



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Acts of 1870 (Ex. Sess.) Chapter 6

Dear Reader:

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

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

Sincerely,

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Acts of 1870 (Ex. Sess.) Chapter 6

SECTION 1. That in conformity to the fourth section of the tenth Article of the Constitution of the State of Tennessee, a new county be, and the same is hereby established, to be composed of fractions to be taken from the counties of Jefferson and Grainger, to be known and designated as Hamblen County.

SECTION 2. That the boundaries of the county of Hamblen shall be as follows, viz: Beginning at four cedars on the northern bank of Nolachucky River, at the point where the boundary line between Jefferson and Greene counties to Rader's Spring, at or near Bull's Gap; thence with the line between Hawkins and Jefferson counties to Mount Sterling, at or near the house of Wm. Pangle; thence with the line between Hawkins and Jefferson counties to Cheek's cross roads; thence with the line between Hawkins and Grainger counties to the center of Holston River; thence down the Holston River with the meanders thereof to the mouth of Hull's branch; thence from the mouth of Hull's branch south 25 degrees east one mile and 120 poles to a stake; thence east 5 miles and 15 poles to a stake; thence south 77 degrees east 1 mile to a stake; thence south 71 degrees east 1 mile to a stake; thence 65 degrees east 1 mile to a stake; thence 59 degrees east 1 mile to a stake; thence south 53 degrees east 1 mile to a stake; thence south 47 degrees east 1 mile to a stake; thence south 41 degrees east 1 mile to a stake; thence south 35 degrees east 1 mile to a stake, thence south 29 degrees east 1 mile to a stake; thence south 23 degrees east one half of 1 mile to a stake on the northern bank of French Broad River; thence south 60 degrees east, up the French Broad River to the mouth of Nolachucky River; thence up the Nolachucky River with the meanders thereof, and with the line between Jefferson and Cocke Counties to the beginning.

SECTION 3. That for the purpose of organizing the county of Hamblen under this act, that William Courtney, W. S. Reese, Wilson C. Witt and James C. Davis, of Jefferson County, and John C. Tate, C. J. Burnett and Rufus E. Rice, of Grainger County, shall be, and they are hereby appointed Commissioners, who shall immediately after this act goes into effect, take an oath before some Justices of the Peace, faithfully and impartially to discharge the duties imposed upon them by this Act, and all vacancies occurring in said Board of Commissioners from any cause, shall be filled by the other Commissioners. A majority of said Commissioners shall constitute a Board competent to do all things herein enjoined on them. They shall, immediately after this act takes effect, meet at Morristown and organize said Board by the election of a Chairman and Clerk for said Board of Commissioners, whose duty it shall be to keep a true minute of the proceedings of said Board in a book to be kept for that purpose, and the minutes of each meeting shall be read and approved by the Board and signed by the Chairman from time to time; and the minutes of the proceedings of said Board shall be returned to the County Court of Hamblen County at its first session, and shall be recorded by the Clerk of said County on the minutes of said Court, and the record of the proceedings of said Board shall be recorded by the Clerk of said Court on the minutes of said Court, and the record of the proceedings of said Board so kept and entered on the minutes of the County Court of Hamblen County, shall be evidence in all the courts of this State when duly certified, in the same manner as the records of the proceedings of other courts in this State.

SECTION 4. That said Board of Commissioners, at its first meeting shall designate a place within the limits of said Hamblen County, where said Board shall meet from time to time. They shall meet upon their own adjournment, and may be convened at any time by their Chairman.

SECTION 5. That it shall be the duty of said Commissioners to designate five public places in the fraction taken from Jefferson County, and three public places in the fraction taken from Grainger County, and shall give public notice by printed or written advertisements, for at least thirty days, posted up at five or more public places in each of said fractions; that on a day to be designated by them, and at the places designated, an election will be opened and held at which all persons entitled to vote for members of the General Assembly, who have resided in the fraction proposed to be stricken off for six months immediately preceding said election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county shall have on his ticket the words "New County", and those desiring to vote against the new county shall have on their tickets the words "Old County," and if upon counting all the ballots cast in said election, it shall appear that two-thirds of all the qualified voters in each of said fractions have voted for the new county, then the county of Hamblen shall be, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State.

SECTION 6. That said Commissioners shall appoint Judges and Clerks to hold said election, and also some suitable person as an officer at each place designated in each of said fraction, who shall have all the powers and perform all the duties imposed by law upon other officers and inspectors holding elections under the laws of this State; and who shall, after the polls are closed and the vote counted, make out and certify the result and return the same, with a copy of the pollbooks, to the Chairman of said Board, who shall, when the returns are all received, proceed, in the presence of said Board, to compare the votes and

certify the result; and the election herein provided shall be held on the same day in each of said fractions; and if, from any cause the election as herein provided, shall not be held in either of said fractions on the day appointed, said Board shall provide for another election, as herein provided in such fraction; and if said Commissioners shall believe upon investigation, which they are hereby fully authorized to institute into the manner of holding said election, that any improper or fraudulent practices have been permitted, they shall have the power to declare the election so held in either fraction to be void, and shall proceed to hold another election in said fraction, first giving thirty days' notice, as herein provided.

SECTION 7. That immediately after the election for or against the new county, if two-thirds of the qualified voters in each of said fractions vote for the new county, then said Commissioners shall proceed to lay off said County of Hamblen into districts of convenient size, not to exceed twelve in all, and cause a plat to be made describing the boundaries of said districts, and shall have the same spread upon the minutes of said Board; and shall also designate a voting place in each of said districts; upon doing which said Commissioner shall proceed to give public notice for at least thirty days, at five public places in each of said fractions, that on the day to be designated by them, in each civil district, an election will be opened and held at which all persons who are entitled to vote for members of the General Assembly, and who have resided six months in said county, shall be entitled to vote, and who shall vote for a county site for said county, and who shall also vote for and elect one Sheriff for said county, a Clerk for the County Court, and also a Clerk for the Circuit Court, and all other officers for said county required by existing laws, except such Justices of the Peace and Constables as may be in office in either of said fractions, who shall hold their offices, and exercise all the powers, with all the privileges and emoluments vested in them by existing laws until the expiration of their term of office, and until their successors are elected and qualified; and all such officers so elected shall continue to hold their offices, and exercise the functions thereof, until the next regular election of such officers as is now provided by law; and the returns of said election shall be made to the Chairman of said Board of Commissioners, who shall proceed to compare the votes in the presence of said Board as provided in Section six of this Act, and shall certify the result thereof; and said election shall be held in the same manner, and Judges and Clerks, and officers, shall be appointed with the same powers, and whose duties shall be the same as provided in Section six of this act.

SECTION 8. That the place receiving a majority of the votes cast in said election, shall be the county site of said county, and on the first Monday in the month succeeding said election, all the Justices of the Peace in said county now in office, or who may be in office at that time, shall meet at the place selected by said vote as the county site for said county, and proceed to organize the County Court of said county, by the election of a Chairman and other officers that the County Courts of other counties have a right to elect, and shall proceed to qualify and induct into office all such officers for said county as may have been elected, as herein provided, and who shall produce and file a certificate of their election from the Chairman of said Board of Commissioners, and such officers shall execute the same bonds and have the same powers and privileges, and be subject to the same duties and liabilities as the officers of other counties in this State.

SECTION 9. That the County Court of said county of Hamblen, when organized as herein provided, and the county site shall be located as herein provided, shall proceed to acquire by purchase or otherwise such grounds as may be necessary for the use of said county, and to make all such orders and regulations for the erection of all necessary public buildings for said county; to levy and collect taxes to defray the expense of erecting public buildings and other county expenses in said county in the same manner and to the same extent that the County Courts of other counties have by existing laws; Provided, That no additional taxes shall be levied or collected from the people in said county for the year 1870, other than has already been assessed.

SECTION 10. That said Board of Commissioners, upon the organization of the County Court of said county as herein provided, shall be dissolved and their powers and duties cease, and that upon filing a copy of the original minutes of their proceedings, the same shall be entered on the minutes of said County Court, and shall constitute a part of the records thereof, and said Board shall render an account of the expenses incurred by them in the organization of said county, which shall be allowed by the County Court, and paid out of the County Treasury, together with such allowance for their services as the County Court may deem reasonable.

SECTION 11. That the Governor shall issue commissions to all persons elected Justices of the Peace in said county at the election provided for to serve until the next regular election of Justices of the Peace under the Constitution of this State, and the certificate of the Chairman of the County Court of said county of the election of such persons, shall be evidence to the Governor of that fact.

SECTION 12. That the county of Hamblen shall be attached to the Second Judicial Circuit, and the Circuit Court for said county shall be held by the Judge of said Circuit on the first Mondays in June, October and February, in each and every year; and said county shall constitute one Chancery District, and the

Chancellor for the Eastern Division shall hold the Chancery Court for said county on the second Mondays of January and July of each year; Provided nothing in this Act shall be construed so as to prevent the Courts of Grainger and Jefferson Counties from having and exercising jurisdiction over the territory composing the County of Hamblen and the Citizens thereof, in as full and ample a manner as they now have, until the organization of said county, and the election of county Officers as provided in this Act. And the Tax Collectors of Jefferson and Grainger counties shall have two years from the passage of this Act to collect all taxes assessed in either of said fractions prior to the year 1870, with all the powers and with the same remedies to enforce the collection of the same that they have by existing laws.

SECTION 13. That the Commissioners appointed by this Act be, and they are hereby, authorized to exercise all the powers conferred in this Act, and such other powers as may be necessary and proper to the complete organization of the county of Hamblen.

SECTION 14. That all causes now pending, or which may be pending at the time of the organization of said county, in any of the Courts of either Jefferson or Grainger Counties, between citizens pending within the limits of the new county, shall be transferred to the county having jurisdiction thereof in said county of Hamblen; and all suits pending, or which may be pending against any defendant residing within the limits of the new county, shall, if the plaintiff consent thereto, also be transferred to said county; and all prosecutions pending, or which may be pending in the Courts of either of the counties of Grainger or Jefferson, for violations of the criminal law, where the crime is charged to have been committed within the limits of the new county, as hereby established, shall also be transferred to the Court of Hamblen County having jurisdiction thereof.

SECTION 15. That the citizens of Hamblen County in all elections for Governor, Representatives in Congress, members of the General Assembly and Electors of President and Vice President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment agreeably to the provisions of the fourth Section of the second Article of the Constitution.

SECTION 16. That the people of each of the fractions taken from Jefferson and Grainger Counties shall remain liable and be bound to pay their respective shares of the debts owing by either of the counties from which they are stricken off, and shall also be entitled to their respective shares of all public securities or stocks that may be the property of either of said counties, and all taxes assessed for the year 1870 on the property, polls and privileges in each of said fractions remaining uncollected upon the organization of said county of Hamblen, and the election and qualification of a Tax Collector for said county, shall be collected and accounted for by the Tax Collector of said county of Hamblen in the same manner as the public taxes of other counties, and the taxes assessed for county purposes in each of said fractions which may be collected at the time of organization of said county shall be apportioned between the new and the old counties, the fractions of each being required to pay their proper proportion of all public expenses for the year, up to the time of organization as aforesaid, and the County Courts of the old counties respectively, and also the County Court of the new county shall each appoint three suitable persons on the part of each, to apportion the public debt that each county may owe, and also to apportion the public securities or stocks, that may be owned by either of the old counties, and also to apportion the revenue assessed for county purposes, which may have been collected by the old counties for the year 1870, and in making such apportionment, the aggregate value of all taxable property and polls in each shall be taken as the basis of said apportionment, and each of the fractions included in the new county, and shall remain liable and pay their proportion of the debts of the old county from which they may be stricken off, and the County Courts of each of said counties are fully authorized to make such orders and regulations as may be necessary to carry out the provisions of this section, so as to effect a fair and equitable apportionment of the debts owing, stock owned and revenue collected by each.

SECTION 17. That the fraction of Hawkins County south of Holston River, adjoining the present line of Grainger County on the west and the line of Jefferson County on the south-east, by a line to commence at or near Mount Sterling, on the Jefferson County line, eleven miles distant from Rogersville, running thence a direct line to the Holston River, so as to keep eleven miles from Rogersville; thence down the Holston River with its meanders, to the point where the present line between Hawkins and Grainger counties strikes said river, may be included and constitute part of the county of Hamblen established by this act; and the Commissioners hereby appointed shall designate two public places in said fraction, and cause an election to be held thereon on the same day and in the same manner, and under the same regulations, provided in this act for the fractions of Jefferson and Grainger counties, at which all persons as herein provided, shall be entitled to vote for or against the new county as herein proposed; and if two-thirds of all the qualified voters in said fraction of Hawkins County, shall vote for the new county, then said fraction of Hawkins County, as above described, shall constitute part of said county of Hamblen, with all the rights, powers, privileges and liabilities conferred by this act upon the fractions of Grainger and Jefferson counties; and said Commissioners shall lay off said fraction into civil districts, not to exceed two in number, and cause an election to be held therein for a county site, and for county officers on the same

day, as is provided by this act for the fractions of Grainger and Jefferson counties, and if two-thirds of all the qualified voters in said fraction vote for the county, then all the provisions of this act applicable to the fractions of Jefferson and Grainger counties, shall also apply to said fraction of Hawkins County; but if two-thirds of all the qualified voters in said fraction of Hawkins County shall fail to vote for the establishment of the new county, their refusal to do so shall in no manner affect the establishment of the county of Hamblen, as provided in this act, out of the fractions of the counties of Jefferson and Grainger.

SECTION 18. That the public welfare requires that this act shall take effect from and after its passage.

Passed: May 31, 1870.

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