

**PRIVATE ACTS
OF
HANCOCK COUNTY, TENNESSEE**

REVISED EDITION

**COUNTY TECHNICAL ASSISTANCE SERVICE
THE UNIVERSITY OF TENNESSEE
INSTITUTE FOR PUBLIC SERVICE
NASHVILLE, TENNESSEE**

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PREFACE

County government in Tennessee is a political subdivision of state government. As a political subdivision, county government has only that authority which is delegated to it by the state. In Tennessee, the process of delegation of power from state government to county government is accomplished through legislative action of the general assembly, either through a general (public) act or private act. In the case of the general act, the general assembly grants certain powers which have general application to all or a large number of counties across the state. These general acts are assembled and codified in the Tennessee Code Annotated which is revised and published on an annual basis and is widely available. However, finding individual county legislation (private acts) is not so easy since it is not published in the official code.

The presence of a large body of private legislation in this state is the result of two basic factors. First, although the Tennessee Constitution mentions some county government offices, the provisions of the Tennessee Constitution dealing with county government lack detail, thereby allowing the general assembly wide latitude in county government administration. Secondly, the Tennessee General Assembly has seen fit to enact much of the law relating to county government on an individualized county-by-county approach. The result has been that the 95 counties in Tennessee operate under both general laws and private acts. This body of private legislation is a mass of separate acts, with each applying to only one or a very small group of counties. Since these acts affect counties on an individual basis, they are not included in the Tennessee Code Annotated but rather are published annually in separate volumes.

The result of this past method of publication of private legislation has been the accumulation of a large portion of county law in a cumbersome mass of chronologically arranged volumes which at last count numbered over 120 books. To further complicate matters, the older volumes have not been reprinted, so that there are today only a handful of complete sets of the private acts in existence. Nevertheless, scattered through these hard-to-obtain volumes is the only public record of those laws from which Tennessee counties draw a large portion of their authority to govern and under which they operate daily. Before the County Technical Assistance Service began compilation of the private acts on a county-by-county basis, there was no statewide effort to organize these acts into a body of current law easily accessible for reference by county officials and interested citizens. It is our hope that this volume of The Private Acts of Hancock County will provide a useful reference for county administration in Hancock County.

We are indebted to the Hancock County legislative delegation for its continued support of the County Technical Assistance Service and this compilation.

HOW TO USE THE PRIVATE ACTS OF HANCOCK COUNTY

At least three methods can be used to locate a private act contained in this volume. The method used will depend on the amount of information you have at the outset of your research.

First, when you have no information about any specific act but merely a general question as to the law on a given subject, the table of contents can be used to ascertain the pages of this volume pertaining to that particular subject area. The chapter headings found in the table of contents are arranged alphabetically and conform to what the compiler believes to be the most commonly used terms found in county government in Tennessee. You should note, however, that the table of contents is general in nature and is not a word index.

A second method can be used if you already know the year and chapter number of an act in question. The parallel reference table in the back of this volume affords a reference to the pages containing the desired act or acts.

Finally, if you have a copy of the Tennessee Private Acts Index (The Michie Co., Charlottesville, VA, 1984), it can be used as a more complete word index. Upon ascertaining the chapter and year of the private act of interest, the parallel reference table in this volume can be used to locate the private acts.

The private acts currently in effect for the county are reprinted in this volume. When going through this volume you will note that there are some acts noted herein which are no longer current laws due to subsequent passage of acts which have superseded them in usage. The compiler has described these acts which have been superseded in historical notes at the end of the chapter wherein the current act on the subject is reprinted. Under topic headings throughout this volume, brief summaries or references are made to general law codified in Tennessee Code Annotated that deals with the particular topic.

The acts that are printed in full in this volume include any subsequent amendments to the act. Although no statement is made regarding whether the amendatory act was ratified, the ratification was checked by the compiler to insure that the amendatory act was approved locally and is in effect.

This compilation is updated through the 1996 Session of the Tennessee General Assembly.

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CHAPTER I - ADMINISTRATION

ADMINISTRATION

BUDGET SYSTEM

PRIVATE ACTS, 1941

CHAPTER NO. 441

SECTION 1. As follows:

(a) The term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of Hancock County, Tennessee.

(b) The term "County Court Clerk" when used in this Act shall mean the County Court Clerk of Hancock County, Tennessee.

(c) The term "Sheriff" when used in this Act shall mean the Sheriff of Hancock County, Tennessee.

(d) The term "Trustee" when used in this Act shall mean the Trustee of Hancock County, Tennessee.

(e) The term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of Hancock County, Tennessee.

(f) The term "Register of Deeds" when used in this Act shall mean the Register of Deeds of Hancock County, Tennessee.

(g) The term "Tax Assessor" when used in this Act shall mean the Tax Assessor of Hancock County, Tennessee.

(h) The term "Commission" when used in this Act shall mean any superintendent or person or persons appointed or elected by the Quarterly County Court over any Department or Institution of Hancock County.

(i) The term "Quarterly County Court" when used in this Act shall mean any body or group of people having jurisdiction over the operation of the fiscal affairs of Hancock County, Tennessee.

(j) The term "Clerk and Master" when used in this Act shall mean the Clerk of the Chancery Court of Hancock County, Tennessee.

(k) The term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of Hancock County, Tennessee.

(l) The term "School Board" when used in this Act shall mean the County Board of Education of Hancock County, Tennessee.

(m) The term "Highway Commission or Commissioner" when used in this Act shall mean the Highway Department of Hancock County, Tennessee.

(n) The term "Budget" when used in this Act shall mean the appropriation of money appropriated by Court for each department or activity of Hancock County for the period shown by the adoption of the budget by the Quarterly County Court and any appropriation authorized by Statute.

(o) The term "Official of the County" when used in this Act shall mean any official authorized by the Quarterly County Court or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Hancock County as hereinafter provided.

(p) The term "Budget Committee" when used in this Act shall mean a Committee of three (3) members so elected by majority vote of the Quarterly County Court of Hancock County, one of which shall be a member of said Court, as hereinafter provided.

(q) The term "Expenditure or Expend" when used in this Act shall mean the Act of committing Hancock County, Tennessee, to expend monies then and there in the County Treasury or to come into the County Treasury of Hancock County, Tennessee.

SEC. 2. That at least thirty (30) days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of Hancock County shall prepare a budget containing a complete plan, itemized and classified according to function and activity of all proposed expenditures and all estimated revenues by sources and borrowings for the County for the ensuing appropriation year, which shall begin on the first day of July of each year. Opposite such item of proposed expenditure, the budget shall show in separate parallel columns the amount appropriated for the preceding appropriation year, the amount expended during that year, the amount appropriated for the current appropriation year, and the increase or decreases in the proposed expenditures for the ensuing year as compared with the appropriation for the current year. This budget shall be accompanied by:

First: An itemized estimate of the receipts to be available during the current fiscal year, but such itemized estimate shall be subject to the following provisions:

(a) Such estimate of delinquent taxes shall not exceed an amount which represents the percentage of the amount of taxes delinquent on the first day of the current fiscal year which were actually collected in cash during such preceding fiscal year.

(b) Such estimate of collections of special assessments shall not exceed an amount which represents the same percentage of the special assessments unpaid and owing to said County on the first day of the current fiscal year, as the percentage of special assessments unpaid and owing to said County on the first day of the preceding fiscal year where they were actually collected in cash during the preceding fiscal year.

(c) Such estimate of collections of miscellaneous revenues from sources other than taxes or special assessments shall in no instance, nor as to any item, be in an amount in excess of the amount of such miscellaneous revenues collected in cash in the preceding fiscal year; provided, however, that there may be included in the estimate cash receipts for such amount of additional miscellaneous revenues to be derived from sources other than ad valorem taxes or special assessments as may be approved by the Director of the Budget.

(d) The amount of cash surplus being an amount not larger than the amount of cash on hand or on deposit to the credit of the several funds of said County at the close of the preceding fiscal year; exclusive, however, of any cash derived from prepaid taxes or other sources applicable to the budget of the succeeding fiscal year to the extent that such cash is in excess of all outstanding or unpaid bills or other obligations lawfully incurred during such fiscal year, and all amounts payable therefrom to all special funds of the County.

Second: An itemized and complete financial balance sheet of each fund account of said Hancock County, Tennessee, at the close of the last preceding appropriation year.

SEC. 3. That a brief synopsis of the budget shall be published in a newspaper having general circulation in Hancock County, Tennessee, or by notice posted in the lobby of the Court House in one or more conspicuous places, and notice given of one or more public hearings at least fifteen (15) days prior to the date set for hearing, at which any citizens of the said Hancock County shall have the right to attend and state his views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court with recommendations for adoption such budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a budget covering all expenditures for the County for the next appropriation year, itemized and classified as required by Section 2 of this Act; provided, however, that it shall be mandatory upon the Quarterly County Court to adopt a budget for the ensuing fiscal year, and the revenues applicable to such budget so adopted shall be in conformity to the requirements of the provisions of Section 2 hereof.

SEC. 4. That the Budget Committee or Director of the Budget of Hancock County, Tennessee, may require the heads or other responsible representatives of all departments, divisions, boards, commissions, agencies, or offices of said County as more specifically named in Section 1 hereof to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

SEC. 5. That it shall, likewise, be the duty of the School Board of said County on or before the first Monday in April of each year to prepare and file with the Budget Committee an itemized statement or budget, as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of July following the filing of such statement or budget.

SEC. 6. That it shall be distinctly understood that it shall likewise be the duty of the Highway Department and/or Highway Commission of said County, at least thirty (30) days prior to the beginning of the fiscal year in each year to prepare and file with the Budget Committee an itemized statement or budget, as specified in Section 2 of this Act, of the funds which said Department or

Commission estimates will be necessary for the maintenance and operation of the roads in said County and expenses incident thereto for the year commencing the first day of July following the filing of such statement or budget.

SEC. 7. That the Quarterly County Court shall at any regular, adjourned, or specially called session of such Court (at which time the bonds contemplated to be issued in connection herewith shall have been authorized), and at the expiration of each second calendar year thereafter (second calendar year thereafter shall mean the time nearest to a regular session of the Quarterly County Court) elect a Budget Committee consisting of three (3) members, one of which must be a member of the Quarterly County Court, and the other two members to be such persons so designated and elected pursuant to a majority vote of the then existing members of the Quarterly County Court; the Budget Committee so elected shall receive as compensation for their services a fee of Three (\$3.00) Dollars for each and every day spent in the preparation of the budget heretofore mentioned; provided, however, that the total compensation of each member of the Committee shall not in any one appropriation year exceed the sum of Forty-eight (\$48.00) Dollars.

Likewise, it shall be the duty of the Quarterly County Court at the time of naming the Budget Committee to appoint a person who shall be known as "Director of the Budget," which such person may be the Judge or Chairman of the Quarterly County Court, if so appointed upon a majority vote of the then existing members of the Quarterly County Court, or otherwise, may be a person not being a member of the Quarterly County Court, but must be, however, a taxpayer within said County.

SEC. 8. That pursuant to the election of the Budget Committee as provided under Section 7 hereof, and pursuant to the adoption of a budget recommended by said Committee, or otherwise, the budget so adopted and approved by the Quarterly County Court, the completed budget, after approval as afore provided for, shall be delivered to the Director of the Budget, which said Director shall be charged with the responsibility of seeing to the proper application and/or the expenditures made therefrom.

Thereupon during the ensuing fiscal year no member of the Quarterly County Court, or the Budget Committee, or other departmental head or representative of said County shall have the right to expend or to authorize the expenditure of any money in the County Treasury or any appropriations other than those set forth in the adopted budget; and provided, further, that the expenditures can be made against the budget so adopted only upon the following conditions:

(a) That any departmental head of Hancock County may authorize the expenditure of money, provided appropriation has been made for such expenditure; and, at the time the expenditure is authorized, that a requisition has been properly executed by the Director of the Budget.

(b) That the Director of the Budget is hereby restricted from executing any requisition order or authorizing the expenditures of any money from the County Treasury, unless such appropriation has been made therefor in the budget so adopted by the Quarterly County Court for the given year in which any expenditure is requested; and provided, further, that such expenditure can then be authorized only provided a sufficient balance remains to the credit of the department for which expenditure has been requested.

It shall be the duty, however, of the Director of the Budget to approve expenditures requested by any of the departmental heads so long as same conform to the requirements of this Section.

SEC. 9. That any official of Hancock County having the power, right, or authority to expend County Funds from the Treasury of the County, or funds coming into the County Treasury from the State of Tennessee in excess of the monies or funds then and there actually in the Treasury of the County to the credit of his or her department of the County government, or in excess of the budget adopted by the Quarterly County Court of Hancock County covering that certain period of time as shown by the budget, such County Official making any overdrafts on the County Treasury or commitments in excess of the amount appropriated for the specific purpose for which the expenditure was made by the Quarterly County Court of Hancock County shall be personally liable, together with his sureties on his official bond, to Hancock County for such overdrafts or over expenditures, and the County shall have cause of action of debt to recover from such official or officials and their bondsmen the amount of the overdraft or over expenditure with interest from date.

SEC. 10. That it shall be unlawful and a misdemeanor in office for any official or employee, including the Director of the Budget of Hancock County, Tennessee, to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance, or delivery of any purchase order, warrant, or other commitment during the appropriation year when such warrant, purchase order or other commitment, added to amounts previously expended shall exceed the appropriation made by the Quarterly County Court for the specific purpose for which the expenditure is made.

That it shall be mandatory upon the members of the Quarterly County Court to determine whether or not warrants or purchase orders or other commitments have been issued or made in violation of the intent of this Act; and if warrants, purchase orders, or other commitments are found to have been issued in violation of the intent of this Act, it shall be mandatory upon the Court or its qualified representative to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to the said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

SEC. 11. That it shall be a misdemeanor in office for any official of Hancock County, including the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other official of the County, including the Highway Department, to violate any provision of this Act, to fail or to refuse to perform any of the duties placed upon them, or any of them by this Act, and any such officer or official failing to perform the duties imposed by this Act, or otherwise violating this Act, or who procures, aids or abets in the violation of any provision of this Act, shall upon conviction thereof be subject to a fine or not less than \$100.00, nor more than \$500.00, by imprisonment, for a period of not exceeding one year, or both, in the discretion of the Court; provided, further, that any County Official convicted under this Act shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

SEC. 12. That in order that the fiscal affairs of Hancock County, Tennessee, may be placed on a cash basis, said County is hereby authorized and empowered to issue at one time, or from time

to time, bonds of Hancock County, Tennessee, for the purpose of funding any or all warrants, notes, judgments, or other indebtedness of said County, including the indebtedness of the Highway Department; provided, however, that the total Funding Bonds outstanding at any one time issued under the provisions of this Act shall not exceed \$150,000.00. That all bonds issued by County under the provisions of this Act shall be authorized by a resolution passed by the Quarterly County Court of said County; said resolution shall be passed upon roll call vote and record thereof kept by the Clerk of said Court, and shall be binding upon the County only upon a majority vote of the then existing members of the Quarterly County Court.

SEC. 13. That the resolution providing for the issuance of the bonds may be presented or introduced at any regular, adjourned, or special call meeting of the Quarterly County Court of said County, and shall be in force from and after its passage; provided, however, that same shall have been voted by a majority of the then existing members of said Court. Said Court shall in the resolution determine the rate or rates of interest to be paid on the bonds, not exceeding six (6%) per cent per annum, and the time or times of payment of such interest and the maturity or maturities of the bonds, which shall be at a time or times not exceeding thirty (30) years from the date of the bonds. Said Court, in the resolution, shall determine the form of bonds and the place or places of payment of principal and interest. Each of the Funding Bonds so authorized shall be executed in behalf of the County by County Judge of the County and the County Court Clerk of said County, under the seal of said County. In case any of the officials whose signatures appear upon the bonds or coupons thereto attached shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. The bonds may be registered as to principal under such terms and conditions as may be determined by said Court.

SEC. 14. That said County may sell any or all of the bonds authorized under the provisions of this Act in such manner and at such price as it may determine to be for the best interests of the County, but no such sale may be made at a price so low as to require the payment of interest on the money received therefor at more than six (6%) per cent per annum, computed to the absolute maturity or the average maturities of the bonds, in accordance with Standard Tables of Bond Values. If bonds authorized under this Act are sold at a discount, then additional bonds may be authorized at the same time and in the same resolution to represent the amount of such discount, provided that said Funding Bonds so issued at the price plus the discount do not exceed a net interest charge of six (6%) per cent per annum to said County, computed as set out in this section.

SEC. 15. That all bonds issued under the provisions of this Act shall be direct general obligations of Hancock County, Tennessee, for the payment of which the full faith, credit, and resources of said County shall be irrevocably pledged. Each year while any of the Funding Bonds issued under the provisions of this Act shall be outstanding there shall be levied upon all taxable property in said County an ad valorem tax sufficient in amount to pay the interest thereon as same falls due and the principal thereof as same matures, and the proceeds derived from said tax levy shall be kept in a fund separate and apart from all other funds of said County, and shall be used solely for the purpose of retiring principal and interest of bonds authorized under the provisions of this Act, and any person being a part in interest in either law or in equity upon suit, action, or mandamus, may force and compel the performance of the duties required by this Act of the governing body or any official of said County.

SEC. 15-A. That it shall be necessary to include in the resolution authorizing the issuance of bonds under the provisions of this Act a brief description of the indebtedness to be funded thereby, and the indebtedness so described being funded thereby shall be considered the legal, binding and incontestable obligations of Hancock County, Tennessee. That the presently outstanding warrants issued against the various funds of Hancock County, Tennessee, notes, and other outstanding evidences of indebtedness, are hereby validated and legalized and declared to be the incontestable obligations of Hancock County, Tennessee.

SEC. 15-B. That the County Judge or County Chairman and County Court Clerk shall execute the bonds as soon as may be after the adoption of a resolution authorizing the issuance thereof, and said bonds shall be by them delivered to the Trustee of said County for delivery to the purchasers thereof. Upon delivery of said bonds by the Trustee of said County, the proceeds derived from the sale thereof shall be deposited by the Trustee in a fund separate and apart from all other County Funds, and shall be used for no other purpose other than the retirement of the indebtedness described in the resolution authorizing the issuance of said bonds.

SEC. 16. That no bonds issued under authority of this Act shall be subject to taxation by the State of Tennessee or any unit of government within the State of Tennessee, and such bonds shall so state on the face thereof.

SEC. 17. That at the end of the first fiscal year of operation of said County under the provisions of this Act, a statement shall be prepared, either by a firm of auditors or an auditor, which shall necessarily recite the expenditures and income for the County for its then ending fiscal year, and which shall show in detail any overdrafts or cash balances which shall have then accrued, and if it is found in such certification that any Section of this Act shall have been not carried out, action shall immediately be instituted and prosecuted to the fullest extent in accordance with the provisions of this Act.

SEC. 18. That the Quarterly County Court of said County may adopt a resolution by a majority vote of the then existing members of said Court for the purpose of borrowing money for meeting appropriations made for the current fiscal year in an amount not exceeding fifty (50%) per cent of the appropriation made by the Quarterly County Court for such fiscal year.

Negotiable notes shall be issued for all monies so borrowed. Such notes shall be issued for a period of time not exceeding sixty (60) days from their date and may be renewed from time to time; provided, however, that payment of the original note, or its respective renewal, shall be made within the current fiscal year in which same is issued. The proceeds derived from any notes, executed under the provision of this Section, by the County Judge and/or Director of the Budget, and the County Court Clerk, in behalf of Hancock County, Tennessee, shall be shown in the budget for the given fiscal year in such manner that the expenditure column thereof shall not be increased above the amount fixed by the Quarterly County Court. At such time as any notes executed in accordance with the provisions of this Section shall mature and be subject to payment, payment thereof shall be effected and made from the income credited to the Department for which the money was originally borrowed.

SEC. 19. That the purpose of this Act is to place and maintain the fiscal affairs of Hancock County, Tennessee, on a cash basis, and the provisions of this Act shall constitute an irrevocable contract with the holders of the bonds issued under the provisions of this Act.

SEC. 20. That authority and power is hereby granted to Hancock County, Tennessee, to make special tax levies for any purpose, irrespective of any laws or parts thereof heretofore passed in conflict herewith, in order to carry out the provisions of this Act, and to make any special pledges necessary in connection therewith by and through action of the Quarterly County Court of said County.

SEC. 21. That the holding of any Section or part thereof, or any sub-section, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other Section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each Section, sub-section, sentence or clause or phrase thereof would have been passed and enacted, irrespective of the fact that any one or more Sections, sub-sections, sentences, clauses, or phrases thereof be declared unconstitutional or void or ineffective for any cause.

SEC. 22. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1941.

ADMINISTRATION

BUDGET SYSTEM

Counties in Tennessee may operate their budgeting system under one of the three optional general laws on the subject or under the provisions of private acts or county or metropolitan government charters. The three optional general laws dealing with budgeting are the County Budgeting Law of 1957, the County Financial Management System of 1981 and the Local Option Budgeting Law of 1993. If neither an optional general law nor a private act or county charter has been adopted, the county may have established a budget committee by resolution to serve in an advisory role to the county legislative body. Also see T.C.A. §§ 5-9-401 through 5-9-407, and T.C.A. § 49-2-301 (school budget). Most counties are subject to a general law dealing with the procedure for making budget amendments that is codified at T.C.A. § 5-9-407.

The County Budgeting Law of 1957 is found in title 5, chapter 12 of Tennessee Code Annotated. It is a general law establishing procedures for the preparation and adoption of county budgets for all county funds, activities and agencies. The County Budgeting Law of 1957 is permissive legislation and in order to come under its provisions, counties must adopt a resolution by $\frac{2}{3}$ vote of the county legislative body or pass the proposal in a referendum. Section 5-13-111 of Tennessee Code Annotated specifically provides that the 1957 general law does not affect either private acts then in existence or prevent the enactment of private legislation for Tennessee counties creating central accounting systems, the position of budget director, or other budgeting procedures.

The County Financial Management System of 1981 is codified at T.C.A. § 5-21-101 et seq. This law provides an optional system and methods of controlling the financial affairs of a county, including budgeting, purchasing, and investment processes. This act is permissive in nature and can be activated by a two-thirds ($\frac{2}{3}$) vote of the county legislative body, or by a majority vote in a referendum election.

The Local Option Budgeting Law of 1993 is an optional general law located at T.C.A. §§ 5-12-201 through 5-12-217. This law may be adopted by a two-thirds ($\frac{2}{3}$) vote of the county legislative body. This law may be adopted and used in conjunction with the County Budgeting Law of 1957 or the County Financial Management System of 1981, or used alone. This optional law provides procedures for the formulation, adoption and amendment of an annual budget that includes deadlines for action. If a county legislative body operating under this law fails to adopt a budget by August 15, the portion of the budget prepared by the department of education goes into effect, and similarly, the remainder of the budget as proposed by the county executive or budget committee goes into effect.

ADMINISTRATION

COUNTY ATTORNEY

PRIVATE ACTS, 1978

CHAPTER NO. 207

SECTION 1. There is created the office of County Attorney for Hancock County. The Quarterly County Court shall appoint the County Attorney from a list of at least three (3) nominations submitted by the County Judge, and shall fix his compensation. The County Attorney shall serve a term of one (1) year after his appointment, and may be removed by vote of two-thirds ($\frac{2}{3}$) of the county court. It shall be the duty of the County Attorney to advise all county officials as to their duties and responsibilities, to represent the county in all litigation in which the county is a party, to prepare all resolutions and tend to all matters in which the County Court may be interested.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Hancock County before August 1, 1978. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

PASSED: March 6, 1978

ADMINISTRATION

COUNTY ATTORNEY

The office of county attorney is not a constitutional office nor is it an established office under general law. The office of county attorney may be set up by private act. The county executive is authorized by T.C.A. § 5-6-112 to employ counsel where there is no county attorney established by private act or county or metropolitan government charter.

The general law at T.C.A. § 49-2-203 authorizes the board of education to employ legal counsel to advise or represent the board. The County Uniform Highway Law authorizes county highway departments subject to this general law (most counties) to employ legal counsel or to solicit the use of legal counsel retained by the county to prosecute or defend litigation caused by or necessary to the operation of the county highway department. T.C.A. § 54-7-110. There may be other private acts which allow other governmental departments to hire attorneys.

The following act once affected the appointment, election, or office of the county attorney in Hancock County.

1. Private Acts of 1957, Chapter 381, would have created the office of county attorney for Hancock County, but this act was rejected or disapproved by Hancock County and therefore never became law.

ADMINISTRATION

COUNTY CLERK

The county clerk, formerly the county court clerk, is a constitutional office as provided by article VII, section I of the Constitution of Tennessee. The county clerk is popularly elected for a term of four years. T.C.A. § 18-6-101. The bond required for county clerks is \$50,000 in counties with a population greater than 15,000 and \$25,000 in counties with a population less than 15,000. T.C.A. § 18-2-201.

Most of the duties of the county clerk are specified in the general law (public acts) codified in Tennessee Code Annotated. The county clerk is the clerk of the county legislative body. The clerk keeps the official record (minutes) of the legislative body. The county clerk is responsible for the issuance of marriage licenses and pawnbrokers' licenses. The county clerk is the collector for a number of local and state taxes including local wheel taxes, local hotel/motel taxes, wholesale beer tax, business taxes and vehicle registration fees. T.C.A. § 18-6-105. The clerk's salary is determined by T.C.A. § 8-24-102. The basic fee schedule for the county clerk is found at T.C.A. § 8-21-407.

The following act once affected the office of county clerk in Hancock County. It is included herein for historical purposes.

1. Private Acts of 1957, Chapter 382, required that the county court clerk countersign all warrants drawn against the county general funds of Hancock County. This act was repealed by Private Acts of 1978, Chapter 204.

ADMINISTRATION

COUNTY EXECUTIVE

PRIVATE ACTS, 1941

CHAPTER NO. 148

SECTION 1. That there is hereby created the office of County Judge for Hancock County. C. W. Green, a resident and citizen of said County, is hereby designated as County Judge, to serve until September 1, 1942.

At the regular August election, 1942, there shall be elected some person learned in the law to the office of County Judge, who shall hold his office for a term of eight years and until his successor shall be elected and qualified. Vacancies occurring in said office from any cause whatsoever shall be filled as provided by the general statutes.

SEC. 2. That said County Judge shall have and possess all powers, judicial and administrative, as are now possessed under general statutes by the Chairman of the County Court of said County. He shall preside over the sessions of the Quarterly County Court, shall examine and approve all claims against said County for payment, shall be the County officer and general financial agent for such County.

Warrants drawn on the highway fund of the county treasury of Hancock County shall be signed by the Superintendent of Highways. All other warrants shall be signed by the County Executive or such other official as empowered under the general laws of this state.

COMPILER'S NOTE: Private Acts of 1951, Chapter 464 provided "That said County Judge is hereby empowered and authorized to issue fiats for writs of injunction and attachment and for all the other extraordinary process as other Judges of the Courts of Tennessee are now authorized to issue."

As amended by: Private Acts of 1987, Chapter 14.

SEC. 3. That the compensation of said County Judge shall be \$500.00 per annum, which sum shall be in full of all compensation to him for his services as County Judge and shall receive Seven Hundred (\$700.00) Dollars per annum as compensation for his services as Financial Agent for said county. Such salary shall be paid monthly out of the general county fund upon the warrant of the County Judge, countersigned by the County Court Clerk. Before assuming the duties of the office, such County Judge shall execute bond in the sum of \$5,000.00, conditioned to faithfully performing the duties of his office and to account for all County funds coming into his hands or under this control. Such funds shall be approved by the Quarterly County Court at its next regular meeting following his qualification.

As amended by: Private Acts of 1951, Chapter 464.

SEC. 4. That the office of Chairman and Vice-Chairman of the County Court be and the same are hereby abolished for Hancock County, being inconsistent with the office of County Judge.

SEC. 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1941.

ADMINISTRATION

COUNTY EXECUTIVE

All counties in Tennessee, except those with a metropolitan form of government, must have an elected county executive who serves under that title or another appropriate name designated by private act. T.C.A. § 5-6-101. The county executive serves a four year term.

The county executive is the chief executive officer of the county and has all of the powers and duties formerly exercised by the county judge except judicial powers. The county executive serves as a nonvoting, ex officio member of the county legislative body, and the county executive or a representative of the county executive serves as a nonvoting member of all committees of the legislative body. T.C.A. § 5-6-106. The county legislative body may elect the county executive as its chairman. However, the county executive may refuse to serve as chairman. T.C.A. § 5-5-103. If the county executive is not elected chairman, then the county executive may veto legislative resolutions of the county legislative body. T.C.A. § 5-6-107.

Except as otherwise provided by law, the county executive appoints members of county boards and commissions and county department heads. Such appointees are subject to confirmation by the county legislative body. T.C.A. § 5-6-106(c). It is important to recognize that most boards and department heads are provided for by general law or private act, and this residual appointive power of the county executive may not be applicable.

The county executive is authorized to employ stenographic and clerical assistants needed in the performance of his or her duties. T.C.A. § 5-6-116. The county legislative body is authorized to fix the salaries of these assistants. These salaries are paid out of the county general fund. T.C.A. § 5-6-118.

The reference below is an act which once applied to the office of county judge, or county executive in Hancock County. It is included herein for historical purposes only.

1. Private Acts of 1913, Chapter 312, created the office of county judge for Hancock County, prescribing his duties, oath and powers. This office was abolished two years later by Private Acts of 1915, Chapter 34.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

Each county in Tennessee, except those with a metropolitan form of government, has a county legislative body, which is also formally known as the board of county commissioners, or informally known as the county commission.

The county legislative body, or board of county commissioners, is composed of not less than nine (9) nor more than twenty-five (25) members. The board reapportions the county into districts from which county commissioners are elected. These districts must be apportioned on the basis of population so that each commissioner represents substantially the same number of people. No more than three commissioners may be elected from the same district. T.C.A. § 5-1-108.

The county legislative body replaced the quarterly county court as provided in the Public Acts of 1978, Chapter 934, T.C.A. § 5-5-101 et seq. The county commissioners are vested with all the legislative powers and duties formerly vested in justices of the peace, but possess no judicial powers and are not charged with any judicial functions. Under T.C.A. § 36-3-301, members of county legislative bodies may solemnize marriages.

The following act once applied to the quarterly court or the county legislative body of Hancock County and is included herein for historical purposes.

1. Private Acts of 1913, Chapter 122, set the salary of justices of the peace at \$2.00 per day, for both regular and special sessions. This act was repealed by Private Acts of 1967-68, Chapter 239, which provided that the compensation of the justices of the peace in Hancock County be set to \$100.00 per annum.

ADMINISTRATION

COUNTY REGISTER

The office of county register is a constitutional office, established by article VII, section 1 of the Constitution of Tennessee, and is regulated by the general statutes found in Tennessee Code Annotated, title 8, chapter 13; title 10, chapter 7 (public records); title 47, chapter 9 (U.C.C. Secured Transactions); and title 66 (real property and registration of instruments). The salary of the county register is determined by T.C.A. § 8-24-102.

The principal duty of the county register is the registration of instruments which the law requires to be, or allows to be, filed or recorded. These instruments include, but are not limited to: deeds of conveyance of real estate, powers of attorney, deeds of trust, mortgages, liens, land sale contracts, plats, leases, military discharges, and papers under the Uniform Commercial Code. The purposes of such registrations are also varied. The records of the register's office provide a public record of real property ownership, liens and various other transactions that affect the public interest. The basic fee schedule for the register is found at T.C.A. § 8-21-1001.

ADMINISTRATION

COUNTY TRUSTEE

The county trustee is one of the county officers established by article VII, section 1 of the Constitution of Tennessee. The office is regulated by title 8, chapter 11 of Tennessee Code Annotated. Duties of the county trustee regarding the collection of property taxes are codified in Tennessee Code Annotated, title 67, chapter 5. The county trustee is elected by the qualified voters of the county to serve a four year term. T.C.A. § 8-11-101. Upon election the trustee must take the required oath of office and enter into a surety bond. T.C.A. § 8-11-102. For other statutes pertaining to the many duties of the trustee as a fiscal officer, see volume 14 of the combined general index of T.C.A. under "County Trustee". The salary of the county trustee is set by T.C.A. § 8-24-102.

ADMINISTRATION

PURCHASING

The laws regarding purchasing for county governments are not uniform and several options exist. The county education department has its own purchasing law (T.C.A. § 49-2-203(A)(4)), but this law is superseded in those counties that adopt the statutes of the optional County Financial Management System of 1981. T.C.A. § 5-21-106 et seq. Further, in counties that have adopted the County Purchasing Law of 1957, another optional general law, the county board of education may or may not use the central county purchasing system depending upon the approval of the state commissioner of education. T.C.A. § 5-14-115.

The County Uniform Highway Law, at T.C.A. § 54-7-113, provides a purchasing law for the county highway department when purchasing for the department is not governed by private act or when the county has not adopted either the County Purchasing Law of 1957 or the County Financial Management System of 1981. Nevertheless, even where private acts generally govern the purchases of the county highway department, purchases of less than \$5,000 do not have to be publicly advertised and competitively bid. The purchasing provisions of the County Uniform Highway Law do not apply to Shelby, Davidson, Knox, and Hamilton counties.

Purchases from the general fund are governed by the County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., unless the county operates under a county or metropolitan government charter, or has adopted the County Financial Management System of 1981 or the County Purchasing Law of 1957. Also, this general law does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases over \$5,000 or a lesser amount.

The County Purchasing Law of 1957, found in T.C.A. §§ 5-14-101 through 5-14-116, may be adopted by the voters in a referendum or by a two-thirds ($\frac{2}{3}$) vote of the county legislative body. This act is one of the three companion Fiscal Control Acts of 1957. Under this act the county executive appoints a purchasing agent subject to the approval of the county legislative body. T.C.A. § 5-14-103. The purchasing agent must be qualified by training and experience to perform the required duties. T.C.A. § 5-14-103.

The person appointed as purchasing agent must have a corporate surety bond of not less than \$10,000 nor more than \$25,000. The salary is not to be in excess of other county officials as prescribed in T.C.A. §§ 8-24-101 and 8-24-102. T.C.A. § 5-14-103(b). The director of accounts and budgets also serves as the purchasing agent in some counties. The primary duties of the purchasing agent are to: (1) purchase all supplies, materials, equipment and contractual services, (2) arrange for rental of all machinery, buildings and equipment, (3) transfer materials, supplies and equipment between county departments, and (4) supervise the central storeroom. T.C.A. § 5-14-105 et seq.

The County Financial Management System of 1981 is found in T.C.A. §§ 5-21-101 through 5-21-129. This law provides for the consolidation and establishment of a financial management system for all county funds operated through the county trustee, including purchasing. The system is similar in scope to the 1957 acts; however, under this act the county operates under one act rather

than three. This system must be approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body or a majority of the voters in order to be effective in any county. T.C.A. § 5-21-126.

Under the County Financial Management System of 1981, a finance department is created to administer the finances of the county and all funds handled by the county trustee, in conformity with generally accepted principles of governmental accounting and rules and regulations established by the state comptroller of the treasury and state commissioner of education. T.C.A. § 5-21-103. Unlike the 1957 laws, school funds are managed under this system just like all other county funds. The commissioner of education may remove the school department from the system if records are not maintained properly and timely. T.C.A. § 5-21-124.

The County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., applies to purchases by authorized officials using county funds, except that it does not apply to purchases from county highway funds, county education funds, or purchases by counties that have adopted the County Purchasing Law of 1957 or the County Financial Management System of 1981. Neither does this act apply in counties operating under a county or metropolitan government charter. Furthermore, the act does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases in excess of \$5,000 or a lesser amount as established by the private act.

Tennessee Code Annotated § 5-14-204 requires that all purchases and leases or lease-purchase agreements made under the County Purchasing Law of 1983 shall be made or entered into only after public advertisement and competitive bidding, except for (1) purchases costing less than \$5,000, (2) goods or services which may not be procured by competitive means because of the existence of a single source or because of a proprietary product, (3) supplies, materials or equipment needed in an emergency situation, subject to reporting requirements of the county legislative body and the county executive, (4) leases or lease-purchase agreements requiring payments of less than \$5,000 per year, and (5) fuel and fuel products purchased in the open market by governmental bodies. County legislative bodies may lower the dollar amount required in this act and may also adopt regulations providing procedures for implementing this act.

Counties with populations over 150,000 are authorized to make purchases under \$10,000 without competitive bids or proposals, but these counties may retain their present competitive bidding requirements or establish different limits by private act or charter provision. T.C.A. § 12-3-1007.

ADMINISTRATION

GENERAL REFERENCE

The administration of county government is placed, through a coordination of duties and responsibilities, in various elected or appointed officials, plus various boards, agencies and commissions. For general law on county administration, see Tennessee Code Annotated, title 5 (Counties) and title 8 (Public Officers and Employees). Specific subject headings in the combined general index in volumes 14, 15, and 16 of T.C.A. may be checked for other statutes relating to county administration. These duties are summarized in the County Government Handbook, a CTAS publication.

The following private or local acts constitute part of the administrative and political history of Hancock County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1849-50, Chapter 161, gave Hancock County a director in the branch of the Bank of Tennessee at Rogersville.
2. Acts of 1855-56, Chapter 61, authorized the county courts of Hancock, Jefferson, Grainger, and Cocke counties to take stock in the Cincinnati, Cumberland Gap, and Charleston Railroad.
3. Private Acts of 1919, Chapter 725, authorized construction and maintenance of the Clinch River Dam. This act was repealed by Private Acts of 1978, Chapter 204.

CHAPTER II - ANIMALS AND FISH

ANIMALS - FISH

FISH

PRIVATE ACTS, 1953

CHAPTER NO. 374

SECTION 1. That any resident of Hancock County may lawfully fish for rough fish with nets in that portion of the Clinch and Powell Rivers which flow through such County. Provided, however, that but one such net shall be used by any single family. All game fish so caught shall be immediately returned to the waters and not kept; provided the nets are not placed across the rivers or across any stream flowing into either of said rivers near the mouth or entrance of such stream into said river so as to block the stream, it being the intent of the Legislature to keep the streams open at all times. Provided, however, nets so used shall not be less than 2 inch mesh.

As amended by: Private Acts of 1961, Chapter 366.

SECTION 2. That nothing herein shall authorize fishing in said river by means of nets without the necessity of a license from the State Fish and Game Department of the type issued to individuals.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 1, 1953.

ANIMALS - FISH

HUNTING BIG GAME

PRIVATE ACTS, 1978

CHAPTER NO. 180

SECTION 1. No person shall hunt, take, chase, trap, or kill deer, bear, wild hog, or any other species of large mammals that may be introduced or transplanted into this county for hunting, upon the land of another without having first obtained the written permission or approval of the owners of the land, or of the person or persons in charge of such land, and having authority from the owner to give such permission. Such written permission shall be carried by the hunter any time he is hunting big game, as defined by the first sentence of this section, upon the land of another.

SECTION 2. The provisions of this Act may be enforced by any officer or authorized agent of the wildlife resources commission. Any person found hunting big game upon the land of another who does not have such written permission in his possession shall be subject to a fine not to exceed fifty dollars (\$50.00).

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Hancock County. Its approval or nonapproval shall be proclaimed by the presiding officer of such court and certified by him to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

PASSED: February 8, 1978

ANIMALS - FISH

LIVESTOCK INSPECTOR

PRIVATE ACTS, 1953

CHAPTER NO. 358

SECTION 1. That in counties of this State with a population of not less than 9,100, nor more than 9,150, by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of two years, not exceeding three animal inspectors. It shall be the duty of such livestock inspectors to make an inspection and examination of the livestock in said County and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infectious or contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in an amount not to exceed Ten (\$10.00) Dollars per annum for each inspector so appointed.

Elections thereof may be made by the Quarterly County Court at any regular term and the person so elected shall hold office for a period of two years from the date of such election. The said County shall not be liable for the default or negligence of any such livestock inspectors where such County Court has used care and caution in the selection thereof, but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

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

Passed: April 2, 1953.

ANIMALS - FISH

In Tennessee, the wildlife resources agency has exclusive jurisdiction of the duties and functions formerly held by the game and fish commission or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing. T.C.A. § 70-1-301. The general statutes dealing with wildlife resources are found in title 70 of the Tennessee Code Annotated.

Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8.

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Hancock County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1893, Chapter 59, made it unlawful to hunt, kill or capture any wild deer in Hancock County, from December 1st to September 30th of each year. This act was repealed by Private Acts of 1978, Chapter 204.
2. Public Acts of 1899, Chapter 379, made it unlawful to catch fish by the use of explosives and also prohibited any fishing from March 15th to June 1st of each year. This act was repealed by Private Acts of 1978, Chapter 204.
3. Private Acts of 1901, Chapter 454, allowed the citizens of Hancock County to catch fish in any of the streams of said county with traps and gigs.
4. Acts of 1903, Chapter 400, allowed Hancock County residents to catch fish for their own use by any means they chose, except dynamite or seines or nets with meshes of less than 1¼".
5. Acts of 1905, Chapter 299, was the first stock law for Hancock County, making the owner of livestock liable for damages done by his stock which were allowed to run at large.
6. Private Acts of 1911, Chapter 114, was the next attempt to impose restrictions on roaming livestock in the county. This law made it unlawful to allow stock to roam at large and subjected the owner to the payment of damages, but this act specified that it was lawful for livestock owners to use unfenced lands in Hancock County for summer range, if the stock were under the care of a herdsman.
7. Private Acts of 1913, Chapter 180, established a lawful fence law in Hancock County.
8. Private Acts of 1915, Chapter 279, allowed fishing in any manner, except dynamite or poison.
9. Private Acts of 1921, Chapter 405, exempted Hancock County from the general law regulating the ownership of dogs.

10. Private Acts of 1937, Chapter 230, provided that county residents who went hunting within the county and during the open season for rabbits, foxes and squirrels did not require a license, nor were county residents required to purchase a fishing license if their fishing was recreational and not for profit.
11. Private Acts of 1961, Chapter 313, attempted to prohibit the use of firearms for hunting on Sundays in Hancock County, but the provisions of this act were rejected by local authorities and it never became law.
12. Private Acts of 1992, Chapter 216, would have repealed Private Acts of 1953, Chapter 374, however, according to the Hancock County Attorney, this act was never ratified by the Hancock County and therefore never became law.

CHAPTER III - BOND ISSUES

BOND ISSUES

Bond issues have been authorized by private legislation, but general law now has provisions covering bond issues needed by counties. Most of the private legislation authorizing counties to issue bonds, or to borrow money on short term notes contained similar provisions. Generally, these common provisions concerned limitations on the rate of interest to be paid, the maximum number of years for the maturity period, and an additional tax levy for general obligation bonds, the proceeds of which were placed in a sinking fund and used to amortize the bonds and interest over the specified maturity period.

For many years the authority of counties to issue bonds was contained in many different chapters of Tennessee Code Annotated. Recently, the authority to issue bonds and notes has been consolidated in the Local Government Public Obligations Act of 1986, T.C.A. § 9-21-101 et seq. However, the older authority to issue bonds for school purposes remains in title 49, chapter 3 of Tennessee Code Annotated.

A listing of the acts which authorized various bond issues for Hancock County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

BUILDINGS

1. Public Acts of 1885, Chapter 108, authorized the Hancock County Court to issue bonds in an amount not greater than \$25,000.00, at an interest rate of not more than 6%, the proceeds from which were to be used in building a courthouse.

DEBTS

1. Private Acts of 1931, Chapter 73, authorized a bond issue of \$100,000.00 to pay off outstanding county indebtedness. These bonds were to mature in not more than thirty years and were to have a maximum interest rate of 6%.
2. Private Acts of 1931, Chapter 155, was a bond issue of \$115,000.00 for the purpose of funding outstanding floating indebtedness of Hancock County. These bonds had a maximum interest rate of 6% and were to mature within thirty years.
3. Private Acts of 1931, Chapter 384, was another bond issue to pay off outstanding indebtedness of the county. These bonds were in the amount of \$50,000 and had a maximum interest rate of 6%.
4. Private Acts of 1937, Chapter 396, authorized a \$50,000.00 bond issue for indebtedness, with a maximum interest rate of 4%, to mature within thirty years.

ROADS

1. Acts of 1903, Chapter 282, authorized a \$50,000.00 bond issue for the purpose of building bridges across the Clinch River near Sneedville and across Powell's River at the mouth of Mulberry Creek.
2. Private Acts of 1911, Chapter 405, was a \$100,000.00 bond issue to be used for improving public roads in Hancock County. This act also provided for a commission of three members to be appointed by the county court to oversee the expenditure of the proceeds from this sale.
3. Private Acts of 1915, Chapter 522, authorized a bond issue of \$200,000.00 to be used for improving roads and bridges on the top of Newman's Ridge. These bonds were to have a maximum interest rate of 6% and their maturity date was to be set by the Hancock County Court.
4. Private Acts of 1917, Chapter 405, authorized the Hancock County Court to issue bonds in the amount of \$200,000.00, to be used for improving public highways. This bond issue was subject to voter approval and was to have a maximum annual interest rate of 5% per annum.
5. Private Acts of 1921, Chapter 311, authorized the Hancock County Court to issue warrants in an amount not larger than \$25,000.00, to be used to improve, grade and macadamize a road from Luther, Tennessee via Henry Holt's place and Dr. B. T. Campbell's place to the Grainger County line.
6. Private Acts of 1925, Chapter 738, was a bond issue of \$150,000.00, to be used for building bridges and improving roads in Hancock County. This act also appointed a road commission to oversee expenditure of these funds and designated the roads to be improved with those funds.

SCHOOLS

1. Private Acts of 1911, Chapter 446, authorized the issuance of bonds in the amount of \$8,000.00 to be spent on public schoolhouses. These bonds were to mature in less than ten years and had varying rates of interest.
2. Private Acts of 1935, Chapter 619, was a bond issue of \$60,000.00, to be used to build a high school at Sneedville. These bonds had a maximum annual interest rate of 5% and were to mature within twenty-five years.

CHAPTER IV - BOUNDARIES

BOUNDARIES

CREATION OF COUNTY

ACTS, 1843-44

CHAPTER NO. 71

SECTION 1. That a new county be, and the same is hereby established, to be composed of fractions taken from the counties of Hawkins and Claiborne, and to be known and designated by the name of Hancock county, in honor of John Hancock, one of the patriots of the Revolution.

SEC. 2. That the county of Hancock shall be bounded as follows, to wit: beginning at a white oak on the Virginia line, near John Overton's; thence south 8 deg., west to Powell's river, thence south 19 deg. east crossing Powell's Mountain, to the Chalybeate spring on Sycamore; thence down the same to near Daniel Jone's saw mill; thence south to Clinch river; thence up the meanders of the same to the Hawkins and Grainger line; thence with the same crossing Clinch mountain to the Poor valley; thence up the valley until a due north course will cross said mountain at the west Bluff at the Big war-gap on Copper ridge; thence Eastwardly along said ridge until passing the little war-gap; thence south 45 deg. east with the same to the Virginia line; thence west with the said line to the beginning.

SEC. 3. That for the purpose of organizing the county of Hancock, A. P. M'Carty, Anderson Campbell, Richard Mitchell, William Nichol and Louis Click of Hawkins county, and James Ritchie, James Fulkerson, John Farmer, Marshal Brewer, and Alexander Bales of Claiborne county, shall be and they are hereby appointed commissioners, who shall take an oath before some Justice of the Peace, faithfully and impartially to discharge the duties enjoined upon them in this act, and in all cases of vacancy that may occur among said commissioners previous to the organization of the county courts of Hancock county, the same shall be filled by the other commissioners, and all vacancies occurring after said organization shall be filled by the county court of Hancock county; the said commissioners shall enter into bond and security, to be approved of by the county court of Hancock county, and payable to the chairman thereof in the sum of five thousand dollars, conditioned for the faithful discharge of their several duties. A majority of said commissioners shall constitute a board competent to do all things herein enjoined on them--they shall keep a regular record of all their proceedings as commissioners, which shall be returned to the county court of Hancock county at its first session, and the same shall be recorded by the clerk thereof on the records of said court, and they shall make such other returns after the organization of said court as shall be directed thereby.

SEC. 4. That it shall be the duty of said commissioners, first giving ten days notice in one public place or more, of the time and places to open and hold an election at one place or more in each of the fractions proposed to be stricken off from the counties of Hawkins and Claiborne, for the purpose of ascertaining whether a majority of the voters residing in

those fractions are in favor of or opposed to the establishment of the county of Hancock; and all persons qualified to vote for members of the General Assembly, who have resided in the fractions proposed to be stricken off six months immediately preceding the day of election shall be entitled to vote, and each voter who desires to vote for the establishment of the new county shall have on his ticket the words "new county," and those voting against the new county shall have on their ticket the words "old county," and if upon counting all the ballots the judges of the several elections shall return that a majority of each of the fractions respectively have voted for the new county, then the county of Hancock shall be and the same is hereby declared to be a county, with all the powers, privileges and advantages, and subject to all the liabilities and duties with other counties in the State.

SEC. 5. If from any cause elections should not be held in all or each of the fractions as before directed, the said commissioners shall proceed as soon as practicable to hold said election so omitted to be held, in the same manner and under the same regulations as specified in the foregoing section, and in like manner if the said commissioner shall believe upon an investigation (which they are hereby authorized to institute into the manner of holding the several elections,) that any improper or fraudulent practices have been permitted, they shall have power to declare the election so held in any fraction to be void, and proceed to hold another election in said fraction, first giving ten days notice in the manner herein prescribed.

SEC. 6. For the due administration of justice, the different courts to be holden in the said county of Hancock shall be held at the house of A. Campbell, on Greasy Rock, until the seat of justice of said county shall be located, the county court shall in the intermediate time have full power to adjourn the courts to such other place in said county, as they may deem better suited for the holding of the same and for public convenience, and to adjourn to the seat of justice, when in their judgment the necessary arrangements are made, and all writs and other precepts issuing from any of said courts returnable to either place, shall and may be returned to the place to which said court may have been removed by the county court aforesaid, and the courts for the county of Hancock, shall be under the same rules, regulations and restrictions, and shall have, hold and exercise and possess the same powers and jurisdiction as prescribed by law for holding courts in other counties. Said courts shall be attached to the first Judicial circuit, and the circuit court shall be held by the Judge of said circuit on the first Mondays of February, June and October in each and every year, and the citizens of said county may file bills in Chancery at either of the Chancery courts held at Rogersville or Tazewell at their election.

SEC. 7. All officers civil and military in said county, shall continue to hold their offices and exercise all the powers and functions thereof, until others are elected according to law, and the said courts of Hancock shall elect her officers on the same day and under the same rules, regulations and manners, as provided by law, for the election of officers in the other counties in this State; *Provided*, that nothing in this act contained shall deprive the above named counties from having, holding and exercising jurisdiction over the territory composing the county of Hancock, and the citizens thereof, in as full and ample a manner as they now have until the election of county officers takes places according to law; *Provided also*, nothing herein shall prevent the above named counties from entering up judgments, or the Sheriffs of said counties from selling under such judgments any lands within the bounds of said county of Hancock for taxes, costs and charges until the county of Hancock is organized.

SEC. 8. That the commissioners appointed by this act shall appoint such person as they may deem of suitable qualifications to open and hold the election for county officers for the said county of Hancock, and such person so appointed, shall be, and he is hereby invested with full power and authority to appoint Deputies, Clerks and Judges, and by himself and Deputies, to administer all the necessary oaths, and to do and perform all other duties as by law are required of Sheriffs or other officers holding similar elections.

SEC. 9. That citizens of Hancock county in all elections for Governor, Representatives in Congress, members of the General Assembly, and Electors of President and Vice President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment, agreeable to the provisions of the fifth section of the tenth article of the Constitution.

SEC. 10. That it shall be the duty of the commissioners aforesaid as soon as practicable after the county of Hancock shall have been established to select and procure by purchase or otherwise a suitable site for the seat of justice in said county, having due regard to the convenience and wishes of a majority of the citizens of said county, and the said commissioners, having first caused a deed to be made to themselves and their successors, with general warranty, to be a sufficient quantity of land, including the site so selected, shall cause a town to be laid off thereon, with as many streets of such width as they may deem necessary, reserving a sufficient quantity of land for a public square, said commissioners shall designate and reserve from sale, one lot in said town on which to build the public jail of said county, said town as soon as laid off shall be known by such name as said commissioners may give it: *Provided*, nothing in this section shall be construed to prevent said commissioners, if in their opinion public sentiment shall require it, from opening and holding an election at two or more places in said county, first giving twenty days notice of the time and places for the purpose of fixing upon an eligible site for the seat of justice in said county of Hancock, and should such 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 all the votes taken in, shall thereupon be declared by said commissioners the seat of justice of Hancock county: *Provided* said commissioners shall have the right to hold elections from time to time until one place receives a majority of all those voting.

SEC. 11. 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, and shall take bond with sufficient security from the purchaser of said lots payable to themselves and their successors in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

SEC. 12. The proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners for defraying the expense incurred in the purchase of said tract of land, on which the said seat shall be located, and also for defraying the expenses of erecting the public buildings for said county of Hancock.

SEC. 13. The commissioner shall superintend the erection of such public buildings as the county court of said county shall order and direct to be built, and shall let the same out, and shall take bonds from undertakers, with ample penalties and sufficient securities payable to themselves and their successors, conditioned for the faithful performance of his or their contracts. That the balance, if any, of the proceeds arising from the sales of the lots herein authorized to be laid off and sold, remaining

in the hands of the commissioners, after defraying the expenses of purchasing the town site for the county seat, and the cost of the public buildings ordered to be built by the county court shall be paid over by said commissioners to the trustee of said county of Hancock to be held, applied and accounted for by him as other county funds.

SEC. 14. The said commissioners shall also appoint five suitable persons as commissioners, whose duty it shall be to divide and lay off said county of Hancock into civil districts -- designate the place for holding elections therein, and do and perform all the duties relative thereto, which, by the laws of the State, such commissioners are authorized or required to do.

SEC. 15. The county of Hancock shall form one Regiment, which shall be known and designated as the 160th regiment, and shall be attached to the third brigade. The militia officer, or officers highest in command included in said county of Hancock, shall at such time and place as he or they may determine upon, call all the commissioned officers together, and such of them as shall attend are hereby authorized and empowered to lay off said county into battalions and companies and provide for holding said elections for the purpose of electing all officers in said regiment in the manner prescribed by law.

SEC. 16. Should the boundary lines of Hancock county, as designated in the second section of this act, approach nearer to the county seat of either of the old counties, from which the territory constituting the county of Hancock is taken, than is prescribed by the constitution, it shall be the duty of the commissioners herein appointed, to appoint some surveyor who shall re-run and re-mark such line or lines so as not to violate the constitutional right of said old county, and said surveyor shall make a report to the county court of Hancock, which report so made, shall be recorded by the clerk of said court, and such line so run shall be the established line of said county.

SEC. 17. That the county lines of said county of Hancock shall not be run or altered, so as to include any of the citizens living in the Poor Valley in the county of Hawkins, within the boundary of the county of Hancock.

SEC. 18. That the commissioners of Hancock county, be and they are hereby appointed 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 said county of Hancock.

SEC. 19. That before the said county shall be established said commissioners shall be satisfied from an actual survey, that said county contains not less than three hundred and fifty square miles, and a population of four hundred and fifty qualified voters, and that said counties of Claiborne and Hawkins, will not be reduced below the constitutional limits; *Provided*, that the survey ordered by this section, may be dispensed with, if there is no opposition to the organization of the county on an alleged reduction of the county or counties below their constitutional limits from which said county of Hancock is stricken.

SEC. 20. That if the new counties of Lewis, Grundy and Hancock shall fail to organize against the first Saturday in March next, and consequently fail to elect necessary county officers as prescribed in the 7th section of this act, they shall proceed to elect their county officers on the first Saturday in July next, thereafter under the same rules and regulations as now prescribed by law, and

such officers so elected shall hold their offices until the regular time of electing county officers in this State and no longer.

Passed January 7th, 1844

COMPILER'S NOTE: The following act, Acts of 1845-46, Chapter 126, amended this original creation act to provide for a re-survey of county lines.

BOUNDARIES

CREATION OF THE COUNTY

RE-SURVEY

ACTS, 1845-46

CHAPTER NO. 126

SECTION 1. That A. P. McCarty, Anderson Campbell, Richard Mitchell, William Nichol, of Hawkins county, and James Richie, James Fulkerson, John Farmer, Marshall Brewer and Alexander Bates, of Claiborne county, commissioners of Hancock county, or a majority of them, are hereby authorized and empowered to employ some suitable person to re-survey said county, and to make all necessary alterations in the original lines of said county, so as to avoid constitutional objections.

SEC. 2. That after the commissioners shall have made the re-survey of said county of Hancock, as provided for in the 1st section of this act, they shall then proceed to organize said county of Hancock, as required by the act which this is intended to amend.

SEC. 3. That Richard F. Cooke, William H. Richardson and James Bartlett, be and they are hereby appointed commissioners to survey the county of Putnam, in such manner, that the counties from which the county of Putnam is taken shall not be reduced below their constitutional limits, nor their seats of justice approached nearer than twelve miles, as prescribed in the constitution; and if upon such survey, they can obtain a constitutional county, they shall report the same to the next session of this General Assembly. *Provided*, That said survey shall not include any portion of White county in Civil District No. 12. known as the head of Calf Killer, in said county.

Passed January 29, 1846.

BOUNDARIES

ACTS, 1851-52

CHAPTER NO. 302

COMPILER'S NOTE: Section 1 is the only section in this act that applies to Hancock County.

SECTION 1. That the line between the counties of Hancock and Hawkins be altered and changed as follows -- beginning where the line of said counties now cross the fords of Turkey creek below C. A. Manis's and running a due north course to the top of the river ridge, and with said ridge, eastwardly to George Herd's line, then with said Herd's line, eastwardly crossing the dry branch to two marked sugar trees, thence south, so as to intersect the present line, at the branch by John Smith's and to include Lewis Anderson in the county of Hawkins.

Passed, February 27, 1852.

BOUNDARIES

ACTS, 1872 CALLED SESSION

CHAPTER NO. 19

COMPILER'S NOTE: Section 6 of this act is the only section which applies to Hancock County.

SEC. 6. That the county line between the counties of Hawkins and Hancock be changed so as to include in Hawkins county all that portion of Hancock county lying east and south-east of the following line: Beginning at a point in the south fork of War Creek, where the line of Hawkins and Hancock counties crosses the same; thence a direct line to the north-east corner of Lawrence Drinnon's land, on the top of Copper Ridge; thence westwardly along on the top of said Ridge to a point on the same due north of the west corner of a farm in Lee Valley, owned by the heirs of John Wolfe, deceased; thence due south to said West corner; thence with the line of said farm south-easterly to John J. Wolfe's west corner; thence with said Wolfe's line south-easterly to the top of Clinch Mountain; thence due south to the line of Hawkins and Hancock counties. The citizens of said fraction of Hancock county hereby attached to Hawkins county having by their written petition made known to this General Assembly their desire to be detached from said county of Hancock and attached to said county to Hawkins.

SEC. 7. That this act take effect from and after its passage, the public welfare requiring it.

Passed December 15, 1871.

BOUNDARIES

PUBLIC ACTS, 1877

CHAPTER NO. 140

SECTION 1. That the county line between the counties of Hancock and Hawkins be changed as follows: beginning in the line of said counties on the top of the Middle Ridge; thence eastwardly along on the top of said ridge to the pike road; thence with said road and the line of Wm. J. Davis' farm to the top of War Ridge; thence along on the top of said ridge eastwardly to John Curry's east corner on said ridge; and thence northwardly and eastwardly with said Curry's line to the Hancock and Hawkins line; and all the parts of farms of Wm. J. Davis, Robt. D. Green, Wm. D. Trent, and John Curry, lying on the north and west of this line be included in and constitute a portion of Hancock county, the written assent of the parties by petition having been made to this General Assembly.

SEC. 2. That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

BOUNDARIES

PRIVATE ACTS, 1919

CHAPTER NO. 674

SECTION 1. That the boundary line between Grainger and Hancock Counties is hereby changed so as to read as follows: "Beginning on the south bank of Clinch River on a sweet gum known as Nancy Jackson and Irvin Green's corner; thence with said Irvin Green's line to the top of War Ridge, thence with the top of said ridge eastwardly to the Hancock County line, thence northwestwardly to Clinch River, thence to the beginning," and all of the tract of land hereinbefore described is hereby detached from Grainger County and attached to Hancock County, Tennessee, and the farm of Winfield Searce is detached from Hancock County and attached to Grainger County.

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

Passed April 14, 1919.

BOUNDARIES

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Hancock County.

1. Public Acts of 1866-67, Chapter 9, changed the boundary line between Hancock and Hawkins counties so to include Hiram Herd's Mill and tract of land in Hancock County.
2. Public Acts of 1867-68, Chapter 60, changed the boundary line between Hancock and Hawkins counties so as to include Wm. Davis' farm in Hawkins County.
3. Public Acts of 1869-70, Chapter 88, Section 9, changed the boundary line between Hancock and Hawkins counties so as to include the land of John Jones in Hancock County.
4. Public Acts of 1873, Chapter 14, changed the boundary line between Hancock and Hawkins counties so as to include the lands of Thomas Moneyhun, James Moneyhun, Nicholas Moneyhun and Andrew Eadens in Hawkins County.
5. Public Acts of 1877, Chapter 140, altered the Hancock - Hawkins County line, by placing all of the farms of Wm. J. Davis, Robert D. Green, William D. Trent, and John Curry in Hancock County.
6. Public Acts of 1879, Chapter 161, changed the county line between Hancock and Hawkins counties from land which belonged to William J. Davis' in Hawkins County to the Hancock County line. This act was repealed by Public Acts of 1881, Chapter 6.
7. Public Acts of 1879, Chapter 258, was a more complex boundary change between Hawkins and Hancock counties, involving a large section of land along Copper Ridge, but this act was repealed by Public Acts of 1881, Chapter 5.
8. Public Acts of 1881, Chapter 86, altered the line between Hawkins and Hancock counties to place the lands of William Lawson, George Lawson, John Jaynes, James Nichols, S. D. Trent, William H. Bonner, and Taylor Cope in Hancock County.
9. Public Acts of 1885, Chapter 64, placed the lands of Campbell Trent and Robert C. Tate in Hancock County.
10. Public Acts of 1891, Chapter 154, changed the boundary line between Grainger and Hancock counties so as to include the lands of J.D. Green and William T. Greene in Hancock County.
11. Public Acts of 1895, Chapter 195, altered the line between Claiborne and Hancock counties to place all the lands of John Clark, John Epperson and William Farmer in Claiborne County.

12. Public Acts of 1899, Chapter 132, also altered the boundary between Claiborne and Hancock counties, placing the lands of John K. Purkey and Martha Moles in Hancock County and the land of William Myers in Claiborne County.
13. Acts of 1903, Chapter 527, changed the Grainger - Hancock County line by placing the farm of John Wolf in the eighth civil district of Grainger County.
14. Private Acts of 1911, Chapter 245, placed the farm of J. N. Dalton in Grainger County, out of Hancock County.
15. Private Acts of 1917, Chapter 36, placed the farms of John Green, William Earls, Matilda Myers in Hancock County, out of Claiborne County. This was repealed by Private Acts of 1949, Chapter 891.
16. Private Acts of 1937, Chapter 209, changed the boundary between Hawkins and Hancock counties by placing the land of J. F. Rimer, the William Vaughn heirs, J. P. River and J. N. Horton in Hawkins County.

CHAPTER V - COURT SYSTEM

COURT SYSTEM

BOARD OF JURY COMMISSIONERS - JURORS

All private acts creating county boards of jury commissioners were repealed by § 22-2-101 of Tennessee Code Annotated, except in Davidson, Knox and Hamilton counties. The general statutes dealing with jurors and juries can be found in T.C.A. title 22. County boards of jury commissioners are described in T.C.A. § 22-2-201, and the qualifications of a juror are listed in T.C.A. § 22-1-101.

The following act once affected jurors or boards of jury commissioners in Hancock County, but are no longer operative.

1. Acts of 1905, Chapter 344, created a board of jury commissioners for Hancock County. It was composed of three discreet members, appointed for six year terms by the circuit and chancery court judges. Acts of 1909, Chapter 217, amended the above 1905 Act to provide that when the additional jurors were needed, the judge in the court needing them could direct the sheriff to summon citizens for jury duty.

COURT SYSTEM

CHANCERY COURT

The chancery courts are the traditional trial level equity courts in Tennessee. Equity law deals with matters not traditionally addressed by the common law (case law) of the law courts or the statutory law. Equity acts when a traditional law court remedy is not adequate to reach a just result. In Tennessee, chancery courts have exclusive jurisdiction over some matters that are traditionally considered to be equity cases, but the statutory law has given chancery courts concurrent jurisdiction with the circuit courts over most civil cases.

Hancock County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the third judicial district. The general law on chancery courts is found in title 16, chapter 11 of Tennessee Code Annotated, and title 17 applies to judges and chancellors.

The following acts form an outline of the development of equity jurisdiction in Hancock County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1857-58, Chapter 27, established a chancery court in the town of Sneedville in Hancock County which was held on the first Mondays after the fourth Mondays in June and December.
2. Public Acts of 1857-58, Chapter 88, set the time for holding the Hancock County Chancery Court on the first Mondays after the fourth Mondays of June and December at Sneedville.
3. Public Acts of 1865-66, Chapter 41, set the time for holding the Hancock County Chancery Court on the last Mondays in March and September of each year. This act was amended by Public Acts of 1866-67, Chapter 25, which provided that the time for holding chancery court in Hancock County would not take effect until the next term of that court.
4. Public Acts of 1866-67, Chapter 15, changed the time of holding the Hancock County Chancery Court to the second Monday of March and the third Monday of August.
5. Public Acts of 1870, Chapter 32, divided the state into chancery divisions. The first chancery division was composed of Hancock, Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Claiborne, Grainger, Jefferson, Cocke, Powell and Hamblen counties.
6. Public Acts of 1870, Chapter 47, fixed the time for holding the chancery courts throughout the state. The Hancock County Chancery Court was held the second Monday of March and the third Monday of August.
7. Acts of 1885, Extra Session, Chapter 20, divided the state into chancery divisions and prescribed the times for holding said courts. The Hancock County was placed in the first

chancery division with its court set for the second Monday in March, and the third Monday in August.

8. Public Acts of 1891, Chapter 165, set the time for holding the Hancock County Chancery Court on the third Mondays in April and October.
9. Public Acts of 1893, Chapter 100, created the twelfth chancery division, out of Hancock, Sullivan, Hawkins, Hamblen and Grainger counties, and provided that court in Hancock County would meet on the fourth Mondays in April and October.
10. Public Acts of 1899, Chapter 427, divided the state into chancery divisions and prescribed the times for holding said courts. Hancock County was placed in the first chancery division along with Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins, Claiborne, Grainger, Hamblen and Cocke counties. The time for holding the Hancock County Chancery Court was set for the third Mondays in April and October.
11. Private Acts of 1901, Chapter 438, returned Hancock County to the second chancery division and provided that court would meet on the fourth Mondays in April and October.
12. Public Acts of 1931, Second Extra Session, Chapter 38, divided the state into chancery divisions and prescribed the times for holding said courts. Hancock County was placed in the second chancery division along with Loudon, Hawkins, Claiborne, Campbell, Anderson, Roane and Scott counties. The time for holding the Hancock County Chancery Court was set for the fourth Mondays in April and October.

COURT SYSTEM

CHANCERY COURT

CLERK AND MASTER

The office of clerk and master of the chancery court is covered by title 18, chapter 5 of Tennessee Code Annotated and mentioned in article VI, section 13 of the Constitution of Tennessee, which provides that the clerk and master will be appointed by the chancellor. The salary of the clerk and master is regulated by T.C.A. § 8-24-102.

The basic fee schedule for clerks of court, including the clerk and master, is found at T.C.A. § 8-21-401. Tennessee Code Annotated § 16-16-203 provides the authority for the clerks and masters who are serving as the clerks of probate courts to accomplish a variety of clerical and judicial acts involving the probate of wills and the administration of estates.

The reference list below contains acts which once applied to the clerk and master in Hancock County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1909, Chapter 226, provided that the clerk and master of the Hancock County Chancery Court be paid an annual salary of \$500.00. This act required him to file an annual statement of the fees received by his office, and if the amount of those fees did not equal the salary to be paid him, the deficit would come from the county treasury.
2. Private Acts of 1911, Chapter 163, set the salary of the Hancock County Chancery Clerk and Master at \$500.00 per year and contained the same provisions as the 1909 Act regarding the filing of an annual statement, but also provided that the clerk and master could keep any additional fees his office received, above the amount of his salary. This was amended by Private Acts of 1929, Chapter 757, to raise that salary to \$750.00 per annum.

COURT SYSTEM

CIRCUIT COURT

The circuit court is the traditional trial level “law” court (as opposed to equity court) with broad civil and criminal law jurisdiction. Traditionally, the circuit courts (the “law” courts) applied the common law (case law) and the statutory law. The circuit courts continue to act as law courts, but Tennessee’s statutory law has given the circuit courts concurrent jurisdiction with the chancery courts in most civil matters. Circuit courts exercise criminal law jurisdiction as well as civil law jurisdiction in most counties in Tennessee, but in some counties a separate criminal court has been established.

Hancock County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the third judicial district. Title 16, chapter 10 of Tennessee Code Annotated contains the general law applicable to the circuit court. Judges and chancellors are covered by title 17 of Tennessee Code Annotated.

The following acts were once applicable to the circuit court of Hancock County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1847-48, Chapter 4, provided that after January 1, 1848 the circuit court of Hancock County would meet on the first Mondays after the fourth Mondays in January, May and September.
2. Acts of 1855-56, Chapter 37, placed Hancock County in the first judicial circuit and set the time for holding said court on the fourth Mondays in January, May and September.
3. Public Acts of 1857-58, Chapter 98, set the time for holding the Hancock County Circuit Court on the fourth Mondays of January, May and September.
4. Public Acts of 1866-67, Chapter 33, changed the time for holding the Hancock County Circuit Court to the third Mondays in January, May and September.
5. Public Acts of 1870, Chapter 31, divided the state into judicial circuits. The first judicial circuit was composed of the counties of Hancock, Hawkins, Greene, Carter, Johnson, Sullivan, Washington and Boone counties.
6. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts throughout the state. The Hancock County Circuit Court was set for the third Mondays of January, May and September.
7. Acts of 1885, Extra Session, Chapter 20, divided the state into judicial circuits and provided the times for holding said courts. Hancock County was placed in the first judicial circuit with its court set for the third Mondays in January, May and September.

8. Public Acts of 1889, Chapter 74, changed the time for holding the Hancock County Circuit Court to the second Mondays in January, May and September.
9. Public Acts of 1891, Chapter 249, again changed the time for holding the Hancock County Circuit Court to the first Mondays in January, May and September.
10. Public Acts of 1895, Chapter 64, set the time for holding the Hancock County Circuit Court on the third Mondays in January, May and September.
11. Public Acts of 1899, Chapter 427, divided the state into judicial circuits and prescribed the times for holding said courts. Hancock County was placed in the first judicial circuit and set the time for holding said court on the third Mondays in March, July and November. This was amended by Public Acts of 1913, Chapter 13, which created a criminal and law court for the counties of Hancock, Claiborne, Campbell, Morgan, Scott and Anderson, which was the criminal and law court for the second judicial circuit. This 1913 Act was amended by Private Acts of 1917, Chapter 768, which changed the name of the court to the nineteenth judicial circuit.
12. Acts of 1903, Chapter 198, set the time for holding the circuit court in Hancock County on the third Mondays in March, July and November.
13. Private Acts of 1921, Chapter 202, detached Hancock County from the nineteenth judicial circuit and placed it in the second judicial circuit. This law contained a general repealer clause, repealing all laws in conflict with its provisions.
14. Public Acts of 1931, Second Extra Session, Chapter 38, divided the state into judicial circuits and prescribed the times for holding said courts. Hancock County was placed in the second judicial circuit along with Coker, Union, Sevier, Jefferson and Grainger counties. The time for holding the Hancock County Circuit Court was set for the second Mondays in April, August and December.
15. Public Acts of 1951, Chapter 17, set the time for holding the circuit court of Hancock County to the second Mondays in April, August and December.
16. Public Acts of 1955, Chapter 19, set the time for holding the circuit court of Hancock County to the second Mondays in April, August and December.

COURT SYSTEM

CIRCUIT COURT

CLERK

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is set by T.C.A. § 8-24-102.

The following acts have no current effect, but once applied to the Hancock County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1931, Chapter 688, set the annual salary of the Hancock County Circuit Court Clerk at \$750.00.
2. Private Acts of 1939, Chapter 481, set the annual salary of the Hancock County Circuit Court Clerk at \$750.00 and also provided that he could retain \$250.00 per year of the fees collected by his office.

COURT SYSTEM

CRIMINAL COURT

In some counties of Tennessee, a separate criminal court has been established which has the criminal law jurisdiction of the circuit courts. The criminal court has appellate jurisdiction over criminal law matters decided in the general sessions courts.

The criminal court of Hancock County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the third judicial district.

For the general law pertaining to criminal courts, see title 16, chapter 10 of Tennessee Code Annotated. For the general law pertaining to criminal court clerks, see title 18, chapter 4 of Tennessee Code Annotated.

The following acts once pertained to the Hancock County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1867-68, Chapter 49, created a criminal court for Hancock, Johnson, Carter, Sullivan, Washington, Greene and Hawkins counties. This was repealed by Public Acts of 1869-70, Chapter 11.
2. Public Acts of 1867-68, Chapter 90, Section 5, created a new judicial criminal district which was composed of the counties of Hancock, Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Cocke, Jefferson, Grainger and Claiborne. The time for holding the Hancock County Criminal Court was set for the third Mondays of April, August and December. This act was repealed by Public Acts of 1869-70, Chapter 11.
3. Acts of 1885, Extra Session, Chapter 20, set the time for holding the criminal courts throughout the state. The time for holding the Hancock County Criminal Court was set for the third Mondays in January, May and September.
4. Public Acts of 1899, Chapter 427, set the time for holding the criminal courts throughout the state. The time for holding the Hancock County Criminal Court was set for the third Mondays in March, July and November.

COURT SYSTEM

DISTRICT ATTORNEY GENERAL

ASSISTANTS AND CRIMINAL INVESTIGATORS

The office of district attorney general, including assistant district attorneys and criminal investigators, is covered by title 8, chapter 7 of Tennessee Code Annotated. Section 16-2-506 of T.C.A. establishes the judicial districts of the trial courts and establishes the number of assistant district attorneys general and criminal investigators in each judicial district. According to T.C.A. § 16-2-506, Hancock County is in the third judicial district. Secretarial assistance to district attorneys is authorized, but subject to the approval of the executive director of the district attorneys general conference, the comptroller of the treasury, and the commissioner of finance and administration. T.C.A. § 8-26-101(2)(G) - (1)(K).

The following acts once affecting Hancock County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1931, Chapter 64, created the office of assistant attorney-general for the second judicial circuit of Tennessee, which contained Hancock County, prescribed the qualifications and the duties of such office and fixed his compensation, provided for the payment thereof, and the manner in which said assistant attorney-general was named. This act was amended by Public Acts of 1949, Chapter 87, which increased the salary of the assistant attorney-general to \$3,600.00 per annum.
2. Public Acts of 1937, Chapter 74, provided for a criminal investigator for the nineteenth judicial circuit, which contained Hancock County, prescribed his qualifications, salary and tenure of office. This act was amended by Public Acts of 1949, Chapter 30, which increased the salary of the criminal investigator to \$3,600.00 per annum. This act was further amended by Public Acts of 1953, Chapter 262, which set the salary at \$4,000.00 per annum.
3. Public Acts of 1939, Chapter 65, which is not included in this volume, created the post of criminal investigator for the second judicial circuit to be filled in accordance with the terms and conditions specified therein. This act was amended by Public Acts of 1947, Chapter 192, which increased the salary of the criminal investigator to \$3,000.00 per annum. Public Acts of 1976, Chapter 611, further amended Public Acts of 1939, Chapter 65, so as to remove the qualification that the criminal investigator must be a "practicing attorney."
4. Public Acts of 1975, Chapter 253, provided an additional assistant district attorneys general for the second judicial circuit, which included Hancock County.
5. Public Acts of 1977, Chapter 377, created an office of full time assistant district attorney general for the second judicial circuit, which included Hancock County.

6. Public Acts of 1978, Chapter 631, created an additional position of criminal investigator for the district attorney general for the second judicial circuit, which included Hancock County, provided for the appointment, duties, powers and compensation of said investigator.

COURT SYSTEM

GENERAL SESSIONS COURT

The general statutes on courts of general sessions are found in title 16, chapter 15 of Tennessee Code Annotated. The purpose of this general law is to create a statewide system of general sessions courts, but T.C.A. § 16-15-501(c) expressly provides that counties may create general sessions courts by private act, giving them both the jurisdiction and powers conferred by general law and such further jurisdiction and power as each county may require. The base salary of the general sessions judge is set by T.C.A. § 16-15-5003. The compensation received by the general sessions court clerk is set by T.C.A. § 8-24-102.

COURT SYSTEM

JUVENILE COURT

The Juvenile Court Restructure Act of 1982, as amended, is codified in Tennessee Code Annotated §§ 37-1-201 through 37-1-214. Its purpose is to provide adequate juvenile court services in every county. Tennessee Code Annotated § 37-1-203 provides that the general sessions courts shall exercise juvenile court jurisdiction except in counties or municipalities wherein juvenile courts are specially provided for by law.

Special juvenile courts may be created by law (private act) to exercise juvenile court jurisdiction in a county or in contiguous counties. Counties must provide funding for such special juvenile courts. T.C.A. § 37-1-205.

Clerks of general sessions courts are required to maintain separate minutes, dockets, and records for all juvenile matters in those counties in which the general sessions court is also the juvenile court. T.C.A. § 37-1-210. The clerk of a special juvenile court is a duly elected clerk of another court in the county designated by resolution of the county legislative body, except where a duly elected clerk is provided by law (private act or charter). Clerks of the special juvenile courts are given the same duties, authority and obligations provided for clerks of other courts of record. T.C.A. § 37-1-211.

Tennessee Code Annotated § 37-1-159 provides that the juvenile court shall be a court of record. Any appeal from final disposition of a case, except the transfer of a child to be dealt with as an adult under T.C.A. § 37-1-134, may be made to the circuit court for a trial de novo.

COURT SYSTEM

SECRETARIAL ASSISTANCE

Secretarial assistance to judges and chancellors is now provided on the basis of need by the administrative director of the courts, under the provisions of Tennessee Code Annotated § 17-1-401. Their salaries are set by the administrative director of the courts and the commissioner of finance and administration with the approval of the chief justice of the supreme court, under T.C.A. § 17-1-402. The general law provisions are now the sole authority for providing secretarial assistance to trial judges and chancellors.

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1951, Chapter 86, authorized a secretary for the chancellor of the second chancery division, which included Hancock County, provided for the appointment thereof, fixed the compensation, duties and mode of payment. This act was amended by Public Acts of 1963, Chapter 332, which increased the salary of the secretary to \$3,000.00 per annum.

CHAPTER VI - EDUCATION/SCHOOLS

EDUCATION - SCHOOLS

BOARD OF EDUCATION

PRIVATE ACTS, 1949

CHAPTER NO. 746

SECTION 1. That in all counties of this State having a population of not less than 11,225 and not more than 11,233, according to the Federal Census of 1940, or any subsequent Federal Census there is hereby created a County Board of Education to be composed of seven (7) members.

SEC. 2. That there are hereby created and established six (6) educational districts which shall be comprised as follows:

The First Educational District shall be composed of the First and Seventh Civil Districts of said Counties.

The Second Educational District shall be composed of the Second and Tenth Civil Districts of said Counties.

The Third Educational District shall be composed of the Third and Fourth Civil Districts of said Counties.

The Fourth Educational District shall be composed of the Fifth and Eleventh Civil Districts of said Counties.

The Fifth Educational District shall be composed of the Eighth and Twelfth Civil Districts of said Counties.

The Sixth Education District shall be composed of the Sixth and Ninth Civil Districts of said Counties.

SEC. 3. That one (1) member of the County Board of Education shall be elected from each of said educational districts, except the sixth, which contains the County town and from which two (2) members of the Board of Education shall be elected, at the General August election, 1950 and biennially thereafter, for a term of two years. The candidates shall qualify from their respective school district in which they reside and in which they are citizens, and shall be voted for only by the qualified voters of their respective districts. They shall possess the qualifications and perform the duties now or hereafter prescribed by the general law. The compensation of members of said County Board of Education shall be Four (\$4.00) Dollars per day when attending regular or special meetings and discharging the duties imposed upon them by law; provided that the County Trustee shall pay no voucher issued to members unless the same shall have been approved by the County Judge or Chairman of the County Court.

SEC. 4. That the members of the Board of Education now in office in said Counties shall serve as the Board of Education until the first day of September, 1950 when they shall be succeeded by the Board elected, as herein provided.

SEC. 5. That any vacancy or vacancies which occur on said Board shall be filled by the Quarterly County Courts of such Counties.

SEC. 6. That if any section or part of this Act shall be held invalid it is hereby expressed as the legislative intent that the same may be elided and that the remainder of this Act shall remain in full force and effect.

SEC. 7. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 12, 1949.

EDUCATION - SCHOOLS

BOARD OF EDUCATION

General statutes regulating county boards of education and elementary and secondary education in the public schools may be found in T.C.A. title 49, chapters 1 through 6. Public Acts of 1992, Chapter 535, the Education Improvement Act of 1991, substantially revised many aspects of the education statutes. County boards of education are mandated to be popularly elected, but the time for implementation can vary from county to county. The county legislative bodies, from July 1, 1992, were given authority to establish districts for county board of education members by resolution instead of having to rely on private acts for reapportionment. The new education general law provides for board members to be elected to staggered four-year terms.

Members of county boards of education must have a high school diploma or general education equivalent. However, a few counties are purported to be excluded by narrow population exception. Board members who fail to participate in state sponsored training are subject to removal by the commissioner of education. T.C.A. § 49-2-202.

The following acts once affected the board of education in Hancock County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1935, Chapter 617, created a county board of education in Hancock County which consisted of seven members, elected by the voters, and this act also divided the county into six school districts. This act was repealed by Private Acts of 1941, Chapter 304.
2. Private Acts of 1941, Chapter 305, created the Hancock County Board of Education which consisted of twelve members to be elected by the voters for two year terms. This was repealed and the board abolished by Private Acts of 1945, Chapter 360, which also provided that the board of education would be elected pursuant to the general statutes. Private Acts of 1949, Chapter 745, repealed part of Private Acts of 1945, Chapter 360, leaving in effect only its repealer section.

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

PRIVATE ACTS, 1941

CHAPTER NO. 217

SECTION 1. That in counties of this State having a population of not less than 11,200, nor more than 11,250, by the Federal Census of 1940, or any subsequent Federal Census, the County Superintendent of Public Instruction shall be elected by popular vote. The first election therefor shall be held at the regular August election, 1942, and the person so elected shall take office on September 1, next following his election, and shall serve for a period of four years and until his successor shall be elected and qualified. The person elected by the Quarterly County Court at its January session, 1941, shall continue to be and remain the County Superintendent of Public Instruction until September 1, 1942.

The person so elected County Superintendent at the August election, 1942, shall possess the same qualifications and shall discharge the same duties as are now discharged by the County Superintendent of Public Instruction, and the compensation of such person shall be fixed by the Quarterly County Court at either the April or July term of its session next prior to the election in August and shall not be increased or diminished during his term of office and shall not be less than, so far as the County's part thereof is concerned, the sum of \$900.00.

Any vacancy occurring in the office of County Superintendent of Public Instruction by death or resignation or removal shall be filled by the Quarterly County Court, and the person so elected at such vacancy shall hold office until his successor shall be duly elected and qualified at the next regular election for County officers after the occurrence of such vacancy.

As amended by: Private Acts of 1943, Chapter 251.

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

Passed: February 7, 1941.

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

Public Acts of 1992, Chapter 535, known as the Education Improvement Act of 1991, mandates a phasing out of the office of superintendent of public instruction (county superintendent of education) over the decade of the 1990s. Counties with superintendents may by two-thirds (2/3) vote of the county legislative body extend the office of superintendent and the existing method of election or appointment, but this authority will end with the 1996 elections. Replacing the superintendent will be a director of schools, who will be an employee of the county board of education; however, the continued use of the title superintendent is permitted. The director of schools may be employed under a written contract of up to four years duration. The duties of the superintendent or director of schools are enumerated in T.C.A. § 49-2-301(f).

The act referenced below once affected the office of superintendent of education in Hancock County, but is no longer operative.

1. Private Acts of 1929, Chapter 536, provided for the election of the superintendent of public instruction by the voters of Hancock County. This was repealed by Private Acts of 1933, Chapter 657, which was then repealed by Private Acts of 1941, Chapter 143.

EDUCATION - SCHOOLS

GENERAL REFERENCE

The general state statutes regulating education are found in title 49 of Tennessee Code Annotated. Of particular interest to county officials are chapter 2 (Local Administration); chapter 3 (Finances); chapter 6, part 20 (School Property); chapter 6, part 3 (Elementary and Middle Schools); and chapter 6, part 4 (Junior and Senior High Schools).

The following acts constitute part of the administrative and political heritage of the educational structure of Hancock County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1847-48, Chapter 196, declared that "Whereas, knowledge and virtue being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the state being highly conducive to the promotion of this end, and it being the declared duty of the general assembly to cherish literature and science," the trustees of Hawkins and Claiborne counties were ordered to pay over to the trustee of Hancock County those school monies belonging to the fractions of their counties which had formed Hancock County.
2. Acts of 1909, Chapter 256, was a compulsory school attendance law which required that children in Hancock County between the ages of eight and sixteen attend school for at least sixteen weeks or eighty days of each school year, unless their absence was excused by a school director.
3. Private Acts of 1911, Chapter 332, was the next compulsory attendance law for Hancock County. It required that children between eight and sixteen attend school for at least sixteen weeks or eighty days. The child could be excused by a school director, but he must have finished the primary course first, after which time he could be excused for a mental or physical disability or for reason of extreme poverty, necessitating the work of the child at home. In this latter instance, the commissioner of the poor could make an allowance to the parents for the loss of the child's labor. This act also provided that a teacher could excuse temporary absences.
4. Private Acts of 1911, Chapter 446, authorized the issuance of bonds in the amount of \$8,000.00 to be spent on public schoolhouses. These bonds were to mature in less than ten years and had varying rates of interest.
5. Private Acts of 1933, Chapter 393, exempted Hancock County from the general law providing for the election of an attendance officer, but this was repealed by Private Acts of 1939, Chapter 399.

6. Private Acts of 1935, Chapter 619, was a bond issue of \$60,000.00, to be used to build a high school at Sneedville. These bonds had a maximum annual interest rate of 5% and were to mature within twenty-five years.
7. Private Acts of 1939, Chapter 399, provided for a supervisor of attendance for the public schools of Hancock County, defined his duties, term of office and fixed his compensation.

CHAPTER VII - ELECTIONS

ELECTIONS

DISTRICTS - REAPPORTIONMENT

PRIVATE ACTS, 1901

CHAPTER NO. 333

SECTION 1. That the Twelfth, Thirteenth, Fifteenth, Sixteenth and Seventeenth Civil Districts of Hancock County be and the same are hereby abolished.

SEC. 2. That the Territory heretofore embraced in the Thirteenth District of said County be and the same is hereby attached to the First Civil District of said county; that the territory heretofore composing the Seventeenth Civil District of said county be and the same is hereby attached to the Second Civil District of said county; that the territory heretofore embraced in the Twelfth Civil District of said county be and the same is hereby attached to the Fourth Civil District of said county; that the territory heretofore contained in the Fifteenth Civil District of said County be and the same is hereby attached to the Fifth Civil District of said County; that the territory heretofore contained in the boundaries of said Sixteenth Civil District of said county be and the same is hereby attached to the Eighth Civil District of said county; and that the territory heretofore composing the Fourteenth Civil District of said county be and the same shall be known and nominated as the Twelfth Civil District of said county.

SEC.3. That the County Court of Hancock County may alter or change the lines of the Civil Districts of said county so as to suit the convenience of the citizens of said districts, but no Civil Districts in excess of the twelve districts hereby established shall be created out of any of the territory of said county unless authorized by an Act of the General Assembly of the State of Tennessee.

SEC. 4. That from and after April the 30th, 1901, the offices of the Justices of the Peace and all other Civil District officers in the districts abolished by this Act shall cease to exist, and that all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect on the 30th day of April, 1901, the public welfare requiring it.

Passed April 18, 1901.

ELECTIONS

DISTRICTS - REAPPORTIONMENT

The general provisions concerning county organization are found in title 5, chapter 1 of Tennessee Code Annotated. Section 5-1-101 enumerates the counties and § 5-1-108 deals with the apportionment of the county legislative bodies into a maximum of twenty-five county commissioner districts within each county that is not under a metropolitan government charter. Under T.C.A. § 5-1-111, the county legislative bodies must make necessary district boundary changes or completely redistrict a county so that the members represent substantially equal populations based on the most recent federal census at least every ten years. Upon application of any citizen affected, the chancery court of such county has original jurisdiction to review and amend the apportionment or to order an apportionment where none has been made.

Maps and legal descriptions of the boundaries of the county commissioner districts may be found in one of the following offices: County clerk, the county election commission, the state coordinator of elections, secretary of state, and the division of local government, office of the comptroller of the treasury.

Civil districts by that name are no longer used as district boundaries for election of legislative body members. These civil district boundaries have been left undisturbed as they existed prior to the first reapportionment of the quarterly county courts for real property record-keeping purposes only. T.C.A. § 5-1-112.

ELECTIONS

Elections in Tennessee are now governed by the general statutes found in Tennessee Code Annotated title 2, chapters 1 through 19. Of particular interest to county officials is chapter 12, which covers the county election commission. The employment of registrars-at-large and clerical assistants by the county election commission is authorized by T.C.A. § 2-12-201. Tennessee Code Annotated, Section 2-12-208 sets a minimum salary for certified registrars-at-large based on a percentage of the assessor's salary, and provides for certification tests, state contribution to each certified registrar's salary and other budget requirements.

Title 3, chapter 1 of Tennessee Code Annotated reapportions the state into senatorial and representative districts for the general assembly. Tennessee Code Annotated § 3-1-102 places Hancock County in the fourth state senatorial district (along with Hawkins, Claiborne, Grainger, Jefferson and Union counties), while T.C.A. § 3-1-103 places it in the ninth representative district. Hancock County is part of the first U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

The following is a listing of acts for Hancock County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1851-52, Chapter 196, apportioned the representation of the United States Congress by dividing the state into congressional districts. The first district was composed of the counties of Hancock, Johnson, Carter, Sullivan, Washington, Hawkins, Greene, Cocke, Jefferson and Sevier.
2. Acts of 1851-52, Chapter 197, apportioned the representation of the general assembly of the state by providing for the election of representatives and senators. Hancock, Greene, Hawkins and Jefferson counties jointly elected one representative, while Hawkins and Jefferson counties composed a senatorial district.
3. Public Acts of 1865, Chapter 34, apportioned the representation of the United States Congress by dividing the state into congressional districts. The first district was composed of the counties of Hancock, Johnson, Carter, Sullivan, Washington, Hawkins, Greene, Cocke, Jefferson and Sevier.
4. Public Acts of 1871, Chapter 146, apportioned the representation of the general assembly of the state by providing for the election of representatives and senators. Hancock and Claiborne counties jointly elected one representative, while the second senatorial district was composed of Hancock, Sullivan, Hawkins, Hamblen and Claiborne counties.
5. Acts of 1872, Called Session, Chapter 7, apportioned the representation of the United States Congress by dividing the state into congressional districts. The first district was composed of the counties of Hancock, Johnson, Carter, Sullivan, Washington, Hawkins, Greene, Cocke, Claiborne, Union, Grainger and Hamblen counties.

6. Public Acts of 1873, Chapter 27, apportioned the representation of the United States Congress by dividing the state into congressional districts. The first district was composed of the counties of Hancock, Johnson, Carter, Sullivan, Washington, Hawkins, Greene, Cocke, Claiborne, Grainger and Hamblen counties.
7. Public Acts of 1881, Extra Session, Chapter 6, apportioned the representation of the general assembly of the state by providing for the election of representatives and senators. Hancock County jointly elected one representative with Hamblen and Hawkins counties. The second senatorial district was composed of the counties of Hancock, Hawkins and Greene.
8. Public Acts of 1882, Chapter 27, apportioned the representation of the United States Congress by dividing the state into congressional districts. The first district was composed of the counties of Hancock, Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins, Greene, Hamblen, Claiborne, Cocke and Grainger.
9. Public Acts of 1891, Chapter 131, apportioned the representation of the United States Congress by dividing the state into congressional districts. The first district was composed of the counties of Hancock, Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins, Greene, Hamblen, Claiborne, Cocke and Grainger.
10. Acts of 1891, Extra Session, Chapter 10, apportioned the representation of the general assembly of the state by providing for the election of representatives and senators. Hancock, Hawkins, Johnson, Sullivan, Washington, Unicoi and Greene counties composed the first representative district and elected one representative jointly. Hancock County was placed in the third senatorial district along with Grainger, Claiborne, Union and Campbell counties.
11. Private Acts of 1897, Chapter 216, detached Hancock County from the third senatorial district and placed it in the second senatorial district.
12. Private Acts of 1897, Chapter 239, detached Hancock County from the second senatorial district and placed it in the third senatorial district.
13. Public Acts of 1901, Chapter 109, apportioned the representation of the United States Congress by dividing the state into congressional districts. The first district was composed of the counties of Hancock, Sullivan, Johnson, Carter, Unicoi, Washington, Greene, Hawkins, Claiborne, Grainger, Cocke and Sevier.
14. Public Acts of 1901, Chapter 122, apportioned the representation of the general assembly of the state by providing for the election of representatives and senators. Hancock and Grainger counties composed the fifth representative district and jointly elected one representative. The third senatorial district was composed of Hancock, Grainger, Claiborne, Union, Campbell and Scott counties.
15. Private Acts of 1945, Chapter 262, created five new civil districts for Hancock County, to be numbered thirteenth civil district through the seventeenth civil district. This act was repealed by Private Acts of 1947, Chapter 613.

CHAPTER VIII - HEALTH

HEALTH

For the general statutes relating to health, see Tennessee Code Annotated title 68, with particular reference to chapter 2 (Local Health Services). Chapter 2 provides for the creation of county and district health departments, boards of health, and cooperation between counties and cities in the establishment of such departments and boards. It also details the operation and financing of local health services. See volumes 14, 15 and 16 (Combined General Index) of T.C.A. for reference to statutes on specific health topics.

The following summaries are included herein for reference purposes.

1. Private Acts of 1933, Chapter 303, provided that any person over twenty-one, who was of good character, had been continuously engaged in the practice of medicine, and was a bona fide resident of the state, was licensed to practice medicine in Hancock County by the provisions of this act, without meeting any other requirements. This act was repealed by Private Acts of 1978, Chapter 204.
2. Private Acts of 1933, Chapter 672, authorized Essco Mills to practice dentistry within Hancock County only, since there was a great need for a dentist in Hancock County but no licensed dentist practiced there, and Mr. Mills had two years of training at the Atlanta Dental College.

CHAPTER IX - HIGHWAYS AND ROADS

HIGHWAYS - ROADS

ROAD LAW

PRIVATE ACTS, 1941

CHAPTER NO. 149

COMPILER'S NOTE: Private Acts of 1945, Chapter 570, provided that in the caption of Private Acts of 1941, Chapter 149, the words "Road Commissioner" be changed to "Superintendent of Highways". However, the words "Road Commissioner" do not appear in said caption.

SECTION 1. That in order to establish a system for the construction, repair, maintenance and operation of the road system of Hancock County, there is hereby created a County Road Commission for such County, composed of three members, who shall be elected by the qualified voters of all of said County from the County at large and who shall hold office for a period of two years from September 1 next following their election. At the regular August election, 1942, the qualified voters of such County shall elect three members thereof. Until September 1, 1942, the following persons are designated to act as such Road Commissioners: A.W. Yount, Sam Henrey and J.P. Overton. Such Commission shall be known as the Hancock County Road Commission.

SEC. 2. That the said Road Commission provided for by the preceding section shall have general authority and supervision over the construction, operation, maintenance and repair of all roads in said County, together with the right to establish new roads and to abandon such other roads as in their judgment may seem to the best interest of such County. For the purpose of establishing, laying out, changing and relocating roads, such Commissioners expressly invested with the power of eminent domain, which shall be exercised by them in the same manner as now provided by the general statutes of this State. Upon their qualification as such Commissioners, they shall meet at the courthouse in the county seat of Hancock County and shall be inducted into office by taking oath as prescribed by law and thereupon shall elect one for Chairman, one as Secretary and one as Advisory Commissioner. As soon after the effective date of this Act as practicable, the three parties named herein to fill the vacancies occasioned by the creation of such Commission shall meet, qualify and organize in like manner.

SEC. 3. That the Chairman of said Road Commission shall devote his entire time and attention to the new duties of his office, which shall include the management and supervision of all roads in said County, together with the supervision and control of all employes engaged in connection with such road system. He is directly responsible for all funds which may come into the hands of such Commission and shall be chargeable with the receipts and disbursements thereof. Before qualifying as such Chairman, he shall execute bond in the sum of \$10,000.00, payable to such County, conditioned upon the faithful performance of his duties with respect to such funds, the cost of which bond, if executed with a corporate surety, shall be paid from the road fund of said County.

SEC. 4. That the Secretary of said Commission shall have direct supervision and charge of all accounting and bookkeeping with reference to the road system of Hancock County, and in

addition thereto shall have direct supervision and control of all county road machinery when not in use, and shall have charge of the supervision and repair thereof. He shall devote his entire time to the duties of his office and may make expenditures, with the approval of the Chairman, for the upkeep, repair and maintenance of all machinery and other equipment, provided that no expenditure in excess of \$200.00 therefor shall be made except upon competitive bidding.

The Advisory Commissioner shall meet and consult with the Commission as a whole at each of the regular meetings of such Commission and such special or called meetings as may be held. He shall have equal voice and authority with the other Commissioners in said meetings. It shall be the duty of said Commission to hold regular meetings at the courthouse at the county seat of Hancock County or at such other places as may be designated by them. Such meetings shall be held twice monthly, and in addition thereto the Commission may hold such special meetings as they deem appropriate either upon call of the Chairman or upon the request of two Commissioners.

All purchases in excess of the sum of \$200.00 shall be made by the Commission upon competitive bids after due advertisement, and the Commission shall award the purchase order to the lowest and best bidder, taking into consideration the quality of the material desired and the responsibility of the bidder.

SEC. 5. That the Superintendent of Highways of Hancock County shall receive as compensation for his services the sum of Four thousand eight hundred (\$4,800) Dollars annually, payable in monthly installments as full compensation for his services. Such salary shall be paid from the general road funds of the county on warrant of the County Judge and the said Superintendent of Highways shall not receive any further compensation of any character from the public funds of the said county. In addition thereto the Superintendent of highways is authorized to employ a bookkeeper-stenographer at a salary not to exceed One Hundred fifty dollars (\$150.00) per month payable in monthly installments upon warrant of the County Judge which shall issue when the Superintendent of Highways certifies that the said bookkeeper-stenographer has rendered the services required and is entitled to receive payment. This salary shall likewise be paid from the general road funds of the County.

It shall be the duty of the said Superintendent of Highways to keep a complete and accurate record of such work as may be done upon the road system and make a written report thereof to the Quarterly County Court of the county upon each regular meeting of such Quarterly County Court. The books and records for said Superintendent of Highways may be audited in the discretion of the Quarterly County Court evidenced by a resolution duly passed to that effect in the same manner as the books and accounts of any other county official are audited. Any vacancy in the office of Superintendent of Highways shall be filled by the Quarterly County Court but any person so elected shall serve only the remainder of the unexpired term of the Superintendent of Highways whom he replaces.

As amended by: Private Acts of 1945, Chapter 570.
Private Acts of 1967-68, Chapter 397.
Private Acts of 1967-68, Chapter 398.

SEC. 6. That there is hereby levied a tax of 10 cents on each One Hundred Dollars worth of taxable property in said County. Such tax shall be used solely for the purpose of supplementing other

funds received in any manner by said County for road purposes, and such tax shall be assessed and collected by the Tax Assessor and County Trustee in the same manner as other taxes are assessed and collected, and the proceeds thereof shall be retained in the hands of the County Trustee, to be expended upon warrants of the Chairman of said Commission, countersigned by the Secretary, and shall be used for no other purpose.

SEC. 7. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1941.

HIGHWAYS - ROADS

SUPERINTENDENT OF HIGHWAYS

PRIVATE ACTS, 1945

CHAPTER NO. 570

COMPILER'S NOTE: The following part of section 1 of this act amended Private Acts of 1941, Chapter 149, however, the sections to be amended were not specifically mentioned.

SECTION 1. That Chapter 149 of the Private Acts of 1941 be and the same is hereby amended as follows:

“(a). The county road commission of Hancock County is hereby abolished effective September 1, 1946.

“(b). The duties of the said county road commission and of each of the individual commissioners thereof is transferred to one official to be known as the ‘Superintendent of Highways of Hancock County.’ Such official shall be responsible for the discharge of all duties which have heretofore been assigned to the said road commission and the various members thereof.

“(c). The said Superintendent of Highways of Hancock County will be elected by a vote of the qualified voters of Hancock County at the time other county officers are elected at the August election in each even numbered year and shall take office on September 1 next following such elections. The term of such official shall be two years from and after September 1. The first election of Superintendent of Highways shall be at the August 1946 election.

SEC. 2. That the Caption of the aforesaid Chapter 149 of the Private Acts of 1941 be and the same is hereby amended by striking therefrom the words “Road Commissioner” and inserting in lieu thereof the words “Superintendent of Highways.”

SEC. 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 28, 1945.

HIGHWAYS - ROADS

General law on highways and roads can be found in title 54 of Tennessee Code Annotated. In 1974, the general assembly enacted the "County Uniform Highway Law," which has had a substantial effect on road law in Tennessee's counties. Found in title 54, chapter 7 of Tennessee Code Annotated, the County Uniform Highway Law applies to most counties in the state.

The County Uniform Highway Law deals extensively with the position of "Chief Administrative Officer" of the county road department. The chief administrative officer is defined in T.C.A. § 54-7-103 as a county road superintendent, county road supervisor, county engineer, director of public works, or any similar elected or appointed official. The qualifications of the chief administrative officer are set out in T.C.A. § 54-7-104. Public Acts of 1989, Chapter 77, amended T.C.A. § 54-7-104(a)(1), to provide that the state coordinator of elections, rather than the highway committee of the county legislative body, shall certify a candidate's qualifications to be elected chief administrative officer of the county highway department in those counties where this officer is popularly elected.

The term of office is set at four years by T.C.A. § 54-7-105, and the minimum salary of the chief administrative officer is set by T.C.A. § 8-24-102. T.C.A. § 54-7-106. The bond of the chief administrative officer is now set at \$100,000 by T.C.A. § 54-7-108.

The duties of the chief administrative officer are specified in T.C.A. § 54-7-109. This section names the chief administrative officer as the head of the county highway department and gives this officer general control over the road system and the personnel employed by the county road department. However, in those counties with popularly elected highway commissions (provided by private act), the general policy decisions over the highway system remain with the elected highway commission.

The County Uniform Highway Law also gives the chief administrative officer authority to employ legal counsel (T.C.A. § 54-7-110), requires the preparation of an annual plan for road improvement (T.C.A. 54-7-111), and provides for the supervision and control of all equipment and materials owned by the county highway department (T.C.A. § 54-7-112).

The use of county equipment or materials for private purposes is prohibited by T.C.A. § 54-7-202. Any personal financial interest in the purchase of any supplies, machinery, materials or equipment by any chief administrative officer, county highway commissioner, member of the county governing body, or any employee of the county highway department is expressly forbidden by T.C.A. § 54-7-203.

The following is a listing of acts which once had some effect upon the county road system in Hancock County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1853-54, Chapter 249, appropriated \$4,000.00 for the purpose of constructing a road, beginning at or near Mulberry Gap in Hancock County to Sneedville then across Clinch Mountain to Rogersville in Hawkins County.

2. Private Acts of 1865-66, Chapter 88, Section 46, provided that Henry Taylor, Joseph Campbell and Martial Greene constitute a body politic and corporate under the name of the Sneedville Turnpike Company, for the purpose of constructing a turnpike road from Sneedville, in Hancock County, to Rogersville or Russellville, as determined by the corporation. This section was repealed by Private Acts of 1866-67, Chapter 27, which replaced the Sneedville Turnpike Company with the Sneedville and Rogersville Turnpike Company for the purpose of constructing a turnpike road from Sneedville in Hancock County to Rogersville in Hawkins County.
3. Public Acts of 1901, Chapter 136, regulated the working and laying out of public roads in the state except in counties of 70,000 inhabitants and over by the Federal Census of 1900.
4. Acts of 1903, Chapter 282, authorized a \$50,000.00 bond issue for the purpose of building bridges across the Clinch River near Sneedville and across Powell's River at the mouth of Mulberry Creek.
5. Private Acts of 1911, Chapter 405, was a \$100,000.00 bond issue to be used for improving public roads in Hancock County. This act also provided for a commission of three members to be appointed by the county court to oversee the expenditure of the proceeds from this sale.
6. Private Acts of 1913, Chapter 300, regulated the laying out, working, changing, opening and closing of public roads in Hancock County. This act created a board of road commissioners for each civil district and defined their powers and duties; provided for the management and control of county jails and workhouses with respect to public roads and provided for the raising of funds for use of public roads in Hancock County.
7. Private Acts of 1915, Chapter 155, was the first road law for Hancock County. It provided for the election of a road commissioner from each road district, which were the same as the civil districts. It also provided for a road tax and had road duty provisions for able-bodied male residents of the county. This act was repealed by Private Acts of 1978, Chapter 204.
8. Private Acts of 1915, Chapter 522, authorized a bond issue of \$200,000.00 to be used for improving roads and bridges on the top of Newman's Ridge. These bonds were to have a maximum interest rate of 6% and their maturity date was to be set by the Hancock County Court.
9. Private Acts of 1917, Chapter 405, authorized the Hancock County Court to issue bonds in the amount of \$200,000.00, to be used for improving public highways. This bond issue was subject to voter approval and was to have a maximum annual interest rate of 5% per annum.
10. Private Acts of 1917, Chapter 730, was a road law which applied to Decatur, Hancock, Cheatham and Cannon counties. This act created three member boards of public road commissioners, one of whom was to be designated the superintendent of public roads.
11. Private Acts of 1921, Chapter 311, authorized the Hancock County Court to issue warrants in an amount not larger than \$25,000.00, to be used to improve, grade, and macadamize a

road from Luther, Tennessee via Henry Holt's place and Dr. B. T. Campbell's place to the Grainger County line.

12. Private Acts of 1921, Chapter 540, set up the office of superintendent of public roads for Hancock County, to be elected by the county court every two years and to have general supervision of the county roads. This act also provided for a road tax levy and had provisions for road duty. Private Acts of 1923, Chapter 145, amended this law to give the Hancock County Court the authority to designate the number of days of road duty to be worked by Hancock County residents. This act was repealed by Private Acts of 1978, Chapter 204.
13. Private Acts of 1923, Chapter 681, was the next road law for Hancock County. It provided that the county court was to elect a road commissioner from each road district, who would then appoint a road supervisor for that district. This law also had provisions for road duty and authorized a road tax levy. This act was repealed by Private Acts of 1978, Chapter 204.
14. Private Acts of 1925, Chapter 738, was a bond issue of \$150,000.00, to be used for building bridges and improving roads in Hancock County. This act also appointed a road commission to oversee expenditure of these funds and designated the roads to be improved with those funds.
15. Private Acts of 1929, Chapter 538, was the next road law for Hancock County, authorizing the county court to appoint for a two year term a superintendent of public roads, who would be paid \$600.00 annually and would have charge and control of all county roads and road equipment. This act was repealed by Private Acts of 1941, Chapter 147.
16. Private Acts of 1933, Chapter 716, required road hands to work three days each year or to commute such labor by the payment of \$1.00 per day to their district road overseer. This act was repealed by Private Acts of 1937, Chapter 146.

CHAPTER X - LAW ENFORCEMENT

LAW ENFORCEMENT

JAILS AND PRISONERS

The general law on jails and prisoners can be found in Tennessee Code Annotated title 41. Of particular interest to county officials are chapter 2 (County Workhouse), chapter 4 (Jails and Jailers), and chapter 8 (County Correctional Incentives Act). For the state law on jailers fees, see T.C.A. §§ 8-26-105 and 41-8-106.

LAW ENFORCEMENT

MILITIA

For many years during the early portion of Tennessee's history, the county units of the state militia were a vital part of the peace keeping and law enforcement arm of the state, being subject to call when certain conditions existed.

OFFENSES

FIREWORKS REGULATION

PRIVATE ACTS, 1947

CHAPTER NO. 783

SECTION 1. That, from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 11,231 and not more than 11,236 inhabitants according to the Federal Census of 1940, or any subsequent Federal Census.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squibb, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

SEC. 2. That any article or articles of merchandise coming within the definition of "pyrotechnics" as defined in this Act, are hereby declared to be contraband and subject to confiscation whenever found within the boundaries of any County within this State to which this Act is applicable, and it shall be the duty of the Sheriff of any such County and all peace officers, to seize such article or articles and destroy the same.

SEC. 3. That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 and not more than \$400.00, or by confinement in the County jail for not less than thirty days and not more than eleven (11) months and twenty-nine (29) days, or by both such fine and imprisonment, in the discretion of the Court.

SEC. 4. That nothing in this Act shall be construed as applying to persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside the Counties in this State to which this Act is applicable, and keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusion of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

SEC. 5. That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SEC. 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1947.

LAW ENFORCEMENT

OFFENSES

Some counties in Tennessee have made various activities illegal within their boundaries by the enactment of private legislation. Some of these were billiard playing, operating dance halls, shooting fireworks, and things of a similar nature.

LAW ENFORCEMENT

SHERIFF

The office of sheriff is one of the county offices established by article VII, section 1 of the Constitution of Tennessee, and it is regulated by the general statutes found in title 8, chapter 8 of Tennessee Code Annotated. Many of the duties of the sheriff are specified in T.C.A. § 8-8-201. The sheriff's salary is determined by T.C.A. §§ 8-24-102 . The statutes authorizing the sheriff to petition the court with criminal jurisdiction for the employment of deputies and assistants and the setting of salaries for deputies and assistants are found in T.C.A. § 8-20-101 et seq. Also, the sheriff may appoint such personnel as may be provided for in the budget adopted for the sheriff's department. T.C.A. § 8-20-120. For additional statutes relating to the sheriff, refer to the combined general index of Tennessee Code Annotated, volumes 14, 15, and 16, under specific topics relating to law enforcement.

The following acts have no current effect but are included here for reference purposes since they once applied to the Hancock County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1865-66, Chapter 20, gave the sheriff of Hancock County authority to hire one additional deputy.
2. Private Acts of 1913, Chapter 327, set the annual salary of the sheriff at \$600.00. This was repealed by Private Acts of 1915, Chapter 9.

CHAPTER XI - TAXATION

TAXATION

ASSESSOR OF PROPERTY

The assessor of property is a constitutional officer provided for in article VII, section 1 of the Constitution of Tennessee to be elected by the qualified voters for a term of four years. For general law on the office of county assessor of property, see Tennessee Code Annotated title 67, chapter 1, part 5.

The salary of the assessor is set by the county legislative body in accordance with T.C.A. § 67-1-508 at an amount not less than the salary provided for the assessor by T.C.A. § 8-24-102. Also, T.C.A. § 67-1-508 provides that any assessor of property who has been trained and designated as a "Certified Assessment Evaluator" will be paid additional compensation by the state. Further, any assessor of property who has earned the title of "Tennessee Certified Assessor" or "Residential Evaluation Specialist" will be paid additional compensation by the state. The assessor is authorized by T.C.A. § 67-1-506 to appoint a deputy assessor for each 4,500 parcels of property over and above the first 4,500 parcels.

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Hancock County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 263, set the salary of the Hancock County Tax Assessor at \$500.00 per annum, to be paid from the county general fund.
2. Private Acts of 1937, Chapter 397, was a very elaborate act creating the office of delinquent tax collector for Hancock County, setting up the term of office, method of election, specifying duties and providing for his salary and bond. This act was repealed and the office abolished by Private Acts of 1951, Chapter 266.
3. Private Acts of 1945, Chapter 140, set the salary of the Hancock County Tax Assessor at \$1,000.00 per annum.
4. Private Acts of 1949, Chapter 573, set the salary of the Hancock County Tax Assessor at \$1200.00 per annum. Private Acts of 1959, Chapter 361, attempted to amend this to raise the tax assessor's salary to \$1800.00 but this act was rejected by local officials and never became effective. This salary is now regulated by T.C.A. 8-2403.

TAXATION

Most of the general law on taxation can be found in title 67 of Tennessee Code Annotated. The chief revenue source for county government is the ad valorem tax on real and personal property. The statutes dealing with the county property tax, including assessment, levy, collection, and enforcement, are found in title 67, chapter 5. Assessments are reviewed by the county board of equalization, which is covered by title 67, chapter 5, part 14. Another large source of county revenue is the local option sales tax. The authority for the local option sales tax is codified at T.C.A. title 67, chapter 6, part 7. While the property tax may be levied by the county legislative body alone, the local sales tax must be approved by the qualified voters in a referendum. Other general law granting taxing authority for counties may be found in other sections of the code. These may be found through use of the combined general index to the Tennessee Code Annotated. In some areas private acts may be used for authority to levy a tax at the county level. The revenue sources available to county governments, and the authority for such taxes and fees either in general law or private acts, are summarized in the CTAS publication County Revenue Manual.

The following is a listing of acts pertaining to taxation in Hancock County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1851-52, Chapter 330, was an act relieving Alfred N. Baldwin, the revenue collector of Hancock County, from the payment of damages in the amount of \$63.17, assessed against him in a judgement for not collecting the state tax due in Hancock County in 1850. He was relieved only of payment of the damages, but not of payment of the taxes which were due, amounting to \$505.36.
2. Private Acts of 1865-66, Chapter 74, gave Jessee Alder, the revenue collector of Hancock County until June 1, 1866 to collect and pay over to the state the taxes due for 1865.
3. Public Acts of 1870-71, Chapter 50, exempted Hancock County from the provisions of this act which provided for the enforcement of article 2, section 29, of the state constitution with regard to the levying of taxes for county and corporation purposes.
4. Private Acts of 1925, Chapter 617, created the office of delinquent poll tax collector for Hancock County. This act was repealed by Private Acts of 1978, Chapter 204.
5. Private Acts of 1931, Chapter 612, authorized a tax levy on all personal and real property in the county, in an amount no larger than \$.30 per \$100.00 assessed valuation.

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