



May 10, 2024

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# Cocke

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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

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## Cocke



Cocke County Courthouse

**Revised and Edited By:** Steve Lobertini, Codification Specialist, and Theodore Karpynek, Administrative Assistant, 1996

**Updated By:** Elaine Turner, Paralegal, 2007

## Chapter I - Administration

### Auditing Commission

#### Private Acts of 1919 Chapter 815

**SECTION 1.** That the three Commissioners hereinafter named in counties having a population of not less than 19,395, nor more than 19,405 according to the Federal Census of 1910 or any subsequent Federal Census shall elect an Auditor who shall be a public accountant and over twenty-one years of age, and who shall be clothed with the power and charged with the duties hereinafter defined.

**SECTION 2.** That the three Commissioners created by this Act shall be John Wood, of Edwina, Tennessee; J. Frank Nease, of Parrottsville, Tennessee, and D. C. Waters, of Cosby, Tennessee, whose terms of office shall expire April 1, 1921, and thereafter the Quarterly County Court shall elect their successors at the April term thereof for the succeeding two years.

**SECTION 3.** That it shall be the duty of said Auditing Commission to supervise the auditing and examination of all books, papers, and other records prepared by the county officers in all county institutions, and shall have access to all books, papers and other documents of said county officers and of all county institutions.

They shall have power to summon witnesses, administer oaths and to compel all witnesses to testify when necessary.

Refusal on the part of any officer of the county or other person handling the funds of the county, to allow said Auditing Commission and the Clerk of said Commission access to their offices, books, papers and other records shall be a misdemeanor, punishable by a fine of not less than \$200.00 nor more than \$1,000.00 and shall subject the offender thereof to removal of unfaithful officials.

**SECTION 4.** That said Auditing Commission is hereby authorized under the direction of the Quarterly County Court, in quarterly session assembled, to establish a more efficient system of bookkeeping and accounting, in various offices and institutions of the county, requiring them to make monthly reports to the County Chairman or financial agent of such county of all revenues collected and from whom collected, which report shall be sworn to before the Chairman or some Notary Public; that this section shall apply to all officers of the county except the Justices of the Peace, who shall make their reports quarterly instead of monthly, as above stated.

**SECTION 5.** That said Auditing Commission shall appoint an Auditor who shall also be Clerk of the Commission and who shall be a competent public accountant, qualified and licensed by the laws of Tennessee as an expert accountant, and it shall be the duty of the said accountant or clerk to make such an examination of the books, records and papers of the various institutions in the manner prescribed by said Commission, and to perform such duties as are prescribed by said Commission.

Said Auditor or Clerk shall be paid for his services at a rate not to exceed \$2,000.00 per year for such time as he may actually devote to the work assigned to him by said Commission.

Said Auditor or Clerk shall execute a bond in the sum of \$5,000.00 and take an oath to faithfully and impartially discharge his duties.

**SECTION 6.** That said Auditing Commission shall meet as often as in their judgment is for the best interest of the county, and *provided, further*, that a per diem of \$3.00 a day be allowed for each of the Commissioners for the time actually spent in their performance of their duties, not to exceed thirty days in any one year.

**SECTION 7.** That all meetings of said Auditing Commission and all records kept by them, or the said Auditor or Clerk, shall at all times be open to the inspection of the public.

**SECTION 8.** 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 14, 1919.

### Cemeteries

#### Private Acts of 1919 Chapter 54

**SECTION 1.** That in all counties of this State having a population of not less than 19,395 and not more

than 19,405 according to the Federal Census of 1910 or any subsequent census, the Trustee, or Commissioners of any cemetery or graveyard are by this Act given the right to condemn land adjacent to said cemetery or graveyard for burial purposes, the taking and condemning of said land shall be under the same laws and regulations as now required by law for the condemning of land by and for railroad purposes.

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

Passed: January 23, 1919.

## Draining Purposes

### Private Acts of 1919 Chapter 53

**SECTION 1.** That in all counties of this State having a population of not less than 19,395 and not more than 19,405, according to the Federal Census of 1910 or any subsequent census, that any citizen of said county may have the right and by this Act it is made lawful for such citizens of said counties to condemn sufficient land on adjoining farms to drain the land of the owner of such farm sought to be drained, and for such purpose may cut ditches across the adjoining farm so as to least damage the same, *provided* that before ditching and draining through the farm of another, the party or parties seeking the draining of their farms, shall by proper proceedings condemn sufficient of said land for the draining of said land, and said condemnation proceedings shall be the same as now required by law for the condemning land for railroad purposes.

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

Passed: January 23, 1919.

## Memorial Building

### Private Acts of 1929 Chapter 519

WHEREAS, It is the duty of the State of Tennessee to make adequate recognition of the deeds and valor of its sons and daughters in the World War and other wars in which our country has been engaged and who have brought honor to the Commonwealth; and,

WHEREAS, It is fitting that for such purpose a memorial in the nature of a building to be erected in the City of Newport, Tennessee, to be used by the Newport Post No. 41, American Legion, and other patriotic organizations in said city; and whereas such memorial ought to be erected in Newport, Cocke County, Tennessee. *Now, therefore:*

**SECTION 1.** That for the purpose of providing a fitting and suitable memorial, there shall be erected, established and maintained in the City of Newport, in Cocke County, Tennessee, a Memorial Building, to be known as the Memorial Building.

**SECTION 2.** That the management of said Memorial Building after same shall have been completed, shall be placed in Newport Post No. 41, American Legion, and its successors, said building to be a permanent and perpetual memorial.

**SECTION 3.** That the details of the building to be erected as such memorial shall be determined by a commission hereinafter provided for; but said memorial shall be in the form of a building, which shall contain an auditorium in which the American Legion and other patriotic organizations of Newport, Tennessee, and the people of Newport and Cocke County may meet for public purposes, or in connection with matters of interest to citizens of Newport and Cocke County, Tennessee; and there shall also be constructed therein suitable rooms for the carrying out of the general ideas of this Act, including provisions for the assembling and collection of portraits, statues, memorials and relics of distinguished citizens of the State of Tennessee who have participated in wars or rendered distinguished public service.

**SECTION 4.** That there shall be and is hereby created a commission to be known as the Memorial Building Commission, which shall be composed of nine (9) members, three to be appointed by the Governor, three by the American Legion, Post No. 41, of Newport, Tennessee, and three by the Chairman of the County Court of Cocke County. Said Commission shall have the power and authority and it shall be its duty, to provide for and supervise the construction of the Memorial Building provided for in this Act, according to designs and plans for such building to be selected by said Commission from designs and plans for same submitted by competition, which plans and designs shall include provisions for walkways

and roadways and other incidental features connected with said memorial.

**SECTION 5.** That for the purpose of providing the funds to carry out the terms and provisions of this Act, there is hereby appropriated, out of moneys not otherwise appropriated, in the State Treasury of Tennessee, the sum of Twenty Thousand Dollars (\$20,000.00), which shall be paid over to the Memorial Building Commission, herein provided for, as requested by said Commission, by warrants of the Comptroller drawn on the Treasury of Tennessee; *provided, however*, that the payment of said appropriation shall be conditioned upon Cocke County, Tennessee and American Legion No. 41 shall furnish in cash the sum of Twenty Thousand Dollars (\$20,000.00).

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

Passed: April 2, 1929.

## Recreation Department

### Private Acts of 2000 Chapter 95

**SECTION 1.** The County Legislative Body of Cocke County, Tennessee is hereby authorized, by resolution, to establish and provide for the operation of a recreation department for the benefit of the residents of Cocke County. In providing for the operation of such recreation department, the Legislative Body may establish a separate recreational activity fund to receive monies from admission to sporting or other events held by the recreation department, concession revenue from these events and private donations. Such funds shall be deposited with the county trustee. All expenditures from the recreational activity fund shall be for the specific purposes designated by resolution of the County Legislative Body and in accordance with guidelines adopted by the County Legislative Body. An accounting shall be made of receipts and expenditures from the recreational activity fund in accordance with any resolution of the County Legislative Body. All accounts and records of the recreation department shall be public records and shall be open to inspection by any member of the public. The county executive shall have the duty to inspect the accounts of the recreational activity fund on a quarterly basis and report the findings to the County Legislative Body.

As amended by: Private Acts of 2007, Chapter 44

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Cocke County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Cocke County Legislative Body and certified 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 as provided in Section 2.

Passed: March 2, 2002.

## Administration - Historical Notes

### **Budget System**

The following act once created a budgeting system for Cocke County, but it has been specifically repealed or superseded by current law.

1. Private Acts of 1981, Chapter 164, would have created a county budge committee for Cocke County, however, according to the Cocke County County Executive the act was never ratified locally and therefore never became law.

### **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Cocke County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1939, Chapter 179, as amended by Private Acts of 1945, Chapter 579, created the office of county attorney. The county attorney was elected by the Cocke County quarterly county court for a term of two years and a salary of \$360 per annum. This act was repealed by Private Acts of 2004, Chapter 99.

### **County Clerk**

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

1. Private Acts of 1933, Chapter 790, set the maximum salary of the Cocke County Clerk at \$2,500 per year.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Cocke County and are included herein for historical purposes.

1. Acts of 1797, Chapter 6, provided that the court of pleas and quarter sessions in Cocke County would meet on the first Mondays in February, May, August and November.
2. Acts of 1809, Chapter 93, First Session, changed the meeting dates of the court of pleas and quarter sessions to the first Mondays in March, June, September and December.
3. Private Acts of 1819, Chapter 160, again changed the meeting dates of the court of pleas and quarter sessions, to the fourth Mondays in February, May, August and November.
4. Public Acts of 1865-66, Chapter 19, Section 14, removed the county seat of Cocke County from Newport to Mouth of Sweewater.
5. Public Acts of 1881, Chapter 98, Section 7, provided for the removal of the county seat of Cocke County from Mouth of Sweewater which required a two-thirds vote from the qualified voters of the county.
6. Private Acts of 1919, Chapter 73, provided that registration would not be a prerequisite to voting in any election held in Cocke County.
7. Private Acts of 1919, Chapter 261, set the mileage allowance of justices of the peace for attendance at the quarterly county court meetings. This act provided that no justice of the peace who lived within five miles of the courthouse could receive a mileage allowance, but those who lived beyond that distance would receive \$.05 per mile for each mile traveled to and from the courthouse, for not more than two days each term of court.
8. Private Acts of 1931, Chapter 208, made it unlawful and a misdemeanor for justices of the peace to associate or share an office with justices from other civil districts for the purpose of transacting business except interchanges authorized by law. Fines were between \$25 and \$50 and removal from office.
9. Private Acts of 1973, Chapter 48, set the compensation for attendance at quarterly county court meetings at \$25 with no mileage allowance.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Cocke County. They are included herein for historical purposes only. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1967-68, Chapter 265, would have created the office of county judge of Cocke County. This act was rejected by local authorities and never became operative law.
2. Private Acts of 1967-68, Chapter 473, was an act to repeal Chapter 265 above. This act also was rejected and never became operative law.

### **County Trustee**

The following act once affected the office of county trustee in Cocke County, but is no longer operative.

1. Private Acts of 1933, Chapter 787, set \$2,500 annually as the maximum compensation which the Cocke County Trustee could receive.

### **Purchasing**

The following acts once affected the purchasing procedures of Cocke 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 780, created a purchasing commission for Cocke County and provided for their duties, powers, election and compensation.
2. Private Acts of 1981, Chapter 165, would have repealed Private Acts of 1935, Chapter 780 and enacted a new purchasing law for Cocke County, but according to the county executive of Cocke County, the act was never passed by local officials and therefore never became effective.
3. Private Acts of 1991, Chapter 29, repealed Private Acts of 1935, Chapter 780, relative to the purchasing commission of Cocke County created by said act.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Cocke County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.



1. Acts of 1805, Chapter 4, appointed Isaac Leonard, Abraham M'Coy and John Inman to call all persons who were appointed by law to erect a courthouse, prison and stocks for Cocke County.
2. Acts of 1812, Chapter 6, authorized Edward Conway the proprietor of Knob Creek Lick, in Cocke County, to raise a sum of money through a lottery for the purpose of enabling him to procure salt.
3. Public Acts of 1833, Chapter 76, provided for the calling of a convention for the purpose of revising, amending the state constitution. The counties of Cocke and Sevier composed one district and elected one delegate to the convention.
4. Acts of 1839-40, Chapter 110, authorized Cocke County citizens to build mill dams across the Big Pigeon River at any point above the land of James R. Allen.
5. Acts of 1853-54, Chapter 143, provided for one director for the branch of the Bank of Tennessee in Cocke County.
6. Acts of 1855-56, Chapter 61, authorized Cocke County to purchase railroad stock in any railroad passing through or near Cocke County.
7. Public Acts of 1870-71, Chapter 72, appointed a board of commissioners to designate a new county site for Cocke County, provided that any site selected by them would have to be approved by a majority of the Cocke County voters.
8. Public Acts of 1877, Chapter 2, provided for the relief of Cocke county wherein the courthouse and county records had been burned.
9. Public Acts of 1891, Chapter 10, made it lawful for Cocke County citizens and corporations to build mill dams and dams for any other machinery or manufacturing establishments across the Big Pigeon River at any point above the War Ford near and opposite the residence of Mrs. Catherine McSween, with the written permission of the landowners on each bank. This act was apparently superseded by Public Acts of 1899, Chapter 387, which made it "unlawful for any person, company, or corporations to build any dam or obstruction across any stream in Cocke County."
10. Public Acts of 1919, Chapter 10, appropriated money for the purpose of erecting monuments or buildings or libraries as a memorial to the honor and memory of American soldiers, sailors and marines, who served in World War I. This act was amended by Private Acts of 1927, Chapter 594 by including veterans from the Spanish-American War and other foreign wars, insofar as it applied to Cocke County.
11. Private Acts of 1933, Chapter 445, removed the disabilities of infancy from Ella Mae Finchum.
12. Private Acts of 1935, Chapter 411, removed the disabilities of infancy from Eunice Elmeda Rains.
13. Private Acts of 1965, Chapter 123, attempted to authorize Cocke County to contract with other counties, cities, state and federal governments, private industry and individuals for the sale of crushed rock, but the quarterly county court did not approve this act and it never became an operative law.
14. Private Acts of 1980, Chapter 271, would have established a civil service system and a civil service board for Cocke County, however, according to the Cocke County County Executive the act was never ratified locally and therefore never became law.

## Chapter II - Animals and Fish

### Fence Law

### Private Acts of 1917 Chapter 33

**SECTION 1.** That hereafter it shall be unlawful for any person or persons owning, or having the custody and control of horses, mules, cattle, sheep, goats, swine, geese, and all domestic fowls instead of other livestock to permit or knowingly allow, such animal or animals, or livestock, to run at large in counties of this State having a population of not less then 19,390 nor more than 19,410 according to the Federal Census of 1910, or any subsequent Federal Census.

As amended by: Private Acts of 1921, Chapter 428

**SECTION 2.** That the owner of, or the person having custody and control of, said livestock mentioned in Sec. 1 of this Act shall be liable for all damages done to the property of other persons by said livestock while running at large in said counties, in violation of this Act, and the party so damaged shall have a lien on the animal or animals doing the injury to his property to secure such damages; and said lien may be enforced by attachment, or by judgment and execution, as in the case of landlord's lien for rent.

**SECTION 3.** That any person, his agent or tenant, upon whose land or property such livestock may be found running at large, shall have the right to take up and confine same, giving them reasonably good food and attention, and shall be entitled to a reasonable compensation therefor, and shall have, and is hereby given, a lien upon such stock so confined to secure such compensation, which lien may be enforced along with, and in the same manner as the lien prescribed in Section 2 above.

**SECTION 4.** That any person violating this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense.

**SECTION 5.** That nothing in this Act shall operate to annul or repeal or in any way change the railway stock and fence laws, and that the liability of railroads, operating in said counties, for damage to livestock shall in nowise be changed by this Act.

**SECTION 6.** That any and all laws, or parts of laws applicable to the counties set out in Sec. 1 of this Act, in so far as they are in conflict with this Act, are repealed.

**SECTION 7.** That if any section of this Act shall be held to be invalid for any reason, that fact shall not affect the validity of any other section, or sections.

**SECTION 8.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: January 25, 1917.

## Private Acts of 1919 Chapter 537

**SECTION 1.** That Chapter No. 33 of the Private Acts of 1917, passed January 25, 1917, and approved January 30, 1917, the caption of which Act is above stated, and which Act prohibits live stock from running at large in counties of this State having a population of not less than 19,390 nor more than 19,410 according to the Federal Census of 1910 or any subsequent Federal Census, be and the same is so amended as to require all adjoining land owners in said counties to build a wire fence forty-eight (48) inches high, of sufficient wire or a sufficient fence of any kind of material on a line between each owner's land at their joint expense; that each individual owning adjoining lands shall build one-half of said fence between farms, or bear one-half of the expense of the erection of such fence, unless they mutually agree not to have the fence between their lands, or dividing their lands.

**SECTION 2.** That any such person failing, refusing, or declining to join with his adjacent land owner in building said fence shall be subject to a fine of not less than \$50.00 nor more than \$100.00.

**SECTION 3.** 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 2, 1919.

## John Sevier Game Preserve

## Private Acts of 1933 Chapter 638

**SECTION 1.** That there be, and is hereby created a State Game Preserve in Cocke County, Tennessee, consisting of all that territory or lands lying within the following described boundary:

Beginning at a point on the southern bank of the French Broad River where the Tennessee-North Carolina State lines cross the same near Paint Rock; thence with the Tennessee and North Carolina State lines in a southwesterly direction to the line of the Smoky Mountains National Park on the Tennessee side; thence with the line of said Great Smoky Mountains Park boundary in a northwesterly direction to the line between Cocke and Sevier Counties; thence with the Cocke and Sevier County line to where the same intersects or joins the Jefferson County line; thence with the line between Cocke and Jefferson Counties to where the same crosses the Newport-Sevierville highway; thence with said highway eastwardly via Clevinger's Cross roads and Wilsonville through Newport, along Church Street and continuing with the Newport-Asheville highway, State highway No. 9, to where the same crosses the French Broad River east

of Bridgeport; thence with the southern bank of said French Broad River to the beginning, containing approximately 135,000 acres.

**SECTION 2.** That the ownership of and title to all wild animals, wild birds, wild fowl and fish within the boundaries of the game preserve hereby created, which are not individual property, is hereby declared to be in the State, and no wild animals, wild birds, wild fowls or fish shall be taken or killed in any manner or at any time except the person or persons so taking or killing the same shall consent that the title thereto shall be and remain the State for the possession, use and transportation thereof after such taking or killing provided for hereinafter, or provided for in the general laws of this State. Provided, it shall be unlawful for any person to hunt, kill, trap, ensnare, take or destroy any wild birds, wild fowl, wild animals or fish; except subject to the restrictions and by the means and devices, and at the time prescribed by the general laws of the land, or by this Act.

Provided, further, however, that this Act shall not repeal or interfere with any local Act or Acts with reference to the taking or killing of hawks and foxes, now in existence.

**SECTION 3.** That in all the territory embraced within the game preserve hereby created and established there shall be a closed season on (1) hunting, taking or killing deer, bear, wild turkeys, pheasants, and grouse for a period of five years from and after the passage of this Act, and, (2) on hunting, taking or killing quail and doves for a period of two years from and after the passage of this Act; and (3) on fishing for and/or taking from any of the streams in said game preserve territory, except Big Pigeon River, any game fish for a period of three years from and after the passage of this Act; except that the native residents may fish for and take and use for family consumption purposes, trout of the size permitted to be caught under the provision of general laws of the State, between April 1 and May 15 and between September 1 and October 15 of any year, but fishing in said streams by non-residents during said three-year period is strictly forbidden.

**SECTION 4.** That the control, management and supervision of the game preserve hereby created and established shall be and remain in the Department of Game and Fish of the State of Tennessee, subject to all rules and regulations of said department. And it shall be the duty of the State Game Warden, acting for and on behalf of the State Department of Game and Fish, to make a survey of the territory embraced within said game preserve hereby created, as promptly after the passage of this Act as possible, and thereafter he shall take such steps as are necessary toward stocking said territory, or the most suitable parts thereof, with such wild animals, wild birds, wild fowl and fish as are suitable to the needs and purposes of said game preserve, and shall appoint a competent deputy game warden or wardens to have charge and supervision of the enforcement of all laws enacted for the protection and preservation of wild life within the territory of said game preserve, all of which shall be paid out of funds now or hereafter on hands to the credit of the State Department of Game and Fish, but he shall not spend, for each of the next five years, a sum less than One Hundred (\$100.00) Dollars for purposes of propagation alone, exclusive of expenses of deputy game warden.

**SECTION 5.** That it is hereby declared to be the legislative intent that the game preserve hereby created shall be subject to the general laws of the land, except where the provisions of this Act conflict therewith and thereby repeal the same or parts thereof.

**SECTION 6.** That the game preserve hereby created and established shall be called, known and designated as "The John Sevier Game Preserve," in honor of Tennessee's first Governor and one of the early settlers of East Tennessee.

**SECTION 7.** That all laws and parts of laws in conflict with the provisions of 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 22, 1933.

## Animals and Fish - Historical Notes

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 Cocke County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1897, Chapter 288, closed the Nolachucky and French Broad Rivers to fishing in Cocke County, and this act also provided for a closed season on fishing in all other rivers and streams of the county, except by line and hook or trot line from April 1st to June 15th of each year.
2. Public Acts of 1899, Chapter 333, protected deer in Cocke County from hunting for ten years

following the passage of this act. Hunting, chasing, trapping, killing or wounding deer was made a misdemeanor punishable by a fine of not less than \$10 nor more than \$50.

3. Public Acts of 1899, Chapter 387, was an act to protect fish in Cocke County by making it a misdemeanor to take anything except minnows from any of the waters in the county.
4. Acts of 1903, Chapter 150, was the first stock or "fence" law for Cocke County, applying to swine, sheep and goats.
5. Acts of 1903, Chapter 593, defined a lawful fence in Cocke County as a fence built on substantial posts, set firmly in the ground not more than fourteen feet apart with four barbed wires or four planks running horizontally and fastened firmly to these posts.
6. Private Acts of 1917, Chapter 249, made it lawful to gig or grabble fish in Cocke County, except when fishing for trout, bass or perch.
7. Private Acts of 1919, Chapter 14, protected quails and partridges in Cocke County for five years, but this act was repealed before it could have any effect, by Private Acts of 1919, Chapter 237.
8. Private Acts of 1919, Chapter 98, was an act to protect the fox population of Cocke County, making it a misdemeanor to kill, capture or wound foxes for five years after the passage of this act, except the catching, chasing and killing by fox dogs.
9. Private Acts of 1919, Chapter 124, authorized the county court clerk to give fifty cents for each hawk scalp was to be paid by the county court clerk out of the fish and game fees received by that office.
10. Private Acts of 1921, Chapter 405, exempted Cocke County from the general dog law of the state.
11. Private Acts of 1933, Chapter 72, provided that any person who killed a hawk in Cocke County be issued a certificate for one dollar by the county court clerk, which certificate was received by the county trustee of Cocke County from the holder thereof as a payment on any taxes due to Cocke County by the holder. This was repealed by Private Acts of 1935, Chapter 337.
12. Private Acts of 1933, Chapter 73, declared a completely open season on foxes, with no hunting license required to kill them. This act was repealed by Private Acts of 1935, Chapter 479.
13. Private Acts of 1935, Chapter 627, made it legal to fish with baskets or traps in the waters of Cocke County, except for small mouth bass or jack.
14. Private Acts of 1937, Chapter 173, allowed all citizens of Cocke County to hunt and kill foxes at any time of the year.
15. Public Acts of 1979, Chapter 214, restricted the hunting of bear in Cocke County on the following dates: November 3-6 and December 1-4. This act was repealed by Public Acts of 1980, Chapter 583.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Cocke 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 - Memorials**

1. Public Acts of 1885, Chapter 31, provided for a bond issue of not more than \$25,000 at a 6% interest rate, to be used to fund construction of a new courthouse. This was amended by Public Acts of 1887, Chapter 222, to allow the proceeds of this bond sale to be used also to fund the outstanding indebtedness of Cocke County.
2. Private Acts of 1931, Chapter 182, authorized a bond issue of \$110,000, with a maximum interest rate of 5½%, to be used for construction of a new jail and courthouse.
3. Private Acts of 1931(Ex. Sess.), Chapter 52, validated the issuance by the Cocke County Quarterly County of \$110,000 jail and courthouse bonds, dated March 1, 1931. This act was necessary since the bonds issued by the county had a maximum interest rate of 6%, rather than the 5½% provided for in the first authorizing act.

#### **Debts**

1. Public Acts of 1899, Chapter 90, authorized Cocke County to borrow the money necessary to pay

- their indebtedness, and to issue 6% bonds for the repayment of this money.
2. Private Acts of 1925, Chapter 248, authorized the county to borrow not more than \$50,000 necessary to meet current expenses, and to issue short term notes to repay this amount. This act was amended by Private Acts of 1929, Chapter 343, to increase from \$50,000 to \$80,000 the amount which could be borrowed.
  3. Private Acts of 1935, Chapter 154, validated the issuance of \$35,000 funding notes, dated February 1, 1935, and bearing interest at the rate of 6% per annum.

### **Refunding**

1. Private Acts of 1929 (Ex. Sess.), Chapter 24, authorized a \$100,000 bond issue (maximum interest rate 5%, maturity date within thirty years), to be used for refunding the outstanding road bonds of the county.
2. Private Acts of 1931, Chapter 136, validated a \$75,000 bond issue, dated February 15, 1931, maximum interest rate of 6%, for the purpose of refunding the outstanding bonded indebtedness of the county.
3. Private Acts of 1933, Chapter 193, authorized a refunding bond issue in an amount equal to the amount of those bonds maturing between the year 1932 to 1935. These refunding bonds were to bear interest at a maximum rate of 6% and were to mature within thirty years.

### **Roads**

1. Acts of 1905, Chapter 72, provided for the issuance of bonds in the amount of \$100,000 (interest rate 4%, maturity date within thirty years), to be used for repairing certain Cocke County roads designated by this act. Acts of 1905, Chapter 300, amended Chapter 72, by including another road among those designated for repair. Acts of 1905, Chapter 72, was repealed by Acts of 1909; Chapter 15, and both Chapter 72 and Acts of 1905, Chapter 300, were repealed by Acts of 1909, Chapter 231.
2. Acts of 1909, Chapter 37, authorized a \$200,000 road bond issue, with a maximum interest rate of 5%, maturing in not less than ten nor more than thirty years after their issuance. The funds from the sale of these bonds were to be used for improving certain roads designated in the act and for constructing a bridge across the Pigeon River. This act was amended by Acts of 1909, Chapter 295, to provide that the quarterly county court could set the dates on which the semi-annual interest due on these bonds would be payable; and Private Acts of 1911, Chapter 341, amended the 1909 bond issue to add another road to the list of those to be improved.
3. Private Acts of 1915, Chapter 242, authorized subject to voter approval a road bond issue of \$200,000 with a maximum interest rate of 5%, maturity date within thirty years. This act also provided for the establishment of a pike commission to oversee the sale of these bonds and the expenditure of the funds from his bond sale; and the roads to be improved with those funds were designated by this private act.
4. Private Acts of 1917, Chapter 385, provided for a \$50,000 road bond issue, upon approval by a majority of the quarterly county court. These bonds were to mature within thirty years with a maximum interest rate of 5%, and the roads to be repaired with the proceeds from the sale of these bonds were designated in this act.
5. Private Acts of 1917, Chapter 582, authorized the issuance of bonds in the amount of \$6,000 upon approval by a majority of the quarterly county court, with a maximum interest rate of 5%, maturity date within thirty years. This act also appointed a pike commission to oversee sale of these bonds and the construction of the two roads designated by this act.
6. Private Acts of 1919, Chapter 691, authorized a bond issue of \$135,000, subject to voter approval, for construction and repair of certain roads in Cocke County. These bonds were to mature within thirty years at a maximum interest rate of 5%; and a road commission was named by this act to oversee this construction. Private Acts of 1920 (Ex. Sess.), Chapter 85, amended this act to give the road commission authority to enter and survey any land in the county with the county liable only for actual damages done to the property. The original act was further amended by Private Acts of 1921, Chapter 571, which changed the roads to be improved with these funds.
7. Private Acts of 1921, Chapter 618, provided for the issuance of road bonds in the amount of \$300,000 upon approval by the quarterly county court, with a maturity date within thirty years at a maximum annual interest rate of 6%. Private Acts of 1923, Chapter 214, amended the original bond issue act to increase the types of expenditures that could be made with the proceeds from the bond sale.
8. Private Acts of 1921, Chapter 760, authorized a road bond issue of \$110,000 (maturing in not less

than ten or more than thirty years at a maximum interest rate of 6%). This act also appointed a road commission to oversee repair of certain roads designated in this act.

9. Private Acts of 1927, Chapter 599, provided for the issuance of road bonds in the amount of \$1,000,000, to be used for the construction of the "Interstate Road." These bonds were to mature within thirty years with a maximum interest rate of 6%.
10. Private Acts of 1947, Chapter 499, authorized a bond issue of \$30,000. These 4% bonds were to mature within fifteen years and the proceeds from their sale were to be used to repair and rebuild Carson Road. This was amended by Private Acts of 1949, Chapter 187, to provide that the "road commission may do all or part of the work on Carson Road by force account."
11. Private Acts of 1949, Chapter 119, authorized a bond issue of \$25,000 to be used for the purchase of road machinery. These bonds were to mature within twenty-five years at a maximum interest rate of 4%.

### **Schools**

1. Private Acts of 1957, Chapter 219, authorized a bond issue of \$500,000, to match any available Federal funds given for the purpose of purchasing sites for building and or adding to schools. These bonds were to be issued upon approval by the quarterly county court and the court was also given authority to determine the form, denominations, interest rate and details of sale.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1797 Chapter 8

WHEREAS the citizens of Jefferson county, living on the waters of French Broad and Big Pigeon, above the mouth of Chucky river, are so situated by rivers and mountains, that they cannot with convenience attend courts, general musters or elections in said county; And it being made appear to this general assembly, that the bounds required by the constitution may be had in each county:

**SECTION 1.** That from and after the passing of this act, the said county shall be divided by a line to begin on the North Carolina boundary line with this state, on the south side of French Broad river, one mile from said river, thence down said river, one mile distance from the same to where it intersects the Greene county line, thence with said line to Nolichucky river, a small distance below Captain William White's house, thence down the said river to French Broad, leaving all the islands to Jefferson county, thence down the river French Broad, in the same manner, to the bent of said river opposite Colonel Parmenas Taylor's, and from thence a direct line to the top of English's mountain, within one mile of Sevier county line, thence parallel with that line to the uppermost house on Cozby's creek, and from thence an easterly line, to a point on the North Carolina boundary line, as to leave six hundred and twenty-five square miles in Jefferson county, and from thence with the said boundary line to the beginning, which bounds, so described, shall, from and after the passing of this act, be a separate and distinct county, known by the name of Cocke.

**SECTION 2.** That Henry Ragan, William Job, John Cassee, Peter Fine, John Keeney, Reps Jones, and John M'Glochlen, are hereby appointed commissioners, and authorized to lay off and appoint a place the most convenient in said county, for the purpose of erecting a court house, prison and stocks.

**SECTION 3.** That the aforesaid commissioners are hereby authorized and required, as soon as may be, after agreeing on the place whereon the court house, prison, and stocks are to be erected in said county of Cocke, to contract and agree with suitable workmen, for erecting and building, at the place aforesaid, a court house, prison, and stocks for the use and benefit of said county. And the better to enable the commissioners aforesaid to carry this act into effect:

**SECTION 4.** That a tax not exceeding twelve and a half cents on each hundred acres of land--a tax not exceeding twelve and a half cents on each town lot--a tax not exceeding twenty-five cents on each slave, between the age of twelve and fifty years--a tax not exceeding one dollar on each stud horse--a tax not exceeding twelve and a half cents on each free male, between the age of twenty one and fifty years, shall be collected in the said county of Cocke every year, not exceeding three years, by the sheriff or collector of the same, and accounted for and paid to the said commissioners, at the same time, and in the same manner, and under the like penalties and restrictions, as is or may be directed for collecting, accounting for, and paying public taxes.

**SECTION 5.** That before the said commissioners shall take into their hands any of the monies directed to



be collected by this act, they shall enter into bond in the sum of fifteen hundred dollars, payable to the governor for the time being, and his successors in office, for the use of the said county of Cocke, conditioned for the faithful discharge of the trust reposed in them.

**SECTION 6.** And for the due administration of justice in said county, *Be it enacted*, That the court for said county of Cocke shall be held constantly by the justices of said county, on the fourth Mondays in February, May, August, and November, in every year; and the justices for the said county of Cocke are hereby authorized and empowered to hold the first court for the same at the house of Daniel Adams, where to commence on the fourth Monday in November next, and all subsequent courts for said county, on the days above mentioned for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house shall be built of the said county of Cocke, and then all causes, matters and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to said court house; and all courts held in and for said court of Cocke, shall be held by commission to the said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers, and jurisdiction, as are, or shall be prescribed for other courts held for the several counties in this state: *Provided*, That nothing herein contained shall be construed so as to prevent the collection of all arrearages of public and county taxes, due the county of Jefferson, in said county of Cocke.

**SECTION 7.** That the sheriff of Jefferson county is hereby authorized to collect all monies due on judgments or executions, entered up in the county of Jefferson, prior to the passing of this act, and that all proceedings now pending in the county of Jefferson shall be proceeded on, and determined in the same manner as if this law had not been passed.

**SECTION 8.** That the inhabitants of said county of Cocke shall be entitled to hold an election, at the court house, under the same rules and regulations, as prescribed for elections, in other counties, and shall make returns of the polls in the same manner as pointed out by law, in other cases of separate elections, shall compose a part of the district of Hamilton, and shall send four jurors to the superior court of said district.

October 9, 1797.

## Change of County Lines

### Acts of 1799 Chapter 13

**SECTION 1.** That from and after the passing of this act, the line that divides the county of Greene from the county of Cocke, shall begin at the corner of Greene and Jefferson counties, on Nolichucky river, at the end of Bay's mountain, from thence up Nolichucky river to the mouth of Oven creek, from thence a direct line to Major Gragg's so as to leave his plantation in Greene county, from thence a direct line to the Painted Rock on French Broad river, below the Warm Springs; from thence south to the Cocke county line, and all that part lying south of the said line shall be part of Cocke county.

**SECTION 2.** That the sheriff of Greene county shall have the same power and lawful authority to collect and receive all his arrearages of taxes, and executions, in that part of Cocke county that was formerly part of Greene county in the same manner as if this act had never been passed.

Passed: January 2, 1799.

### Acts of 1811 Chapter 41

That the line between the counties of Cocke and Jefferson, be altered in the following manner to wit: Beginning on the south side of Nolichucky river, at the narrow neck in Outlaw's Big Bent of said river; thence due west ninety poles to the river bank; thence with the present line between said counties; and all that is taken north of said line, shall be added to Jefferson county.

Passed: October 22nd, 1811.

### Acts of 1811 Chapter 110

That from and after the passing of this act that the line of Cocke county, shall be so altered so as to include all the inhabitants on the waters of Cosby's creek, supposed to be in Jefferson county, if any and for the future the same shall be, and they are hereby annexed to the said county of Cocke.

Passed: November 19th, 1811.

## Acts of 1817 Chapter 23

**SECTION 1.** That the line between the counties of Jefferson & Cocke, be and the same is hereby altered, so as to include an island in French Broad river, lately know, by the name of Kenney's Island now Carter's Island in the county of Cocke, then with the present line of said counties to the line of David Beck's land, on the south side of said river, then south to the lines of said counties, adding the land of David Beck to the county of Jefferson, *Provided*, nothing herein contained shall be so construed as to prevent the Sheriffs of said counties from collecting the tax now due in the said counties, and accounting for the same in the same manner as if this law had not been passed.

Passed: October 11th, 1817.

## Acts of 1827 Chapter 177

**SECTION 1.** That the lines between the counties of Cocke, and Jefferson be so altered as to include within Cocke county, that part of Jefferson county which lies south of Nola-Chuckee river, or what is known by the name of Robert Hill's bend, any law, usage, or custom to the contrary notwithstanding.

Passed: December 11, 1827.

## Boundaries - Historical Notes

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

1. Public Acts of 1879, Chapter 55, changed the boundary between Cocke and Jefferson counties to place all the lands of William Phillips in Cocke County.
2. Public Acts of 1883, Chapter 118, changed the Cocke-Hamblen County line by placing all of Talley Island in the Chucky River in Cocke County.
3. Public Acts of 1883, Chapter 139, moved the lands of J. K. Garner into Cocke, out of Jefferson County.

Due to the great confusion about boundary lines in the early years of the state when new counties were being created, the legislature often would pass one act changing or clarifying county boundaries and then pass another private act providing for a surveyor to run and mark the new line. The following acts of this nature were passed for Cocke County.

1. Acts of 1801, Chapter 53, appointed David Stuart as the commissioner to mark the line between Cocke and Greene counties, with Thomas Holland to act as his marker.
2. Acts of 1803, Chapter 46, also appointed David Stuart as the commissioner to mark the boundary between Jefferson and Cocke counties, with William Taylor to be the marker. This act was amended by Acts of 1804, Chapter 19, to allow David Stuart to appoint one chain carrier from Cocke County and one chain carrier from Jefferson County.
3. Private Acts of 1825, Chapter 310, appointed Jonathan Wood of Cocke County and William Taylor of Jefferson County as the commissioners to run and mark the line between the counties. This line was to begin at the French Broad "where the line leaves the river below the Dutch bottom to the height of English Mountain."

For a period of about twenty-five years, before and after the Civil War, there apparently was some disagreement as to where the county seat of Cocke County should be located. The following private acts pertained to that continuing controversy.

1. Acts of 1845-46, Chapter 123, appointed a group of commissioners to decide upon a site for the county seat of Cocke County and to change the name of the county to Union.
2. Public Acts of 1865-66, Chapter 19, provided that the county seat of Cocke County could be moved from Newport to the "Mouth of Sweetwater," a distance of about 5½ miles. This move was subject to approval by Cocke County voters.

## Chapter V - Court System

### Circuit Court



## Public Acts of 1947 Chapter 138

**SECTION 1.** That regular terms of the Circuit Court of Cocke County, with general jurisdiction to try and dispose of civil and criminal cases, shall continue to convene and be held on the Fourth Monday in January, May and September of each year as now provided by law; and that, in addition to such regular terms, monthly terms of said Circuit Court shall convene and be held on the Fourth Monday of each and every month of the year, with jurisdiction to try and dispose of all civil cases within the jurisdiction of said Circuit Court as now defined by law, except cases in which a jury trial shall have been or shall be regularly demanded.

**SECTION 2.** That all leading process hereafter issuing from said Circuit Court in civil cases shall be made returnable to the next Fourth Monday of the month coming five or more days after the issuance of such process; and if, on the return day of such process, or in the first pleading tendering an issue, or on the first day of any term at which the case shall stand for trial, a jury trial shall be demanded, then the case shall automatically go over to the next regular term of said Circuit Court as distinguished from said monthly terms, and shall stand for trial in the regular way.

**SECTION 3.** That the jurisdiction of said Circuit Court at said monthly terms herein provided for shall be limited to the trial of non-jury cases, cases appealed from Justice of the Peace Courts, divorce cases and other cases involving domestic relations, equity cases coming within the jurisdiction of the Circuit Courts under the general law, and to the hearing and disposition of all issues and questions arising on demurrers, dilatory pleas, motions, and applications to amend pleadings in any civil case pending in said Court.

**SECTION 4.** That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, sentences or phrases are held to be unconstitutional or void, the remainder shall remain in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted and passed even if such unconstitutional or void matter had not been included herein.

**SECTION 5.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: March 5, 1947.

## General Sessions Court

### Private Acts of 1953 Chapter 316

**SECTION 1.** That there is hereby created and established a Court in and for Cocke County, Tennessee, which shall be designated Court of General Sessions of Cocke County.

Said County shall provide a courtroom at Newport, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the general funds of said County.

**SECTION 2.** That the Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of said County are hereby divested of all such jurisdiction and authority, but any Justice of the Peace elected for any district, except the district in which Newport is situated, may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense committed in the district for which such Justice of the Peace was elected, and may issue civil process on any cause of action heretofore triable by a Justice of the Peace, such warrants and process to be returnable to and triable by said Court of General Sessions. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court, or in the performance of the rites of matrimony, or to administer oaths is in no wise affected by this Act.

**SECTION 3.** That before the issuance of any warrant in a civil case, the plaintiff shall secure the costs of executing a cost bond with good security in the sum of \$25.00, or by making a cash deposit of not less than \$2.00 or more than \$25.00 or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

It shall be the duty of the Clerk of such Court hereinafter provided for, not later than thirty days after judgments of the Court of General Sessions shall become final to issue an execution against the party against whom the costs thereof have been adjudged. Likewise, in case of the inability to collect the costs from such party against whom they have been adjudged, evidenced by the return of an execution nulla

bona, it shall be the duty of the Clerk, not later than thirty days after the return of such execution, to undertake to collect from the successful party all costs accruing at the instance of such successful party.

**SECTION 4.** That the rules of pleading and practice, form of writs and process and stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace.

**SECTION 5.** That in all matters, the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, his Deputies, Constables, Game Warden and State Highway Patrolmen for the execution of writs and process of said Court, and the attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk of said Court and by him accounted for as hereinafter provided. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

**SECTION 6.** That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance et cetera, and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace.

Also there shall be kept a criminal docket in which there shall be entered the disposition of all criminal cases disposed of by the Court of General Sessions, which docket shall show as to the misdemeanors now within the jurisdiction of Justices of the Peace under the Small Offense Law, the name of the defendant, the charge against him, and the disposition of the case. In cases in which Justices of the Peace do not now have jurisdiction under general law, the Clerk shall be under the duty to procure a minute book and in such minute book he shall enter the action of the Court by appropriate minute entry setting forth the name of the defendant, his arraignment upon the charge against him, his plea, his waiver of right of trial by indictment, information or presentment, his waiver of a jury trial and his consent to be tried by the Court of General Sessions upon such charge. Likewise, there shall be entered therein a judgment of the Court of General Sessions on the waiver of the defendant under subsequent provisions of this Act.

**SECTION 7.** That there shall be one judge for said Court with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for inferior Courts.

The Judge of said Court as a condition precedent to his election need not be a licensed attorney.

The Judge of said Court shall also possess power to issue fiats for extraordinary process, returnable to the appropriate Court in which said is to be filed.

**SECTION 8.** That the compensation of said Judge shall be Four Thousand (\$4,000.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the ordinary funds of the County, and not be increased or diminished during the time for which said Judge is elected.

**SECTION 9.** That for the purpose of filling the vacancy occasioned by the creation of such judgeship, Edward W. Hughes is hereby designated and appointed as such Judge, who shall serve until September 1, 1954, and until his successor shall be elected and qualified. At the August election, 1954, there shall be elected by the qualified voters of Cocke County a Judge thereof who shall hold office until September 1, 1958, or until his successor shall be elected and qualified.

Thereafter, his successor shall be elected every eight years at such election for the term provided by law for Judges of Inferior Courts.

**SECTION 10.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, a majority of the attorneys present in such Court may elect one of their number, who has the qualifications of such a Judge, and when elected shall take the same oath and have the same authority as a regular Judge to hold the Court for the occasion.

**SECTION 11.** That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy until the September 1st following the next regular August election, at which election said vacancy for the remainder of the term shall be filled by qualified voters of Cocke County.

**SECTION 12.** That for the more efficient conduct of said court there is hereby created the office of Clerk of the General Sessions Court, who upon election shall hold his office for a period of four years and until

his successor shall be elected and appointed. To fill the vacancy occasioned by the creation of this office, the Judge of the General Sessions Court is empowered to appoint some qualified person as Clerk who shall hold office until September 1, 1954. At the August election 1954, there shall be elected by the qualified voters of counties to which this Act applies, a Clerk of the General Sessions Court for a term of four years. The Compensation of the Clerk of the General Sessions Court shall be Seven Thousand Six Hundred Dollars (\$7,600.00) per annum, payable in monthly installments out of the county treasury. All fees and emoluments of the office of Clerk are hereby divested out of the Clerk and shall become the property of the County. In case of a vacancy in the office of General Sessions Clerk, such shall be filled by appointment by the Judge and his appointee shall hold until the next regular election of County officers, at which time the qualified voters shall elect some person to fill the remainder of the unexpired term.

As amended by: Private Acts of 1983, Chapter 20

The Clerk of said Court shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law required shall be issued only by a judicial officer.

It shall be the express duty of the Clerk of said Court to keep all dockets required by this Act, to write all minute entries required herein and to promptly make any and all entries necessitated by this statute. In case of the failure or dereliction of the Clerk to do so, he shall be subject to discharge by said Judge of said Court of General Sessions of Cocke County.

It shall likewise be the duty of said Clerk to make and file with the County Court Clerk for transmission to each Quarterly Term of the County Court a complete detailed financial report of all receipts and disbursements of said Court of General Session for the previous quarter

As amended by: Private Acts of 1967-68, Chapter 221

Private Acts of 1969, Chapter 140

Private Acts of 1974, Chapter 140

**SECTION 13.** That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts.

**SECTION 14.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 15.** That all of the official dockets, records and papers in cases that are undisposed of or pending in the office of Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official Dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to said County, as provided by law.

**SECTION 16.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions, and to issue executions on and orders concerning any unsatisfied judgments on the dockets of said Justices of the Peace, and certify as to any such Judgments or records, as such Justice of the Peace could do, but for this Act.

**SECTION 17.** That the Court herein established is hereby vested with full jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court upon Warrant wherein the person charged with such misdemeanor enters a plea of guilty or requests trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation and jury trial. In such cases the trial shall proceed before the Court without the intervention of a jury, and the Court shall enter such Judgment and, as an incident thereto, may inflict such punishment, within the limits provided by law for the particular offense, as he may deem proper under the peculiar circumstances of such case, but nothing herein shall be construed as undertaking to grant such Judge the power to impose a fine in excess of \$50.00 upon any citizen of this State, and provided further that the Court herein created shall have no jurisdiction of the trial of misdemeanors for which the minimum punishment is a fine of more than \$50.00.

Any person aggrieved by the judgment of the Court of General Sessions having criminal jurisdiction rendered under the provisions of this Section may appeal such judgment to the next term of the Circuit Court of Cocke County upon executing an appearance bond, and likewise, executing bond for the amount of fine and costs or, in lieu thereof, taking the oath prescribed by law for paupers. Such appeal when properly taken to the Circuit Court of Cocke County, shall be tried by the Judge of the Circuit Court without a jury and without indictment and presentment, upon the original warrant issued against such person.

The Judge of the Court of General Sessions herein created is expressly authorized to issue any and all process in connection with criminal cases disposed of by him under the provisions of this section

necessary to effectuate the carrying out of the judgment rendered by him in such case.

**SECTION 18.** That the Legislature expressly declares that each section, subsection, paragraph and provision of this Act is severable and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 19.** That this Act shall take effect thirty days after its passage, the public welfare requiring it.

Passed: March 24, 1953.

**COMPILER'S NOTE:** Private Acts of 1953, Chapter 316 was found constitutional in Freshour v. McCanless, 200 Tenn. 409, 292 S.W.2d 705 (1956).

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

The following acts once affected jurors or boards of jury commissioners in Cocke County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1797, Chapter 7, required Cocke County to send four jurors to serve in the superior court of the Hamilton District.
2. Acts of 1903, Chapter 552, was the first private act creating a board of jury commissioners for Cocke County. Unlike most boards, this one only had two members, to be of different political parties, and to be appointed by the circuit and criminal court judges.
3. Private Acts of 1911, Chapter 146, was the next private act creating a board of jury commissioners for Cocke County, with the customary three members, appointed by the circuit and criminal court judges. While most of the provisions of this act were similar to those now found in the general law, one section did provide that service on a jury would not be a disqualification for further jury service for a period of two years. This section was repealed by an amendment found in Private Acts of 1935, Chapter 420.
4. Private Acts of 1947, Chapter 442, set the per diem of jurors at \$3.00.
5. Private Acts of 1949, Chapter 256, set the salary of the jury commissioners at \$4.00 per day for each day actually employed in the discharge of their official duties.
6. Private Acts of 1949, Chapter 257, set the per diem of jurors at \$4.00.
7. Private Acts of 1949, Chapter 343, provided that the foreman of the grand jury would receive a per diem of \$5.00.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Cocke 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.

1. Public Acts of 1824, Chapter 14, Section 8, fixed the time and place of holding the Cocke County Chancery Court to the third Mondays in May and November.
2. Private Acts of 1826, Chapter 90, set the terms of chancery court in Cocke County on the second Mondays in May and November.
3. Public Acts of 1827, Chapter 88, Section 3, fixed the time and place of holding the Cocke County Chancery Court to the third Mondays of May and November at Greenville in Greene County.
4. Public Acts of 1829-30, Chapter 27, altered the time of holding the chancery court for Cocke County to the second Mondays in May and November.
5. Public Acts of 1835-36, Chapter 4, established chancery courts for the state. The fifth chancery district was composed of the counties of Cocke, Jefferson and Sevier which was held at Dandridge on the first Mondays in April and October.
6. Acts of 1853-54, Chapter 127, provided that Cocke County would constitute a separate chancery district and that chancery court would be held in Newport on the third Mondays in June and December. This was amended by Acts of 1855-56, Chapter 31, to change the terms of chancery court to the first Mondays in March and September.
7. Public Acts of 1857-58, Chapter 88, prescribed the times and places of holding the chancery courts in the state. The Cocke County Chancery Court was set for the first Mondays of March and

September at Newport.

8. Public Acts of 1865-66, Chapter 41, changed the terms of chancery court to the Wednesday after the fourth Monday in February and August.
9. Private Acts of 1865-66, Chapter 129, provided that all the courts for Cocke County were to be held in Newport, until new public buildings could be constructed at the site of the new county seat, provided that the voters approved the removal of the county seat from Newport.
10. Public Acts of 1870, Chapter 32, divided the state into chancery districts. Cocke County was placed in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Powell and Hamblen.
11. Public Acts of 1870, Chapter 47, fixed the times for holding the chancery courts of the state. The Cocke County Chancery Court was set to the first Wednesdays after the fourth Mondays of February and August.
12. Public Acts of 1870-71, Chapter 72, provided that all courts for Cocke County were to be held at Newport Depot, otherwise called Clifton, in any suitable house. This act permitted the courts to adjourn from the "dilapidated Court House in Newport."
13. Public Acts of 1873, Chapter 32, was the last private act setting the dates of chancery court terms; this act provided that Chancery court in Cocke County would be held on the fourth Mondays in February and August.
14. Public Acts of 1891, Chapter 165, fixed the times of holding chancery court in the first chancery division. The chancery court of Cocke County was set to fourth Monday in February and August.
15. Public Acts of 1899, Chapter 427, divided the state into chancery divisions. The first chancery division was composed of Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins, Hancock, Claiborne, Grainger, Hamblen and Cocke. The time for holding chancery court in Cocke County was set for the first Monday in June and December.

#### **Chancery Court - Clerk and Master**

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

1. Private Acts of 1911, Chapter 69, set the salary of the clerk and master at \$900 per annum, to be paid out of the fees of that office. The clerk and master was required by this act to file an annual statement of the fees received by his office, and if the fees collected amounted to more than the salary provided by this act, the clerk and master could retain any excess. This was amended by Private Acts of 1917, Chapter 759, to raise the annual salary to \$1,000. Both of these acts were repealed by Private Acts of 1921, Chapter 887.
2. Private Acts of 1921, Chapter 887, in addition to specifically repealing the prior private acts setting the salary of the clerk and master in Cocke County, also provided that the clerk and master would be paid \$2,000 per annum, provided that he filed a quarterly statement of the fees received by his office with the county court clerk.
3. Private Acts of 1933, Chapter 789, lowered the salary of the clerk and master in Cocke County, perhaps in reflection of the depressed economic conditions throughout the country. This act provided that the maximum salary which could be received by the Cocke County clerk and master would be \$1,800 annually. This act was repealed by Private Acts of 1935, Chapter 747.
4. Private Acts of 1935, Chapter 747, again lowered the salary of the office of clerk and master in Cocke County, to \$1,500 annually, requiring a quarterly statement of fees received by the office, and providing that the clerk and master could retain any excess fees collected over and above the amount of his salary.

#### **Circuit Court - Clerk**

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

1. Acts of 1855-56, Chapter 127, directed the secretary of state to furnish the Cocke County Circuit Court Clerk with copies of Yerger's Reports of the Tennessee Supreme Court decisions.
2. Public Acts of 1882 (3rd Ex. Sess.), Chapter 2, provided that the circuit and chancery court clerks were to receive from the secretary of state the reports of supreme court decisions through December 30, 1876.
3. Private Acts of 1917, Chapter 760, provided that the circuit court clerk was to receive an annual salary of \$1,000, payable from the fees of that office. The clerk was required to file an annual

statement of the fees received by his office, and if they exceeded \$1,000, he could retain the excess. This was repealed by Private Acts of 1929, Chapter 74.

4. Private Acts of 1933, Chapter 791, set the salary of the circuit court clerk at \$1,800 annually.

### **Criminal Court**

The following acts were once applicable to the circuit court of Cocke County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1809, Chapter 49, First Session, placed Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea and Bledsoe counties in the second judicial circuit, and this act also provided that the terms of circuit court in Cocke County would be held on the second Mondays in January and July.
2. Public Acts of 1835-36, Chapter 5, established circuit courts throughout the state. The second judicial district was composed of the counties of Cocke, Jefferson, Sevier, Blount, Knox, Campbell, Anderson and Morgan.
3. Public Acts of 1835-36, Chapter 19, Section 2, set the term of the circuit court of Cocke County to the first Monday in May and the second term of said court to the second Monday of September.
4. Acts of 1837-38, Chapter 3, changed the dates of circuit court terms in Cocke County to the third Mondays in April, August and December.
5. Acts of 1837-38, Chapter 116, changed the dates of the circuit court of Cocke County to the first Mondays in April, August and December.
6. Acts of 1847-48, Chapter 132, again changed the opening terms of the circuit court, to the third Mondays in March, July and November.
7. Acts of 1851-52, Chapter 352, provided that circuit court terms in Cocke County would be held on the first Monday after the fourth Mondays in March, July and November of each year.
8. Public Acts of 1857-58, Chapter 98, prescribed the times of holding the circuit courts of the state. The Cocke County Circuit Court was set to the first Mondays after the fourth Mondays of March, July and November.
9. Private Acts of 1865-66, Chapter 129, provided that all the courts for Cocke County were to be held in Newport, until new public buildings could be constructed at the site of the new county seat, provided that the voters approved the removal of the county seat from Newport.
10. Public Acts of 1870, Chapter 31, laid the state into judicial circuits. Cocke County was placed in the second judicial circuit, along with Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne and Hamblen counties.
11. Public Acts of 1870, Chapter 46, fixed the time of holding the circuit courts of the state. The circuit court of Cocke County was set for the fourth Mondays of March, July and November.
12. Public Acts of 1870-71, Chapter 72, provided that all courts for Cocke County were to be held at Newport Depot, otherwise called Clifton, in any suitable house. This act permitted the courts to adjourn from the "dilapidated Court House in Newport."
13. Acts of 1885 (Ex. Sess.), Chapter 20, placed Claiborne, Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Anderson and Sevier counties in the second judicial circuit.
14. Public Acts of 1899, Chapter 427, divided the state into judicial districts. The second judicial circuit was composed of the counties of Jefferson, Sevier, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Union and Fentress. The circuit court for Cocke County was set for the third Monday in February, June and October.
15. Acts of 1903, Chapter 227, set the terms of circuit court in Cocke County on the third Mondays in January, May and September.
16. Acts of 1905, Chapter 477, provided that circuit court terms in Cocke County would begin on the third Mondays in January, May and September.
17. Acts of 1907, Chapter 205, fixed the time of holding the circuit courts in the second judicial circuit. The circuit court of Cocke County was set to the third Mondays in January, May and September.
18. Public Acts of 1913, Chapter 13, Section 10, set the dates for holding the Cocke County Circuit Court to the third Monday in January, May and September.
19. Private Acts of 1929, Chapter 345, set the dates for holding circuit court on the first Mondays in February, June and October.
20. Private Acts of 1935, Chapter 332, was a private act which amended the general law found in

Public Acts of 1931 (Ex. Sess.), Chapter 38, to provide that circuit court in Cocke County would be held on the fourth Mondays in January, May and September.

21. Public Acts of 1947, Chapter 138, provided for the holding of monthly terms of the circuit court of Cocke County, for the trial and disposition of civil cases, and questions arising on demurrers, dilatory pleas, motion, and applications to amend pleadings; to regulate the issuance and return of process, issuing from said circuit court in civil cases.
22. Public Acts of 1951, Chapter 17, fixed the time of holding the circuit court of the second judicial circuit. The circuit court of Cocke County was set to the fourth Monday in January, May and September.
23. Public Acts of 1955, Chapter 19, fixed the time of holding the circuit court of the second judicial circuit. The time for holding the circuit court of Cocke County was set to the first Monday in January, May and September.

#### **District Attorney General - Assistants and Criminal Investigators**

The following acts once affecting Cocke County are no longer in effect but are listed here for historical purposes.

1. Acts of 1817, Chapter 65, created the third solicitorial district, to consist of the counties of Cocke, Jefferson, Sevier and Blount.
2. Public Acts of 1931, Chapter 64, created the office of assistant attorney-general for the second judicial circuit which were composed of the counties of Cocke, Grainger, Hancock, Jefferson, Sevier and Union. The act prescribed the qualifications and duties of such office and fix the compensation.
3. Public Acts of 1976, Chapter 611, amended Public Acts of 1939, Chapter 65, (not published herein), which provided for a criminal investigator for the second judicial circuit in Tennessee by removing the requirement from Chapter 65 that the criminal investigator be a practicing attorney.

#### **Secretarial Assistance**

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

1. Private Acts of 1979, Chapter 140, authorized the general sessions judge of Cocke County to hire a secretary. The secretary of state's office has no information as to the ratification of this act.

## Chapter VI - Education/Schools

### Board of Education

### Private Acts of 1931 Chapter 725

**SECTION 1.** That there is hereby created out of the territory comprising Cocke County seven Educational Districts by combining the civil districts and voting precincts of said County as follows:

The First Educational District shall be composed of the First Civil District and the Read Hill Precinct of the Eighth Civil District.

The Second Educational District shall be composed of the Second Civil District and the Seventh Civil District.

The Third Educational District shall be composed of the Third Civil District.

The Fourth Educational District shall be composed of the Fourth Civil District.

The Fifth Educational District shall be composed of the Ninth Civil District and the Fifth Civil District.

The Sixth Educational District shall be composed of the Sixth Civil District.

The Seventh Educational District shall be composed of the Tenth and Eleventh Civil Districts and the Edwina Precinct of the Eighth Civil District.

As amended by:  
 Private Acts of 1943, Chapter 308  
 Private Acts of 1947, Chapter 652  
 Private Acts of 1947, Chapter 832  
 Private Acts of 1959, Chapter 153

**SECTION 2.** That each member of the present Board of Education shall continue to hold membership on said Board until the first Monday in September following the first regular August election after the expiration of his present term, and that the successor for each of the present members of the said board shall be elected for a term of four years, one from each of said Educational Districts, except the fourth, from which there shall be elected two members.

That the election commissioners of Cocke County shall in the manner provided by General Law, call and hold an election in the various voting precincts of the respective Educational Districts as follows: On the first Thursday in August, 1932, for the purpose of electing a member of the County Board of Education for the Sixth Educational District and one for the Third Educational District, and in like manner hold an election on the first Thursday in August, 1934, for the purpose of electing a member of said Board of Education for the Second Educational District and one for the Fourth Educational District. In like manner they shall call and hold an election on the first Thursday in August, 1936, for the purpose of electing a member of said Board of Education for the First Educational District and one for the Fifth Educational District. In like manner they shall call and hold an election on the first Thursday in August, 1938, for the purpose of electing a member of said Board of Education for the Fourth Educational District.

Said Election Commissioners shall likewise call and hold elections in each of said Educational Districts as said four-year terms of the members of said County Board of Education expire.

**SECTION 3.** That persons desiring to become candidates for said office, shall qualify in the manner required by the General Law of the State, and after said election, the Board of Election Commissioners, shall canvass the returns and issue certificates of election to the successful candidates in each of the various districts. The same requirements as now, or may hereafter be provided by law, for members of County Boards of Education, shall be necessary to render a candidate eligible for said office, and said election, shall be conducted in the manner and under the same requirements of law, as are provided for electing members to the General Assembly, and with the same restrictions, requirements, and qualifications for voters, and the persons so elected shall hold their respective offices until their successors have been elected and have qualified.

In case of a vacancy on said Board as provided for in this Act, such vacancy, shall be filled for the unexpired term, by the Quarterly County Court, meeting next and after the said vacancy occurs, the member so elected to hold office until the next regular August election.

**SECTION 4.** That the members of said County Board of Education so elected, shall be inducted into office and shall be clothed with, and shall exercise all the duties and powers of members of the County Board of Education, as now provided by law.

**SECTION 5.** That if any Section or paragraph, or clause, of this Act shall be held invalid by the Courts, that it shall not in any way, affect or invalidate any other Section or paragraph, or clause.

**SECTION 6.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

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

Passed: July 2, 1931.

## Private Acts of 1947 Chapter 832

**COMPILER'S NOTE:** Section 2 of this act should be read in conjunction with Private Acts of 1931, Chapter 725. Section 1 of this act specifically amended Private Acts of 1931, Chapter 725 which is printed herein.

**SECTION 2.** That each member of the present Cocke County Board of Education shall continue to hold membership on said Board until the expiration of his term and that their successors in the office shall be elected for the terms and at the times set out in said Chapter 725, Private Acts of 1931, Section 2, with the exception that, at the expiration of the terms of the two members from the Sixth Education District (as herein constituted), only one member of said Board shall be elected in and from said District; and in the Fourth Educational District (as herein constituted), T.B. Murrell shall serve as a member of said Board until September 1, 1948, and his successor shall be elected by the voters of said Fourth Educational District at the regular August election, 1948, for a term of two years, at the expiration of which a Board member from said Fourth Educational District shall be elected for the full term of four (4) years, thus



making the total membership of said Board eight (8) until September 1, 1950.

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

Passed: March 13th, 1947.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Private Acts of 1923, Chapter 307, authorized the board of education to borrow not more than \$8,000 to meet their current expenses and to issue short term warrants for the repayment of this loan.
2. Private Acts of 1943, Chapter 308, was an amendment to the board of education law, Private Acts of 1931, Chapter 725. This amendment changed the line of the first educational district by cutting off the Read Hill precinct from the first district and placing it in the sixth educational district. This amendatory act was repealed by Private Acts of 1945, Chapter 36.
3. Private Acts of 1957, Chapter 218, attempted to set the salary of the chairman of the board of education at a maximum of \$6.00 per day, but this act was rejected by local authorities and never became operative.

### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education in Cocke County, but are no longer operative.

1. Private Acts of 1925, Chapter 705, required the county superintendent of public instruction to oversee the enforcement of the compulsory education laws and abolished the office of attendance officer.
2. Private Acts of 1931, Chapter 100, provided for a superintendent of public instruction for counties having a population of not less than 21,770 and not more than 21,780, according to the Federal Census of 1930. The superintendent of public instruction was elected by qualified voters every two years.
3. Private Acts of 1933, Chapter 326, abolished the office of attendance officer in Cocke County.
4. Private Acts of 1937, Chapter 529, made any twelve year county superintendent of education certificate issued to a Cocke County citizen since 1920 permanent.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Cocke County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1806, Chapter 8, established the Anderson Academy as the county academy in Cocke County, naming Issac Leonard, Abraham McCoy, Peter Fine, Daniel McPherson and William Lillard as the trustees.
2. Acts of 1807, Chapter 56, named Alexander Smith, Russell B. Carlogue and Henry Stephen as additional trustees of the Anderson Academy.
3. Acts of 1813, Chapter 35, appointed William Garrett, Francis Jackson Carter, Charles T. Porter, John Shields, Thomas Fowler, Henry Stephen and William Sillard as trustees of a lottery for the benefit of Anderson Academy in Cocke County.
4. Acts of 1909, Chapter 163, was the first compulsory education law for Cocke County, requiring that all children between the ages of eight and sixteen attend school for sixteen weeks or eighty days of at least four hours each year. Exemptions from this law were allowed for children who had attained a proficiency in the subjects taught in the primary grades, children who were receiving private instruction, and children who had either a medical disability or whose extreme poverty required their services at home.
5. Private Acts of 1911, Chapter 340, was the next compulsory education law for Cocke County. Its provisions were very similar to those of the earlier law, except that this act provided that the commissioner of the poor could furnish clothing and books to extremely poor children in order that they might attend school; and this act also allowed occasional absences of not more than four days in four consecutive weeks.

6. Private Acts of 1921, Chapter 808, created the Parrotsville Special School District and authorized the board of trustees to levy an annual tax of \$.25 per \$100 assessed valuation for the support of that school district. The development of the public school system in Tennessee is characterized by the creation of a number of special school districts, some of which remain operative to this day. There was a movement in the 1925 legislative session to establish more uniform school laws for the counties of Tennessee, by the enactment of a comprehensive law regulating a state system of education with provisions for the establishment of countywide school boards. This was done by Public Acts of 1925, Chapter 13, Section 33, abolished all special school districts which were not taxing districts, and further provided that the voters of any taxing district could elect to place its school under the management of the county board of education after all the district's financial obligations had been met. Since the Parrotsville Special School District is no longer operating, it appears that the voters in this district did elect to join the countywide system, even though this act has never been repealed.
7. Private Acts of 1927, Chapter 292, authorized the Cocke County Board of Education to pay any teacher who taught in its public schools during the 1925-26 school year, even though the teacher might not hold a teaching certificate as required by T.C.A. 49-711 et seq.
8. Private Acts of 1933, Chapter 842, set the salary of the superintendent of education in Cocke County at \$1,800 per year.
9. Private Acts of 1935, Chapter 641, detached the Rankin voting precinct, which was formerly the "Old 16th Civil District" of Cocke County from the third school district to the sixth school district.
10. Private Acts of 1935 (Ex. Sess.), Chapter 151, amended Private Acts of 1935, Chapter 641, by detaching the Rankin voting precinct from the sixth school district to the fourth.

## Chapter VII - Elections

### Districts - Reapportionment

### Ninth Civil Districts

### Private Acts of 1917 Chapter 717

**SECTION 1.** That Chapter 298 of the Acts of 1903 be, and is hereby amended by creating and establishing out of what is now the Ninth Civil District of said Cocke County, the Tenth Civil District of said Cocke County, which shall embrace and include all the territory embraced in and which composed the Thirteenth Civil District prior to and at the date of the passage of said Chapter 298 of the Acts of 1903.

**SECTION 2.** That the part of the Ninth Civil District remaining after the detachment of the territory included in and composing the Tenth Civil District herein created be and remain the Ninth Civil District of said County of Cocke, and that the magistrate and other officers in said remaining territory herein designated as the Ninth District be and remain officers of said Ninth District; and that the magistrate and other officers residing in and holding office in the territory herein created the Tenth Civil District of said county be and the same are officers in and for said Tenth District.

**SECTION 3.** That the voting precincts of Sutton and Naillon heretofore known as the voting precincts of said Ninth District be and the same hereby constitute the voting precincts respectively of the Ninth and Tenth Districts herein established.

**SECTION 4.** That an additional magistrate for each of the Ninth and Tenth Civil Districts shall be elected by the people of said districts, and for this purpose the Election Commissioners of said county shall call an election to be held on the first Saturday in July following the passage of this Act, said election to be held under the present requirements and restrictions; and said Election Commissioners shall give notice at least thirty days prior to the date of said election in a newspaper published in Cocke County, or by printed circulars posted at the voting precincts in each of said districts where said Election Commissioners shall meet on Tuesday following said election for the purpose of canvassing the returns of said election, and upon so doing, shall declare the person polling the largest number of votes in the Ninth District and the

person polling the largest number of votes in the Tenth District duly and legally constituted a magistrate of said district in which elected, until the next regular election.

**SECTION 5.** That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

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

Passed: April 2, 1917.

## Private Acts of 1903 Chapter 298

**SECTION 1.** That the Second, Fifth, Ninth, Seventh, Thirteenth, Fourteenth, Fifteenth and Seventeenth Civil Districts of Cocke County as now laid out and constituted, be and the same are hereby abolished, and that the territory therein be attached to the Third, Fourth, Eighth, Tenth, Twelfth, Eleventh and Sixteenth Civil Districts as follows:

1. That all the territory lying and being within the lines of the Second District herein abolished, be and the same is hereby attached to the Third Civil District of said county and that said district be known and designated as District No. 2 of said county.
2. That all the territory lying and being within the lines of the Fifth and Seventeenth Civil Districts herein abolished, be and the same is hereby attached to the Fourth Civil District of Cocke County, and that said district be known and designated as District No. 3 of said county.
3. That all the territory lying and being within the lines of the Ninth Civil District herein abolished, be and the same is hereby attached to the Tenth Civil District of said county, and that said district be known and designated as District No. 5 of said county.
4. That all the territory lying and being within the lines of the Fourteenth District herein abolished, be and the same is hereby attached to the Eleventh Civil District and that said district shall be known and designated as District No. 7 of said county.
5. That all the territory lying and being within the lines of the Fifteenth Civil District herein abolished, be and the same is hereby attached to the Eighth Civil District of said county, and that said district shall be known and designated as District No. 8 of said county.
6. That all the territory lying and being within the lines of the Thirteenth Civil District herein abolished, be and the same is hereby attached to the Twelfth Civil District, and that said district shall be known and designated as District No. 9 of said county.
7. That all the territory lying and being within the lines of the Seventh District herein abolished, be and the same is hereby attached to the Sixteenth Civil District, and said civil district shall be known and designated as District No. 4 of said county.

**SECTION 2.** That the number of civil districts for said county as herein established shall not be increased or diminished except by Act of the General Assembly.

**SECTION 3.** That the offices of all the Justices of the Peace and Constables in the several districts herein abolished be and the same are hereby abolished.

**SECTION 4.** That the Justices of the Peace heretofore having jurisdiction over the territory formerly embraced within the districts abolished, and whose offices are abolished, shall turn over all books and papers belonging to their offices to the Justices who acquire jurisdiction of said territory under this Act, and the Justices to whom such books and papers are turned over may issue execution on judgments rendered by said Justices prior to the abolishing of their said offices, try all causes returned before them and pending when this Act takes effect and perform all Acts with reference to said abolished offices which the Justices holding the said offices could have legally performed if said offices had not been abolished.

**SECTION 5.** That the voting places or precincts in said county remain as they now are; provided, that the County Court upon the petition of two-thirds of the legal voters of any district may change the places for voting in said district and appoint a new voting place or places.

**SECTION 6.** That this Act shall not affect the school districts of said county as now laid out and established by law.

**SECTION 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: March 25, 1903.

## Private Acts of 1917 Chapter 638

**SECTION 1.** That the district line between the Fourth and Sixth Civil Districts of Cocke County, Tennessee, is hereby changed so as to include all of the farm of J. A. Susong within the 6th Civil District, as the boundaries of same shall be located after the passage of this Act, said farm being situated on the Cosby Pike adjoining the lands of D.M. Hampton and others.

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

Passed: April 5, 1917.

## Private Acts of 1927 Chapter 44

**SECTION 1.** That the line between the Fifth and Ninth Civil Districts of Cocke County, be and is hereby so changed as to transfer the lands or farm of Wade Giles from the Fifth to the Ninth Civil District.

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

Passed: January 31, 1927.

## Private Acts of 1921 Chapter 50

**SECTION 1.** That the territory in Cocke County, Tennessee, embraced within the boundary hereinafter described shall be and hereafter constitute the Eleventh (11th) Civil District of Cocke County, Tennessee, and shall have all the privileges and powers as any other Civil District in said County, said territory being bounded and described as follows: to-wit:

Beginning on the old Harrison line on the West bank of Big Pigeon River just south of Buffton, Tennessee, and running along and with said Harrison line in a southwesterly direction to the top of a ridge dividing the territory known as Miller's Branch and Cane Hollow, thence with the Crest of said ridge to the old Gilliland line, thence with said Gilliland line crossing the public road to the gap in the ridge at the head of Trail Hollow, thence along and with the meanders of the Crest of Chestnut mountain to a gap in said mountain at the old State Road, thence with the meanders of the mountain which divided the waters of Crosby Creek and the tributaries of Pigeon River to the top of White Rock Mountain on the boundary line between the States of North Carolina and Tennessee, thence in a Northeasterly direction along and with said state line to said Pigeon River at Waterville, thence in a Northwesterly direction with the meanders of said river to the Rocky Branch, where the same empties into said river a short distance southeast of the T. & N. & C. Railroad bridge, thence up said Rocky Branch to its source, thence a straight line to the top of the ridge, thence with the crest of the ridge to the top of Little Rich Mountain to the H. L. Clark property line, thence with said Clark line to a gap in the ridge where the public road from Nailor to Grassy Fork crosses the ridge, thence with the meanders of the crest of Grassy Fork Mountain in a Northeasterly direction to the public road, thence in an easterly course on the divide between Big Creek and Mountain Creek to the top of Taper's Ridge thence with the divide between Big Creek and Nile Creek and along the crest of Buck Ridge to a place known as the Hangover Knob on the Eighth District line, thence in a southwest course with the Eighth District line to Pigeon River, and thence up said river in a southerly direction to the beginning corner, so as to include all of the territory within the above described boundary in the Eleventh (11th) Civil District, hereby created.

**SECTION 2.** That the election commissioners of Cocke County shall, on the St. Monday in March, 1921, open and hold an election in said District for the purpose of electing two (2) Justices of the Peace and one (1) constable for said District, who shall hold their offices until the next regular election for said offices: Provided that upon failure or refusal of the election commissioners to open and hold such election as above provided on said date, then the qualified voters of said District herein created shall have the right to open and hold said election as above provided on said date and said election so held by the qualified voters of said District shall have all the force and be as binding as if held by the Election Commissioners of said County. Provided further, that if for any reason the qualified voters or the Election Commissioners for said County fail to open and hold said election on said date herein mentioned, then the Election Commissioners for said County may on giving notice as required by law in such cases, open and hold an election for the purpose of electing said officers, at any subsequent date, and in case they fail to do so, the County Court of Cocke County shall order said Election Commissioners to hold an election for said purpose, at a date fixed by said Court, and if the Election Commissioners fail or refuse to hold said election at the time fixed by said Court, then the qualified voters of said District may hold said election on said date.

**SECTION 3.** That the voting places for said District shall be at Hartford, and at Brown Station. Provided

that the County Court of said County may at any time by proper order designate the voting place or places within said District.

**SECTION 4.** 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: January 25, 1921.

## Private Acts of 1967-68 Chapter 324

**SECTION 1.** The Reid Hill precinct of the eighth civil district of Cocke County is hereby removed from the eighth civil district and transferred to the first civil district of the county. Voters presently voting in the Reid Hill precinct shall continue to vote at the same precinct which shall henceforth be a part of the first district.

**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 Cocke County before December 1, 1968. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 3.** For purposes of ratifying this Act as provided in Section 2 it shall take effect upon becoming a law but for all other purposes on being ratified as provided in Section 2.

Passed: March 4, 1968.

## Elections - Historical Notes

The following is a listing of acts for Cocke 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 is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1797, Chapter 9, provided that the Cocke County electors were entitled to vote for a Congressman in the election to be held on the second Thursday in October, 1797.
2. Acts of 1803, Chapter 24, provided for the election of electors for the president and vice president of the United States. The counties of Hawkins, Claiborne, Grainger, Jefferson and Cocke composed the second electoral district and elected one elector.
3. Acts of 1812, Chapter 5, provided for the election of electors for the president and vice president of the United States. The counties of Cocke, Jefferson, Sevier, Grainger and Claiborne composed the second electoral district and elected one elector.
4. Acts of 1812, Chapter 27, provided for the election of representatives of the state to the United States Congress. The counties of Cocke, Jefferson, Grainger, Claiborne, Knox, Sevier and Blount composed the second representative district and elected one representative.
5. Acts of 1812, Chapter 57, apportioned the representation of the state for the state legislature. The counties of Jefferson and Cocke composed one election district and elected one senator.
6. Public Acts of 1819, Chapter 69, divided the state into representative and senatorial districts. The counties of Cocke, Sevier, Blount, and Monroe composed one election district and elected one senator. In addition, the counties of Cocke, Sullivan, Hawkins, Greene, Jefferson, Sevier, Grainger, Knox and Anderson elected one representative each.
7. Public Acts of 1822 (Ex. Sess.), Chapter 1, placed Cocke County in the second United States congressional district.
8. Public Acts of 1823, Chapter 47, provided for the election of electors for the president and vice president of the United States. The second electoral district was composed of the counties of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell.
9. Public Acts of 1824, Chapter 1, provided for the election of electors for the president and vice president of the United States. The second electoral district was composed of the counties of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell.
10. Public Acts of 1826, Chapter 3, apportioned the representation of the general assembly of Tennessee. The counties of Cocke and Sevier elected one representative jointly and that the returning officers of the district met at the house of Jacob Bird.
11. Public Acts of 1827, Chapter 17, provided for the election of electors for the president and vice president of the United States. The second electoral district was composed of the counties of

Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell.

12. Public Acts of 1832, Chapter 4, divided the state into districts for the election of representatives to the United States Congress. The counties of Carter, Greene, Washington, Cocke and Jefferson composed the first congressional district.
13. Public Acts of 1832, Chapter 9, prescribed the mode of choosing electors to vote for president and vice president of the United States. In addition, the counties were divided into electoral district in which Cocke County was placed in the third electoral district, along with Sevier, Blount and Monroe counties.
14. Public Acts of 1833, Chapter 71, divided the state into representative and senatorial districts. The counties of Cocke, Jefferson, Grainger and Claiborne composed one election district and elected one senator. In addition, Cocke and Jefferson counties elected one representative jointly.
15. Public Acts of 1835-36, Chapter 39, prescribed the mode of choosing electors to vote for president and vice president of the United States. In addition, the counties were divided into electoral district in which Cocke County was placed in the third district along with Blount and Monroe counties.
16. Acts of 1842 (Ex. Sess.), Chapter 1, provided that the counties of Cocke, Sevier and Blount would jointly elect one senator to the state senate.
17. Acts of 1842 (Ex. Sess.), Chapter 7, placed Johnson, Carter, Sullivan, Washington, Hawkins, Greene and Cocke counties in the first U.S. congressional district.
18. Acts of 1851-52, Chapter 196, divided the state into congressional districts. Cocke County was placed in the first congressional district along with Johnson, Carter, Sullivan, Washington, Hawkins, Greene, Jefferson, Hancock and Sevier counties.
19. Acts of 1851-52, Chapter 197, divided the state into senatorial and representative districts. Cocke County elected one representative and was placed in a senatorial district along with Greene, Sevier and Blount counties.
20. Public Acts of 1871, Chapter 146, divided the state into senatorial and representative districts. Cocke County jointly elected one representative along with Sevier County and was placed in the third senatorial district along with Jefferson, Sevier and Blount counties.
21. Public Acts of 1873, Chapter 27, divided the state into congressional districts. Cocke County was place in the first congressional district along with Johnson, Carter, Sullivan, Washington, Greene, Hawkins, Hancock, Claiborne, Grainger and Hamblen counties.
22. Public Acts of 1881 (Ex. Sess.), Chapter 6, divided the state into senatorial and representative districts. Cocke County elected one representative and was placed in the third senatorial district along with Sevier, Jefferson and Hamblen counties.
23. Public Acts of 1882, Chapter 27, divided the state into congressional districts. The counties of Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins, Greene, Hamblen, Hancock, Claiborne, Cocke and Grainger composed the first congressional district.
24. Public Acts of 1891, Chapter 131, divided the state into congressional districts. The counties of Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins, Greene, Hamblen, Hancock, Claiborne, Cocke and Grainger composed the first congressional district.
25. Public Acts of 1901, Chapter 109, divided the state into congressional districts. The counties of Cocke, Sullivan, Johnson, Carter, Unicoi, Washington, Greene, Hawkins, Hancock, Claiborne, Grainger and Sevier composed the first congressional district.
26. Public Acts of 1901, Chapter 122, apportioned several counties of the state into senatorial and representative districts. Cocke County was placed in the fourth senatorial district and elected on representative.
27. Private Acts of 1911, Chapter 124, made the 1890 "purity of elections" law applicable to Cocke County. This was amended to provide that if a voter could not mark his own ballot, the holder of the election could mark it in the presence of at least two of the election judges, by Private Acts of 1915, Chapter 427.
28. Private Acts of 1921, Chapter 471, created the twelfth civil district of Cocke County, but this district was abolished and the act repealed by Private Acts of 1927, Chapter 192.
29. Private Acts of 1927, Chapter 275, created an additional voting precinct to be known as the "Bogard Precinct" in the fifth civil district of Cocke County.
30. Private Acts of 1927, Chapter 276, created the "Nough Precinct" in the first civil district. This act was amended by Private Acts of 1949, Chapter 287, to divide this precinct and create another



voting precinct at the Midway School.

31. Private Acts of 1931, Chapter 99, provided that the members of the election commission were to receive \$50 annually for their services and the secretary of the commission was to receive an additional \$25 annually. This act also set the pay of election officers in Cocke County at \$2.00 per day.
32. Private Acts of 1941, Chapter 282, provided that the Briar Thicket Voting Precinct in the third civil district was to be moved to the Holt's Community Center Schoolhouse.
33. Private Acts of 1947, Chapter 89, divided the seventh civil district into two voting precincts, one at Manning's Chapel School and one at the Mountain View School.
34. Private Acts of 1947, Chapter 405, created three additional voting precincts in the seventh civil district -- one at Northport School, one at Irish Cut School and one at the Westend School.
35. Private Acts of 1947, Chapter 443, set the salary of election officers in Cocke County at \$3.00 per day.
36. Private Acts of 1947, Chapter 706, was an extensive act creating a system of permanent voter registration in Cocke County. This act was amended by Private Acts of 1949, Chapter 748, to require the register to hold precinct registration for three days prior to any election in Cocke County.
37. Private Acts of 1949, Chapter 255, raised the per diem of election officers to \$4.00, but limited this salary to one day.
38. Private Acts of 1961, Chapter 271, created a new voting precinct, the Bryant Precinct.

## Chapter VIII - Health

### County Hospital

#### Private Acts of 1931 Chapter 800

**SECTION 1.** That Cocke County, acting by and through its Quarterly County Court, at any regular or called session thereof, is hereby authorized to issue and sell Forty Thousand (\$40,000.00), Dollars of interest-bearing coupon bonds of said county for the purpose of providing funds to acquire a site, erect thereon, and equip a County Hospital to be known as Cocke County Hospital, and to be operated and controlled by a Board of Trustees hereinafter created.

Said bonds shall mature at such times and in such amounts as the Quarterly County Court may determine, and shall bear interest at not exceeding five and one-half (5½%) per cent per annum, payable semi-annually; and shall be in such form as the resolution of the Quarterly County Court directing their issuance shall prescribe, and they shall have attached to them interest coupons evidencing the semi-annual installments of interest. Said bonds shall be executed by the County Judge or Chairman of the county, and countersigned by the County Court Clerk thereof, with the seal of the county attached thereto, but the coupons may be signed by the lithographed facsimile signatures of said officers.

**SECTION 2.** That said bonds shall not be issued until they shall have first been approved by the qualified voters of Cocke county, in an election called and held by the Election Commissioners of said county, in which the question of their issuance shall be submitted to a vote of the people, and if the majority voting in said election vote therefor, then the Quarterly County Court shall direct their issuance by proper resolution, but if a majority voting in said election vote against said bonds, then the Quarterly County Court shall not have authority to direct their issuance.

In said election the voters participating therein shall possess the same qualifications as are required for voters participating in the General County Elections, and the ballot used in said election shall be printed as follows:

"For Hospital Bonds"

"Against Hospital Bonds"

And the voters participating in said election shall indicate their preference by placing an (X) opposite the printed matter on said ballot, thereby indicating preference.

The returns of said election shall be canvassed by the Election Commissioners of said county on the first Monday following said election, and by them certified to the County Court Clerk of said county.

**SECTION 3.** That said bonds shall not be issued until the Board of Major and Aldermen of the Town of

Newport, a municipality within said county, shall have been provided a fund of Twenty Thousand (\$20,000.00) Dollars to supplement that herein provided, to the end that said hospital may be erected and equipped by the co-operation of Cocke County and the Town of Newport.

**SECTION 4.** That said bonds when issued under the provisions of this Act shall be direct general obligations of Cocke County, to the payment of which well and truly to be made according to the tenor and effect thereof, the full faith, credit and taxing power of said county shall be irrevocably pledged; and it shall be the duty of the Quarterly County Court of said county to annually levy and provide for the collection thereof of a sufficient tax over and above all other taxes authorized or limited by law to provide a sinking fund sufficient to pay the interest on said bonds as it falls due, and to retire the said bonds as they mature.

**SECTION 5.** That the following residents and citizens of Cocke County are hereby named and designated to constitute a Board of Trustees for the purpose of having charge of the erection, equipment and operation of said hospital for said county and Town of Newport:

W. B. Stokely, Sr., Y. J. McMahan, M. O. Allen, F. W. Parrott, Roy T. Campbell, C. E. McNabb and Barton Warren.

Said Board of Trustees shall hold office from the date of their qualification for the terms here respectively designated:

M. O. Allen for seven years.

C. E. McNabb for six years.

Roy T. Campbell for five years.

Barton Warren for four years.

W. B. Stokely for three years.

F. W. Parrott for two years.

Y. J. McMahan for one year.

Their successors shall each hold office for a term of seven years, and until their successors are elected and qualified; and the successors of the first three next hereinabove set out shall be elected by the Board of Mayor and Aldermen of the Town of Newport, and the successors of the last four hereinabove set out shall be elected by the Quarterly County Court of Cocke County. Vacancies occurring at any time shall be filled in accordance with the foregoing arrangement.

No person under thirty years of age, and no physician or member of a physician's household, and no non-resident of Cocke County shall be eligible to membership on said Board of Trustees. All members of said board shall serve without compensation.

Before entering upon the discharge of their duties as members of said Board of Trustees, they shall execute such bond jointly and severally as the Quarterly County Court shall by resolution determine, and they shall each take and subscribe to an oath before the County Court Clerk, or County Judge or Chairman, to the effect that they will honestly, faithfully, impartially discharge their duties and correctly account for all money which comes into their hands.

Said building and equipment funds shall be disbursed by vouchers signed by the Chairman and Secretary of said Board of Trustees, countersigned by the County Court Clerk of said county.

It shall be the duty of said board, upon organization, to cause plans to be prepared for said building, and the equipment thereof, and to this end they shall have authority to employ all necessary architects and experts and pay for the services of the same out of the funds hereby provided.

Upon the preparation and adoption of suitable plans and specifications for said building and the equipment thereof said board let the same to contract, either all in one contract or in separate contracts, as it may determine best, and shall require the contractor or contractors to execute bond as required by law, and when said building is completed and equipped said Board of Trustees shall have and exercise complete control over the operation and management of said hospital and shall be and is hereby authorized to provide and prescribe such reasonable rules and regulations with reference to the operation and management of same as may to said board seem fit and proper.

The business management, selection of a qualified hospital executive and the selection of a medical visiting staff and the performance or other duties necessary to the proper conduct of said hospital shall be the duty and responsibility of said Board of Trustees. The title to all property at any time acquired by said hospital, by gift, purchase or condemnation shall be vested in said Board of Trustees.

It shall be within the power of said Board of Trustees to make such regulations and requirements as are



necessary and practical, and within the financial ability of said hospital to care for indigent patients coming from Cocke County.

Said Board of Trustees shall make semi-annual reports to the Quarterly County Court of said county, at its January and July terms, giving full, detailed information as to its operations for the preceding period, which report shall be spread upon the minutes of said court.

Members of said Board of Trustees shall be subject to removal from office by the Quarterly County Court for malfeasance, misfeasance or non-feasance, on formal written charges being filed with the Chairman of said County Court, thirty days prior to the meeting of said Quarterly County Court, and service of a copy thereof on such board member.

**SECTION 6.** That the Board of Trustees heretofore named shall have authority to acquire by purchase, gift, or by condemnation under the general statutes of eminent domain, a suitable site in Cocke County for the erection of said hospital, or grounds and buildings suitable to be converted into a hospital. Payment for said real estate shall be made out of the funds provided by this Act.

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

Passed: June 30, 1931.

## Health - Historical Notes

The following summary is included herein for reference purposes.

1. Private Acts of 1937, Chapter 853, provided that any male citizen of Cocke County over twenty-five years of age, who was a graduate of a "B" class medical school and had at least six years experience, could practice medicine without meeting any further licensing requirements.

## Chapter IX - Highways and Roads

### Road Law

### Private Acts of 1961 Chapter 330

#### **SECTION 1.**

(a) There is created for Cocke County a Board of Highway Commissioners which shall consist of seven (7) members. There shall be one (1) commissioner who shall reside in and be elected from each district from which members of the County Legislative Body are elected. The commissioners provided for in this act shall be elected to their office at the regular August election in 1982 and shall commence serving their elected positions on the first day of September in 1982 and shall continue to serve for a term of four (4) years and until their successors are elected and qualified. Should any vacancy occur in such commissioners by death, resignation, or removal, the County Legislative Body shall fill such vacancy. Such commissioners shall receive for their services the sum of three hundred dollars (\$300) per year. They shall receive necessary traveling expenses when their duty calls them outside of the county in the interests of the public roads of such county. The County Legislative Body may at its regular July term of any year raise or lower the salary of the highway commissioners. The presiding officer of the County Legislative Body shall be a member ex-officio of the commission. The commission shall elect a chairman from among its membership.

(b) Those persons serving as highway commissioners in accordance with Section 1 of Chapter 330 of the Private Acts of 1961 shall continue to serve until such time as their successors are elected and qualified in the regular August election of 1982 as provided for in subsection (a).

(c) It shall be the duty of the commissioners to meet twice each month for the purpose of designating and laying out the work to be done on the public roads of the county and for the purpose of transacting any other business to come before such commission.

As amended by: Private Acts of 1980, Chapter 176

Private Acts of 1981, Chapter 117

**SECTION 2.** That no person shall be eligible to a position on said Commission who is not a citizen and free holder of said County, who is not of legal age, who does not sustain a good moral character and in all respects is upright in his dealings. All of said Commissioners shall be persons known to be of sound judgment and discretion, who are regarded as successful in their respective vocations of good business capacity and ability and one at least shall be a man skilled in matters of finance. Before entering upon the discharge of their duties they shall take and subscribe to an oath of office in writing to be filed in the office

of the County Court Clerk of said County, that they will faithfully and honestly discharge the duties of the office to the best of their skill and ability without partiality, fear or favor to persons or the people of any section of said County, and shall enter into bond with some bonding Company authorized to do business in said County, to be approved by said Quarterly County Court, and in the sum of \$5,000.00 payable to the State of Tennessee for the use of said County, conditional upon the faithful discharge of all their duties, the same to be paid by the Commission out of the road fund.

**SECTION 3.** That it shall be the duty of said Highway Commissioners to take general oversight and management and control of all public roads, pikes or dirt roads within said County except those which are maintained by the State Highway Department, and should any of the roads now maintained by the State Highway Department be abandoned by the State Highway Department said roads [sic] or roads shall come under the oversight and management of said Commission. Said Highway Commission shall have the right to maintain, construct or reconstruct, macadamize, locate or re-locate any of said public roads. Said Highway Commission shall have charge of all bridges across any branch creek, or river except those under the care of the State Highway Department, for the purpose of maintaining and improving the same.

Said Commissioners shall be provided with an office room in the Court House of said County by the County Court of said County. Said Commissioners may make and adopt all such rules and regulations with reference to laying out, working, maintaining, constructing, reconstructing, all of said public roads, pike and dirt roads and bridges as indicated above in the County, by County convict labor and by the use of County road funds as its judgment will best promote the interests of the County and carry out the object of this Act. Such rules and regulations will be consistent with the rules and regulations of the State Constitution and with the provision of this Act, and when so adopted shall be a part of the road building maintenance program of said County.

Said Commission shall have jurisdiction over expenditures of all road funds belonging to the County from whatever source.

Said Commission shall have the duty to classify all county roads and submit to the Quarterly County Court for its approval, a long-range maintenance and improvement plan for the County road system.

Said Commission shall submit to the Quarterly County Court annually its plans for execution during the ensuing fiscal year, and the expenditures of said Commission shall be limited to those provided for in its approved long-range maintenance and improvement plans.

Said Commissioners are hereby empowered to buy all necessary supplies and equipment as may be necessary to carry out the provisions of this Act, and to make any contracts necessary for the benefit of the County road system.

Said Commission, before making contracts to purchase any materials, machinery, tools, supplies or equipment, when the aggregate cost of such purchase exceeds five hundred dollars (\$500.00), or before letting any contracts for any construction, must advertise for bids in some newspaper published in Cocke County for at least ten (10) days, which notice shall be full and specific and shall enable the bidders to prepare their bids, which must be sealed and filed with said Commission at a designated place on or before the time fixed in the notice. Said Commission may prescribe that these bids must be accompanied by proper bonds or guaranty that proper bond will be executed. These sealed bids shall be opened in the presence of the bidders and public generally by the Superintendent of said Commission, and the bidder making the best and most advantageous offer shall be awarded the contract by the Commission upon complying with all requirements of the Commission. Provided, that said Commission shall have the authority to reject all bids and advertise again in the same manner for new bids. Said Commission shall keep detailed records of all bids and bidders. All contracts for the purchase of materials, machinery, tools, supplies or equipment shall be in writing signed by the Superintendent.

Said Commission shall restrict its spending to its current revenues plus surplus, if any, and shall not obligate or encumber its anticipated revenues other than for the current fiscal period. Exceptions to these restrictions may, in case of emergency, be made with the prior approval of a majority of the members of the Quarterly County Court.

The Commission is vested with power to enter into and make any contracts with the State Highway Department and with the United States or any of its agencies relative to any road or road program of said County.

As amended by: Private Acts of 1973, Chapter 157

**SECTION 4.** There is hereby created a chief administrative officer of the county road system to implement the county road law. The official title of the chief administrative officer of the county highway or road system shall be the superintendent of highways. Unless otherwise provided by this Act, the superintendent of highways shall meet the requirements and general qualifications for and perform the duties of his office in accordance with the provisions of the Tennessee County Uniform Road Law,

Tennessee Code Annotated, Title 54, Chapter 10. The superintendent of highways shall be elected to office by a majority vote of the number of qualified voters of the county. At the Regular August General Election in Cocke County in 1982, and every four (4) years thereafter, there shall be elected a superintendent of highways to serve until his successor is elected and qualified commencing September 1 next following his election.

As amended by: Private Acts of 1973, Chapter 157

Private Acts of 1980, Chapter 175

**SECTION 5.** Before entering the duties of his office the newly elected superintendent of highways shall take the oath of office and execute bond in the sum required by the general law in accordance with Tennessee Code Annotated, Section 54-1008 [54-7-108], conditioned upon the faithful performance of his duties and for the proper accounting of all funds and property of the county or state coming under his control.

As amended by: Private Acts of 1980, Chapter 175.

**SECTION 6.** It shall be the duty of the superintendent of highways to carry out the policies set by the commission, to devote his time to the roads of the county, to familiarize himself with the roads of the county and shall be charged with the duty of maintaining them and keeping them in good repair and laying out of such new pikes and roads as may be ordered. He shall regulate the working of all roads within the county by the county road hands and convicts, shall regulate the working of county road hands and county convicts on such roads or in quarries, quarrying and crushing stone. He is authorized to determine the total number of employees of the county highway department, to determine personnel policies, hours of work, to establish job classifications and to establish policies and wages within guidelines and ranges to be set by the commission. For this or other purposes, he shall be empowered to employ and discharge such foreman, guards and other laborers, office personnel and assistants as necessary in properly carrying on his work, subject at all times to the approval of the commission.

As amended by: Private Acts of 1980, Chapter 175

**SECTION 7.** That the County Jail of said County is hereby declared to be a county workhouse, and the sheriff of said county shall have the care and custody of all county convicts committed to that institution, except when they are at work on the roads and are being taken to or returned from such work, during which time the superintendent or person designated by him shall have care and custody of them and shall be responsible for their safety.

The purpose of this Act in regard to County convicts being only to provide a method for working them on said public roads and bridges and in quarries, in all other respects, the general law in regard to County convicts is not affected, but the same is hereby declared to be in full force and effect.

**SECTION 8.** That it shall be the duty of said superintendent to work all able-bodied convicts committed to the County Workhouse on said public roads of said County, or in quarries, quarrying and crushing stone for said public roads and road purposes, taking them from the jail or workhouse in the morning and returning them at night, when it shall be deemed practical by said commission for him to do so.

**SECTION 9.** That the County Court may in its discretion levy a road tax on all property taxable by law in the County, outside of incorporated towns and taxing districts of not more than fifty cents (50¢) on each One Hundred (\$100.00) Dollars worth of taxable property, which taxes, when collected, shall be kept by the County Trustee in one fund called the Public Road Fund.

All revenues from whatever source derived for use on the public roads and bridges as indicated above, shall be kept by the Trustee in the said Road Fund Account.

As amended by: Private Acts of 1967-68, Chapter 255

**SECTION 10.** That all machinery and tools of every description belonging to said county now in the hands of the Cooke [sic] County Commission, the Cocke County Road Superintendent, or any District Commissioner of said County, or any other person or organization, shall come into the hands of said Highway Commission for its care and use

**SECTION 11.** That all applications to open, close or change roads shall be governed by the general law of the State of Tennessee applicable to said subject.

**SECTION 12.** That said County has the right of eminent domain to be exercised by it through its Highway Commission, for public road purposes to be exercised as required by general law in condemnation, except that the county shall not be required to make bond for damages.

**SECTION 13.** That all such public road funds shall be paid out by the County Trustee on the warrant of the superintendent when countersigned by the Chairman of the Quarterly County Court, showing for what purpose issued.

**SECTION 14.** That said Superintendent shall make a quarterly report to the Quarterly County Court at each regular quarterly session of the County Court, which report shall be attested by said commission, showing the amount of work done on said public roads and bridges, and the cost of same; the amount of materials purchased, from whom, and for what it was used and the cost of the same; the work done by convicts and the cost of the same; the amount of work done by paid labor and the cost of the same; the items of machinery and tools purchased and the cost of the same; the amount of each contract, if any, let on said public roads and bridges and amounts paid on the same; the cost of maintenance of machinery and equipment; the cost of operating the quarries; all salaries paid; all travel expenses paid; and an accounting of all moneys paid out; and an inventory of all property on hand; the names of all employees, the capacity in which employed, and the wages paid each employee; and any and all other matters necessary to give a complete accounting of the operation and condition of the County road system, the Highway Commission and its funds during the preceding quarter. Said report shall be copied on the minute book of said Highway Commission and a copy of same personally signed by said Superintendent filed with the County Court Clerk of said County and entered on the Quarterly County Court minutes.

**SECTION 15.** That a violation of this Act, or willful neglect [sic] of duty whereby any public road or bridge on same covered by this Act is allowed to become dangerously out of repair or become impassable, provided they have been notified and means are available shall be a misdemeanor on the part of said commission and superintendent, and upon conviction thereof, they may be severally adjudged to pay a fine of not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00) and all costs.

**SECTION 16.** That no contract shall be let to or made with any person in which any member of said Commission or the Superintendent is interested, directly or indirectly, or with whom any member of said Commission or the Superintendent is knowingly related, either by blood or marriage within the fourth degree, computed by the civil law. Nor shall any stockholder or other person in any way interested in any firm or corporation doing business with the commission be related as aforesaid to any member of said Commission or the Superintendent. Neither shall any employee of said Commission have any interest in any contract or be knowingly related within the fourth degree to any person interested therein. Any contract where such interest or relationship exists shall be utterly void.

**SECTION 17.** That not more than one person related to any member of said Commission or to the Superintendent within the Fourth degree, whether by blood or marriage, shall be employed by said Commission in any capacity.

**SECTION 18.** That no member of the Board of Highway Commissioners, Superintendent or employee of the County working under the provisions of this Act shall use, or appropriate or permit the use of or appropriation of the property, materials, equipment, or labor owned or paid for by virtue of the provisions of this Act, by any private person or for the use and benefit of any private person.

No Commissioner, or Superintendent shall build or repair or permit to be built or repaired any road or bridge upon any property not a part of the public road system of said County, duly accepted and classified by formal action of said Commission.

The violation of the provisions of this section shall be sufficient ground for ouster, and shall be a felony, upon conviction for which may be punished by not less than one nor more than five years imprisonment.

**SECTION 19.** That Chapter No. 359 of the Private Acts of 1953 and all laws or parts of laws in conflict with this Act or any provision of the same, be and the same are hereby repealed.

**SECTION 20.** That the provisions of this Act are severable, and if any of its provisions, sections, paragraphs, phrases, word or words shall be held unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the same shall not affect the remaining provisions, sections, paragraphs, clauses, phrases or other words of this Act, 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.

**SECTION 21.** That this Act shall have no effect unless the same shall be approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Cocke County, at a regular or special meeting held not more than ninety (90) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

**SECTION 22.** That this Act shall take effect for the purpose of ratifying the same as provided in Section 21 from and after its passage, the public welfare requiring it; and for all other purposes, on September 1, 1962.

Passed: March 15, 1961.

## Private Acts of 1980 Chapter 176

**COMPILER'S NOTE:** Section 1 of this act amended Private Acts of 1961, Chapter 330 which is printed herein.

**SECTION 2.** If such offices of highway commissioners are approved of by the voters of Cocke County pursuant to the provisions of this Act, then such persons desiring to hold such approved offices may then qualify to run for office in the Regular August Election of 1980 notwithstanding any provision of the law to the contrary.

**SECTION 3.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Cocke County, voting in an election on the question of whether or not the Act should be approved. The ballots used in the Preferential Presidential Primary to be held in May 1980, shall have printed on them the substance of this Act and the voters shall vote for or against its approval. The voters cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State as provided by law in the case of General Elections. The qualifications of voters voting on the question shall be the same as those required for participation in General Elections. All laws applicable to General Elections shall apply to the determination of the approval or rejection of this Act. The cost of the election shall be paid by Cocke County.

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

Passed: January 24, 1980.

## Watercraft

### Private Acts of 1995 Chapter 116

**SECTION 1.** As used in this act, unless the context clearly requires otherwise:

- (1) "Admission" means admission for an amusement for consideration, and shall apply on admission fees or charges whether or not a ticket is issued.
- (2) "Amusement" includes any ride, excursion or float trip by canoe, raft or similar floating device on a whitewater river where consideration is charged.
- (3) "Consideration" means the consideration charged if received for an admission for an amusement valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash credits, property and services of any kind or nature, without any deduction therefrom whatsoever; provided, however, nothing in this definition shall be construed to imply that consideration is charged when the service provided is complimentary and no consideration is charged or received from any person by the operator.
- (4) "Consumer" or "Customer" means any person who pays consideration for an amusement.
- (5) "County Legislative Body" means the county legislative body of Cocke County, Tennessee.
- (6) "Operator" means the person operating an amusement.
- (7) "Person" means any individual, firm, partnership, joint venture, association, social club, religious organization, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental or quasi-governmental entity, or any other entity, group or combination.
- (8) "Watercraft" or "Rivercraft" means any canoe, raft, kayak or similar floating or powered device.
- (9) "Whitewater River" means the portions of the Pigeon River and the French Broad River located within the boundaries of Cocke County, but shall not include any portion of Douglas Lake.
- (10) "TWRA" means the Tennessee Wildlife Resources Agency;

**SECTION 2.** The county legislative body is authorized to issue to an operator, and to set a fee for issuance of a license, and for the use of the amusement in the following manner:

- (a) The county legislative body is authorized to limit the total number of licenses issued and outstanding at one (1) time to a number that the county legislative body determines will promote safe and uncrowded conditions. Each license shall state the maximum number of customers which the operator is entitled to disembark per day.
- (b) An operator shall be required to furnish proof of liability insurance in the minimum amount of five hundred thousand dollars (\$500,000) or such additional amount as may be established by the

Cocke County legislative body. Such liability insurance policy shall name Cocke County, its officials, agents and employees, as additional insureds and shall contain a provision requiring the insurance company to notify Cocke County in writing at least fifteen (15) days prior to cancellation of the policy for any reason. Failure to provide the required insurance policy shall result in denial or revocation of the license.

(c) Issuance of license shall be based upon the operator's knowledge and experience and demonstrated ability to comply with the provisions of the act and the regulations established by the county legislative body.

(d) A license shall be issued by the county legislative body through the office of the County Clerk of Cocke County.

(e) Each license shall be valid for a specified period of time, which shall be established by the county legislative body. The county legislative body shall establish a procedure for renewal so a license may be renewed in adequate time for an operator to prepare for the next season.

(f) The county legislative body shall establish a fee for the issuance and renewal of a license.

(g) The county legislative body may charge a fee for the use of watercraft as an amusement on a whitewater river. The rate of the user fee shall be a fixed amount per person; to be established by the County Legislative Body. The fee shall be added to the consideration charged for admission to the amusement, and shall be collected by the operator from the consumer and remitted by the operator to Cocke County at such times and in such manner as established by the county legislative body. The fee shall not be assumed by the operator. No operator shall advertise or state in any manner, directly or indirectly, that the fee or any portion thereof will be assumed or absorbed by the operator or that it will not be added to the consideration, or that if added, any part will be refunded. The county legislative body may establish a penalty for failure to file reports and/or remit fees when due. Interest may be charged on delinquent fees at the same rate established by general law for delinquent real property taxes. Such interest and penalty shall become a part of the fees required to be remitted. The county legislative body shall designate an official responsible for collection of the fees, which collector shall have, as additional powers, those powers granted by general law to collectors of delinquent privilege taxes. In addition, delinquent fees may be referred to an attorney for collection in accordance with regulations established by the county legislative body. It is the duty of every operator to keep and preserve for a period of three (3) years all records necessary to determine the amount of the fees due, and keep such records open for inspection at all reasonable times by the official responsible for collection of the fees.

As amended by: Private Acts of 1997, Chapter 26

(h) All fees collected hereunder shall be deposited in the general fund of Cocke County, or such other fund as the County Legislative Body shall designate, and used to defray costs and expenses associated with the commercial use of watercraft on the whitewater rivers in Cocke County.

As amended by: Private Acts of 1997, Chapter 26.

(i) The county legislative body may establish and impose civil penalties for failure to comply with the provisions of this act or any regulations established by the county legislative body pursuant to the act. The county legislative body shall establish guidelines for the imposition of any civil penalties. In addition, a license may be suspended and/or revoked by the county legislative body for failure to comply with the provisions of this act or any regulations established by the county legislative body pursuant to this act. The county legislative body shall establish guidelines for suspension or revocation of permits or licenses. Such guidelines shall include procedures affording a reasonable opportunity for notice and a hearing before such suspension or revocation.

**SECTION 3.** The county legislative body is authorized to establish regulations providing minimum safety standards for operation of watercraft on whitewater river in Cocke County, which include but are not limited to standards for types of equipment, requirement for guides and trip leaders and any other standards reasonably intended to promote safety. Such safety standards shall not become effective without prior written approval of TWRA. In no event shall a safety standard be approved which is in conflict with the Tennessee Boating Safety Act of 1965, as amended, codified at Tennessee Code Annotated, Title 69, Chapter 10, Part 2, and the rules and regulations promulgated thereunder, or any applicable federal boating statute, including but not limited to the Federal Boat Safety Act of 1971, as amended, codified at 46 U.S.C. Section 1451, and the Recreational Boating Safety Act, as amended, codified at 46 U.S.C. Section 13101, and regulations promulgated thereunder. It is not the intent of the General Assembly that any numbering or fee authorizing under the provisions of Tennessee Code Annotated, Title 69, Chapter 10, Part 2, should apply to activities regulated pursuant to this act.

**SECTION 4.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this act which can be given

effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Cocke County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Cocke County and so certified to the Secretary of State.

**SECTION 6.** 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 5.

Passed: May 25, 1995.

## Highways and Roads - Historical Notes

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

1. Acts of 1799, Chapter 39, authorized the construction of a turnpike from Newport across the mountains "by way of the old field of Pigeon, into the state of Georgia."
2. Private Acts of 1825, Chapter 317, authorized the Eli McMahon to build a turnpike from James Baxter's plantation to the North Carolina line. This act also set the maximum tolls which McMahon could charge for travel over his turnpike.
3. Private Acts of 1827, Chapter 223, authorized the Cocke County Quarterly Court to contract with James Baxter, William Gilliland and John Allen for the construction of a turnpike from James Baxter's plantation on Cosby's creek to the North Carolina line, indicating that Eli McMahon was not able to complete construction of that road.
4. Private Acts of 1829-30, Chapter 19, authorized the establishment of a turnpike from the North Carolina line at "the painted rock," down the north bank of the French Broad River to Holland's ferry.
5. Private Acts of 1832, Chapter 39, authorized the county court to issue charters for the construction of certain turnpike roads.
6. Acts of 1839-40, Chapter 78, appointed Alexander E. Smith and William Jack of Cocke County as part of a commission to view, mark and lay off an alteration of a road leading from Newport, in Cocke County, to Sevierville, in Sevier County.
7. Acts of 1843-44, Chapter 52, appointed commissioners of view to mark and lay off an alteration to part of the road from Newport in Cocke County to Sevierville in Sevier County.
8. Acts of 1847-48, Chapter 78, authorized Stephen Huff, Peter F. Kendrick and William Robinson to construct a turnpike from the Patton and Weaver Road to Dawson's Spring. This act was amended by Acts of 1849-50, Chapter 164, to provide that Huff, Kendrick and Robinson could not charge Cocke County citizens for use of their turnpike; and the original turnpike tolls were changed by an amendment found in Acts of 1851-52, Chapter 31, which set the tolls at 2¢ per head for cattle, 1¢ for sheep, 1¢ for hogs and ½¢ per head for the usage of the owner's gates.
9. Acts of 1847-48, Chapter 169, provided further time for Benjamin Parker Hopkins and William Tinker of Cocke County to complete their turnpike road.
10. Acts of 1849-50, Chapter 261, authorized Benjamin Parker Hopkins and William Tinker of Cocke County to open a turnpike road.
11. Private Acts of 1927, Chapter 598, created a permanent board of highway commissioners, of five members, elected by the quarterly county court, who were to have charge of all public roads in the county. They were authorized to employ a full-time road superintendent to supervise the construction, repair and maintenance of the road; and in addition to road duty by the citizens of Cocke County, this act provided for the use of convict labor on the roads.
12. Private Acts of 1933, Chapter 553, was the next road law for Cocke County. The provisions of this act were similar to the 1927 act, with a five member board of commissioner, who would hire a road superintendent; but this act specified that the county court was to turn over the road fund to the commission, who would have exclusive control of this expenditure, and this act also gave the commission the authority to make any necessary purchases for the road department. Private Acts of 1935, Chapter 121, was an amendment which provided that county aid funds received under Public Acts of 1931, Chapter 45, would not constitute a part of the road fund, but this amendment



was repealed by Private Acts of 1937, Chapter 872. Private Acts of 1937, Chapter 871, was another amendment to Private Acts of 1933, Chapter 553, providing that the quarterly county court by resolution after July 1, 1937, could authorize the expenditure of the funds received from the state by virtue of Public Acts of 1931, Chapter 45.

13. Private Acts of 1939, Chapter 539, was amendatory to Private Acts of 1933, Chapter 553. This act raised the salary of the members of the board of road commissioners. Private Acts of 1945, Chapter 120, also amended the 1933 road law, by authorizing the commission to hire an bookkeeper at a maximum monthly salary of \$50. Private Acts of 1933, Chapter 553, and all its amendatory acts were repealed by Private Acts of 1947, Chapter 392.
14. Private Acts of 1947, Chapter 392, was a road law for Cocke County which established three road districts with the voters in each district to elect a member of the road commission. This act also provided for the election, by popular vote, of road supervisor. This act was amended also once before its repeal, that amendment being Private Acts of 1949, Chapter 840, which increased the powers of the road supervisor and allowed the members of the road commission to use their personal automobiles on commission business and be reimbursed for their expense. Both of these acts were repealed by Private Acts of 1953, Chapter 359.
15. Private Acts of 1953, Chapter 359, was the last road law for Cocke County before the enactment of the current law. This act increased the number of road district in the county to six, provided for the election by popular vote of the members of the road commission and the road commission and the road supervisor. This act was amended by Private Acts of 1957, Chapter 99, to create a seventh road district, out of the first civil district, and to appoint Patton Colwell as the road commissioner for that new district. Private Acts of 1959, Chapter 5, attempted to amend this law by increasing the salaries of the road commission and employees by 15%, but this act did not receive local approval and never became effective. Private Acts of 1959, Chapter 55, also amended Private Acts of 1953, Chapter 359, by changing the boundaries between the fourth and sixth road districts. All of these acts were repealed by the current road law, Private Acts of 1961, Chapter 330.
16. Private Acts of 1980, Chapter 176, rewrote Private Acts of 1961, Chapter 330, Section 1, the Cocke County Road Law, to create a five member board of highway commissioners who would be elected for four year terms and be paid \$300 as annual compensation, plus any necessary traveling expenses. This act was approved by the Cocke County Legislative Body on February 15, 1980, but its efficacy further depended on approval in a referendum to be held at the presidential primary election in May, 1980, which was not forthcoming, the act being rejected at the polls.
17. Private Acts of 1981, Chapter 133, would have deleted section 1 of Private Acts of 1961, Chapter 330, but was null and void and never became law.

## Chapter X - Law Enforcement

### Offenses

### Billiard Rooms

### Private Acts of 1925 Chapter 619

**SECTION 1.** That it shall be a misdemeanor for any person, firm, corporation or any other persons to operate, own, work in or be in any way connected with the owning, operating or working in a public pool or billiard room, tables, or halls, where pool or billiards are played either for pleasure, charge or profit or otherwise in counties having a population of not less than 20,780, nor more than 20,790 inhabitants according to the Federal Census of 1920, or any subsequent Federal Census.

**SECTION 2.** That any violation of this Act shall be punished by a fine or not less than twenty-five dollars, nor more than fifty dollars, or by imprisonment in the county jail or workhouse for a period of not more than three months, or both, at the discretion of the court.

**SECTION 3.** That grand juries of said counties shall have inquisitorial powers over offenses herein defined, and it shall be their duty to make inquiry in regard to same, after having been charged by the proper courts relating to this Act.

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



Passed: March 30, 1925.

## Law Enforcement - Historical Notes

### **Militia**

Those acts once affecting Cocke County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1801, Chapter 84, authorized the Cocke County regiment of militia to muster at the upper end of the plantation of John Gilliland's widow.
2. Acts of 1801, Chapter 87, provided that the calvary of Cocke, Jefferson, Grainger and Claiborne counties would compose a separate regiment, and that they would hold their annual muster at Cheek's Crossroads.
3. Acts of 1803, Chapter 1, provided for the establishment and regulation of the militia of the state. The act also divided the militia of state in which Cocke County's militia formed the eighth regiment.
4. Acts of 1815, Chapter 119, revised and amended the militia laws of the state. The militia of Cocke County composed the eighth regiment.
5. Public Acts of 1819, Chapter, 68, revised and amended the militia laws of the state. The militia of Cocke County composed the eight regiment and held regimental musters on the on the third Saturday in October.
6. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Cocke County composed the eighth regiment and placed in the second brigade. The militia of Cocke County held regimental musters on the third Saturday in October.
7. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalions, regiments, brigades and divisions, and prescribed the times and modes of electing officers. The militia of Cocke County formed the twelfth regiment.
8. Acts of 1837-38, Chapter 157, set the dates for the annual musters of the second brigade in Cocke County on the Wednesday and Thursday following the first Friday and Saturday in September.
9. Acts of 1839-40, Chapter 56, condensed and brought into one view the militia law of the state. The militia of Cocke County formed the twelfth regiment and was placed in the second brigade
10. Public Acts of 1861, Chapter 1, was an overall militia law for the state. The Cocke County militia formed the twelfth regiment and was placed in the second brigade.

### **Offenses**

The acts briefly summarized below fell into this category in Cocke County. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1947, Chapter 705, regulated the possession, storage, use, manufacture, or sale of pyrotechnics in Cocke County. This act was repealed by Private Acts of 1985, Chapter 67.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Cocke County Sheriff's Office.

1. Private Acts of 1831, Chapter 123, authorized the sheriff of Cocke County to appoint three deputies.
2. Private Acts of 1857-58, Chapter 153, authorized the Cocke County Sheriff to appoint one additional deputy.
3. Public Acts of 1859-60, Chapter 21, Section 2, provided that the various sheriffs, who may be elected in Cocke County, may have the privilege of appointing three or more deputies, as convenience may require.
4. Private Acts of 1927, Chapter 595, required law enforcement officers in Cocke County to capture all illicit distilleries and to destroy immediately all the fixtures, equipment, supplies and liquor found at such distilleries. This act also gave officers the authority to seize any liquor being illegally transported.
5. Private Acts of 1933, Chapter 786, set the maximum salary of the Cocke County Sheriff at \$2,500 annually, to be paid from the fees of the office, except the fees received for boarding prisoners.
6. Private Acts of 1975, Chapter 170, attempted to create a civil service merit board for the Cocke

County Sheriff's office, but this act did not receive local approval and never took effect.

7. Private Acts of 1978, Chapter 248, would have repealed Private Acts of 1831, Chapter 123, but the act was never acted upon by local officials and therefore never became law.

## Chapter XI - Taxation

### Hotel/Motel Tax

#### Private Acts of 1980 Chapter 216

**SECTION 1.** As used in the Act, unless the context requires otherwise, the following terms shall have the meanings indicated:

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp or campground, tourist cabin, motel, or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (c) "Occupancy" means the use or possession or the right to use or possession of any room, lodging, or accommodations in a hotel for a period of less than thirty (30) continuous days.
- (d) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, accommodations in a hotel room or campground for a period of less than thirty (30) days.
- (e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel or campground valued in money whether to be received in money goods, labor, or otherwise, including all receipts, cash, credits, property and service of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged or received from any person.
- (f) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.
- (g) "Tax collection official" means the county clerk.

**SECTION 2.** Cocke County is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed three percent (3%) of the consideration charged by the operator. The rate of the tax shall be set annually before the July term by the county legislative body. Such tax is a privilege upon the transient occupying the room or space and shall be paid by such transient.

**SECTION 3.** The tax shall be added by each operator to each invoice prepared by the operator for the occupancy of his hotel. Such invoice to be given directly or transmitted to the transient, a copy thereof filed by month and retained by the operator as provided in Section 7 hereof.

**SECTION 4.**

- (a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms or campground space to the county clerk not later than the twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The obligation to the county entitled to such tax shall be that of the operator.
- (b) For the purpose of compensating the operator in accounting for and remitting the tax levied by this Act, the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the county clerk in the form of a deduction in submitting his report and paying the amount due by him, provided, however, that the amount due was not delinquent at the time of payment.
- (c) For the purpose of compensating the county for collecting the tax, the county shall be allowed two percent (2%) of the amount of tax remitted by hotel, motel or campground operators or twelve thousand dollars (\$12,000.00) per annum whichever is less.

**SECTION 5.** No operator of a hotel, motel, or campground shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

**SECTION 6.** Taxes collected by an operator which are not remitted to the county clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of eight percent (8%) per annum, and in addition for a penalty on such taxes of one percent (1%) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00).

Any fine levied herein shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refuses to pay the tax payable to the county clerk.

**SECTION 7.** It is the duty of every operator liable for the collection and payment of any tax imposed by this Act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

**SECTION 8.** In administering and enforcing the provisions of this Act, the tax official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law.

Upon any claim or illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-2313, it being the intent of this Act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this Act; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by him under the authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official, any suit for recovery shall be brought against such tax collection official.

**SECTION 9.** The county clerk shall faithfully account for, make proper reports of, and pay over to the trustee of the county at monthly intervals, all funds paid to and received by such clerk for the privilege tax.

**SECTION 10.** The proceeds of the tax imposed in this Act, when collected and paid to the county trustee, shall become part of the county general fund and may be used for county services. However, proceeds of this tax may not be used to provide a subsidy in any form to any hotel.

**SECTION 11.** The privilege tax levied by this Act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

**SECTION 12.** If any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional, it shall not affect the remainder of this Act notwithstanding the part held to be invalid, if any, and to that end the provisions of this Act are declared severable.

**SECTION 13.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Cocke County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified by him to the Secretary of State.

**SECTION 14.** For the purpose of approving this Act as provided in Section 13, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on the first day of the month following ninety (90) days from approval as provided in Section 13.

Passed: March 5, 1980.

## Litigation Tax

## Courthouse Remodeling and Refurbishing Fund

## Private Acts of 1975 Chapter 162

### SECTION 1.

(a) That there is hereby imposed upon each case of any description filed in any of the following courts sitting in Cocke County, a tax of one (\$1.00) dollar, to be assessed and collected as a part of the costs of the cause; circuit court, chancery court, county court, general sessions court, and municipal court of Newport.

(b) That there is hereby imposed upon each conviction in the general sessions court of Cocke County, a tax of fourteen dollars (\$14.00), to be assessed and collected as a part of the cost of the cause.

As amended by: Private Acts of 1982, Chapter 328

**SECTION 2.** That there is imposed a special privilege tax of one (\$1.00) dollar upon and with respect to each and every instrument offered for recordation in the office of the County Register of Cocke County, the payment of which shall be a condition precedent to the recordation of said instrument.

**SECTION 3.** That the litigation taxes provided for herein shall be collected by the clerks of the respective courts in which cases are filed, and that the registration tax herein provided for shall be collected by the County Register. Each of said officials shall be accountable for and shall pay over said revenue to the County Trustee quarterly, not later than the tenth day of the month following the quarter in which collections are made.

**SECTION 4.** That it is hereby expressly provided that the term "case" shall include ex parte as well as adversary or contested proceedings.

#### **SECTION 5.**

(a) That the Trustee shall deposit the taxes herein collected in a special fund hereby created, to be known as the "Courthouse Remodeling and Refurbishing Fund", and shall be subject to appropriation by the Quarterly County Court for the purpose of providing for the remodeling and refurbishing of the Cocke County Courthouse and for no other purpose.

(b) That the trustee shall deposit the taxes collected under subsection (b) of Section 1 in the Cocke County education fund.

As amended by: Private Acts of 1982, Chapter 328

**SECTION 6.** That the tax provided for in subsection (a) of Section 1 shall expire at the conclusion of the quarter in which the cost of the remodeling and refurbishing of the courthouse for which it is levied shall have been paid, and the fact of such payment shall have been certified by the County Judge to the Trustee and to the respective officers charged with collection of the respective taxes. It is hereby made the duty of the County Judge to make such certification promptly upon the discharge of all financial obligations attending the remodeling and refurbishing of the courthouse building and the necessarily related expenses.

As amended by: Private Acts of 1982, Chapter 328

**SECTION 7.** That this Act is hereby declared to be severable, and if any portion thereof be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions, it being the intent that the latter would have been enacted in the absence of the invalid portions.

**SECTION 8.** That this Act shall take effect upon its approval by a two-thirds majority of the Quarterly County Court of Cocke County, such approval to be certified to the Secretary of State within thirty (30) days following action of the Quarterly County Court giving such approval.

Passed: May 15, 1975.

## **Taxation - Historical Notes**

### **Assessor of Property**

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 Cocke County Assessor.

1. Private Acts of 1917, Chapter 335, set the annual salary of the assessor in Cocke County at \$1,000, to be paid on July 1st of each year.
2. Private Acts of 1925, Chapter 571, raised the assessor's annual compensation to \$1,200, still to be paid in a lump sum payment on July 1st of each year. This was amended by Private Acts of 1933, Chapter 394, to provide that the assessor would be paid monthly on the first day of each month.
3. Private Acts of 1927, Chapter 193, provided that the assessor was to receive as additional compensation a per diem of \$4.00 for each day he met with the county board of equalization.
4. Private Acts of 1937, Chapter 182, raised the assessor's annual salary to \$1,500.
5. Private Acts of 1947, Chapter 625, set the salary of the Cocke County Assessor at \$2,100 per

year, to be paid in monthly installments.

6. Private Acts of 1959, Chapter 135, was attempted legislation which would have required the purchase of a building permit from the office of the assessor before any construction or remodeling of more than \$500 could be begun in Cocke County. This act failed to receive local approval and never became effective.
7. Private Acts of 1959, Chapter 136, was also rejected by the quarterly county court. This act would have required the assessor to examine any deed or instrument conveying real property before it could be recorded in the register's office.

### **Taxation**

The following is a listing of acts pertaining to taxation in Cocke County which are no longer effective.

1. Acts of 1801, Chapter 63, provided for an additional tax levy for two years, to be used to build a prison and pay the debts incurred from building a new courthouse.
2. Acts of 1805, Chapter 74, authorized Cocke County to levy another tax for the purpose of paying the grand jurors.
3. Acts of 1806, Chapter 4, authorized a one year additional tax levy to be used to pay the grand jurors who had served during the previous three years.
4. Acts of 1819, Chapter 20, authorized the county court to levy an additional tax on all taxable property in the county for the purpose of building a new courthouse on the public square in Newport.
5. Public Acts of 1870-71, Chapter 50, Section 2, exempted Cocke County from the provisions of the act which authorized several counties to impose taxes for county and corporation purposes.
6. Private Acts of 1925, Chapter 254, authorized a tax levy of not more than \$.30 per \$100 assessed valuation for the purpose of supporting county high schools in Cocke County. This has been superseded by Tennessee Code Annotated 49-605, which provides that no more than one school tax can be levied in each county for the support of all grades in the public schools.
7. Private Acts of 1999, Chapter 19, amended Private Acts of 1980, Chapter 216, relative to hotel/motel occupancy tax in Cocke County. This act was disapproved by the local governing body and therefore never became law.

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