the State of Tennessee, According to the Articles of Stipulation Entered into by the Commissioners Appointed by Both States.

Approved by the Kentucky General Assembly on February 11, 1820

WHEREAS Commissioners appointed by the state of Tennessee, with full powers to settle and adjust the boundary line between said state and this commonwealth, have entered into an agreement with commissioners appointed on the part of this state to confer with said commissioners appointed by the state of Tennessee, which agreement reduced to writing, bearing date the second day of February, one thousand eight hundred and twenty, and signed with the names, and under the seals of the commissioners of both states, in the words and figures following, to wit:

“The states of Kentucky and Tennessee, desirous of terminating the controversy which has so long subsisted between said states in relation to their common boundary, and of restoring the most perfect good understanding and harmony between them, have, for that purpose, appointed their respective commissioners, that is to say: The state of Kentucky on her part has appointed John J. Crittenden and Robert Trimble; and the state of Tennessee on her part has appointed Felix Grundy and William L. Brown, who, after a reciprocal communication of their respective powers, have agreed upon the following articles and stipulations:

“**ARTICLE I.** The line of boundary and separation between the states of Kentucky and Tennessee, shall be as follows, to wit: The line run by the Virginia commissioners, in the year seventeen hundred and seventy-nine, and seventeen hundred and eighty, commonly called Walker’s line as the same is reputed, understood and acted upon by the said states, their respective officers and citizens from the south eastern corner of Kentucky to the Tennessee river; thence with and up said river to the point where the line of Alexander and Munsell, run by them in the last year, under the authority of an act of the Legislature of Kentucky, entitled “An Act to Run the Boundary Line between this State and the State of Tennessee, West of the Tennessee River, approved February 8th, 1819”, would cross said river; and thence with the said line of Alexander and Munsell, to the termination thereof on the Mississippi river below New Madrid.

“**ARTICLE II.** It is agreed and understood, that from the point where Walker’s line strikes the Tennessee river, to the point where the line of Alexander and Munsell would cross the same, the said Tennessee river shall be the common boundary of said states, and subject to their common use and concurrent jurisdiction. Any island or islands in that part of the river Tennessee, which forms the common boundary between the two states, shall be within the exclusive jurisdiction of Kentucky; but any appropriations thereof by individuals heretofore made under the laws of North Carolina or Tennessee, shall be valid.

“ARTICLE III. Whenever the governor of either state shall deem it expedient to have the boundary between the two states, which is east of the Tennessee river, or any part thereof, run and plainly marked, he shall cause a notification thereof to be communicated to the governor of the other state, and thereupon with all convenient dispatch, two surveyors shall be appointed for that purpose, one by the governor of each state; and the surveyors so appointed shall have power to employ a competent number of chain carriers and assistants, and they shall ascertain, survey and mark said line plainly and durably, having due respect to the provisions of the first article hereof; and it shall be the duty of said surveyors, to make out and sign duplicate plats and reports of their surveys and proceedings, to be communicated by each surveyor to the governor of his respective state, to be deposited and preserved in the office of secretary of state, for a testimony and memorial of the boundary between said states. And all cost and expense that may be incurred under the provisions of this article, and in surveying and marking said boundary line, shall be paid by said states, jointly and equally.

“ARTICLE IV. The claims to lands lying west of the Tennessee river, and north of Alexander’s and Munsell’s line, derived from North Carolina or Tennessee, shall be considered null and void; and claims to lands lying south of said line and west of Tennessee river, derived from Virginia or Kentucky, shall in like manner be considered null and void.

“ARTICLE V. All lands now vacant and unappropriated by any person or persons claiming to hold under the states of North Carolina or Tennessee, east of the Tennessee river and north of the parallel of latitude thirty-six degrees thirty minutes north, shall be the property of, and subject to the disposition of the state of Kentucky, which state may make all laws necessary and proper for disposing of, and granting said lands or any part thereof, and may, by herself or officers, do any acts necessary and proper for carrying the foregoing provisions of this article into effect; and any grant or grants she may make therefore, or any part thereof, shall be received in evidence in all the courts of law and equity in the state of Tennessee, and be available to the party deriving title under the same; and the land referred to in this article, shall not be subject to taxation by the state of Tennessee for five years, except so far as the same may in the mean time be appropriated by individuals.

“ARTICLE VI. Claims to land east of the Tennessee river between Walker’s line and the latitude of thirty-six degrees thirty minutes north, derived from the state of Virginia in consideration of military services, shall not be prejudiced in any respect by the establishment of Walker’s line; but such claims shall be considered as rightfully entered or granted, and the claimants may enter upon said lands, or assert their rights in the courts of justice without prejudice by lapse of time, or from any statute of limitations for any period prior to the settlement of the boundary between the two states; saving, however, to the holders and occupants of conflicting claims, if any there be, the right of shewing such entries or grants to be invalid and of no effect, or that they have paramount or superior titles to the land covered by such Virginia claims.

“ARTICLE VII. All private rights and interests of lands between Walker’s line from the Cumberland river near the mouth of Oby’s river to the southeastern corner of Kentucky, at the point where the boundary line between Virginia and Kentucky intersected Walker’s line on the Cumberland mountain, and the parallel of thirty-six degrees thirty minutes north latitude, heretofore derived from Virginia,

North Carolina, Kentucky or Tennessee, shall be considered as rightfully emanating from either of those states; and the states of Kentucky and Tennessee reserve to themselves respectively, the power of carrying into grant, claims not yet perfected; and in case of conflicting claims, if any there be, the validity of each claim shall be tested by the laws of the state from which it emanated, and the contest shall be decided as if each state respectively, had possessed the jurisdiction and soil, and full power and right to authorize the location, survey or grant, according to her own rules and regulations.

“**ARTICLE VIII.** It is agreed that the foregoing articles shall receive the most liberal construction for effecting the objects contemplated, and should any disagreement arise as to the interpretation or in the execution thereof, two citizens of the United States, but residents of neither Kentucky nor Tennessee, shall be selected, one by the executive of each state, with power to choose an umpire in case of disagreement, whose decision shall be final on all points to them submitted.

“**ARTICLE IX.** Should any further legislative acts be requisite to effectuate the foregoing articles and stipulations, the faith of the two states is hereby pledged, that they will unite in making such provisions, and respectively pass such laws as may be necessary to carry the same into full and complete effect.

“**ARTICLE X.** The foregoing articles and stipulations, if ratified by the legislature of Kentucky during their present session, shall forever be obligatory and binding on both states, and take effect from this day.

‘**IN FAITH whereof**, we, the respective commissioners, have signed these articles, and have hereunto affixed our seals. Done in duplicate, at Frankfort, the second day of February, one thousand eight hundred and twenty.

“John J. Crittenden, Seal.

“Robert Trimble, Seal.

“Felix Grundy, Seal.

“William L. Brown, Seal.

And whereas this commonwealth does approve of, and is willing to ratify and confirm each and every article and stipulation of the said agreement: **Therefore:**

Section 1. **BE it enacted by the General Assembly of the Commonwealth of Kentucky**, That the boundary line between the state of Tennessee and this commonwealth, as described in said agreement, subject to be run and marked as therein provided, shall be, and the same is hereby ratified and confirmed. **Be it further enacted**

Section 2. , That each and every article and stipulation of said agreement, either relating to the boundary line between the said states, or to the land claims of individuals, or to vacant and unappropriated lands, or to any other subject matter in said agreement contained, shall be, and the same are hereby ratified and confirmed, and shall be regarded in all court of justice in this commonwealth, as the law of the land.

REF: “Acts of the Kentucky General Assembly”, 1818, pages 922-923.