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# Acts of 1843 - 44 Chapter 71

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Sincerely,

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# Acts of 1843 - 44 Chapter 71

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

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

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

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

**SEC. 4.** That it shall be the duty of said commissioners, first giving ten days notice in one public place or more, of the time and places to open and hold an election at one place or more in each of the fractions proposed to be stricken off from the counties of Hawkins and Claiborne, for the purpose of ascertaining whether a majority of the voters residing in those fractions are in favor of or opposed to the establishment of the county of Hancock; and all persons qualified to vote for members of the General Assembly, who have resided in the fractions proposed to be stricken off six months immediately preceding the day of election shall be entitled to vote, and each voter who desires to vote for the establishment of the new county shall have on his ticket the words "new county," and those voting against the new county shall have on their ticket the words "old county," and if upon counting all the ballots the judges of the several elections shall return that a majority of each of the fractions respectively have voted for the new county, then the county of Hancock shall be and the same is hereby declared to be a county, with all the powers, privileges and advantages, and subject to all the liabilities and duties with other counties in the State.

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

**SEC. 6.** For the due administration of justice, the different courts to be holden in the said county of Hancock shall be held at the house of A. Campbell, on Greasy Rock, until the seat of justice of said county shall be located, the county court shall in the intermediate time have full power to adjourn the courts to such other place in said county, as they may deem better suited for the holding of the same and for public convenience, and to adjourn to the seat of justice, when in their judgment the necessary arrangements are made, and all writs and other precepts issuing from any of said courts returnable to either place, shall and may be returned to the place to which said court may have been removed by the county court aforesaid, and the courts for the county of Hancock, shall be under the same rules, regulations and restrictions, and shall have, hold and exercise and possess the same powers and jurisdiction as prescribed

by law for holding courts in other counties. Said courts shall be attached to the first Judicial circuit, and the circuit court shall be held by the Judge of said circuit on the first Mondays of February, June and October in each and every year, and the citizens of said county may file bills in Chancery at either of the Chancery courts held at Rogersville or Tazewell at their election.

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

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

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

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

**SEC. 11.** That the commissioners of said county shall sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers, and shall take bond with sufficient security from the purchaser of said lots payable to themselves and their successors in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

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

**SEC. 13.** The commissioner shall superintend the erection of such public buildings as the county court of said county shall order and direct to be built, and shall let the same out, and shall take bonds from undertakers, with ample penalties and sufficient securities payable to themselves and their successors, conditioned for the faithful performance of his or their contracts. That the balance, if any, of the proceeds arising from the sales of the lots herein authorized to be laid off and sold, remaining in the hands of the commissioners, after defraying the expenses of purchasing the town site for the county seat, and the cost of the public buildings ordered to be built by the county court shall be paid over by said commissioners to the trustee of said county of Hancock to be held, applied and accounted for by him as other county funds.

**SEC. 14.** The said commissioners shall also appoint five suitable persons as commissioners, whose duty it shall be to divide and lay off said county of Hancock into civil districts -- designate the place for holding

elections therein, and do and perform all the duties relative thereto, which, by the laws of the State, such commissioners are authorized or required to do.

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

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

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

**SEC. 18.** That the commissioners of Hancock county, be and they are hereby appointed to exercise all the powers conferred in this act, and such other powers as may be necessary and proper to the complete organization of the said county of Hancock.

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

**SEC. 20.** That if the new counties of Lewis, Grundy and Hancock shall fail to organize against the first Saturday in March next, and consequently fail to elect necessary county officers as prescribed in the 7th section of this act, they shall proceed to elect their county officers on the first Saturday in July next, thereafter under the same rules and regulations as now prescribed by law, and such officers so elected shall hold their offices until the regular time of electing county officers in this State and no longer.

Passed January 7th, 1844

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