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# Hawkins

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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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## Hawkins



Hawkins County Courthouse

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## Chapter I - Administration

### County Attorney

#### Private Acts of 1983 Chapter 123

**SECTION 1.** The office of county attorney is hereby created for Hawkins County; such attorney to be elected by the Hawkins County Board of Commissioners. The Board of Commissioners shall establish the term of office of the county attorney which shall be for not less than one (1) year nor more than four (4) years; provided that in no event shall the term of office extend beyond the term of office of the Commissioners.

As amended by: Private Acts of 1990, Chapter 188

**SECTION 2.** Chapter 20 of the Private Acts of 1923, Chapter 181 of the Private Acts of 1937, Chapter 671 of the Private Acts of 1951, Chapter 62 of the Private Acts of 1957, Chapter 370 of the Private Acts of 1968, Chapter 207 of the Private Acts of 1974, and Chapter 266 of the Private Acts of 1978, and all other acts amendatory thereto, are hereby repealed.

**SECTION 3.** That nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Hawkins County before October 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Hawkins County and certified by him to the Secretary of State.

**SECTION 5.** 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 4.

PASSED: May 5, 1983.

### County Clerk

#### Mount Carmel Office

#### Private Acts of 1971 Chapter 46

**SECTION 1.** The Hawkins County Quarterly Court is authorized to secure and provide suitable office space for a permanent branch office of the County Court Clerk of Hawkins County, said branch office to be situated in the City of Mount Carmel.

The County Court Clerk is authorized to establish a branch office in the space provided and shall proceed under the provisions of Chapter 20 of Title 8, Tennessee Code Annotated, to seek authorization for the necessary deputies and their salaries.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Hawkins County Quarterly Court on or before the next regular meeting of such Quarterly Court occurring more than thirty (30) days after its becoming a law. Its approval or non-approval shall be proclaimed by the presiding officer of the Hawkins County Quarterly Court and certified by him to the Secretary of State.

**SECTION 3.** This Act shall take effect for the purpose of ratifying it as provided in Section 2 upon its becoming a law, the public welfare requiring it, and for other purposes, upon its ratification.

PASSED: April 6, 1971

### County Mayor

#### Private Acts of 1957 Chapter 256

**COMPILER'S NOTE:** The office of county judge was abolished in 1978 and replaced with the office of county executive, which is now known as the county mayor in most counties. Judicial duties were removed from the office in 1978. See Public Acts of 1978, Chapter 934, implementing 1978 amendments to the Tennessee Constitution. Accordingly, some of the provisions of this act have been superseded.

**SECTION 1.** That the office of County Judge of and for Hawkins County in the State of Tennessee is hereby created.

**SECTION 2.** That the office of Chairman of the County Court of Hawkins County be and the same is hereby abolished from and after the passage of this Act, and from and after that date the County Judge shall have and exercise all the jurisdiction and powers of said office of Chairman of the County Court of Hawkins County. The County Judge shall preside at its sessions [sic] and is hereby clothed with the same powers and jurisdiction that are now exercised by the Chairman of said County Court and shall perform the same duties required of said Chairman, pursuant to the statutes of the State of Tennessee.

**SECTION 3.** That the County Court to be held and presided over by the County Judge under the provisions of this Act, shall hold the regular sessions of Court on the first Monday of each month and shall sit from day to day so long as it is necessary to complete the docket.

**SECTION 4.** That the County Judge shall have and is hereby vested with authority, jurisdiction and power to grant all extraordinary writs of injunction and attachments, the same as Circuit Judges and Chancellors of this State now have, and the County Judge shall exercise this power and authority in the same manner as Circuit Judges and Chancellors of the State of Tennessee; and the County Judge shall have the power and authority to appoint receivers and in doing so he shall be governed by the same rules and regulations provided for Chancellors and Circuit Judges and he shall also have jurisdiction to hear and determine cases upon writs of *Habeas Corpus* in the same manner and under the same rule and regulations as are now conferred by law upon Chancellors and Circuit Judges of this State.

**SECTION 5.** That the Quarterly County Court, composed of the Justices of the Peace of Hawkins County, shall meet on the second Mondays in January, April, July and October of each year, and said County Judge shall preside over the same and they shall have such jurisdiction as they now have by law, except such as is imposed by this Act on the County Judge herein created.

**SECTION 6.** That in addition to the judicial duties of said office of County Judge, said County Judge shall be the accounting officer and general financial agent of the County and as such shall have power, and it shall be the duty of the County Judge:

(a) To have the care and custody of all the County property and to see that such property is preserved.

(b) To control all books, papers and instruments pertaining to his office and the County.

(c) To audit each and every claim for money presented against the County and shall not pay such claim or claims unless the County is liable, and in the event there is no money in the treasury to pay the claim or claims, then the County Judge is enjoined from issuing a County warrant to pay said claim or claims unless there is sufficient money in the Treasury to the credit of the fund against which the warrant is drawn.

(d) To draw and have sealed with the County Court all warrants drawn upon the County Treasury.

(e) To audit and settle the accounts of the County Trustee and those of any other collector or receiver of the County revenue, taxes or income payable in the County Treasury and those of any intrusted to receive or expend any other money of the County, and to require said officers or persons to render and settle their accounts promptly as is required by law, or the authority under which they now act.

(f) To enter in a book to be known as a warrant book the order of issuance, the number, date, amount and the name of the drawee of such warrant upon the Treasury of the County, and the purpose of the warrant being issued, and the fund against which it is issued.

(g) No money shall be drawn out of the County Treasury for any purpose whatever except upon a warrant issued by the County Judge under and in accordance with existing laws and the provisions of this Act.

**SECTION 7.** That in addition to the duties enumerated above herein, that the County Judge shall, as the Financial Agent of the County, also perform the duties of Purchasing Agent for the County.

**SECTION 8.** That the Financial Agent or Purchasing Agent shall have the exclusive power and authority to contract for and purchase all materials, supplies and equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of or supported by, or under the control of the county government; including insurance, and no other official, employee, or agent of the said county or any of its departments or agencies, shall contract for or purchase any such materials, supplies or equipment. The Financial Agent or Purchasing Agent shall likewise have exclusive power and authority to arrange for rental of machinery or equipment when the rents are to be paid out of funds belonging to Hawkins County, or any department, institution, or agency thereof; and no other official, employee or agent of the county shall have the right to make any contract for rental of machinery or equipment.

**SECTION 9.** That purchases or contracts for purchases of materials, supplies or equipment for the use of any official, employee, department or agency of the county government with the estimated monetary

value being greater than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, which except in emergencies as hereinafter provided shall be executed by the Financial Agent or Purchasing Agent only after he shall have advertised in a newspaper published or circulated in Hawkins County. The sealed bids will be received by the Financial Agent or Purchasing Agent at the time fixed in the advertisement for such materials, supplies or equipment. The sealed bids received shall be published at the time and place fixed in the advertisement which shall be not less than ten days after the publication of the advertisement. However, purchases of materials, supplies, commodities, and equipment may be made from any federal, state or local governmental unit or agency without conforming to the competitive bidding requirements of this Section. No purchase or contract to purchase will be made or executed until the Financial Agent or Purchasing Agent certifies that funds are available to the credit of the department or agency of the county government to pay for such materials, supplies, or equipment when delivered to the county and found to meet the specifications of the department or agency of the county government. The right shall be reserved at all times to reject any and all bids received. The Financial Agent or Purchasing Agent is authorized to purchase and contract to purchase materials, supplies or equipment on an annual basis and distribute to the various departments of the county government; however, before making any such contract, the county department, institution or agency will deliver to the Financial Agent or Purchasing Agent a requisition for the materials, supplies or equipment and certify: (1) the annual need of the materials, supplies or equipment; (2) when the same shall be delivered, and (3) that funds are and will be available to pay for materials, supplies or equipment for the county government.

As amended by: Private Acts of 1967-68, Chapter 223  
Private Acts of 1977, Chapter 74  
Private Acts of 1991, Chapter 36  
Private Acts of 2007, Chapter 10

**SECTION 10.** That when the estimated monetary value of material, supplies or equipment required for essential functions of the county government is equal to or less than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, the Financial Agent or Purchasing Agent is authorized to purchase same without the necessity of advertised sealed bids, but in making such purchases, the County Agency or official must certify: (1) that there is an immediate need for the item requested; (2) that the public will suffer if the purchase is delayed to permit advertisement; (3) that funds are available to pay for materials, supplies or equipment to be purchased. In such cases the Financial Agent or Purchasing Agent may, by personal contact, obtain the lowest bid for such item, and will keep a record of the names of the persons, firms or corporations contacted and the name of the person, firms or corporations from whom the purchase is made and the price paid for such materials, supplies or equipment.

Private Acts of 1977, Chapter 74  
Private Acts of 1991, Chapter 36  
Private Acts of 2007, Chapter 10

**SECTION 11.** That the Financial Agent or Purchasing Agent shall keep a record of all purchases and will keep all necessary papers and documents pertaining to or otherwise connected with the purchase of supplies, materials or equipment for the county government of Hawkins County. All records shall be open to the inspection of the Quarterly County Court and the general public to examine the books, records and papers of the said office.

**SECTION 12.** That the Financial Agent or Purchasing Agent shall not be financially interested, directly or indirectly, in the purchase of any supplies, materials or equipment for the County, and shall purchase, insofar as possible in compliance with this Act, from county-owned firms.

**SECTION 13.** That the Financial Agent or Purchasing Agent may, by regulation or written order; (1) require security to accompany bids, and fix the amount thereof guaranteeing the performance of the contract if awarded; (2) govern the method and procedure whereby the departments, agencies or officials of the county shall inform him of the need or necessity for the purchase of supplies, materials or equipment; (3) prescribe forms for estimates, requisitions, orders and contracts; and (4) establish definite or regular periods for submitting estimates or requisitions.

**SECTION 14.** That the Financial Agent or Purchasing Agent shall personally countersign all warrants in payment for materials, supplies, or equipment purchased under the provisions of this Act. Hawkins County shall be liable for the payment of all purchases of all materials, supplies and equipment made under the provisions of this Act, but shall not be liable for payment for materials, supplies or equipment made contrary to its provisions. No warrant in payment for materials, supplies or equipment shall be binding upon or constitute a charge against Hawkins County until said warrant is countersigned by the Financial Agent or Purchasing Agent.

**SECTION 15.** That the compensation for said County Judge shall be \$4,800.00 per annum, which compensation shall include his services as Financial Agent and Purchasing Agent for said County, and the

salary of \$4,800.00 per year shall be paid monthly from the County Treasury upon the Judge's own warrant, countersigned by the County Court Clerk.

**SECTION 16.** That the County Judge shall be provided secretarial help but he shall not pay more than \$1,800.00 per annum for such help and such compensation shall be paid from the County Treasury as other ordinary expenses of the County are paid, on the County Judge's warrant.

**SECTION 17.** That the necessary office space and equipment for the use of the County Judge in performing his duties as Purchasing Agent shall be provided and maintained at the County Seat of Hawkins County. Such office shall be open for business during the usual hours observed by other officials of the County government.

**SECTION 18.** That before the County Judge shall enter upon the duties of his office he shall give bond in the sum of \$15,000.00 payable to Hawkins County, in an approved surety company. The premium on said bond shall be paid from the County Treasury as other ordinary expenses are paid, to be approved by the Circuit Judge or the Chancellor serving for said County, for the faithful performance of the duties of his office, and he shall take and subscribe to an oath to support the Constitution of United States and of the State of Tennessee, and to faithfully and honestly discharge the duties of his office, and such oath shall be entered upon the minutes of the Court.

**SECTION 19.** That the provisions of this Act are hereby declared to be severable and if any of its sections, provisions or parts thereof be held unconstitutional or void, the remainder of this Act shall continue in full force and effect.

**SECTION 20.** That after this Act has been approved by the Governor, the Election Commissioners of Hawkins County shall call an election to be held on the first Saturday in May, 1957, for the purpose of determining the will of a majority of the people of Hawkins County. The question on the ballot shall be:

"I favor ratification of the bill creating the office of County Judge for Hawkins County."

"Yes"

"No"

Those in favor of ratifying the bill for the creation of a County Judge for Hawkins County shall vote "Yes" and those opposing shall vote "No". All qualified voters in and of Hawkins County shall be entitled to vote in said election and the election shall be conducted in accordance with the general election laws. The said election is declared to be for a County governmental purpose and the County shall expend from its general funds the monies necessary to conduct the election.

**SECTION 21.** That in case of the approval of this Bill by popular vote the qualified voters of Hawkins County shall, at the August election 1958, elect some qualified person County Judge who shall hold office for a term of eight years from September 1, 1958, and until his successor is elected and qualified. Subsequent elections shall be held each eight (8) years or after the term of the incumbent shall expire. At the January term 1958, the Quarterly County Court of Hawkins County shall elect a Chairman who shall serve until September 1st, 1958, and until the Judge herein provided shall take office.

**SECTION 22.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1957.

## County Register

## Recording Subdivisions

## Private Acts of 1953 Chapter 438

**SECTION 1.** That in all counties having a population of not less than 30,000 or more than 30,500, according to the 1950 Federal Census, or any subsequent Federal Census, it shall be unlawful and a misdemeanor in office for the Register of Deeds of such county to accept and file for registration any map or plat of a subdivision of real estate within such county without having first ascertained that a copy of such map or plat has been filed with the Tax Assessor of county.

**SECTION 2.** That it is hereby made the duty of any person subdividing property to cause a copy of the map or plat of such subdivision to be filed with the Tax assessor of such county as a condition precedent to the registration of such map or plat; and any person, firm, or corporation failing to comply with the provisions of this section shall, upon motion of the Tax Assessor of such county, or any interested citizen, be liable to a forfeiture in favor of the county in the sum of one hundred twenty-five (\$125.00) Dollars in any court of competent jurisdiction.



**SECTION 3.** That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

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

Passed: April 6, 1953.

## Planning Commission

### Private Acts of 1978 Chapter 261

**SECTION 1.** There is hereby established the Hawkins County Planning Commission to be composed of one (1) member-at-large from the county, selected by the commission, one (1) member from each magisterial district selected by the district magistrate, and the County Road Commissioner. The County Judge and the Chief Executive Officer of the County Industrial Commission shall be ex-officio non-voting members. The initial at-large and magisterial district members shall be as follows: for one (1) year terms, member-at-large for the county, William Lyons, Jr., and from the first magisterial district, Larry Hagood; for two (2) year terms, from the second magisterial district, Dr. R.B. Baird, and from the third magisterial district, Charles Taylor; for terms of three (3) years, from the fourth magisterial district, William Phillips and from the fifth magisterial district, Claude Cain; for terms of four (4) years, from the sixth magisterial district, Clay Johnson; and from the seventh magisterial district, Sidney Snodgrass. Thereafter the member-at-large and all members appointed by magistrates shall serve four (4) year terms. The terms of the planning commission of the County Judge, the County Road Commissioner, and the Chief Executive Officer of the County Industrial Commission shall be coterminous with their respective terms in office.

The Quarterly County Court shall fill vacancies in any unexpired term. If the Quarterly County Court does not fill a vacancy within thirty (30) days of its occurrence it shall be filled by the remaining members of the County Planning Commission. If the Quarterly County Court, as provided above, does not appoint a replacement that district shall not be represented on the commission and no action of the commission shall be declared invalid based on such a vacancy so long as a quorum is present. The quorum required for planning commission action is a majority of the members to which the commission is entitled under this Act. Members of the Planning Commission shall receive the sum of fifty dollars (\$50.00) per meeting for attendance at any and all sessions of the Hawkins County Planning Commission or the same amount as members of committees appointed from the Hawkins County Legislative Body are paid per each meeting, whichever is greater. Members must be present at an authorized meeting of the commission in order to receive the above compensation.

As amended by:

Private Acts of 2007, Chapter 9

**SECTION 2.** The commission shall elect its chairman from among the appointive members. The term of chairman shall be one (1) year with eligibility for election. The commission shall adopt rules for the transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work, and may contract with county planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Quarterly County Court.

**SECTION 3.** It shall be the function and duty of the commission to make and adopt an official general plan for the physical development of the general plan for the physical development of the county, outside of, but up to, the corporate boundaries of any municipalities in the county.

The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include among other things, the general location, character and extent of streets, bridges, viaducts, parks, recreation areas, parkways, waterways, waterfronts, playgrounds, airports and other public ways, grounds, places and spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication and other purposes; also the removal, relocation, widening, extension, narrowing, vacating, abandonment, change of use or extension of any of the foregoing public ways, grounds, places, spaces, buildings, properties or utilities. The commission may also serve in an advisory capacity to the Quarterly County Court for the purpose of formulating a zoning plan for the regulation of the height, areas, bulk, location and use of private and public structures and premises and of population density; also the general location, character, layout and extent of community centers and neighborhood units; also the general location, character, extent and layout of the replanning of blighted districts and slum areas. The commission may from time to time amend, extend or add to the plan or carry any part of subject matter into greater detail.

**SECTION 4.** The commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a two-thirds ( $\frac{2}{3}$ ) vote of all voting members of the commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the Quarterly County Court.

**SECTION 5.** In the preparation of the plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and future growth of the county and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinate, adjusted and harmonious development, of the county which will, in accordance with existing and future needs best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.

**SECTION 6.** The County Planning Commission is also authorized to meet, negotiate, contract, and cooperate with one or more municipal planning commissions in the county for the purpose of formulating a countywide plan of development.

**SECTION 7.** The commission may make reports and recommendations relating to the plan and development of the county to public officials and agencies, public utility companies, to civic, educational, professional and other organizations and to citizens. It may recommend to the executive or legislative officials of the county programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its work, may enter upon any land and make examination and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have powers as may be necessary to enable it to perform its purposes and promote county planning.

**SECTION 8.** Upon ratification of this Act as provided herein, no street, park or other public recreation facility or subdivision shall be constructed or authorized in the county outside of municipal boundaries until and unless the location and extent thereof shall have been submitted to and approved by the commission. The failure of the commission to act within thirty (30) days after the date of official submission to it shall be considered approval unless the commission notified the applicant of an extension not to exceed one hundred twenty (120) days.

**SECTION 9.** After the planning commission adopts a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and files a certified copy of such major street plan in the office of the county register of the county, no plat of a subdivision of land lying wholly or partly within the county and wholly or partly outside of municipal boundaries shall be filed or recorded until it is submitted to and approved by the commission and such approval is entered in writing on the plat by the secretary of the commission.

The County Register shall not file or record a plat of subdivision of land without the approval of the commission as required by this section. Violation of this provision is a misdemeanor.

**SECTION 10.** In exercising the powers granted to it by this Act, the commission shall adopt regulations governing the subdivision of land within the county. Such regulations may provide for the harmonious development of the county, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the county for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

Such regulations may include requirements of the extent to which and the manner in which street shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for the tentative approval of the plat previous to such improvements and installation, but any such tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of such improvements and utilities within a period specified by the commission and expressed in the bonds. The county is authorized to enforce such bonds by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of such work previous to the final approval of a plat, for an assessment or other method whereby the county is put in assured position to do said work and make said installations at the cost of the owners of the

property within the subdivision.

Before adoption of its subdivision regulations, or any amendments thereof, a public hearing thereon shall be held by the commission.

**SECTION 11.** The commission shall approve or disapprove a plat within thirty (30) days after the submission thereof, otherwise the plat shall be considered to have been approved and a certificate to that effect shall be issued by the commission on demand. However, the applicant for the commission's approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of hearing shall be sent. No plat shall be acted upon by the commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five (5) days before the date fixed for the hearing.

**SECTION 12.** The approval of a plat shall not be considered to constitute or effect an acceptance by the county or public of the dedication of any street or other ground shown upon the plat.

**SECTION 13.** Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other uses of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtain its approval as required by this chapter and before such plat be recorded in the office of the County Register, is guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from being in violation of this section. The county may enjoin such transfer or sale or agreement by action for injunction.

**SECTION 14.** After the time when the platting jurisdiction of the planning commission attaches, as provided in Section 9, the county shall not, nor shall any public authority, accept, lay out, open, improve, grade, pave, or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the county, outside of municipal boundaries unless such street has been accepted or opened as, or shall have otherwise received the legal status of a public street prior to the attachment of the commission's subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the commission or with a street plat made and adopted by the commission.

**SECTION 15.** For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the planning commission is empowered, in accordance with the conditions and the procedure specified in this act, to regulate the subdivision of land and the construction and maintenance of streets in the county according to the standards set forth herein. Special districts or zones may be established in those areas considered subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property and as will secure to the citizens of Hawkins County the eligibility for flood insurance under Public Law 1016, 84th Congress or subsequent related laws or regulations promulgated thereunder.

**SECTION 16.** In case any subdivision or street is proposed to be erected, constructed, reconstructed, altered, converted or maintained or is proposed to be used in violation of any regulation enacted under this act, the county or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation.

**SECTION 17.** Any person aggrieved by an action of the planning commission may bring an action for review of such action in a court of competent jurisdiction in the county.

**SECTION 18.** Chapter 150 of the Private Acts of 1975 and Chapter 154 of the Private Acts of 1977, are repealed.

**SECTION 19.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**SECTION 20.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the Act should be approved. The ballots used in the May election held subsequent to the enactment of this Act shall have printed on them the following question:

Do you favor the creation of a county-wide planning commission for Hawkins County and the approval of

(insert private chapter number) authorizing this and repealing Chapter 150, Private Acts of 1975 and Chapter 154, Private Acts of 1977 which are in conflict with this Act?

For

Against

The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commission 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.

**SECTION 21.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 20, it shall be effective upon becoming a law, but for all other purposes it shall be effective only upon being approved as provided in Section 20.

PASSED: March 20, 1978.

## Purchasing

### Private Acts of 1957 Chapter 256

**COMPILER'S NOTE:** The full text of this act is reproduced under the heading COUNTY MAYOR in this publication. Only the provisions concerning purchasing are reproduced below.

[Sections 1 - 6 deleted.]

**SECTION 7.** That in addition to the duties enumerated above herein, that the County Judge shall, as the Financial Agent of the County, also perform the duties of Purchasing Agent for the County.

**SECTION 8.** That the Financial Agent or Purchasing Agent shall have the exclusive power and authority to contract for and purchase all materials, supplies and equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of or supported by, or under the control of the county government; including insurance, and no other official, employee, or agent of the said county or any of its departments or agencies, shall contract for or purchase any such materials, supplies or equipment. The Financial Agent or Purchasing Agent shall likewise have exclusive power and authority to arrange for rental of machinery or equipment when the rents are to be paid out of funds belonging to Hawkins County, or any department, institution, or agency thereof; and no other official, employee or agent of the county shall have the right to make any contract for rental of machinery or equipment.

**SECTION 9.** That purchases or contracts for purchases of materials, supplies or equipment for the use of any official, employee, department or agency of the county government with the estimated monetary value being greater than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, which except in emergencies as hereinafter provided shall be executed by the Financial Agent or Purchasing Agent only after he shall have advertised in a newspaper published or circulated in Hawkins County. The sealed bids will be received by the Financial Agent or Purchasing Agent at the time fixed in the advertisement for such materials, supplies or equipment. The sealed bids received shall be published at the time and place fixed in the advertisement which shall be not less than ten days after the publication of the advertisement. However, purchases of materials, supplies, commodities, and equipment may be made from any federal, state or local governmental unit or agency without conforming to the competitive bidding requirements of this Section. No purchase or contract to purchase will be made or executed until the Financial Agent or Purchasing Agent certifies that funds are available to the credit of the department or agency of the county government to pay for such materials, supplies, or equipment when delivered to the county and found to meet the specifications of the department or agency of the county government. The right shall be reserved at all times to reject any and all bids received. The Financial Agent or Purchasing Agent is authorized to purchase and contract to purchase materials, supplies or equipment on an annual basis and distribute to the various departments of the county government; however, before making any such contract, the county department, institution or agency will deliver to the Financial Agent or Purchasing Agent a requisition for the materials, supplies or equipment and certify: (1) the annual need of the materials, supplies or equipment; (2) when the same shall be delivered, and (3) that funds are and will be available to pay for materials, supplies or equipment for the county government.

As amended by: Private Acts of 1967-68, Chapter 223,

Private Acts of 1977, Chapter 74,

Private Acts of 1991, Chapter 36,

Private Acts of 2007, Chapter 10.

**SECTION 10.** That when the estimated monetary value of material, supplies or equipment required for essential functions of the county government is equal to or less than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, the Financial Agent or Purchasing Agent is authorized to purchase same without the necessity of advertised sealed bids, but in making such purchases, the County Agency or official must certify: (1) that there is an immediate need for the item requested; (2) that the public will suffer if the purchase is delayed to permit advertisement; (3) that funds are available to pay for materials, supplies or equipment to be purchased. In such cases the Financial Agent or Purchasing Agent may, by personal contact, obtain the lowest bid for such item, and will keep a record of the names of the persons, firms or corporations contacted and the name of the person, firms or corporations from whom the purchase is made and the price paid for such materials, supplies or equipment.

As amended by: Private Acts of 1977, Chapter 74,

Private Acts of 1991, Chapter 36,

Private Acts of 2007, Chapter 10.

**SECTION 11.** That the Financial Agent or Purchasing Agent shall keep a record of all purchases and will keep all necessary papers and documents pertaining to or otherwise connected with the purchase of supplies, materials or equipment for the county government of Hawkins County. All records shall be open to the inspection of the Quarterly County Court and the general public to examine the books, records and papers of the said office.

**SECTION 12.** That the Financial Agent or Purchasing Agent shall not be financially interested, directly or indirectly, in the purchase of any supplies, materials or equipment for the County, and shall purchase, insofar as possible in compliance with this Act, from county-owned firms.

**SECTION 13.** That the Financial Agent or Purchasing Agent may, by regulation or written order; (1) require security to accompany bids, and fix the amount thereof guaranteeing the performance of the contract if awarded; (2) govern the method and procedure whereby the departments, agencies or officials of the county shall inform him of the need or necessity for the purchase of supplies, materials or equipment; (3) prescribe forms for estimates, requisitions, orders and contracts; and (4) establish definite or regular periods for submitting estimates or requisitions.

**SECTION 14.** That the Financial Agent or Purchasing Agent shall personally countersign all warrants in payment for materials, supplies, or equipment purchased under the provisions of this Act. Hawkins County shall be liable for the payment of all purchases of all materials, supplies and equipment made under the provisions of this Act, but shall not be liable for payment for materials, supplies or equipment made contrary to its provisions. No warrant in payment for materials, supplies or equipment shall be binding upon or constitute a charge against Hawkins County until said warrant is countersigned by the Financial Agent or Purchasing Agent.

[Sections 15 - 21 deleted.]

**SECTION 22.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1957.

## Zoning

### Private Acts of 1997 Chapter 79

**SECTION 1.** The County Legislative Body of Hawkins County may by resolution call for an advisory referendum at the regular August election of 1998. The question on the ballot of such election shall be substantially as follows:

Should Hawkins County formulate its own land use planning or zoning plan?

Yes\_\_\_\_\_

No\_\_\_\_\_

The County Legislative Body of Hawkins County may place a brief statement of the \_\_\_\_\_ purpose of the referendum preceding the question on the ballot. Such statement shall not exceed two hundred (200) words.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Legislative Body of Hawkins County. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the

Legislative Body of Hawkins County 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 upon being approved as provided in Section 2.

PASSED: MAY 29, 1997.

## Administration - Historical Notes

### County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Hawkins 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 1923, Chapter 20, created the office of county attorney in Hawkins County and validated the action of the county court in said county. This act was repealed by Private Acts of 1983, Chapter 123.
2. Private Acts of 1937, Chapter 181, created the office of county attorney in Hawkins County, validated the action of the county court in said county in electing county attorneys and made appropriations therefor. This act was amended by Private Acts of 1951, Chapter 671, which fixed the salary of the Hawkins County Attorney to \$600 per annum. Private Acts of 1957, Chapter 62, amended Private Acts of 1937, Chapter 181, further, by setting the salary of the county attorney at \$1,200 per annum. Private Acts of 1967-68, Chapter 370, provided that the county attorney receive \$200 per month. Chapter 181 was further amended by Private Acts of 1974, Chapter 207, which provided that the county attorney receive \$400 per month. Private Acts of 1978, Chapter 266, approved by the Hawkins County Quarterly Court on July 17, 1978, increased the salary of the county attorney from \$400 per month to \$6,000 per year. This act was repealed by Private Acts of 1983, Chapter 123. Private Acts of 1982, Chapter 357, was an amendment to Private Acts of 1937, Chapter 181, which would have increased the annual salary of the county attorney from \$6,000 to \$8,400 but this act was rejected by the Hawkins County Legislative Body on June 28, 1982, and therefore never became an effective law.

### County Clerk

The following acts once affected the office of county clerk in Hawkins County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Clerk at \$1,800.
2. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Court Clerk at \$2,500. Private Acts of 1935, Chapter 720, expressly and entirely repealed Private Acts of 1933, Chapter 851, which concerned the annual salaries of several Hawkins County officials.
3. Private Acts of 1967-68, Chapter 186, was the authority for the quarterly court of Hawkins County to secure and provide suitable office space for a permanent branch office of the county court clerk which would be situated in the city of Mount Carmel. This act was rejected by the quarterly court of the county and never became an effective law. Private Acts of 1967-68, Chapter 369, was an exact duplicate of Chapter 186, and was also rejected by the Hawkins County Quarterly Court.

### County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Hawkins County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1794, Chapter 8, set the dates for holding the court of pleas and quarter sessions for each of the counties in the Washington District. Hawkins County's Court met on the first Mondays in March, June, September and December.
2. Acts of 1797, Chapter 6, scheduled the meeting dates for the courts of pleas and quarter sessions in several of the Tennessee counties. For Hawkins and Blount counties, the courts met on the fourth Mondays in February, May, August and November.
3. Acts of 1809, First Session, Chapter 93, regulated the times for holding the courts of pleas and quarter sessions throughout the state. Hawkins County held said court on the fourth Mondays in February, May, August and November.
4. Private Acts of 1827, Chapter 65, stated that courts of pleas and quarter sessions of Dickson,

Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry and Rhea counties, a majority of the justices being present at their first meeting of the year, and on the first day, may select three of their own number by ballot to hold the court for the remainder of that year and the clerk shall enter the names of those chosen in the minute book. This quorum court, once established, would operate under the same laws and regulations as the other courts.

5. Public Acts of 1866-67, Chapter 41, allowed the quarterly court of Hawkins County by a two-thirds vote of its members, to issue coupon bonds to produce the funds with which county debts would be paid, but no debt would be included to be paid which was incurred in aiding and abetting in the Civil War.
6. Private Acts of 1913, Chapter 212, stated that all justices of the peace in Hawkins County, and in three other counties, shall be entitled to receive the sum of \$2.50 per day for each day of attendance at any regular or special session of the quarterly county court. The justices would also be paid five cents per mile for each mile traveled in going to and from their residences and the courthouse. This act was amended by Private Acts of 1967-68, Chapter 384, amended Private Acts of 1913, Chapter 212, as amended by Private Acts of 1951, Chapter 278, by increasing the per diem allowance for the justices of the peace to \$25 per day. It must be noted, however, that Private Acts of 1951, Chapter 278, did not specifically amend Private Acts of 1913, Chapter 212, as implied by Private Acts of 1967-68, Chapter 384.
7. Private Acts of 1951, Chapter 278, provided that the justices of the peace in Hawkins County would be paid \$5.00 per day for each day spent in attendance at the quarterly county court for each and every session.
8. Private Acts of 1961, Chapter 163, would have amended Chapter 278, by increasing the per diem payments for the justices of the peace in Hawkins County from \$5.00 to \$10.00 per day for each day's attendance at the quarterly court; however, this act was rejected or disapproved by Hawkins County and therefore never became law.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Hawkins County. They are included herein for historical purposes only.

1. Private Acts of 1951, Chapter 329, stated that in Hawkins County the chairman of the county court shall be paid the sum of \$1,800 per year in equal monthly installments out of the county treasury.
2. Private Acts of 1957, Chapter 256, as amended by Private Acts of 1967-68, Chapter 223, Private Acts of 1977, Chapter 74, and Private Acts of 1991, Chapter 36 created the office of county judge in Hawkins County elected to serve an eight (8) year term. This act also abolished the office of chairman of the county court.
3. Private Acts of 1980, Chapter 217, would have amended Private Acts of 1957, Chapter 256, relative to the purchases or contracts for purchases of materials, supplies or equipment by the financial agent or purchasing agent of Hawkins County; however, this act was rejected or disapproved by the proper authorities and never became law.

### **County Register**

The following acts once affected the office of county register in Hawkins County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1831, Chapter 162, stated that all deeds and other instruments of conveyance heretofore registered in Greene, Sevier, Cocke, Washington, Hawkins, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, McMinn, Morgan, Roane and Sullivan counties, although the certificates might not specify that the same were acknowledged by the grantor, or proved by the attestation of two witnesses, yet the same shall be as good and valid in both law and equity as if they had been certified and endorsed in the most formal and legal manner.
2. Private Acts of 1835-36, Chapter 61, declared that all grants of land issued by the state of Virginia for lands in that tract of country situated between what is commonly called Henderson and Walker's lines in Hawkins, Claiborne and Sullivan counties, and which have heretofore been registered in said counties, shall be received as evidence in the state of Tennessee. Certified copies of the same shall likewise be accepted and so treated.
3. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Register at \$1,000.
4. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Register at



\$1,500 Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851.

### **County Trustee**

The following acts once affected the office of county trustee in Hawkins County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1897, Chapter 124, fixed the salary of the county trustee of Hawkins County at \$1,800 per annum.
2. Private Acts of 1917, Chapter 697, established the salary of the county trustee of Hawkins County at \$1,800 a year, payable monthly on the warrant of the county judge, or chairman. The trustee must file an accurate record of all the fees, commissions, and emoluments of the office with the county judge, or chairman, and pay the same over to the county. If the fees do not equal the salary above, the trustee will get the fees only. This act was repealed by Private Acts of 1919, Chapter 534.
3. Private Acts of 1921, Chapter 320, fixed the compensation of the trustee of Hawkins County at 5% on the first \$10,000; 3% on the next \$10,000; 2% on the next \$10,000; and 1% on all sums in excess of \$30,000. All funds were considered as one in computing the compensation but no funds left by a predecessor were included. The fee on all monies collected by the other county officers were 1%. Private Acts of 1929, Chapter 457, amended Section 1, Chapter 320, by setting up a new schedule of payments for the trustee of Hawkins County, which provided for 5% on the first \$10,000; 3% on the next \$10,000; 2% on the next \$10,000; and 1½% on all sums over \$30,000. All funds were taken and considered as one for the purpose of computing the compensation hereunder, and each fund paid its pro-rata share. All moneys collected by county officers were subject to a 1% fee, but no accounts left by a predecessor would be included at all. All of the above was not allowed to exceed \$4,500 per year. Private Acts of 1931, Chapter 35, repealed Private Acts of 1929, Chapter 457. Private Acts of 1921, Chapter 320, was found unconstitutional by State v. Miner, 176 Tenn. 158, 138 S.W. 2d 766 (1938).
4. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Trustee at \$2,500 Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851.

### **General Reference**

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

1. Acts of 1801, Chapter 5, established the procedures for the storing and the methods for inspecting various commodities for sale or shipment. Warehouses were selected in each county where goods could be officially examined. In Hawkins County the warehouses selected were those belonging to Daniel Rice, Rhodham Kenner, and Lacky Stubblefield.
2. Acts of 1806, Chapter 28, provided that five commissioners would be selected by election for Dandridge, Gallatin and Rogersville who would in turn choose a clerk and treasurer and perform such other administrative duties as were specified in the act.
3. Acts of 1815, Chapter 52, was the legislative authority given to John Miller, of Hawkins County, to build a grist mill on Beech Creek which was located on his own land and built to meet all the demands of the law. This act must not be construed as preventing Miller from paying damages to anyone who might suffer some injury from the construction of the mill.
4. Acts of 1815, Chapter 105, allowed Stokely D. Mitchell the privilege of building an office on the public square in Rogersville in Hawkins County in his capacity as the clerk of the court of pleas and quarter sessions. Upon an application to the court by Mr. Mitchell, and, at least nine of the justices being present, they proceeded to designate the spot where the office shall be built.
5. Private Acts of 1820, Chapter 17, allowed the quarterly court of Hawkins County, a majority of the justices being present, to designate a part of the public square in Rogersville through a committee of their own members as a site on which offices of county officials might be constructed. When the area was selected, any of the clerks of the different offices were permitted to build an office thereon for the safe keeping and preservation of their records. If the clerk should die, his representative may collect the value of that clerk's share. The county was given leave to buy the properties at any time as the property of the county. The clerks were not allowed to convey the property to third parties.
6. Private Acts of 1826, Chapter 5, provided for the relief of the citizens of Hawkins County who had purchased land from Thomas Johnston.



7. Private Acts of 1826, Chapter 84, authorized the citizens of Hawkins County to have persons summoned to examine whether their fish traps, dams and mill dams on Holston River were obstructing the navigation of said river.
8. Private Acts of 1827, Chapter 111, directed the entry taker of Hawkins County to accept the sum of 12½ cents per acre for twenty-five acres of land from one David Clark, and to issue him a certificate for that amount of land stating its precise location in Hawkins County.
9. Private Acts of 1832, Chapter 72, provided that Benjamin James be entitled to all the privileges of citizenship that other free persons of color were entitled to in Hawkins County.
10. Private Acts of 1832, Chapter 91, provided that James Nugent and Samuel D. Powell of Hawkins County be released from the payment of a forfeiture of \$100.00 each, entered against them by the Gibson County Court, for the personal appearance of William Nall, provided they paid all costs that had accrued upon said prosecution.
11. Private Acts of 1833, Chapter 66, provided for the divorce of Daniel Green and his wife Mary Green of Hawkins County.
12. Public Acts of 1833, Chapter 93, appointed Stokely D. Mitchell, Orville Rice, and Jacob Miller as commissioners in the room and stead of William Simpson, James Sanders, and James Young. The new commissioners joined the others to purchase a sufficient quantity of land on the public square in Rogersville on which to build a courthouse, provided the agreement of a majority of the quarterly court was first obtained.
13. Private Acts of 1835-36, Chapter 59, appointed Clinton Armstrong, Joseph Huffmaster, and William A. Walker as additional commissioners for the building of the aforementioned courthouse in Rogersville and the new commissioners were vested with the same power and authority as were the former ones.
14. Acts of 1841-42, Chapter 61, authorized the treasurer of the state to pay to George C. Bradley, former jailor of Hawkins County, the sum of \$79, that being the amount of legal fees for keeping in prison two prisoners, one charged with murder, and the other with horse stealing, who had made their escape without the negligence, default, or connivance of Bradley, but because of the insufficiency of the jail.
15. Acts of 1845-46, Chapter 191, recited that an act passed in January, 1830, provided for a special entry taker's office to be opened in Hawkins County for the entry of land designated by Sim's big survey, and John Mitchell was appointed special entry taker. The special office was closed July 1, 1832 and the remaining lands to be entered were treated under the general laws by the regular entry taker of Hawkins County. The general assembly was advised that several entries were made at the special office after July 1, 1832 and this act made all such entries legal, valid, and binding for all purposes, which occurred after July 1, 1832, in the special office.
16. Private Acts of 1869-70, Chapter 28, allowed Carter M. Bales, the revenue collector of Hawkins County until August 1, 1870, to collect and pay over the state revenue that was charged to him as the said collecting officer. The attorney-general of the first judicial circuit suspended prosecution on Bale's official bond until the expiration of the time given to Bales under this act.
17. Public Acts of 1869-70, Chapter 93, permitted Carter M. Bales of Hawkins County, and all other revenue collectors in the state who did not complete their collections for the years 1865, 1866 and 1867 to take the further time of one year in which to do so.
18. Public Acts of 1893, Chapter 82, declared that Poor Valley Creek in Hawkins County was a navigable stream for the floating of logs thereon from its mouth to the forks of the said creek, at or near the residence of Washington Hunzman, in the said county.
19. Public Acts of 1929, Chapter 138, appropriated out of the state treasury the sum of \$10,000 for the purpose of constructing driveways, walkways and beautifying the grounds and building known as the "American Legion Hut" in Hawkins County, and for appropriating a commission to supervise the expenditure of said funds for said purpose.
20. Private Acts of 1937, Chapter 647, removed all the disabilities of infancy from Cornelius DeWolfe Miller of Hawkins County, granting him all the rights and privileges of adulthood.
21. Private Acts of 1937, Chapter 648, removed all the disabilities of infancy from Miss Graham K. Rogan, Jr. [sic] upon whom was also bestowed all the privileges and obligations of a majority.
22. Private Acts of 1953, Chapter 437, authorized Hawkins County to sell and dispose of property known as the Old County Poor Farm in the fifth civil district. The act also provided for the disposition of the proceeds of said sale.
23. Private Acts of 1975, Chapter 150, established the Hawkins County Planning Commission for

county planning purposes, provided for the selection of members, provided for duties and responsibilities. This act was repealed by Private Acts of 1978, Chapter 261.

24. Private Acts of 1977, Chapter 154, would have amended Private Acts of 1975, Chapter 150, with respect to the initial members of the commission and the territorial jurisdiction of the same, however, this act was not approved by Hawkins County and therefore never became law.

## Chapter II - Animals and Fish

### Coon Dogs

### Private Acts of 1982 Chapter 320

**SECTION 1.** It shall be unlawful for any person or firm to train coon dogs in Hawkins County during the period beginning March 1 and ending August 31 in each year.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Hawkins County on or before August 1, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

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

PASSED: April 8, 1982.

### 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 Hawkins 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 1831, Chapter 132, Section 2, provided that this act, which prevented non-residents from grazing their stock in the counties of Claiborne and Campbell, not affect the counties of Hawkins and Grainger.
2. Public Acts of 1877, Chapter 25, made it unlawful in Hawkins, Robertson, Montgomery, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Monroe, Henry and Crockett counties for any person to take, or catch, fish with seines, nets, traps, gigs, or by any other means than by angling hook and line, or trot line. Anyone damaged by violations or by this law was given a remedy in chancery court by injunction or by attachment. No one was allowed to place a net across any stream, near its mouth, or opposite the mouth, which would prevent the free passage of fish up and down the stream. Public Acts of 1879, Chapter 62, repealed the provisions of the 1877 act insofar as the requirements of that act were applicable to Hawkins County.
3. Public Acts of 1889, Chapter 66, made Public Acts of 1887, Chapter 71, applicable to Hawkins County and made it the duty of the judge to charge the act to the grand jury. The 1887 act declared it to be unlawful to hunt, capture, shoot, kill, or wound partridges, quail, woodcocks, pheasants or wild turkey. To export the same out of the county was a misdemeanor as was the violation of the other provisions which would subject one to fines from \$5.00 to \$25.00 and to jail sentences from ten to twenty days, or both, all in the discretion of the judge.
4. Private Acts of 1897, Chapter 220, declared it unlawful for anyone to hunt, capture, kill, shoot, wound, or destroy any partridge, or quail, in Hawkins County from April 1 until October 1 inclusive. It was further unlawful to take, or capture them with a net, and likewise wrong to export them from the county. The fines for violations ranged from \$10.00 to \$25.00, plus such imprisonment as the judge may mete out.
5. Public Acts of 1899, Chapter 119, made it legal to catch and kill fish in any of the running waters of Hawkins and Sullivan counties by means of a trap, gun, or gig, provided that the slats on the traps were no less than 1½ inches apart and that the use of gun and gig occur only between November 15 and the following March 1. Private Acts of 1901, Chapter 252, amended Chapter 119 so as to permit the taking and killing of fish in Hawkins and Sullivan counties by shooting guns between June 1 and November 15 of each year in addition to all the other times when the same is allowed.
6. Acts of 1903, Chapter 481, made it illegal in Hawkins County, for any owner of a horse, cow,

sheep, goat, or hog, or any other livestock, to permit the same to run at large. The owner so doing was liable for the damages caused by the stock on which the person damaged was given a lien which could be enforced as any other lien and the owners could also be fined from \$5.00 to \$15.00 for doing the same.

7. Private Acts of 1915, Chapter 316, made it lawful for any citizen of Hawkins County to take and catch fish from the Tennessee and Holston Rivers, and all other streams, by hook and line, trot line, basket, or net, provided the meshes in the net and the slats in the basket were more than 1½ inches apart. It was unlawful to fish by shooting, baiting, or seining between March 1 and June 15 which was a closed season each year. Owners of land could use fish traps on their own property in streams if navigation of the stream was not obstructed thereby. No fees, or licenses, were to be charged by the state for the above-mentioned activities.
8. Private Acts of 1919, Chapter 194, fixed the open season on quail in Hawkins County to be thereafter from November 15 to the following February 1, and it was unlawful and a misdemeanor to shoot, hunt, or kill quail at any other time.
9. Private Acts of 1919, Chapter 512, classified it as an unlawful act in Hawkins County for any person to shoot, trap, or destroy in any manner any fur-bearing animal, or to otherwise injure the same, from June 15 to November 15 of each year. This act did not apply to chasing foxes with dogs or when any animal was inflicting an injury on, or was a menace to fowls, livestock, and crops. Fines for offenses under this law ranged from \$25.00 to \$100.00.
10. Private Acts of 1925, Chapter 305, made it legal to catch fish in any and all streams of Hawkins County by means of gig and basket and provided penalties for the violation of the provisions of this act.
11. Private Acts of 1927, Chapter 257, declared it legal to hunt, take, trap, snare, shoot, or kill by other means, rabbits, or hares, at any and all seasons of the year but one could not hunt upon the lands of another without first obtaining permission. It was lawful to ship them out of the county as well. The following counties exempted themselves from Section 1 of this act: Hawkins, Davidson, Hamilton, Hardin, Jefferson, Lawrence, Johnson, McNairy, Madison and Sullivan.
12. Private Acts of 1929, Chapter 540, made it lawful in Hawkins County to operate and maintain fish traps in the Holston River whose meshes were not less than 1½ inches apart, or in diameter, but this act shall not be construed as allowing the catching of game fish out of season or to permit the operation of fish traps to take fish to sell.
13. Private Acts of 1933, Chapter 434, established the legality for residents of Hawkins County to take, kill, and capture fish in all seasons of the year and in all the streams of the county without having to obtain a license therefor, provided, however, that the fishing was by hook and line, trot line, or bank poles, and with natural bait. Fish could be gilled from November 1 to February 1 of the following year but not at any other time. All rules and regulations of the game and fish commission not in contradiction of the above shall be in full force and effect in Hawkins County. This act was repealed by Private Acts of 1935, Extra Session, Chapter 107.
14. Private Acts of 1935, Extra Session, Chapter 107, regulated hunting, fishing and trapping in Hawkins County and provided licenses therefor.
15. Private Acts of 1939, Chapter 134, made it legal in Hawkins County for any person residing therein who owned or controlled land by lease, or fee, to take or catch fish in the open season by hook and line, set hook, or casting line without the payment of any license fee but this privilege did not extend to fishing with rod and reel, trot line, or any other means than those enumerated above.
16. Private Acts of 1945, Chapter 302, stated that J. E. Self had practiced veterinary medicine and surgery for over 10 years, was a person of good moral character, over 21 years of age, and a citizen of Hawkins County, and this act authorized Self to continue the practice of veterinary medicine and surgery in Hawkins County as fully as others were doing, provided he filed proof of the above with the board of veterinary examiners who were directed to issue him a license for which he would pay the normal charge. Private Acts of 1945, Chapter 402, was an exact duplicate of Chapter 302.
17. Private Acts of 1972, Chapter 386, would have regulated the training of coon dogs and the taking of raccoons in Hawkins County, however, this act was rejected by the quarterly court and never became effective.

## Chapter III - Bond Issues

## Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Hawkins 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.

### **Bridges**

1. Private Acts of 1915, Chapter 402, authorized Hawkins County to issue negotiable bonds, to an amount not exceeding \$25,000, for the purpose of building a bridge across the Holston River, at or near Chisolm's Ford.
2. Private Acts of 1917, Chapter 570, was the authority for the quarterly court of Hawkins County to issue up to \$10,000 in interest bearing coupon bonds, at an interest rate of 6%, or less, and which bonds matured according to a schedule fixed in the act which funds would be used to build a bridge across the Holston River at or near Crockett's Ferry, which amount is one-half of the cost thereof, the other half to be supplied by Hamblen County. All the essential details are supplied and the mandatory tax levy is included.
3. Private Acts of 1937, Chapter 709, stated that, subject to the successful outcome of a referendum held for that purpose, the quarterly court of Hawkins County could issue up to \$60,000 in bonds, at a 3% or less interest rate, to mature as the court should determine, to build a bridge across the Holston River at Surgoinesville, and the approaches at each end at or near Bright's Ferry, a road connecting Christian's Bend and Long's Bend roads along the Holston River, and a high school building in Clinch Valley, at or near Shiloh. All the pertinent details were included and a tax levy required for the sinking fund as long as the bonds were outstanding.

### **Debts**

1. Public Acts of 1866-67, Chapter 41, authorized the county court of Hawkins County to issue coupon bonds to produce the funds to pay off county debts, however, debts which were the result of aiding the Confederacy during the Civil War were not allowed to be paid off with these bonds.
2. Private Acts of 1933, Chapter 470, authorized Hawkins County to refund a part of its maturing bonded indebtedness by the issuance and sale or exchange of the negotiable bonds of the county in the aggregate principal amount of \$190,000. Private Acts of 1935, Chapter 46, amended Chapter 470 by changing a sentence to read that the bonds would be numbered consecutively and the same shall mature, regardless of the date of issue, and be payable in such yearly sums, beginning in 1948, as the quarterly court may designate in the order of issuance from time to time as the bonds are sold. Private Acts of 1935, Chapter 190, also amended Chapter 470, in the caption so that the caption corresponded with the body of the bill, and by adding to Section 6 a provision that the word "bonds" shall also include the negotiable notes, which have been issued and sold from time to time pursuant to the authority granted in several private acts.
3. Private Acts of 1935, Chapter 290, validated, legalized, and confirmed the prior actions of the Hawkins County Quarterly Court had in connection with their issuance of \$23,000 in refunding bonds at an interest rate of 4½%, notwithstanding any defects or omissions which may have occurred, or that a portion of the original debts to be refunded consisted of negotiable notes of the county instead of bonds as were authorized to be refunded by Private Acts of 1933, Chapter 470. These bonds were declared to be the general and incontestable obligation of the county.
4. Private Acts of 1941, Chapter 283, allowed the Hawkins County Quarterly Court to issue interest bearing coupon bonds up to \$65,000 to fund and pay off a like amount of outstanding debts represented by outstanding warrants which were unpaid and collectable. The interest rate could not exceed 4%, nor the maturity period twenty years. All the essential details, including the mandatory tax levy were contained in the act. The quarterly court could issue blocks of bonds as they saw fit but the total amount could not be more than \$65,000.
5. Private Acts of 1943, Chapter 344, authorized the quarterly court of Hawkins County to issue up to \$51,500 in negotiable interest bearing bonds to be used in funding and paying off a like amount of the outstanding and unpaid debts of the county which were represented by warrants and unpaid accounts. These bonds were limited to 3% interest rates and a 20 year maturity period.

### **Railroads**

1. Public Acts of 1899, Chapter 418, amended Public Acts of 1887, Chapter 3, which was a general act allowing counties and cities to subscribe to the stock of railroads chartered under Tennessee law, and to issue bonds to pay for the stock, so that the maximum maturity period authorized was extended from twenty to forty years by the amendment to be effective only in Hawkins, Sullivan,

and Grainger counties. Acts of 1903, Chapter 438, amended Chapter 418, so that Hawkins and Grainger counties could issue bonds under the twelfth section of that act which would be payable not more than forty years later and to the effect that electric railways and railroads be included with the purview of the purposes for which the bond money could be spent.

### **Roads**

1. Private Acts of 1901, Chapter 390, provided that a referendum be held to decide whether or not the people were in favor of issuing up to \$100,000 in coupon bonds for the purpose of building or buying turnpikes and improving the public roads in general in Hawkins County. The bonds were to be in denominations of \$1,000 and were to be paid off at the rate of three a year at an interest not to exceed 5%. The details of the form of the bonds and the manner in which they would be issued were included in the act. A tax levy was required to produce an amount sufficient to pay off the bonds at the maturity rate specified for as long as any were outstanding. If the people approved the issue, three turnpike commissioners were to be elected to supervise these projects. The commissioners were to be sworn and bonded and would report quarterly to the county court.
2. Acts of 1903, Chapter 178, authorized Hawkins County to issue interest bearing coupon bonds in an amount not exceeding \$160,000, the proceeds of which were expended in locating and building public roads and bridges in said county, and submitted the question of the issuance of said bonds to a vote of the people of the county and provided for a board of commissioners to maintain said roads after completion by pike commissioners which were selected.
3. Acts of 1907, Chapter 518, permitted the quarterly court of Hawkins County to issue up to \$200,000 in negotiable coupon bonds to build roads and bridges and for no other purpose, which bonds could be issued in blocks of no less than \$40,000 and at different interest rates but none to go over 5%. The bonds would mature at \$10,000 in five years and \$3,000 a year afterwards until paid. A tax levy called a "pike tax" was to be made until the bonds were paid off by the trustee, named disbursing agent. Seven roads were listed to be built or improved, and \$30,000 to \$40,000 was designated for the construction of a county bridge across the Holston River at a place to be selected by the county court. A board of commissioners to supervise the program was authorized, who were compensated as the county court directed but no less than 2% of the money bonded. A referendum was required to be held and voter approval obtained before any of the above could be implemented.
4. Private Acts of 1911, Chapter 657, authorized Hawkins County to issue \$200,000 in interest bearing coupon bonds for the purpose of building, grading, macadamizing and otherwise improving public roads in said county, provided the manner in which the money derived from the sale thereof shall be expended, and made it a felony, and provided for punishment thereof for any commissioner or person employed by them or any member of the county court, or other county official, to become interested in any contract made under the provisions of this act.
5. Private Acts of 1915, Chapter 481, authorized Hawkins County to issue \$450,000 of interest bearing coupon bonds for the purpose of improving, building, constructing and macadamizing certain roads in said county, and to erect and construct necessary bridges and culverts over streams and to construct ditches along said roadsides; provided for the drainage of surface water and running streams; provided for the payment of the interest thereon and the redemption of the bonds, and further provided for the expenditure of the funds, arising from the sale of said bonds and fixed a punishment for persons violating the provisions of this act, and if the sum of \$450,000 was not enough to complete the roads laid out in this act, the county court was authorized and empowered at any quarterly term to issue and sell fifty thousand more. This act was amended by Private Acts of 1917, Chapter 52, which designated the line of the Stage Road called for in said act and fixed and determined the line of said Stage Road. Private Acts of 1917, Chapter 175, also amended Chapter 481 by making it mandatory that the board of road commissioners complete the grading of, and the macadamizing of the road known as the Stage Road, extending from the Sullivan County line to the Grainger County line, and to do this work first, regardless of the completion or construction of any other roads in said county, and made it the duty of said board of road commissioners to reserve out of the proceeds of the sale of the bonds authorized by Chapter 481, funds sufficient to complete the work of grading and macadamizing said road. Private Acts of 1917, Chapter 235, amended Chapter 481 by setting aside 15% of the bond money to be used for cutting down the worst grades on the county roads and to improve the branch roads leading to and from the main thoroughfares. The act directed further that 4½% of the bond money be paid over to Rogersville to improve their roads. Section 8 was amended by adding four new roads to the list to be improved and Section 13 by requiring the engineer to be paid out of funds coming into the hands of the commissioners, and that 10% of all the contract money be retained until all the work under that contract was completed and

- accepted. Private Acts of 1917, Chapter 532, also amended Chapter 481 in Section 8 by extending the portions of two of the roads mentioned therein to the points described in the act, and by putting the section of road described in Subsection 9 of Section 8, originally to extend to the Virginia line, within the discretion of the commissioners as to how far in that direction the road was to be improved. Private Acts of 1917, Chapter 770, amended Chapter 481 by improving the description of that part of the Mooresburg Road which was scheduled to be paved, being much more specific about where the paving would start and end, and by inserting a provision which required the work on this road to begin immediately after the Stage Road was finished. Private Acts of 1917, Chapter 796, amended Section 8 by adding a road. Those listed to be improved would begin at the residence of Dr. Pennington at Bulls' Gap, thence by or near the residences of Newton Long and S.S. Walker; thence to E.J. Moore; thence to connect with the St. Clair road at Bulls' Gap Road, which road was to be completed by August 1, 1917, and also added a new road to the list of crossroads to be paved. Private Acts of 1919, Chapter 254, amended Section 9 of Chapter 481 by granting the board of road commissioners the authority to make agreements, contracts, and to do other acts to cooperate with the state department of highways in regard to the Stage Road running from Sullivan to Grainger County, which would include, but not be limited to, the setting aside of matching funds for the improvement of this road. Private Acts of 1919, Chapter 713, amended Section 6 of Chapter 481 by adding a provision earmarking \$10,000 of the bond funds for the construction of a bridge with the necessary culverts and approaches which could cross White Horn Creek; the court could issue additional bonds, if necessary, for this purpose at 5% or less interest. An additional sum of \$5,000 was set aside for Beech Creek Road. Private Acts of 1919, Chapter 816, amended Chapter 481 so as to provide that \$1,500 of the fund known as the "cross roads fund" due the third district shall be spent on grading the road from Rogersville and Kile's Ford Road, beginning at the residence of E.J. Lee, the distance involved not exceeding three miles. Private Acts of 1921, Chapter 372, amended Chapter 481 and Private Acts of 1919, Chapter 254, by providing that Fred Beal and W.C. Davis serve as commissioners until all the funds provided for in Chapter 481, except those allocated to the Stage Road, were spent. Beal would be chairman at \$75 a month and Davis would be secretary at \$25 a month until the funds were exhausted but in no case would they serve longer than November 1, 1921. They had to cooperate with the state until the Stage Road was completed and share  $\frac{1}{3}$  of one percent of the funds set aside to complete the road. Private Acts of 1923, Chapter 546 amended Chapter 481 by adding a new Subsection 2 of Section 1 which provided that the road commissioners named in that act continue joint supervision with the state highway department of the expenditures of funds on the state highways in Hawkins County and be paid  $\frac{1}{3}$  of one percent of the funds spent as long as the fund is not exhausted.
6. Private Acts of 1921, Chapter 201, authorized Hawkins County, upon a majority vote of the county court, to issue and sell \$375,000 of non-taxable interest bearing coupon bonds for the purpose of improving, grading and macadamizing certain roads, to construct necessary bridges and culverts on said roads and provided for drainage for said roads and provided for a tax levy for the payment of the interest on said bonds and fixed the rate of interest that said bonds beared, and provided for the payment and redemption of said bonds and provided for the expenditure of the funds arising from the sale of said bonds, created a board of pike commissioners to carry out the provisions of the act, and prescribed their duties and salaries and provided for the cooperation of the said pike road commission with the state or federal authorities in the procurement of state and federal aid, and prescribed their duties in case state or federal aid was obtained for any road or parts of the roads described and regulated the vote and action of the county court as to the issuance of said bonds. Private Acts of 1921, Chapter 312, amended Chapter 201, by raising the amount of bonds to be amortized after five years from \$58,000 to \$65,000. Private Acts of 1921, Chapter 456, amended Chapter 201, by increasing the amount of bonds authorized from \$375,000 to \$384,000, and increasing the amount to be paid at the end of five years from \$58,000 to \$74,000. Two more roads were added to the list to be improved and \$9,000 appropriated for that purpose.
  7. Private Acts of 1927, Chapter 534, authorized Hawkins County to issue up to \$40,000 in short term notes which would be verified by the chairman of the county court and the county court clerk, at interest rates to be set by the court, and to mature according to the court's direction. The proceeds would be used to construct or repair four roads, named therein, at \$10,000 to be spent on each. A tax would be levied to pay the notes as long as they remained unpaid.
  8. Private Acts of 1929, Chapter 21, allowed the quarterly court of Hawkins County to issue up to \$160,000 in interest bearing coupon notes which was to be used to construct and repair a list of 26 roads specified in the law and to spend the amounts allocated in the act as provided. The notes were limited to 5% interest and a 20 year maturity period. A road commission was

provided and George G. Campbell was named as Chairman, George A. Steele was designated as superintendent of the roads, and W.T. Testerman, W.W. Phillips, and Pleas Rogers were named as commissioners, who would serve two years under the supervision of the quarterly court.

9. Private Acts of 1929, Chapter 487, authorized Hawkins County to issue up to \$97,000 in interest bearing coupon notes to construct roads in the county. A list of 30 roads and the amount to be spent on each one was set out in the law. These notes could not have an interest rate of more than 5%, nor mature at dates longer than 20 years.
10. Private Acts of 1929, Chapter 599, authorized Hawkins County to issue \$20,000 for the purpose of constructing roads in said county, provided for the payment of principal and interest of said notes issued under the act, provided for the issuance and sale of said notes and provided for the expenditure of funds derived from the issuance and sale of said notes.
11. Private Acts of 1929 (Ex. Sess.), Chapter 67, permitted the quarterly court of Hawkins County to issue up to \$68,000 in coupon bonds at 5% or less interest rates, and for a maturity period not to exceed 20 years which would be used to improve the 26 roads listed in the act.
12. Private Acts of 1931, Chapter 121, authorized Hawkins County to borrow upon its negotiable interest bearing promissory note or notes the sum of \$15,000 in order to meet and discharge indebtedness created in the construction of roads, to be paid for by bond issues sold to Caldwell and Company of Nashville.
13. Private Acts of 1945, Chapter 322, authorized Hawkins County to participate in the construction of inter-county and farm to market roads and to accept county funds in supplement of funds provided by the federal and state governments. The quarterly court could issue up to \$300,000 in bonds for this purpose, at 4% maximum interest.

#### **Schools**

1. Private Acts of 1937, Chapter 165, allowed the Hawkins County Quarterly Court to issue and sell negotiable bonds up to \$22,000 at 3% or less interest, payable \$2,000 a year. The proceeds of bonds would be paid to the trustee who would pay off and discharge the outstanding unpaid and due debts of the school system which were incurred in excess of revenues by the school board in the years 1931, 1932, and 1933.
2. Private Acts of 1947, Chapter 402, authorized the quarterly court of Hawkins County to issue up to \$980,000 in school bonds to be used to construct, repair, and equip schools, all being subject to the outcome of a referendum whose vote would be certified by the election commission. The bonds would be sold as the court directed at an interest rate of 3% or less.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1786 Chapter 34

1. That from and after the passing of this act, the said county of Sullivan be divided in the following manner: beginning where the boundary line between the Commonwealth of Virginia and the State of North Carolina crosses the North Fork of Holston River; thence down said Fork to its junction with the main Holston River; thence across said river due south to the top of Bayes Mountain; thence along the top of said mountain and the top of the dividing ridge between the waters of Holston River and French Broad River to its junction with Holston River; thence down said river Holston to its junction with the Tennessee river; thence down the same river to the Suck where said river runs through Cumberland Mountain; thence along the top of said mountain to the aforesaid boundary line; thence along the said line to the beginning; that all that part of Sullivan county on the east side of the North Fork of Holston river shall continue and remain a district county by the name of Sullivan, and all that other part which lies west of said North Fork of Holston shall thenceforth be erected into a new and distinct county by the name of Hawkins.

## Change of Boundary Lines

### Acts of 1797 Chapter 13

**COMPILER'S NOTE:** Section 4 of this act is the only section which affects Hawkins County.

**SEC. 4.** That the line dividing the aforesaid counties, shall be extended as follows, viz. Beginning at a



marked tree, near the dwelling house of James Blair, senior, on the line from Felps Reed's to Thomas Henderson's, thence to the said Henderson's and Joel Dyer's south west corner, thence a north course with said Henderson and Dyers line, so as to leave the house of Robert Patterson ten poles in Grainger county, thence a direct line to the upper end of the first island below the mouth of Big War creek, thence to the Black Lick, leaving the house of William Hord in Hawkins county, thence with the last mentioned course to the top of Powell's Mountain, thence north, thirty west to the Virginia line.

October 28, 1797.

## Acts of 1801 Chapter 46

**COMPILER'S NOTE:** Section 1 of this act is the only section which affects Hawkins County.

**SECTION 1.** That Hawkins and Grainger counties be divided by the following lines, (to wit.) Beginning on the north bank of Clinch river where the Hawkins and Grainger line crosses the same, thence down the north bank of said river Clinch, to a point opposite where the Knox and Grainger line strikes the said river, thence north, forty five degrees west, to the line which divides this state from the state of Kentucky, thence east with said line, to where it intersects with the line which divides this state from the state of Virginia, thence due east with the said line to a point from which a direct line of the beginning will leave six hundred and twenty five square miles in the county of Hawkins, and all that part of the aforesaid counties of Hawkins and Grainger contained within the lines before described, shall be a separate and distinct county by the name of Claiborne.

PASSED: October 29, 1801.

## Acts of 1806 Chapter 53

**SECTION 1.** That so much of the ordinance aforesaid, as respects the line beginning on Nolichucky river, at the place where the ridge which divides the waters of Bent and Lick creek strikes the same; thence with that ridge to Bull's Gap of Bays Mountain, at the house of William Cross, leaving the same in the county of Greene; thence eastwardly along the main height of Bays Mountain, to the Chimney Top Mountain, be, and the same is hereby declared to be the line between the counties of Greene and Hawkins, so far as leads from William Cross's in Bull's Gap, to the top of Chimney Top Mountain.

**SEC. 2.** That all laws and parts of laws coming within the purview of this act, whether published by the authority of this state, or the state of North Carolina, are declared null and void.

September 11th, 1806.

## Acts of 1809 (First Session) Chapter 29

That the lines hereafter described, shall be the dividing lines between the counties of Hawkins and Grainger, to wit: Beginning at or near the house of John Mossatt, esquire, where the original line between said counties began, running thence with the road leading from Haynes' Iron- Works to Cheeks Cross Roads to where John Mossatt's line crosses said road, then with said line to the road leading from Cheeks Cross Roads to Marshall's ferry on Holston River, then with said road to where it crosses the present line between said counties, and all that part lying westwardly of said line, shall be added to and make a part of Grainger county, any law to the contrary notwithstanding: *Provided*, That nothing herein contained, shall be so construed as to prevent any collector or other officer of Hawkins county from collecting any arrearages of taxes or other demands which may be due.

2nd Nov. 1809.

## Private Acts of 1824 Chapter 121

**SECTION 1.** That the line between said counties, from the mouth of Greasy-rock creek to the Virginia line, shall hereafter be as follows: beginning at the mouth of Greasy-rock creek, and thence to run northwardly along a road of the third class, to Mulberry gap in Powel's mountain, so as to include a six hundred and forty acre tract of land, granted by the state of North Carolina, to Matthew Willeby, so as to leave said tract of land in Hawkins county, and thence along the extreme height of said Powel's mountain eastwardly to the Virginia line.

October 15, 1824.

## Acts of 1851 - 52 Chapter 302

**COMPILER'S NOTE:** Section 1 of the Acts of 1851-52, Chapter 302 is the only section that pertains to



Hawkins county.

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

Passed: February 27, 1852.

## Acts of 1853 - 54 Chapter 130

**COMPILER'S NOTE:** Sections 3 and 4 of this act are the only sections which affect Hawkins County.

**SEC. 3.** That the dividing line between the counties of Jefferson and Hawkins be changed as follows: Beginning at or near George Lynch's on the line between said counties of Jefferson and Hawkins; running with said line to the Walnut gap; from thence a direct line to the north-east boundary line of Pleasant Kirkpatrick's plantation, and with said line till it strikes the road leading from Russellville to Bull's Gap; and with said road till it strikes the county line of Greene and Hawkins, below Bull's Gap.

**SEC. 4.** That the persons and property included in the fraction of Jefferson, lying north-east of said line, as described in the first section of this act, shall be entitled to all the rights and privileges of the citizens of Hawkins, and subject to all the duties thereof; and the act passed February 7, 16, 1852, entitled "an act to change the line between the counties of Jefferson and Hawkins, be, and the same is hereby repealed.

Passed: January 31, 1854.

## Public Acts of 1870 - 71 Chapter 92

**SECTION 1.** That the line between the counties of Hamblen and Hawkins shall be, and the same is hereby change, so as to run as follows: Beginning on the Holston river where the line between said counties now strikes the river; thence up the river with the meanders thereof, to a point on said river where the line extended from Mount Sterling north forty-one degrees west, will strike said river; thence with said line south forty-one degrees east, to Mount Sterling, so as to include all that part of Hawkins county lying south and east of Holston river, and south and west of said line running from Mount Sterling north forty-one degrees west, to the river, in said county of Hamblen.

**SECTION 2.** That the Tax Collector of Hamblen county shall collect the taxes assessed for the year 1871, in the territory or district taken from Hawkins and attached to Hamblen; and the county revenue collected from the people of said territory or district for the year 1871, shall belong to and constitute a part of the county fund of said Hamblen county.

**SECTION 3.** That the public welfare requires that this Act shall take effect from and after its passage.

Passed: January 20, 1871.

## Public Acts of 1871 Chapter 19

**COMPILER'S NOTE:** Section 6 is the only section of Public Acts of 1871, Chapter 19 that pertains to Hawkins county.

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

Passed: December 15, 1871.

## Public Acts of 1877 Chapter 140

**SECTION 1.** That the county line between the counties of Hancock and Hawkins be changed as follows:

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

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

Passed: March 23, 1877.

## Public Acts of 1879 Chapter 161

**SECTION 1.** That the County Line between the Counties of Hawkins and Hancock, be changed, as follows: Beginning at William J. Davis', and running east with the top of Pine Ridge to Turkey Creek; thence north 45° east to the Hancock County Line.

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

Passed: March 25, 1879.

## Public Acts of 1889 Chapter 203

**SECTION 1.** That the line between the counties of Hawkins and Hancock be so changed as to include all the lands of C.C. Brewer, George Lea, and S.L. Winstead, which now lie in Hancock County, in the county of Hawkins.

**SEC. 2.** That said line be so changed as to take the following boundary of land, being about forty acres from Hawkins County, and attaching the same to Hancock County, to wit: Beginning in the Virginia and Tennessee State Line, in the Bock Valley at the last foot of Clinch Mountain, on a marked white oak, in said State Line, thence south 60° west forty poles to a stake, thence due west to the top of Clinch Mountain, and thence northeastwardly with the top of said mountain to said State line, and being all the land embraced between this line and the State line between Tennessee and Virginia.

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

Passed: March 30, 1889.

## Private Acts of 1897 Chapter 193

Whereas, the line between the counties of Hawkins and Hancock as originally located and since changed by various Acts of the General Assembly, cannot now in many parts be determined with any certainty, and

Whereas, the two counties have, through their respective county courts, caused such line to be resurveyed and relocated, which resurvey and relocation is embodied in this Act; therefore,

**SECTION 1.** That the line between the counties of Hawkins and Hancock be relocated and re-established according to the calls, courses, distances, and designated objects as embodied in the survey ordered by the two counties, as follows, to-wit: Beginning on the top of Clinch Mountain on the Grainger County line, at a point where said line touches the top of said mountain in crossing; then with the top of said mountain north 60, E. 8 miles to the southeast corner of a farm, now owned by Barnett Cantwell; then with a line of his and Wm. Davis N. 90 poles to a white oak; thence north 24, east 43½ poles to a white oak; then north 16, W. 27 poles to a stake; then north 39, W. 42½ poles to a stake; then north 28, W. 290 poles to an elm; then N. 74½, E. 57 poles to white oak; then north 27, W. 273 poles to a chestnut; then N. 47 poles to the top of Copper Ridge; then with the top of said ridge 4 courses, N. 60, E. 177 poles, S. 74½, E. 51 poles, N. 80, E. 72 poles, N. 68, E. 44½ poles to a white oak at Green's mill; then N. 16, W. 67½ poles to a planted rock in the edge of the road; then south 89, E. 16 poles to a stake; then N. 79, E. 26 poles to a stake; then N. 55, E. 60 poles to a stake; then N. 39, E. 16 poles to a stake; then N. 49, E. 25 poles to a stake; then N. 54, E. 27 poles to a stake; then north 74, E. 54 poles to a stake; then S. 53, E. 7 poles to a stake; then south 64, E. 40 poles to a chestnut; then N. 44, E. 74 poles to a hickory on the top of Copper Ridge; then N. 17, W. 68 poles to a stake; then north 24, W. 136 poles to a rock near Trent's mill; then N. 41½, E. 19 poles to a sugar tree at the creek; then with said creek N. 51, E. 93 poles to a planted rock on a line between Berry and Green; then N. 2, W. 98 poles to a rock on the top of Pine Ridge; then with the top of said ridge N. 63, E. 118 poles to a sycamore, in a gap of said ridge; then N. 2, W. 85 poles to a poplar, in the gap of Willis Hill Ridge; then with said ridge N. 54, E. 79½ poles to a gap in said ridge; then with a hollow N. 64, E. 134 poles to a rock in said hollow; then N. 44, E. 67 poles to a rock in the edge of Rogersville and Sneedville pike road; then with said road N. 6, E. 56 poles to a rock near William J. Davis'

house on a branch; then with the meanders of said branch N. 60, E. 527 poles to Richardson's creek; then N. 30, W. 86 poles to where the road crosses said creek; then with said creek N. 49, E. 136 poles to where Morgan creek empties into Richardson's creek; then up Morgan creek, as it meanders E. 352 poles passing Geo. DeBoard's house, so as to include said DeBoard's in Hancock County, crossing the valley road at a rock marked thus X; then N. 33, E. 138 poles to a pine on the top of chestnut ridge; then with the top of said ridge as it meanders, N. 60, E. 418 poles to a white oak on said ridge, same course 855 poles to a rock on said ridge; then S. 40, E. 110 poles to the top of Baker's Hill; then N. 60, E. 45 poles down the ridge, to Yellow Spring, at a creek where the Rogersville and Jonesville road crosses the creek; then N. 36, E. 132 poles to a corner of Dick Pearson's land; then with said Pearson's line N. 55, E. 280 poles to a chestnut oak top of big ridge; then with the top of said ridge N. 82, E. 118 poles to a rock; then S. 51, E. 74 poles to a rock; then S. 40, E. 57½ poles to a rock; then N. 63½, E. 42 poles to a rock; then N. 68, E. 144½ poles to a rock, where the creek crosses the road; then S. 90 poles to the top of pine ridge; then S. 26½, E. 65 poles to a rock in Pumpkin Valley road; then the same course 220 poles to the top of copper ridge; then with the top of said ridge, as it meanders N. 60, E. 457 poles to a gap in said ridge at two black oaks and one white oak, marked thus X; then S. 33½, E. 300 poles, crossing the Mountain Valley to the top of Clinch Mountain, at a point west of Looney's Gap; then N. 60, E. with the top of said mountain 8 miles to the Virginia line.

**SEC. 2.** That the line between the said counties of Hawkins and Hancock, as set out in the first Section of this Act be and the same is established as the true line between said counties, and that former Acts or parts of Acts in conflict to this Act, be and the same are hereby repealed.

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

Passed: January 29, 1897.

## Acts of 1809 (1st Sess.) Chapter 29

That the lines hereafter described, shall be the dividing lines between the counties of Hawkins and Grainger, to wit: Beginning at or near the house of John Mossatt, esquire, where the original line between said counties began, running thence with the road leading from Haynes' Iron- Works to Cheeks Cross Roads to where John Mossatt's line crosses said road, then with said line to the road leading from Cheeks Cross Roads to Marshall's ferry on Holston River, then with said road to where it crosses the present line between said counties, and all that part lying westwardly of said line, shall be added to and make a part of Grainger county, any law to the contrary notwithstanding: *Provided*, That nothing herein contained, shall be so construed as to prevent any collector or other officer of Hawkins county from collecting any arrearages of taxes or other demands which may be due.

2nd Nov. 1809.

## Boundaries - Historical Notes

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

1. Acts of 1792, Chapter 16, appointed Joseph McMinn, of Hawkins County, and George Rutledge, of Sullivan County, as commissioners to run and mark the line between the two counties from the mouth of the North Fork of Holston River to the top of Bays Mountain, for which they were paid \$2.00 per day and the markers were paid \$1.00 per day. This act also appointed John Payne and Charles McClung to run the line between Hawkins and Knox counties from the mouth of Panther Creek to the Clinch River at \$2.00 per day which was paid equally by Hawkins and Sullivan counties.
2. Acts of 1794, Chapter 16, appointed commissioners to run the dividing line between the counties of Hawkins and Sullivan, from the mouth of the North Fork of Holston River to Bays Mountain, and between Hawkins and Knox counties from the mouth of Panther Creek to the Clinch River.
3. Acts of 1796, Chapter 28, separated part of Hawkins County and Knox County into a separate county which became Grainger County. The affected area in Hawkins County was described by metes and bounds and most of the act was devoted to the establishment of the new county. This act was repealed by Acts of 1797, Chapter 13.
4. Acts of 1801, Chapter 55, appointed Joseph Cobb as a commissioner to run the line between Grainger and Hawkins counties from the northwest corner of Joel Dyers and Thomas Henderson's land to the Clinch River. Cobb was paid \$2.00 per day and allowed to employ a marker at \$1.00 a day.
5. Acts of 1801, Chapter 56, appointed Daniel Carter, of Greene County, and William Payne, of Hawkins County, to mark and designate the line between the two counties. Both were paid \$2.00

per day.

6. Acts of 1815, Chapter 13, provided that the newly cut road, so far as it extends through the plantation of Thomas Crosby on the road leading from Cheek's Crossroads to Dotson's Ford on the Holston River, be considered and taken as the line between Hawkins and Jefferson counties, leaving the said Crosby wholly within Hawkins County.
7. Private Acts of 1821, Chapter 154, appointed Gabriel McCraw, of Hawkins County, Charles T. Porter, of Jefferson County, and Joseph Shannon, of Grainger County, as commissioners to run and mark that part of the line between the counties of Hawkins and Jefferson from the mark corner of the water fork of Bent Creek to Bull's Gap.
8. Private Acts of 1829-30, Chapter 213, made it lawful for the citizens of Washington, Sullivan, Hawkins, and Greene counties, at their expense or by subscription, to cause a re-survey of their counties to be made to ascertain the amount of square miles in each. Alexander English, William Hall, John English, Terry White, Jonathan Baughman, John Peoples, Stephen Barnard, and John Ball were named commissioners and were authorized to open books and take subscriptions for the purposes stated.
9. Private Acts of 1829-30, Chapter 243, recited in the preamble that the State of North Carolina had made a grant to one Allison in 1795 which included 28,000 acres of land, but that the portion settled by Allison and his family amounted to over 100,000 acres, most of which were in Hawkins County, and on which taxes had not been paid for several years, which fact had caused the land to be taken over by the sheriff. This act allowed the heirs of Walter Sims, who had succeeded in title, to most of the land to redeem the same on or before the second Monday in November, 1830, by paying the taxes due, the interest and penalties owing thereon, and any other related charge, whereupon the sheriff was directed to convey a good and free title to them. Lands which were not redeemed were to be turned over to the entry taker who was ordered to open his office on the third Monday in November, 1830, and take entries for occupancy at fifty cents per acre for not less than fifty acres nor more than one hundred sixty acres. Provisions and rules for resolving boundary disputes and land area disagreements were enacted along with the admonition that all taxes must be promptly paid in the future. A Resolution #32 was passed two years later directing the state comptroller to investigate and report to the general assembly the condition of all the monies received by the entry taker of Hawkins County for land entered within the Walter Sims survey. The report included the amount paid by Sims heirs and the amount unpaid and into whose hands the land finally came to rest. Private Acts of 1831, Chapter 83, amended the 1829 act concerning the redemption of the Sims lands by repealing Section 3 and providing that those lands not redeemed by those who were settled thereon would become a part of the public lands and be entered in the same manner as all other lands north and east of the Reservation line, and the entry taker was directed to pay over all the funds collected by him for entries in this area.
10. Public Acts of 1829-30, Chapter 85, Section 5, provided that the boundary of land called "Sims' Grant" in Hawkins County not be included in any reservations by the treaties of 1817 or 1819.
11. Private Acts of 1835-36, Chapter 29, was an attempt to form a new county out of parts of Sullivan, Hawkins, Washington, and Greene counties to be called Powell County after Sam Powell, a former circuit judge. A detailed description of the area was incorporated into law. Parts of the upper area of Hawkins County were taken to form the new county, provided that the majority of the citizens living in that area voted to leave Hawkins County.
12. Private Acts of 1835-36, Chapter 61, made good the probate and registration of certain titles to lands lying between the Henderson's and Walker's lines, in Claiborne, Hawkins, and Sullivan counties.
13. Acts of 1837-38, Chapter 192, attempted to create Powell County which would be formed out of parts of Hawkins, Sullivan, Washington, and Greene counties if the majority of the people in the affected areas voted to leave their respective counties. Samuel Morelock, Wesley Ball, and John Barnett of Hawkins County joined others who were already designated as commissioners to hold the elections.
14. Acts of 1839-40, Chapter 15, was yet another attempt to form Powell County out of Sullivan, Hawkins, Washington, and Greene counties, the formation of which was subject to approval by a majority of the voters in the affected area.
15. Acts of 1849-50, Chapter 69, Section 2, changed the boundary line between Hawkins and Grainger counties so as to transfer the farm belonging to David Harris out of Hawkins County and into Grainger County.
16. Acts of 1851-52, Chapter 299, altered the boundary line between the counties of Hawkins and

- Jefferson and provided that the persons and property included in the bounds be entitled to all the rights and privileges of the citizens of Hawkins County. This act was repealed by Acts of 1853-54, Chapter 130.
17. Private Acts of 1857-58, Chapter 143, was another effort to form Powell County out of portions of Sullivan, Hawkins, Greene and Washington counties, which was to become effective upon the approval of the people living in the affected areas.
  18. Public Acts of 1866-67, Chapter 9, moved the mill and tract of land belonging to Hiram Herd out of Hancock County into Hawkins County.
  19. Public Acts of 1867-68, Chapter 13, Section 2, transferred the farm belonging to John Coldwell from Grainger County into Hawkins County.
  20. Public Acts of 1867-68, Chapter 60, moved the farm of William Davis out of Hancock County and into Hawkins County, and moved a tract of land belonging to the heirs of Benegis White out of Hawkins County and into Hancock County.
  21. Public Acts of 1869-70, Chapter 30, again sought to create Powell County out of portions of Sullivan, Hawkins, Greene, and Washington counties, all subject to the approval by referendum of the people living in the affected areas.
  22. Public Acts of 1869-70, Chapter 88, Section 9, changed the boundary lines between Hawkins and Hancock counties so as to include the home and lands of John Jones wholly within Hancock County.
  23. Public Acts of 1870, Chapter 6, formed Hamblen County in honor of Hezekiah Hamblen of Hawkins County. The county was established from portions of Jefferson and Grainger counties.
  24. Public Acts of 1871, Chapter 91, changed the lines between Hawkins and Hamblen counties so as to include within Hawkins County the tract of land on which J.W. Keele, H.P. McCullough, and Thomas Moore resided. Section 5 of said act transferred the property of Chisby Austin into Hamblen County. This act was repealed by Public Acts of 1883, Chapter 107.
  25. Public Acts of 1873, Chapter 14, moved the residences and lands of Thomas Moneyhun, James Moneyhun, Nicholas Moneyhun, and Andrew Eadens out of Hancock County and into Hawkins County.
  26. Public Acts of 1873, Chapter 69, Section 3, changed the boundary line between the counties of Hawkins and Hamblen to include the lands of Daniel Reed in Hamblen County.
  27. Public Acts of 1877, Chapter 137, changed the boundary lines between the counties of Hawkins and Hamblen so as to include all the lands of A.M. Trullinge in Hamblen County.
  28. Public Acts of 1877, Chapter 149, changed the boundary lines between the counties of Hawkins and Grainger by detaching the farm of Anderson Mullens from Hawkins County and attaching the same to Grainger County. This act was repealed by Public Acts of 1881, Extra Session, Chapter 6.
  29. Public Acts of 1879, Chapter 159, remarked the boundary line between the counties of Hawkins and Sullivan from the top of Chimney Top Mountain to the mouth of the North Fork of the Holston River. This act was repealed by Public Acts of 1883, Chapter 239, which declared the recognized boundary between Hawkins and Sullivan counties be as defined and laid down in the edition of the *Laws of Tennessee* by Edward Scott, dated 1821, vol 1, Chapter 34.
  30. Public Acts of 1881, Chapter 86, changed the boundary line between Hawkins and Hancock counties to include all the lands of Wm. Lawson, George Lawson, John Jaynes, James Nichols, S.D. Trent, Wm. H. Bonner, and Taylor Cope in Hancock County.
  31. Public Acts of 1883, Chapter 44, changed the line between Hawkins and Hancock counties so as to include the lands of Wm. Medlock, Joseph Jones, and Hiram Horton in Hancock County.
  32. Public Acts of 1883, Chapter 159, changed the boundary line between the counties of Hawkins and Hamblen so as to include all the lands of G.W. White and John White (of Georgia) within Hamblen County.
  33. Public Acts of 1885, Chapter 64, changed the boundary line between the counties of Hawkins and Hancock so as to include the lands of Campbell Trent and Robert C. Tate in Hancock County.
  34. Public Acts of 1887, Chapter 30, changed the boundary lines between Hawkins County and Hamblen County so as to include within Hamblen County the properties of James H. Beal and William Moore.
  35. Public Acts of 1889, Chapter 33, changed the county line between the counties of Hawkins and Hamblen so as to include all of the lands of C.L. Alderson within Hamblen County. This act was repealed by Public Acts of 1893, Chapter 83.

36. Public Acts of 1889, Chapter 154, changed the boundary line between the counties of Hawkins and Hamblen so as to include the lands of James H. Moore in the county of Hamblen.
37. Public Acts of 1889, Chapter 203, transferred the properties of C.C. Brewer, George Lea, and S.L. Winstead out of Hancock County and into Hawkins County, which consisted of about forty acres.
38. Public Acts of 1895, Chapter 189, changed the lines between Hawkins and Hamblen counties by detaching from district fourteen of Hawkins County the lands of Jerry Thomas and part of the farms of E.C. Rader, George Collier, and F. M. Collier, and attaching the same to district eleven of Hamblen County.
39. Public Acts of 1899, Chapter 208, took the farms of John W. Stapleton and R.M. Gray out of Hawkins County and placed them in Hancock County.
40. Private Acts of 1935, Chapter 301, changed the lines between the third civil district of Hawkins County and the fifth civil district of Hancock County so as to place all the farm belonging to Lee Mabe in Hawkins County.
41. Private Acts of 1937, Chapter 209, moved the land belonging to J.F. Rimer out of the fifth civil district of Hancock County and into the third civil district of Hawkins County.

## Chapter V - Court System

### Juvenile Court

### Private Acts of 1982 Chapter 304

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

- (a) "Court" means the Juvenile Court of Hawkins County.
- (b) "Judge" means the Judge of the Juvenile Court of Hawkins County.
- (c) "Clerk" means the Circuit Court Clerk or Deputy Clerk of Hawkins County.

As amended by: Private Acts of 1987, Chapter 17

**SECTION 2.** Effective September 1, 1982, there is created in Hawkins County a Juvenile Court to be known and styled as the Juvenile Court of Hawkins County. Such court shall be a court of record and shall be presided over by a judge who shall have the qualifications and salary provided by this Act.

**SECTION 3.** At the next regular election for county officials to be held in August, 1982, and every eight (8) years thereafter, a person licensed to practice law in this state and possessing all of the other qualifications required by law for Judges of Circuit Courts, Chancery Courts and Criminal Courts shall be elected Judge of the Juvenile Court of Hawkins County for a term of eight (8) years. The judge shall take and subscribe to the same oath of office as that prescribed for the Judges of the Circuit, Chancery and Criminal Courts. In the event the office of judge shall become vacant by reason of death, resignation, retirement or other reason before the expiration of the term of office or before a successor is elected and qualified, such vacancy shall be filled as provided by law.

**SECTION 4.** The Hawkins County Circuit Court Clerk shall serve as the Clerk of the Hawkins County Juvenile Court and any of such Clerk's Deputies shall also be Deputies for the Juvenile Court created by this Act.

As amended by: Private Acts of 1987, Chapter 17

**SECTION 5.** That Judge and Clerk of such Juvenile Court shall have all of the jurisdiction, powers, duties, and authority of other Juvenile Court Judges and Clerks as provided in Tennessee Code Annotated, Title 37 or any other general law.

**SECTION 6.** The Juvenile Court and the position of Juvenile Judge shall be funded by the Hawkins County Board of Commissioners on an annual basis by budget submitted thereto or as provided by law. The Judge of the Hawkins County Juvenile Court shall receive a salary equal to the compensation of the present General Sessions Judge of Hawkins County. Annual adjustments of the Juvenile Judge's salary shall be made at the same rate as the General Sessions Judge of Hawkins County.

As amended by: Private Acts of 2008, Chapter 74

Private Acts of 2022, Chapter 66

**SECTION 7.** The Judge shall serve on a full-time, five-days-per-week basis, and shall hold court as many days per week as deemed necessary to cover the caseload of the Juvenile Court. The Juvenile Judge shall not be allowed to participate in the practice of law in all other courts within the court systems and is prohibited from performing legal services in other courts.



As amended by:  
Private Acts of 2008, Chapter 74  
Private Acts of 2022, Chapter 66

**SECTION 8.** The judge is authorized to make and promulgate rules and regulations for the administration and efficient operation of the court and to fix the times and places at which all person within the jurisdiction of the court shall have their causes set for disposition.

**SECTION 9.** The judge shall, pursuant to the law and regulations of Hawkins County, appoint such personnel as may be necessary to efficiently carry on the business of the court. All such appointments shall be limited by the total appropriations made for such personnel during each fiscal year.

**SECTION 10.** The Sheriff of Hawkins County shall furnish the necessary deputies and special deputies to attend and dispense with the business of the court.

**SECTION 11.** The county legislative body shall provide the court with facilities adequate and sufficient to allow the court to perform its various duties as a Juvenile Court.

**SECTION 12.** All unfinished and pending matters in the court of courts exercising Juvenile Court jurisdiction prior to the date this act takes effect shall be transferred to the court created by this act at the close of business on the day preceding the day this act becomes effective. On such date, all official books, records and other documents pertinent to any matter within the jurisdiction of the Juvenile Court shall be delivered to such court.

**SECTION 13.** Notwithstanding the provisions of Tennessee Code Annotated, Title 2, Chapter 5, Part 1 or any other provision of the law to the contrary, for the 1982 election only, the candidates for the office of Judge of the Juvenile Court of Hawkins County shall qualify by filing nominating petitions no later than twelve o'clock (12:00) noon, prevailing time, on Thursday, May 4, 1982.

**SECTION 14.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the 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 15.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Hawkins County. Its approval or non-approval shall be proclaimed by the presiding officer of the Hawkins County legislative body and certified by him to the Secretary of State.

**SECTION 16.** 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, Section 3 of this Act shall be effective upon being approved as provided in Section 14, the public welfare requiring it. The remaining sections shall become effective on September 1, 1982, if properly approved by the county legislative body of Hawkins County.

PASSED: April 8, 1982.

## Court System - Historical Notes

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

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

1. Acts of 1903, Chapter 348, created a board of jury commissioners for Hawkins County; provided for the selection of juries; prescribed the duties of the members of said board and of the judges; punished violations of this act and provided for jury lists and jury boxes to be kept in Hawkins County. This act was amended by Acts of 1905, Chapter 217, so as to reduce the number of names selected by the board to a minimum of 250 and a maximum of 300; gave the presiding judge authority to designate jurors by name from bystanders, or other citizens, without having to resort to the full process of selection; provided additional jurors, when needed and made out a new jury list every year.
2. Private Acts of 1945, Chapter 551, provided that, in Hawkins County, every regular, special, and petit juror in all the courts and every grand juror receive the sum of \$3.00 for each day's attendance at court as a juror.
3. Private Acts of 1951, Chapter 277, increased the per diem compensation of all jurors serving in Hawkins County to \$5.00 for each day of service.
4. Private Acts of 1951, Chapter 280, provided that, in Hawkins County, the jury commissioners be paid \$5.00 per day for each day's service rendered to the commission.

5. Private Acts of 1953, Chapter 580, required the jury commission of Hawkins County to place the names of 500 qualified citizens in the jury box from which the names of jurors to attend the various courts be drawn from time to time under the existing law. The purpose of this act being to increase the maximum permissible number of names to be drawn from 300 to 500.

### **Chancery Court**

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

1. Public Acts of 1824, Chapter 14, Section 8, provided that the chancery court for the counties of Hawkins, Sullivan, Grainger, and Claiborne be held at Rogersville on the first Mondays in May and November.
2. Public Acts of 1827, Chapter 79, divided Tennessee into two chancery divisions. The eastern division was composed of the courts which met at Rogersville, Greenville, Kingston, Carthage, and McMinnville. Two chancellors would be appointed by the ballots of both divisions of the general assembly to hold these courts, the justices of the supreme court being relieved of that responsibility.
3. Public Acts of 1827, Chapter 88, provided that the chancery courts for the counties of Hawkins, Sullivan, Grainger, and Claiborne be held at Rogersville on the first Monday in June and December.
4. Public Acts of 1835-36, Chapter 4, established chancery courts throughout the state. Hawkins County composed the third chancery district and held said court in Rogersville on the third Mondays of February and September.
5. Acts of 1837-38, Chapter 116, changed the time for holding the Hawkins County Chancery Court to the fourth Mondays in May and November.
6. Public Acts of 1857-58, Chapter 88, set the time for holding the chancery court of Hawkins County to the fourth Mondays in May and November at Rogersville.
7. Public Acts of 1865-66, Chapter 41, fixed the terms of the chancery courts of the counties in the first chancery district. The chancery court of Hawkins County met on the first Mondays in April and October.
8. Public Acts of 1866-67, Chapter 15, changed the schedule of the chancery court terms for some of the counties in the eastern chancery division. The Hawkins County Chancery Court met on the first Mondays in March and September.
9. Public Acts of 1866-67, Chapter 25, Section 5, stated that the changes of the chancery court terms in Public Acts of 1866-67, Chapter 15, would not take effect in Hawkins and Hancock counties until after the next term of court.
10. Public Acts of 1867-68, Chapter 90, created a new judicial criminal district out of the counties of Hawkins, Hancock, Johnson, Carter, Washington, Sullivan, Greene, Cocke, Jefferson, Grainger and Claiborne. The time for holding the Hawkins County Criminal Court was set for the third Mondays of January, May and September. This act was repealed by Public Acts of 1869-70, Chapter 11.
11. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the state into chancery districts. The first chancery district was composed of Hawkins, Johnson, Carter, Washington, Sullivan, Greene, Claiborne, Grainger, Jefferson, Cocke, Hancock, Powell and Hamblen counties.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the time for holding the chancery court of Hawkins County on the first Mondays of May and November.
13. Public Acts of 1879, Chapter 16, rescheduled the terms of the chancery court of Hawkins County to the fourth Mondays in April and October.
14. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into chancery divisions and prescribed the times for holding said courts. Hawkins County was placed in the first chancery division and held court on the fourth Mondays in April and October.
15. Public Acts of 1891, Chapter 165, set the time for holding the chancery court of Hawkins County to the second Mondays in June and December.
16. Public Acts of 1893, Chapter 100, created the twelfth chancery division in Tennessee, which contained the counties of Hawkins, Sullivan, Hamblen, Grainger, Claiborne and Hancock. The courts of Hawkins County were held at Rogersville, commencing on the third Mondays in March and September. The governor appointed a chancellor who served until September 1, 1894, when



his successor, elected in the general August election of 1894, would take office.

17. Acts of 1895 (Ex. Sess.), Chapter 20, reorganized the entire lower court system of the state. Eleven chancery divisions were formed, of which the first chancery division contained the counties of Hawkins, Johnson, Carter, Washington, Sullivan, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Hamblen, and Unicoi, where the court convened on the fourth Mondays in April and October.
18. Public Acts of 1899, Chapter 427, divided the state into chancery divisions and prescribed the times for holding said courts. Hawkins County was placed in the first chancery division and held said court on the second Mondays in April and October. This act was amended by Private Acts of 1901, Chapter 438, which placed Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Campbell, Anderson, Roane, Loudon and Scott counties in the second chancery division. The chancery court for Hawkins County was set for the third Mondays in March and November.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into chancery divisions and prescribed the times for holding said courts. Hawkins County was placed in the second chancery division and held said court on the third Mondays in March and September.

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

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

1. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Chancery Court Clerk and Master at \$1,800.
2. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Chancery Clerk and Master at \$2,000. Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851, which concerned the annual salaries of several Hawkins County officials.

#### **Circuit Court**

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

1. Acts of 1809 (1st Sess.), Chapter 49, established judicial districts throughout the state. The counties of Hawkins, Greene, Washington, Carter, Sullivan, Grainger, Claiborne and Campbell composed the first judicial district. Hawkins County held its circuit court on the first Mondays in April and October.
2. Acts of 1812, Chapter 75, removed the court of appeals of the first circuit from Jonesborough, in Washington County, to Rogersville in Hawkins County.
3. Private Acts of 1823, Chapter 150, stated that when there were five Mondays in March or September, the circuit court of Hawkins County shall be opened on the fifth Monday in the said month, or either of them, bearing five Mondays and continue in session until the business of court was completed.
4. Private Acts of 1825, Chapter 199, declared that it would be lawful for the judge holding the circuit court of Hawkins County to appoint a time for holding special terms of the court for the trying of causes then pending and it would be the duty of the quarterly court of the said county to summon and provide the court with at least 26 jurors whenever a special term was set.
5. Public Acts of 1835-36, Chapter 5, created and divided the state into eleven judicial circuits. The first judicial circuit was composed of the counties of Hawkins, Sullivan, Johnson, Carter, Washington, Greene, Grainger and Claiborne. Hawkins County held said court on the second Mondays of April, August and December.
6. Acts of 1837-38, Chapter 116, changed the times for holding the Hawkins County Circuit Court on the fourth Mondays of March, July and November.
7. Acts of 1839-40, Chapter 21, provided that the circuit courts of Hawkins County be held on the fourth Mondays in January, May, and September of each and every year.
8. Acts of 1855-56, Chapter 37, changed the dates for the opening of the terms of the circuit courts in Hawkins and Hancock counties. This act set the terms of the circuit court in Hawkins County to start on the first Mondays after the fourth Mondays in January, May, and September.
9. Public Acts of 1857-58, Chapter 98, set the time for holding the circuit court of Hawkins County on the Mondays after the fourth Mondays of January, May and September.
10. Public Acts of 1866-67, Chapter 33, Section 6, set the time for holding the Hawkins County Circuit

Court to the fourth Mondays in January, May and September.

11. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided the state into judicial circuits. The first judicial circuit was composed of the counties of Hawkins, Johnson, Hancock, Greene, Carter, Sullivan, Washington and Boone.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the time for holding the circuit court of Hawkins County on the fourth Mondays of January, May and September.
13. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits and prescribed the time for holding said courts. Hawkins County was placed in the first judicial circuit and held said court on the fourth Mondays in January, May and September.
14. Public Acts of 1889, Chapter 74, fixed the times for holding the circuit court of Hawkins County to the third Mondays in January, May and September. This act was amended by Public Acts of 1895, Chapter 64, which changed the time for holding the circuit court of Hawkins County to the fourth Mondays in January, May and September.
15. Public Acts of 1899, Chapter 427, divided the state into judicial circuits and prescribed the time for holding said courts. Hawkins County was placed in the first judicial circuit and held said court on the second Mondays in March, July and November.
16. Acts of 1903, Chapter 198, fixed the times and places for holding the circuit courts of the first judicial circuit. The circuit court of Hawkins County remained set to the second Mondays in March, July and November. Acts of 1905, Chapter 103, amended Chapter 198 by changing the time of holding the circuit court of Hawkins County to the first Mondays in March, July and November. Private Acts of 1921, Chapter 303, reset the circuit court terms at Rogersville, for Hawkins County, to the first Mondays in March, July and November.
17. Public Acts of 1925, Chapter 35, formed a new twentieth judicial circuit out of the first judicial circuit which was made up of the counties of Hawkins, Greene, Hamblen, and Sullivan counties, leaving Johnson, Carter, Unicoi and Washington in the first judicial circuit.
18. Public Acts of 1925, Chapter 94, established new court terms for the courts in the first judicial circuit assigning the courts in Hawkins County to the first Mondays in March, July and November.
19. Public Acts of 1925, Chapter 96, stated that an election be held at all the regular polling places in Hawkins, Greene, Hamblen and Sullivan counties in order to elect a judge and an attorney-general for the twentieth judicial circuit.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last general reorganization of the state's lower judicial system to appear in the private acts volumes. The act formulated twenty judicial circuits, placing Hawkins, Sullivan, Greene, and Hamblen counties in the twentieth circuit. The time for holding said court in Hawkins County was set for the first Mondays in July, November and March.

### **Circuit Court Clerk**

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

1. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Circuit Court Clerk at \$1,500.
2. Acts of 1903, Chapter 255, fixed the annual salary of the Hawkins County Circuit Court Clerk at \$1,000.
3. Private Acts of 1929, Chapter 122, set the salary of the clerk of the circuit court of Hawkins County at \$1,500 per year to be paid as all other county expenses are paid. This act was expressly and entirely repealed by Private Acts of 1931, Chapter 36.
4. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Circuit Court Clerk at \$1,500. Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851, which concerned

### **Criminal Court**

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

1. Public Acts of 1867-68, Chapter 49, stated that the act passed on November 26, 1867, which created a criminal court and a criminal division in the first judicial circuit for the counties of Hawkins, Johnson, Carter, Washington, Sullivan, Greene, Cocke, Jefferson, Grainger and

Claiborne be repealed as the same had applied to the counties of Jefferson, Grainger, Cocke and Claiborne. An election was held by the sheriffs of the other counties on the third Thursday in April, 1868, to elect a judge for this court.

2. Public Acts of 1867-68, Chapter 90, Section 5, declared that the counties of Hawkins, Johnson, Carter, Sullivan, Washington, Hancock, Greene, Cocke, Jefferson, Grainger and Claiborne constitute a judicial criminal division which had jurisdiction over all cases which the state was a party and which required the services of an attorney general. Hawkins County held said court on the third Mondays in January, May and September. The county court provided jurors for the court and the circuit court clerk acted as the clerk for said court. The judge of the new criminal division was elected by the people on the first Thursday in February, 1868.
3. Public Acts of 1897, Chapter 124, fixed the salary of the Hawkins County Criminal Court Clerk at \$1,500.
4. Public Acts of 1899, Chapter 427, set the time for holding the Hawkins County Criminal Court to the second Mondays in March, July and November.
5. Public Acts of 1969, Chapter 276, changed the starting dates for the criminal courts of Hawkins County from the third Mondays in February, June, and October to the first Monday in the same months.
6. Public Acts of 1972, Chapter 515, removed the civil jurisdiction of the circuit court in Hawkins, Hamblen and Greene counties to the twenty-seventh judicial circuit, while leaving criminal jurisdiction in the twentieth circuit.

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

The following act once affecting Hawkins County is no longer in effect but is listed here for historical purposes.

1. Acts of 1817, Chapter 65, Section 3, divided the state into solicitorial districts. The counties of Hawkins, Grainger, Claiborne and Campbell composed the second solicitorial district.

#### **General Sessions Court**

The following act once affected the general sessions court of Hawkins County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1955, Chapter 286, would have created a general sessions court for Hawkins County at Rogersville in a room to be furnished and equipped by the county and using supplies which were procured by the chairman of the county court. The governor appointed a judge of the court to serve until September 1, 1956, where his successor, elected by the people in the August, 1956, general election, would assume office. The judge's salary was set at \$4,800 a year. However, this act was rejected by the quarterly court of Hawkins County and consequently never became a law.

## **Chapter VI - Education/Schools**

### **Board of Education**

#### **Private Acts of 1939 Chapter 129**

**SECTION 1.** The Board of Education of Hawkins County, Tennessee, shall be composed of seven (7) members, one to be elected from each of the seven (7) county commission districts as set and determined by the Hawkins County Legislative Body. Candidates must meet eligibility requirements as prescribed by statute, must be residents of the district for which they are elected, and shall be elected by the residents of the county commission district in which they reside.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 2.** Election of members of the board of education shall be held at the August General Election and shall be conducted on a non-partisan basis. A person seeking a position on the board may not campaign as the nominee or representative of a political party.

As amended by: Private Acts of 1939, Chapter 273  
Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 3.** The members of the board shall be elected for a term of four (4) years, and may succeed themselves. Incumbents shall serve as members from the district in which they reside and shall complete

the term for which they were elected. The first election, pursuant to this act, shall be held in August 2002. In order to establish staggered terms of office as required by law, at the August 2002 election, the members from District 3, 4, 6 and 7 shall be elected for a term of four (4) years. At the August 2004 election the members from District 1, 2, and 5 shall be elected for a term of four (4) years.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 4.** Vacancies occurring on the board shall be filled by the Hawkins County Legislative Body, as provided by law, until a successor is elected at the next general election. If a member of the board should cease to reside in the district from which such member was elected, the office shall be declared vacant and shall be filled as provided in this section.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 5.** The duties of the members of the board of education shall be as prescribed by the general laws of the state of Tennessee.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 6.** Compensation for members of the board of education shall be as previously and as hereinafter set by the Hawkins County Legislative Body.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 7.** If any section, or portion of this act is held to be unconstitutional, such adjudication shall not affect the remaining portions of this act.

**SECTION 8.** This act shall have no effect until it is approved by a two-thirds (2/3) vote of the Hawkins County Legislative Body. Its approval or non-approval shall be proclaimed by the presiding officer of the Hawkins County Legislative Body and certified by the presiding officer of the Hawkins County Legislative Body to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3 aforesaid.

As amended by: Private Acts of 2002, Chapter 121

Passed: February 2, 1939.

## Education/Schools - Historical Notes

### Board of Education

The following act once affected the board of education in Hawkins County but is no longer operative.

1. Private Acts of 2002, Chapter 89, amended Private Acts of 1939, Chapter 129, to establish school districts and to provide for the number, election, terms, duties and compensation of the members of the board of education and to provide for the method for filling vacancies on the board. This act failed to receive local approval.

### Superintendent or Director of Schools

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

1. Public Acts of 1895, Chapter 134, authorized and empowered the trustees of McMinn Academy in Hawkins County to convey the academy to the town of Rogersville.
2. Private Acts of 1929, Chapter 925, authorized counties in the state of Tennessee having a population of not less than 22,915 nor more than 22,925 according to the Federal Census of 1920 to elect a county superintendent of public instruction to serve a term of two years. The compensation was fixed the quarterly county court.

### General Reference

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

1. Acts of 1806, Chapter 8, established, or recognized, certain academies as the county academy in each of the counties of the state and appointed trustees for these academies wherever necessary. McMinn Academy was designated as the county academy of Hawkins County and

George Maxwell, William Armstrong, Richard Mitchell, Andrew Galbreath, and Thomas Jackson, were named as trustees for the school. Public Acts of 1895, Chapter 134, recited in the preamble the powers and authority of the trustees of McMinn Academy as set out in Acts of 1806, Chapter 8, which incorporated the school which included, among others, the authority to convey real estate; and further, that there were no means with which to maintain the buildings and grounds of the academy and they were beginning to deteriorate and decay, and it was expedient and necessary that the said properties be conveyed to the city of Rogersville to preserve the same from ruin and to keep the school operating. The act conferred specific authority on W.B. Hale, H.J. Nelson, Grant Jarvis, Gale Armstrong, and H.G. Kyle, the trustees of the academy, to transfer by deed and bill of sale all the real and personal property then belonging to the academy to the city of Rogersville to be held and used by the said town as a part of its free public school system.

2. Acts of 1811, Chapter 38, appointed Samuel Powell, George Hale, Frances Dalzell, Andrew Campbell, and John A. Rogers as additional trustees for McMinn Academy in Hawkins County. They were authorized to conduct a lottery by drafting a scheme to raise up to \$6,000.00 for the use and benefit of the academy. The trustees were required to enter into bond in double the amount of the lottery prize money so as to guarantee payment of the same.
3. Acts of 1903, Chapter 268, abolished twenty-one school districts of Hawkins County and created seven new school districts in the county so as to make the school districts co-extensive with the civil districts of the county. The act abolished certain school district offices and removed the incumbents.
4. Acts of 1903, Chapter 513, created a joint school district out of parts of Hawkins and Hamblen counties known as the McKinley Memorial Institute and regulated the same.
5. Acts of 1905, Chapter 446, created a separate and independent school district out of a part of the third civil district of Hawkins County.
6. Acts of 1909, Chapter 494, was a state wide compulsory school attendance law which contained some penalties to be applied to violators and which specified the duties of teachers, principals, and the superintendent of schools, and the records of attendance by pupils to be kept by each. Hawkins County was among several other counties which exempted themselves from the provisions of this act. This act was repealed by Private Acts of 1978, Chapter 716.
7. Private Acts of 1931, Chapter 635, established the Church Hill Special School District which included all of the seventh and ninth civil districts and part of the sixth civil district of Hawkins County. The act provided for the construction of a high school building at or near Church Hill if the voters in the district approved a bond issue in an election to be held for that purpose in August, 1931, at which time the school directors would also be elected.
8. Private Acts of 1933, Chapter 406, abolished the position of school attendance officer, or truant officer, in Hawkins County, as the same was authorized and established by the General School Public Act of 1925, Chapter 115. This act was repealed by Private Acts of 1937, Chapter 646.
9. Private Acts of 1937, Chapter 165, allowed the Hawkins County Quarterly Court to issue and sell its negotiable bonds up to \$22,000 at 3% or less interest, payable \$2,000 a year. The proceeds of bonds were paid to the trustee who paid off and discharge the outstanding unpaid and due debts of the schools system which were incurred in excess of revenues by the school board in the years 1931, 1932, and 1933.
10. Private Acts of 1947, Chapter 402, authorized the quarterly court of Hawkins County to issue up to \$980,000 in school bonds, to be used to construct, repair, and equip schools, all being subject to the outcome of a referendum whose vote would be certified by the election commission. The bonds would be sold as the court directed at an interest rate of 3%, or less.

## Chapter VII - Elections

### Civil Districts

### Public Acts of 1899 Chapter 208

Be it enacted by the General Assembly of the State of Tennessee, That the farms of John W. Stapleton and R.M. Gray be detached from Hawkins county and attached to Hancock county. Beginning on a hickory, a corner between Andrew Stapleton and the said John W. Stapleton, and running with Phoebe Trent's line southeastwardly to a cedar; thence westwardly with line of the heirs of W.E. Byrd to Richardson's Creek; thence with said line westwardly with said line to the top of the ridge, and with the

top of the middle ridge to a hickory corner between Omeys' and R.M. Gray's line and the line of Omeys' northwestwardly to a beach corner on Sugar Run branch so as to include all of the said farms of the said John W. Stapleton and R.M. Gray in Hancock county.

Be it further enacted, That the line between Hancock and Hawkins counties be further changed so as to detach the farm of T.J. Cantwell from Hancock county, and add the same to Hawkins county, making the following change in line between said counties: Beginning at the southwest corner of the line between said counties on said T.J. Cantwell's northeast corner on top of Copper Ridge; thence down the top of Copper Ridge with said T.J. Cantwell's line a southwest course --- poles to said T.J. Cantwell southwest corner; thence with said T.J. Cantwell's west line with its meanders --- poles to the top of Clinch Mountain on the present line between said Hancock and Hawkins counties.

Passed April 6, 1899.

## Acts of 1903 Chapter 1

**COMPILER'S NOTE:** Acts of 1903, Chapter 1 should be read in conjunction with Acts of 1907, Chapter 282 which follows this act.

**SECTION 1.** That the Second, Fourth, Fifth, Ninth, Tenth, Eleventh, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Civil Districts of Hawkins County, be and the same are hereby abolished.

**SEC. 2.** That the territory heretofore embraced in the Fourteenth and Fifteenth Civil Districts of said County be and the same is hereby attached to the First Civil District of said County; that the territory heretofore embraced in the Eleventh Civil District of said County be and the same is hereby attached to the Twelfth Civil District of said County, and said District as herein constituted shall hereafter be known and nominated as the Second Civil District of said County; that the territory heretofore embraced in the Second, Thirteenth, Seventeenth and Nineteenth Civil Districts of said County be and the same is hereby attached to the Third Civil Districts of said County; that the territory heretofore contained in the boundaries of said Tenth Civil District of said county be and the same is hereby attached to the Twentieth Civil District of said County, and the District as herein constituted shall hereafter be known, numbered and nominated as the Fourth Civil District of said County; that the territory heretofore embraced in the Fourth and Eighteenth Civil Districts of said County be and the same is hereby attached to the Eighth Civil District of said county, and the District as herein constituted shall hereafter be known, numbered and nominated the Fifth Civil District of said County; that the territory heretofore contained in the boundaries of the Fifth and Sixteenth Civil Districts of said County be and the same is hereby attached to the Sixth Civil District of said County; that the territory heretofore embraced in the Ninth Civil District of said County be and the same is hereby attached to the Seventh Civil District of said County.

**SEC. 3.** That the wards or voting places of said County remain as they now are or as the County Court of said County may hereafter fix the same, except the voting places of the former Thirteenth, Nineteenth and Twentieth Civil Districts of said County, which are hereby abolished; and the voters in the territory formerly known as the Twentieth Civil District of said County shall hereafter cast their votes at the Court House in Rogersville, heretofore known as the voting place of the Tenth Civil District; and the voters in the territory heretofore composing the Thirteenth and Nineteenth Civil Districts of said County shall cast their votes at the voting place in what was formerly the Second Civil District of said County; but no Civil Districts in excess of the seven Districts hereby established shall be created out of any of the territory of said County, unless authorized by an Act of the General Assembly of the State of Tennessee.

**SEC. 4.** That from and after the passage of this Act the offices of the Justices of the Peace and all other Civil District officers in the Districts abolished by this Act shall cease to exist, and the Justices and other officers in the Districts herein abolished shall turn over and deliver to the Justices of the Peace and other officers not affected by this Act, all books, papers and documents pertaining to their respective offices; and that all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 27, 1903.

## Acts of 1907 Chapter 282

**SECTION 1.** That Chapter 1 of the Acts of the General Assembly of the State of Tennessee, passed January 27, 1903, and approved January 31, 1903, entitled "An Act to redistrict Hawkins County, etc.," be, and the same is hereby, amended as follows:



"1. By detaching from what is now the Fifth Civil District of said county all that territory which, prior to the Act of 1903, constituted the old Fourth and Eighteenth Civil Districts, and attaching said territory to what is now the Sixth Civil District of said county.

"2. By detaching the territory which, prior to the Act of 1903, constituted the old Sixth Civil District from what is now the new Sixth Civil District, and attaching the same to the present Seventh Civil District, so as to make the old Sixth and old Seventh constitute the new Seventh Civil District of said county.

"3. By detaching the territory which, prior to the Act of 1903, constituted the old Ninth Civil District of said county from what is now the Seventh Civil District of said county, and attaching said territory to the present Fifth Civil District of said county, so as to make the old Eighth and old Ninth Civil Districts constitute the Fifth Civil District of said county."

**SEC. 2.** That the wards or voting places remain as they now are.

**SEC. 3.** That the present district officials affected by this Act hold and administer their offices until the next regular county election, to be held in August, 1908, at which election district offices made vacant by this Act shall be filled, but none of the newly elected officers shall hold office under such election longer than the regular August election for the election of county officers in the year 1912.

**SEC. 4.** That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

**SEC. 5.** That this Act take effect on and after the first Thursday after the first Monday in August, 1908, the public welfare requiring it.

Passed: April 4, 1907.

## Private Acts of 1915 Chapter 575

**COMPILER'S NOTE:** Private Acts of 1915, Chapter 575 should be read in conjunction with Private Acts of 1929, Chapter 565 which can be found on the proceeding page.

**SECTION 1.** that an additional Civil District, to be known as the Eighth Civil District in Hawkins County, Tennessee, is hereby created from a part of the First Civil District of Hawkins County, Tennessee, said new, or Eighth Civil District bounded as follows: Beginning at a stake in the line between Hamblen County and Hawkins County, and in the center of the public road, leading southwestwardly from what is known as the old Jacob Shepard farm to the town of Whitesburg; thence southwardly with the line between Hamblen and Hawkins Counties to a stake, corner to Hawkins, Hamblen, and Greene counties, thence with the line of Greene County northeastwardly to center of what is known as the Ward's Gap road; thence northwestwardly with said Ward's Gap road, the same being a public road, to a point in said road near the late Jacob Shepard's residence, where a public road extends southwestwardly from said Ward's Gap road; thence southwestwardly with said public road which extends Southwestwardly from said Ward's Gap road, toward the town of Whitesburg to the place of beginning.

**SEC. 2.** that Election Commissioners for Hawkins County shall within four months after the passage of this Act, call an election for the purpose of electing for the Eighth Civil District of Hawkins County, Tennessee, two justices of the peace and one constable, and until their successors are elected and qualified; and that the expenses of said election shall be borne and paid by the County as such elections are now provided for by existing laws.

**SEC. 3.** that the election law known as the Dortch Law, which now applies to Hawkins County, shall apply to the district herein created, and that any law or part of a law in conflict with this section is hereby repealed as to this section, and that the Dortch Law shall apply to all of the Districts in Hawkins County, including this one.

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

Passed: May 14, 1915.

## Private Acts of 1929 Chapter 565

**SECTION 1.** That Chapter 575 of the Private Acts of the 59th General Assembly, entitled An Act to Create the 8th Civil District in Hawkins County, Tennessee, etc., be and the same is hereby amended so as to detach from the first civil district adjoining and attach to the said 8th civil district that lands of E.J. Moore upon which he now resides, thereby throwing all the present lands of said Moore into the said 8th civil district.

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

Passed: April 3, 1929.

## Private Acts of 1923 Chapter 485

**SECTION 1.** That an additional Civil District, to be known as the Ninth Civil District in Hawkins County, Tennessee, is hereby created from a part of the Seventh Civil District of Hawkins County, said new, or Ninth Civil District bounded as follows:

Beginning on north bank of Holston River at corner to Clay's and Owen's farms; thence down north bank of said river to corner of Flanagan's and Hord's farms, on said north bank of said Holston River; thence north with Hord's line to southwest corner of Anderson and Neil Housewrights's line; thence east with said Housewright's line to H. E. Richardson's line; thence with said Richardson's and Housewright's line to the road near the old Ike Myers' house; thence east with said road to the road leading from Church Hill to Carter's Valley road; thence northeast with this road to forks of road leading to Joe Calhoun's place and said forks of road being near house of Rosanah Cooper; thence east with road leading by Calhoun's place to forks of road near James Loyd's house; thence south with road leading by Mack Loyd's of corner of D.S. Mann's and the Thompson Loyd place; thence east with said line of Mann's and Loyd's to Pearce Messick's line; thence with Mann's and Messick's line to Mack Loyd's corner; thence east to the northeast corner of W.R. Montgomery's farm in Francisco's line; thence south with Montgomery's and Francisco's line to Mrs. Owens' corner; thence with Owen's east line to the beginning.

**SEC. 2.** That Election Commissioners for Hawkins County shall, within four months after the passage of this Act, call an election for the purpose of electing for the Ninth Civil District of Hawkins County, Tennessee, two Justices of the Peace and one Constable, who shall hold office until their successors are elected and qualified, and that the expenses of said election shall be borne and paid by the county as such elections are now provided for by existing laws, and Church Hill is hereby designated as the point to hold elections in said Ninth Civil District.

**SEC. 3.** That the election law, known as the Dortch Law, which now applies to Hawkins County, shall apply to the district herein created, and that any law or part of law in conflict with this Section is hereby repealed as to this section, and that the Dortch Law shall apply to all of the districts in Hawkins County, including this one.

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

Passed: March 29, 1923.

## Elections - Historical Notes

### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Hawkins County, but are no longer operative regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1931, Chapter 710, created a new civil district in Hawkins County which was called the tenth civil district, which composed the Dodson Creek Ward in the first civil district. An election was required for the citizens of the new tenth civil district to elect two justices of the peace and one constable. The act was repealed by Private Acts of 1933, Chapter 126, in its entirety.
2. Private Acts of 1949, Chapter 837, extended the hours of holding elections in the seventh and ninth civil districts of Hawkins County to 9 a.m. to 7 p.m.

### **Elections**

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

1. Acts of 1799, Chapter 46, appointed electors for the election of the president and vice-president of the United States. Hawkins County selected Joel Dyer, James Hogan, and William Armstrong, Esquire, as their electors.
2. Acts of 1803, Chapter 24, provided for election of electors of president and vice president of the United States. The counties of Hawkins, Claiborne, Grainger, Jefferson and Cocke composed one election district and elected one elector.
3. Acts of 1805, Chapter 64, apportioned the state into thirteen senatorial and twenty-six representative districts. Hawkins and Sullivan counties jointly elected one state senator and



Hawkins County was given one representative alone.

4. Acts of 1806, Chapter 16, made it lawful for the residents of Hawkins County living north of the Clinch River to meet at the house of David Garrison on those days set aside for elections in order to vote for a governor, members to congress, members to the general assembly of the state, and to elect an elector to elect a president and vice president of the United States. It was the duty of the sheriff to hold the election.
5. Acts of 1807, Chapter 74, divided the state into five presidential electoral districts. The counties of Hawkins, Washington, Greene, Sullivan and Carter made up one electoral district and elected one elector.
6. Acts of 1812, Chapter 5, divided the state into eight electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Hawkins, Sullivan, Carter, Washington and Greene composed the first electoral district and elected one elector.
7. Acts of 1812, Chapter 27, provided for the election of representatives from the state to the United States Congress. The state was divided into six representative districts, with the counties of Hawkins, Sullivan, Carter, Washington and Greene composing the first representative district and elected one representative district to congress.
8. Acts of 1812, Chapter 57, apportioned the representation of the state in the Tennessee Legislature. The counties of Hawkins and Sullivan composed an election district and elected one senator.
9. Public Acts of 1819, Chapter 69, apportioned the representation of the state in the Tennessee Legislature. Hawkins and Sullivan counties composed one election district and elected one senator. In addition, Hawkins County elected one representative to the legislature.
10. Private Acts of 1820, Chapter 127, set up a separate election precinct for all elections in local, state and federal governments, at Surgoinesville in Hawkins County.
11. Public Acts of 1822, Chapter 1, divided the state into congressional districts for the election of representatives to the United States Congress. The counties of Hawkins, Carter, Washington, Sullivan and Greene composed the first congressional district.
12. Public Acts of 1823, Chapter 47, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The first district was composed of the counties of Hawkins, Carter, Sullivan, Washington and Greene and elected one elector.
13. Public Acts of 1824, Chapter 1, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The first district was composed of the counties of Hawkins, Carter, Sullivan, Washington and Greene and elected one elector.
14. Public Acts of 1826, Chapter 3, apportioned the representation in the general assembly of the state. The counties of Hawkins, Carter and Sullivan composed one senatorial district and elected one senator. In addition, Hawkins County elected one representative to the state legislature.
15. Public Acts of 1827, Chapter 17, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The first district was composed of the counties of Hawkins, Carter, Sullivan, Washington and Greene and elected one elector.
16. Public Acts of 1832, Chapter 4, divided the state into congressional districts for the election of representatives to the United States Congress. The counties of Hawkins, Sullivan, Grainger, Claiborne and Campbell composed the second congressional district.
17. Public Acts of 1832, Chapter 9, divided the state into electoral districts for the purposes of choosing electors to vote for a president and vice president of the United States. The counties of Hawkins, Sullivan, Grainger and Claiborne composed the second district and elected one elector.
18. Public Acts of 1833, Chapter 71, divided the state into senatorial and representative districts. The counties of Hawkins and Sullivan composed one district and elected one senator. In addition the same two counties composed one representative district and elected one representative.
19. Public Acts of 1833, Chapter 76, divided the state into districts to elect delegates for a convention in Nashville for the purpose of revising the state constitution. Hawkins County formed one district and elected one delegate to the convention.
20. Public Acts of 1835-36, Chapter 39, divided the state into fifteen electoral districts for the purpose of electing electors to vote for a president and vice president of the United States. The counties

- of Hawkins, Grainger, Sullivan and Claiborne composed the second electoral district and elected one elector.
21. Acts of 1842, Extra Session, Chapter 1, apportioned the representation in the general assembly of the state. The counties of Hawkins and Greene composed the second senatorial district and elected one senator, while Hawkins, Washington and Greene counties composed one representative district and elected one representative.
  22. Acts of 1842, Extra Session, Chapter 7, divided the state into congressional districts in order to elect representatives to the United States Congress. The counties of Hawkins, Johnson, Carter, Sullivan, Washington, Greene and Cocke composed the first congressional district.
  23. Acts of 1851-52, Chapter 196, divided the state into congressional districts in order to elect representatives to the United States Congress. The counties of Hawkins, Johnson, Carter, Sullivan, Washington, Greene and Cocke composed the first congressional district. Acts of 1851-52, Chapter 196, also apportioned the representation in the general assembly of the state. Hawkins County elected one representative and elected one senator with the counties of Hancock and Jefferson.
  24. Acts of 1851-52, Chapter 197, apportioned the representation in the general assembly of the state. The counties of Hawkins, Greene, Hancock and Jefferson jointly elected one representative. The counties of Hawkins, Hancock and Jefferson composed one senatorial district.
  25. Public Acts of 1865, Chapter 34, divided the state into congressional districts in order to elect representatives to the United States Congress. The counties of Hawkins, Johnson, Carter, Sullivan, Washington, Hancock, Greene, Cocke, Jefferson, Grainger and Sevier composed the first congressional district.
  26. Public Acts of 1871, Chapter 146, apportioned the representation in the general assembly of the state. Hawkins County elected one representative and composed the second senatorial district along with Sullivan, Hamblen, Hancock and Claiborne counties.
  27. Acts of 1872, Extra Session, Chapter 7, divided the state into congressional districts in order to elect representatives to the United States Congress. The first congressional district was composed of the counties of Hawkins, Johnson, Carter, Sullivan, Washington, Greene, Hancock, Claiborne, Union, Grainger, Hamblen and Cocke.
  28. Public Acts of 1873, Chapter 27, divided the state into congressional districts in order to elect representatives to the United States Congress. The first congressional district was composed of the counties of Hawkins, Johnson, Carter, Sullivan, Washington, Greene, Hancock, Claiborne, Grainger, Hamblen and Cocke.
  29. Public Acts of 1881, Extra Session, Chapter 6, apportioned the counties of the state into representative and senatorial districts. The voters in Hawkins County elected one representative and jointly elected one representative with Hamblen and Hancock counties. Furthermore, the second senatorial district was composed of the counties of Hawkins, Greene and Hancock.
  30. Public Acts of 1882, Second Extra Session, Chapter 27, divided the state into congressional districts in order to elect representatives to the United States Congress. The first congressional district was composed of the counties of Hawkins, Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hamblen, Hancock, Claiborne, Cocke and Grainger.
  31. Public Acts of 1891, Chapter 131, divided the state into congressional districts in order to elect representatives to the United States Congress. The first congressional district was composed of the counties of Hawkins, Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hamblen, Hancock, Claiborne, Cocke and Grainger.
  32. Acts of 1891, Extra Session, Chapter 10, apportioned the counties of the state into representative and senatorial districts. Hawkins County elected one representative and was placed in the second senatorial district along with Sullivan and Hamblen counties.
  33. Public Acts of 1901, Chapter 109, divided the state into congressional districts in order to elect representatives to the United States Congress. The first congressional district was composed of the counties of Hawkins, Sullivan, Johnson, Carter, Unicoi, Washington, Greene, Hancock, Claiborne, Grainger, Cocke and Sevier.
  34. Public Acts of 1901, Chapter 122, apportioned the counties of the state into representative and senatorial districts. Hawkins County elected one representative and jointly elected a representative with Sullivan County in the second representative district. In addition, Hawkins County was placed in the second senatorial district along with Sullivan County. This act was amended by Acts of 1905, Chapter 463, by placing Hawkins County in the third senatorial district.

35. Private Acts of 1913, Chapter 142, provided that no registration of voters would be required as a prerequisite to voting in Hawkins County. This act was amended by Private Acts of 1931, Chapter 804, by adding a provision that the 1913 act shall not apply to the fourth civil district of the county but the general laws of the state will govern that area, and by adding a new section which divided the fourth civil district into two voting wards with Lee Highway being the dividing line. Private Acts of 1947, Chapter 699, further amended Private Acts of 1913, Chapter 142, with regard to the voting process and requiring voters to register if they have changed their residence, changed their name or lost their legal right to vote by a court judgement.
36. Private Acts of 1929, Chapter 353, stated that at any election in Hawkins County, any voter who declares to the officer, or judge, holding the election that, by reason of blindness, or other physical defect, he is unable to mark his ballot, shall, upon request, receive the assistance of the officer in the marking of his ballot, who shall do so only in the presence of the three judges of the election, and strictly as directed to do by the voter, and the above action shall be certified by the officer of the election. This act was repealed by Private Acts of 1931, Chapter 34.
37. Private Acts of 1945, Chapter 331, stated that in Hawkins County the compensation of all the judges, clerks, registrars, markers and officers holding a general, special or called election, and all legalized primary elections for each political party shall be fixed at \$2.00 per day for one day only to be paid in the same manner as they are now being paid.
38. Private Acts of 1949, Chapter 848, provided that election officials in any civil district of Hawkins County who were required to keep the polls open longer than in other districts shall be paid \$2.00 a day each in addition to the compensation allowed all election officials, as pay for additional services.
39. Private Acts of 1951, Chapter 279, set the compensation of election officials in Hawkins County at \$5.00 per day for their services, not to exceed one day in any election. This act was amended by Private Acts of 1961, Chapter 164, which provided that the compensation of election officials be set to \$1.00 per hour for each hour the polls were open, the sum of which was not to exceed \$10.00 in any election.

## Chapter VIII - Health

### Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1921, Chapter 780, made it lawful for anyone who has practiced pharmacy anywhere in the United States under the supervision of a registered pharmacist for as many as ten years to practice pharmacy in Hawkins County.
2. Private Acts of 1933, Chapter 303, stated that in Hawkins and Hancock counties any person of good moral character, over 21 years of age, who had been continuously engaged in the practice of medicine, was authorized to continue the practice of medicine in the above counties under the general state laws relating thereto.
3. Private Acts of 1937, Chapter 283, recited that Dr. H.C. Cross, of Hawkins County, had practiced medicine there for almost fifty years, and he was a person of good moral character. This act permitted him to continue the practice of medicine in that county provided he filed an affidavit of the above statement of facts with the state board of medical examiners.

## Chapter IX - Highways and Roads

### Road Law

### Private Acts of 1939 Chapter 130

**COMPILER'S NOTE:** Private Acts of 1939, Chapter 130 should be read in conjunction with Private Acts of 1945, Chapter 562 which follows this act.

**SECTION 1.** That Chapter 364 of the Private Acts of 1923, the caption and substance thereof which is stated in the caption hereof be and the same is hereby repealed together with all Acts amendatory thereof and referring thereto.

**SECTION 2.** That in order to establish a system for the construction, repair, maintenance and operation of a road system of Hawkins County in lieu of the system created by the Act repealed in the first section

hereof, there is hereby created a County Road Commission for Hawkins County, composed of three members to be elected from the County at large at the regular general election to be held in August, 1940, and in each subsequent bi-annual regular election thereafter. The said Commission shall be known as "Hawkins County Road Commission."

**SECTION 3.** That the Road Commission provided for in the preceding section shall have general authority and supervision over the construction, operation, maintenance and repair of all roads in the County, together with the right to establish new roads and discontinue such others as in their judgment may seem practicable and to the best interest of the County.

**SECTION 4.** That on the first of September following their election, the said Commissioners shall meet at the Courthouse in Rogersville and thereupon shall be inducted into office in the same manner and by taking a similar oath as is prescribed for other county officials, thence the said Commissioners shall meet and elect one of such members as Chairman, and one as Secretary and one as an Advisory Commissioner.

**SECTION 5.** That the Chairman of said Road Commission shall devote his entire time and attention to the duties of his office, which shall include the management and supervision of all the road system of the county, together with the supervision and control of all employees engaged in the work of constructing, improving, repairing and maintaining such road system, together with the direct supervision of all other business relating to the said road system of said county.

**SECTION 6.** That the Chairman of said Road Commission shall be directly responsible for all funds which may come into the hands of said Commission, together with the absolute charge of the receipt and disbursement thereof, except as provided in Section 7 hereof, and the Chairman of said Commission be and he is hereby required to give a bond in the amount of not less than Ten Thousand (\$10,000.00) Dollars payable to the State of Tennessee, conditioned upon the faithful performance of his duties with respect to the supervision of the said funds, which bond shall be executed by a responsible corporate surety company authorized to do business in the State of Tennessee, the cost of the making of said surety bond to be paid out of the general road funds.

As amended by: Private Acts of 1939, Chapter 301

**SECTION 7.** That the Secretary of the said commission shall have direct supervision and charge of all accounting and bookkeeping relating to the road system of Hawkins County in addition thereto shall have direct supervision and control of the County road garage and consequently of the custody of all County road machinery, together with the supervision of and the maintenance and repair [sic] thereof, the said Secretary shall devote his entire time to the duties of his office and is hereby authorized to make purchases or expenditures for the upkeep, repair and maintenance of all machinery of which he has custody up to the sum to Two Hundred (\$200.00) Dollars for repair, maintenance and operation.

**SECTION 8.** That the Advisory Commissioner is hereby required to meet and consult with the Commission as a whole at each of the regular meetings of said Commission, which will be hereinafter provided for. He shall consult in such meetings with said other Commissioners and have equal authority and voice in said Commission with the said Commissioners.

**SECTION 9.** That the Chairman of said Road Commission shall receive as compensation the sum of One Hundred and Twenty-five (\$125.00) Dollars per month, the Secretary shall receive as compensation the sum of Ninety (\$90.00) Dollars per month and the Advisory Commissioner shall receive the sum of Thirty-five (\$35.00) Dollars per month as his compensation, all of such monies shall be paid out of the general road funds; in addition to this the Commission as a whole is hereby empowered and authorized to employ a bookkeeper-stenographer, who shall not be paid in excess of the sum of Sixty (\$60.00) Dollars per month as compensation.

**SECTION 10.** That the said Commission shall hold regular meetings at the Courthouse in Rogersville or at such other places as are convenient to them, which meetings shall be held not more than two weeks apart and in addition thereto may hold such other special meetings as shall be necessary upon call of the Chairman or of any two Commissioners.

**SECTION 11.** That all purchases in excess of the sum of Two Hundred (\$200.00) Dollars shall be made by the Commission only after advertising and receiving competitive bids thereon. The term "competitive bid" as herein defined shall mean the lowest and best bid, taking in consideration the quality of material and the responsibility of the bidder.

**SECTION 12.** That the said Road Commission shall keep a correct and accurate account of all funds received and disbursed, together with an account of all work done on the road system and shall furnish to the Quarterly County Court a written statement thereof at each of the regular meetings of said County Court. In addition to such records, the said Commission shall keep an accurate and complete bookkeeping system showing accurately the receipt and disbursement of all funds which may come into his hands and in addition thereto the books of the said Road Commission shall be audited annually in the same manner

as all other books and accounts of other County offices audited.

**SECTION 13.** That from and after the passage of this Act and until the general election of Road Commissioners in 1940, the following persons are hereby appointed to hold the following specified offices:

Ollie Bradshaw is appointed to be Chairman; Sam Patterson is hereby appointed to be Secretary; Clyde Massengill is hereby appointed to be Advisory Commissioner.

**SECTION 14.** That there is hereby levied a tax of ten (10¢) cents on each One Hundred (\$100.00) Dollars worth of taxable property, both real and personal, in said County which is located outside of incorporated towns in said County which levy a special tax for the upkeep, maintenance and repair of streets within said towns. This tax shall be used solely for the purpose of supplementing the regular funds which are received in any manner by the said County for road purposes and such tax shall be assessed and collected by the tax assessor and the trustee in the same manner as all other general taxes are assessed and collected. As the proceeds from said tax levy are collected by the trustee, the same shall be turned over to the said County Road Commission as the said Commission may demand.

**SECTION 15.** That in the event a vacancy occurs in the said County Road Commission on account of any reason whatsoever, the said vacancy shall be filled by the remaining Commissioners and the person chosen to fill said vacancy shall serve until his successor is elected and qualified.

**SECTION 15-A.** That it shall be a misdemeanor in office for the Road Superintendent to use any road machinery belonging to said County, or to expend any road money on any private driveway or road and upon conviction thereof, he shall forfeit his office, and the County may recover from him and his bondsmen the amount expended, and pay for the use of said machinery used on said private road or driveway.

As amended by: Private Acts of 1953, Chapter 435

**SECTION 16.** That it is the intention to hereby create a comprehensive plan and system for the general maintenance, supervision, repair and operation of the County road system for Hawkins County and that any Acts which may be in conflict with the provisions of this Act are hereby repealed and in addition it is hereby expressly provided that the provisions of this Act are separable so that if any sentence, clause, paragraph or section of this Act should be held to be unconstitutional, it is expressly provided that such provisions may be elided without destroying the intention expressed in this Act and that this Act with such elided portions shall remain notwithstanding [sic] the unconstitutionality of such provisions.

**SECTION 17.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 2, 1939.

## Private Acts of 1945 Chapter 562

**SECTION 1.** That Chapter 130 of the Private Acts of 1939, the caption of which is set forth in the caption of this Act, be and the same is hereby amended so as to provide that there shall be elected from the county at large at the general election to be held in August, 1946, a County Superintendent of Roads, whose term of office shall be for a period of four years and whose compensation shall be eight thousand five hundred dollars (\$8,500) per annum, which shall be paid out of the general road funds.

As amended by:  
 Private Acts of 1947, Chapter 794  
 Private Acts of 1949, Chapter 203  
 Private Acts of 1959, Chapter 103  
 Private Acts of 1965, Chapter 118  
 Private Acts of 1967-68, Chapter 371  
 Private Acts of 1973, Chapter 160

**SEC. 2.** That Chapter 130 of the Private Acts of 1939, the caption of which is set forth in the caption of this Act, be and the same is hereby amended so as to provide that all of the rights, powers and duties belonging to the County Road Commission under said Act be and they are hereby transferred in their entirety to the Superintendent of County Roads, who shall be elected under the terms of this amendatory Act.

**SEC. 3.** That Chapter 130 of the Private Acts of 1939, the caption of which is set forth in the caption of this Act, be and the same is hereby amended so as to provide that the Superintendent of County Roads elected under authority of this Act shall have the right and authority to appoint a secretary, who shall serve at the pleasure of the Superintendent of County Roads and receive a minimum salary of \$250 per month, which shall be paid out of the general road funds. The quarterly county court may, upon recommendation of the Superintendent of County Roads, authorize a salary greater than the minimum salary in its annual budget for the County Roads department.

The secretary shall have no authority to make purchases and shall perform duties of a ministerial nature

under the direction of the Superintendent of County Roads.

As amended by:  
 Private Acts of 1949, Chapter 203  
 Private Acts of 1951, Chapter 326  
 Private Acts of 1965, Chapter 118  
 Private Acts of 1973, Chapter 159

**SEC. 4.** That Chapter 130 of the Private Acts of 1939, the caption of which is set forth in the caption of this Act, be and the same is hereby amended so as to provide that all funds, books, records and expenditures in the office of the Superintendent of County Roads shall be audited by a committee appointed by the County Court, or by any person or persons designated by the County Court, every three months from and after the date upon which the Superintendent of County Roads takes office under the terms of this Act, which shall be September 1, 1946.

The Superintendent of County Roads shall execute bond in the amount and in the manner provided for the Chairman of the Road Commission as set forth in Section 6 of said Chapter 130 of the Private Acts of 1939.

**SEC. 5.** That it is specifically provided that any new roads constructed shall have a right of way of not less than thirty (30) feet, and all purchases, acquisitions or condemnations of land for such purposes shall be based upon a minimum right of way of thirty (30) feet.

**SEC. 6.** That the Superintendent of County Roads created under the terms of this Act shall, by the first day of January of each year, prepare a budget for the ensuing year, setting up the anticipated County Highway funds for said ensuing year, and he is hereby prohibited from purchasing any material or equipment during said year in excess of his budget or the revenues anticipated during said calendar year. He is expressly forbidden to purchase any material or equipment on credit except such as may be paid for during the current year from funds received for County Highway purposes within said year. Any violation of the terms of this provision shall constitute a misdemeanor and the punishment shall be as fixed under the general laws for misdemeanors. It is further provided that any violation of this section shall constitute grounds for removal from office under the general provisions of the Ouster Law.

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

Passed: February 28, 1945.

## Highways and Roads - Historical Notes

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

1. Acts of 1807, Chapter 32, authorized William Cocke to open a road from the plantation on which Wright Bond now lives, passing by Cocke's iron works on Poor Valley Creek and up to the house where William Henderson formerly lived, near Clinch River in Hawkins County. The road was to be twenty feet wide with fourteen feet from center being clear at all times. The quarterly court of Hawkins County appointed a commission to assess damages done, if any, to view the road at periodic intervals and, if satisfied of its condition, grant Cocke a license to operate it as a turnpike.
2. Private Acts of 1829-30, Chapter 303, declared that the old road known as the Ford Road, near Frederick A. Ross' bridge in Hawkins County to be a public road of the second class. The quarterly courts of Hawkins and Sullivan counties appointed overseers and assign them enough road hands to keep the road in good repair. If the road stayed out of repair for over fifteen days at one time, the overseers were subject to indictment and fine to be recovered in the same manner as other penalties.
3. Private Acts of 1831, Chapter 138, stated that it would be the duty of the solicitor general of the first and second solicitorial districts to give charge to the grand jury at each and every county and circuit court term of Hawkins and Sullivan counties to inquire if overseers were regularly appointed for the Ford Road near Frederick A. Ross' bridge in the said county. This road was again declared to be a road of the second class.
4. Acts of 1837-38, Chapter 45, appointed Garbriel McGraw, of Hawkins County, Nelson A. Senter, of Grainger County, and William Graham, of Claiborne County, as commissioners of the Bean's Station turnpike, all of whom reported to the quarterly court of Grainger County. All wagons and drivers who were hauling salt were relieved from payment of any toll on the said road.
5. Acts of 1851-52, Chapter 191, Section 20, declared that all the sections of the act which applied to Lawrence, Maury, Williamson and Davidson counties would also apply to Hawkins, Jefferson, Greene, Washington, Carter, Sullivan, Grainger and Warren counties. This act authorized the

counties named to subscribe to the stock of any railroad chartered to run through their counties in any amount which they should consider expedient, and the courts issued the bonds of the county in payment of the stock subscribed, in whatever manner and amount the court decided.

6. Private Acts of 1866-67, Chapter 27, Section 4, amended an act concerning the Sneedsville Turnpike Company so as to authorize the counties of Hancock and Hawkins to take stock in the said Turnpike Company, and when the commissioners appointed perceived that a sufficient amount of stock had been subscribed in the said company, the construction of the turnpike began.
7. Public Acts of 1901, Chapter 136, stated that the county court of each county elect one road commissioner from each of the civil districts of the county to serve for two years, all of whom were sworn and bonded and subjected to penalties for willful neglect or misconduct. The county courts set the number of days from five to eight for each male resident outside of a city to work on the roads, or pay a commutation fee. A special road tax of two cents per \$100.00 for each day of compulsory labor was levied, two-thirds of which could also be worked out. The commissioners named the overseers in their respective districts who were in charge of the road to be worked. Prisoners worked under certain conditions and arrangements. Roads were classified and indexed and built to meet the general specifications contained in the act. Petitions to open, close, or change roads were disposed of by the commissioner to whom the power of eminent domain was to be exercised. Commissioners were paid the same rate as justice of the peace. This act was amended by Acts of 1905, Chapter 478, in several minor particulars but primarily in the manner of the disposition of the petitions to open, close, or change roads, especially where the exercise of the power of eminent domain was involved.
8. Private Acts of 1901, Chapter 390, provided that a referendum be held to decide whether or not the people were in favor of issuing up to \$100,000.00 in coupon bonds for the purpose of building or buying turnpikes and improving the public roads in general in Hawkins County. The bonds were to be in denominations of \$1,000.00 and were to be paid off at the rate of three a year at an interest not to exceed 5%. The details of the form of the bonds and the manner in which they would be issued were included in the act. A tax levy was required to produce an amount sufficient to pay off the bonds at the maturity rate specified for as long as any were outstanding. If the people approved the issue, three turnpike commissioners were to be elected to supervise these projects. The commissioners were to be sworn and bonded and would report quarterly to the county court.
9. Acts of 1903, Chapter 178, authorized Hawkins County to issue interest bearing coupon bonds in an amount not exceeding \$160,000, the proceeds of which were expended in locating and building public roads and bridges in said county, and submitted the question of the issuance of said bonds to a vote of the people of the county and provided for a board of commissioners to maintain said roads after completion by pike commissioners which were selected.
10. Acts of 1903, Chapter 452, authorized Hawkins County, through its county court, to inaugurate general improvements in its public roads by the levy and expenditure of a special tax for the payment of the improvements so made.
11. Acts of 1907, Chapter 126, provided how railroad companies may cross and occupy streets, highways and private roads, and may take land for the purpose of substituting other streets, highways and roads in lieu thereof, and prescribed the mode of condemnation of land taken for such purpose, and provided for compensation or damages to the owners of such land.
12. Acts of 1907, Chapter 518, permitted the quarterly court of Hawkins County to issue up to \$200,000, in negotiable coupon bonds, to build roads and bridges and for no other purpose, which bonds could be issued in blocks of no less than \$40,000 and at different interest rates but none to go over 5%. The bonds matured at \$10,000 in five years and \$3,000 a year afterwards until paid. A tax levy called a "pike tax" was to be made until the bonds were paid off by the trustee, named disbursing agent. Seven roads were listed to be built or improved, and \$30,000 to \$40,000 was designated for the construction of a county bridge across the Holston River at a place to be selected by the county court. A board of commissioners to supervise the program was authorized, who were compensated as the county court directed but no less than 2% of the money bonded. A referendum was required to be held and voter approval obtained before any of the above could be implemented.
13. Acts of 1909, Chapter 143, regulated the laying out and working of the public roads in Hawkins County.
14. Private Acts of 1911, Chapter 657, authorized Hawkins County to issue two hundred thousand dollars in interest bearing coupon bonds for the purpose of building, grading, macadamizing and otherwise improving public roads in said county, provided the manner in which the money derived



- from the sale thereof would be expended, and made it a felony, and provided for punishment thereof for any commissioner or person employed by them or any member of the county court, or other county official, to become interested in any contract made under the provisions of this act.
15. Private Acts of 1915, Chapter 115, created a more just and equitable system of taxation and a more uniform system of work for pike roads and public highways in Hawkins County.
  16. Private Acts of 1915, Chapter 402, authorized Hawkins County to issue negotiable bonds, to an amount not exceeding \$25,000.00, for the purpose of building a bridge across the Holston River, at or near Chisolm's Ford.
  17. Private Acts of 1915, Chapter 481, authorized Hawkins County to issue \$450,000.00 of interest bearing coupon bonds for the purpose of improving, building, constructing and macadamizing certain roads in said county, and to erect and construct necessary bridges and culverts, over streams, and to construct ditches along said roadsides. Provided for the drainage of surface water and running streams. Provided for the payment of the interest thereon and the redemption of the bonds, and further provided for the expenditure of the funds, arising from the sale of said bonds and fixed a punishment for persons violating the provisions of this act, and if the sum of \$450,000.00 was not enough to complete the roads laid out in this act, the county court was authorized and empowered at any quarterly term to issue and sell fifty thousand more. This act was amended by Private Acts of 1917, Chapter 52, which designated the line of the stage road called for in said act and fixed and determined the line of said stage road upon which the work called for by Chapter 481 was done. Private Acts of 1917, Chapter 175, also amended Chapter 481, by making it mandatory that the board of road commissioners complete the grading of, and to macadamize the road known as the Stage Road, extending from the Sullivan County line to the Grainger County line, and to do this work first, regardless of the completion or construction of any other roads in said county, and made it the duty of said board of road commissioners to reserve out of the proceeds of the sale of the bonds authorized by Chapter 481, funds sufficient to complete the work of grading and macadamizing said road. Private Acts of 1917, Chapter 235, amended Chapter 481 by setting aside 15% of the bond money to be used for cutting down the worst grades on the county roads and to improve the branch roads leading to and from the main thoroughfares. The act directed further that 4½% of the bond money be paid over to Rogersville to improve their roads. Section 8 was amended by adding four new roads to the list to be improved and Section 13 by requiring the engineer to be paid out of funds coming into the hands of the commissioners, and that 10% of all the contract money be retained until all the work under that contract was completed and accepted. Private Acts of 1917, Chapter 532, also amended Chapter 481, Section 8, by extending the portions of two of the roads mentioned therein to the points described in the act, and by putting the section of road described in Subsection 9 of Section 8, originally to extend to the Virginia line, within the discretion of the commissioners as to how far in that direction the road was to be improved. Private Acts of 1917, Chapter 770, amended Chapter 481 by improving the description of that part of the Mooresburg Road which was scheduled to be paved, being much more specific about where the paving would start and end, and by inserting a provision which required the work on this road to begin immediately after the Stage Road was finished. Private Acts of 1917, Chapter 796, amended Section 8, by adding a road. Those listed to be improved would begin at the residence of Dr. Pennington at Bulls' Gap, thence by or near the residences of Newton Long and S.S. Walker; thence to E.J. Moore; thence to connect with the St. Clair road at Bulls' Gap Road, which road was to be completed by August 1, 1917, and also added a new road to the list of crossroads to be paved only. Private Acts of 1919, Chapter 254, amended Section 9 of Chapter 481 by granting the board of road commissioners the authority to make agreements, contracts, and to do other acts to cooperate with the state department of highways in regard to the Stage Road running from Sullivan to Grainger County, which would include, but not be limited to, the setting aside of matching funds for the improvement of this road. Private Acts of 1919, Chapter 713, amended Section 6 of Chapter 481 by adding a provision earmarking \$10,000.00 of the bond funds for the construction of a bridge with the necessary culverts and approaches which could cross White Horn Creek, and the court could issue additional bonds, if necessary, for this purpose at 5%, or less, interest. An additional sum of \$5,000.00 was set aside for Beech Creek Road. Private Acts of 1919, Chapter 816, amended Chapter 481, so as to provide that \$1,500.00 of the fund known as the "cross roads fund" due the third district shall be spent on grading the road from Rogersville and Kile's Ford Road, beginning at the residence of E.J. Lee, the distance involved did not exceed three miles. Private Acts of 1921, Chapter 372, amended Chapter 481, and Private Acts of 1919, Chapter 254, by providing that Fred Beal and W.C. Davis serve as commissioners until all the funds provided for in Chapter 481, except those allocated to the Stage Road were spent. Beal would be chairman at \$75.00 a month, and Davis would be secretary at \$25.00 a month until the

funds were exhausted but in no case would they serve longer than November 1, 1921. They had to cooperate with the state until the Stage Road was completed and share  $\frac{1}{3}$  of one percent of the funds set aside to complete the road. Private Acts of 1923, Chapter 546 amended Chapter 481 by adding a new Subsection 2 of Section 1 which provided that the road commissioners named in that act continue joint supervision with the state highway department of the expenditures of funds on the state highways in Hawkins County and be paid  $\frac{1}{3}$  of one percent of the funds spent as long as the fund is not exhausted.

18. Private Acts of 1917, Chapter 570, was the authority for the quarterly court of Hawkins County to issue up to \$10,000.00 in interest bearing coupon bonds, at an interest rate of 6%, or less, and which bonds would mature according to a schedule fixed in the act which funds would be used to build a bridge across the Holston River at or near Crockett's Ferry, which amount is one-half of the cost thereof, the other half to be supplied by Hamblen County. All the essential details are supplied and the mandatory tax levy is included.
19. Private Acts of 1917, Chapter 811, applied to Hawkins and Claiborne counties and required all males between 18 and 50 to work eight days on the county roads each year, but they could be excused by paying \$2.00 to the trustee. If one were furnishing a team and wagon, or a team and plow, one horse wagons counted one day, and two horse teams two days. Failure to comply leads to fines ranging from \$10.00 to \$25.00. Private Acts of 1919, Chapter 29, amended Chapter 811, so that the act applied only to Hawkins County and not to Claiborne County.
20. Private Acts of 1919, Chapter 85, regulated the working and laying out of public roads in Hawkins County. This act provided for a road commissioner from each civil district, to be appointed by the quarterly court for two year terms, who would be sworn and bonded, and in charge of all roads and culverts less than twenty-five feet in their district. The commissioners could purchase supplies and materials, appoint overseers to serve in their districts, and enter into contracts to improve and maintain roads. The commission as a whole would classify the roads, lay out new ones, open, close and change them on their own violation or in answer to petitions for the same, exercising the power of eminent domain but required to follow strictly the procedures permitted under the law. Commissioners would be paid \$2.00 a day and overseers a \$1.50 a day up to forty days a year. Roads were to be worked between March and November by males, outside cities, between the ages of 18 and 50 who would work six days or pay twenty cents to one dollar per \$100.00 property valuation, and five cents per \$100.00 on privileges. Penalties were provided for failure or neglect to observe all the conditions of this act. This act was repealed by Private Acts of 1971, Chapter 140.
21. Private Acts of 1919, Chapter 565, created the office of superintendent of pike repair in Hawkins County. This act provided for the appointment and election of the superintendent, defined his duties and responsibilities, conferred authority on him, to co-operate, assist and contract with the state highway commission in charge of maintenance and repair of highways and to fix his compensation. This act was amended by Private Acts of 1921, Chapter 80, so as to provide for the payment of the superintendent's salary out of the special fund created by Chapter 565. This act was repealed by Private Acts of 1923, Chapter 364.
22. Private Acts of 1921, Chapter 201, authorized Hawkins County, upon a majority vote of the county court, to issue and sell \$375,000.00 of non-taxable interest bearing coupon bonds for the purpose of improving, grading and macadamizing certain roads herein named in said county, to construct necessary bridges and culverts on said roads and provided for drainage for said roads and provided for a tax levy for the payment of the interest on said bonds and fixed the rate of interest that said bonds beared, and provided for the payment and redemption of said bonds and provided for the expenditure of the funds arising from the sale of said bonds herein described, created a board of pike commissioners, to carry out the provisions of this act, and prescribed their duties and salaries and provided for the cooperation of the said pike road commission with the state or federal authorities in the procurement of state and federal aid, and prescribed their duties in case state or federal aid was obtained for any road or parts of the roads herein described, regulated the vote and action of the county court as to the issuance of said bonds. Private Acts of 1921, Chapter 312, amended Chapter 201, by raising the amount of bonds to be amortized after five years from \$58,000 to \$65,000. Private Acts of 1921, Chapter 456, amended Chapter 201, by increasing the amount of bonds authorized from \$375,000 to \$384,000, and increasing the amount to be paid at the end of five years from \$58,000 to \$74,000. Two more roads were added to the list to be improved and \$9,000 appropriated for that purpose.
23. Private Acts of 1923, Chapter 364, regulated the constructing and maintaining of public highways, bridges and other structures thereon in Hawkins County. This act provided for the establishment of the office of county supervisor of public roads and highways; defined his powers and duties,

and provided for his compensation. In addition, the act provided for the levy of a road tax and for the collection and disbursement of the same. Private Acts of 1929, Extra Session, Chapter 50, amended Chapter 364, by adding a provision at the end of Section 6 to provide that all monies collected shall be accounted for the civil districts and only expended in the district where collected. Private Acts of 1931, Chapter 37, amended Chapter 364, by adding a new Section 3 which gave the road supervisor the right to employ all necessary labor at wage rates no higher than those being paid for work of a similar nature in other communities, and, further, by striking Section 6 and adding a new provision that no inhabitant, or citizen, of said county shall be required to do or to perform any so called free labor on the public roads at any future time. Private Acts of 1937, Chapter 649, amended Chapter 364, so as to provide for employment by the road supervisor of foreman and laborers, including justices of the peace, in carrying on such road work, and to ratify the approved previous employment of justices of the peace by the supervisor. Chapter 364 was specifically repealed by Private Acts of 1939, Chapter 130.

24. Private Acts of 1927, Chapter 534, authorized Hawkins County to issue up to \$40,000.00 in short term notes which were verified by the chairman of the county court and the county court clerk, at interest rates to be set by the court, and to mature according to the court's direction. The proceeds were used to construct or repair four roads, named therein, at \$10,000.00 to be spent on each. A tax would be levied to pay the notes as long as they remained unpaid.
25. Private Acts of 1929, Chapter 21, allowed the quarterly court of Hawkins County to issue up to \$160,000.00 in interest bearing coupon notes which were used to construct and repair a list of 26 roads specified in the law and to spend the amounts allocated in the act on these as individually provided. The notes were limited to 5% interest and a 20 year maturity period. A road commission was provided and George G. Campbell was named as Chairman, George A. Steele was designated as superintendent of the roads, and W.T. Testerman, W.W. Phillips, and Pleas Rogers were named as commissioners, who would serve two years under the supervision of the quarterly court.
26. Private Acts of 1929, Chapter 487, authorized Hawkins County to issue up to \$97,000.00 in interest bearing coupon notes to construct roads in the county. A list of 30 roads, and the amount to be spent on each one was set out in the law. These notes could not have an interest rate of more than 5%, nor mature at dates longer than 20 years.
27. Private Acts of 1929, Chapter 599, authorized Hawkins County to issue \$20,000.00 for the purpose of constructing roads in said county, provided for the payment of principal and interest of said notes issued under this act, provided for the issuance and sale of said notes and provided for the expenditure of funds derived from the issuance and sale of said notes.
28. Private Acts of 1929, Extra Session, Chapter 67, permitted the quarterly court of Hawkins County to issue up to \$68,000 in coupon bonds at 5%, or less, interest rates and for a maturity period not to exceed 20 years which would be used to improve the 26 roads listed in the act.
29. Private Acts of 1931, Chapter 121, authorized Hawkins County to borrow upon its negotiable interest bearing promissory note or notes the sum of \$15,000 in order to meet and discharged indebtedness created in the construction of roads, to be paid for by bond issues sold to Caldwell and Company of Nashville.
30. Private Acts of 1937, Chapter 709, stated that, subject to the successful outcome of a referendum held for that purpose, the quarterly court of Hawkins County could issue up to \$60,000 in bonds, at a 3%, or less, interest rate, to mature as the court should determine, to build a bridge across the Holston River at Surgoinesville, and the approaches at each end at or near Bright's Ferry, (2) a road connecting Christian's Bend and Long's Bend roads along the Holston River, and (3) a high school building in Clinch Valley, at or near Shiloh. All the pertinent details were included and a tax levy required for the sinking fund as long as the bonds were outstanding.
31. Private Acts of 1945, Chapter 322, authorized Hawkins County to participate in the construction of inter-county and farm to market roads and to accept county funds in supplement of funds provided by the federal and state governments. The quarterly court could issue up to \$300,000 in bonds for this purpose, at 4% maximum interest.
32. Private Acts of 1970, Chapter 322, would have amended Private Acts of 1919, Chapter 85, deleting three sections that dealt with the provisions of the road tax and its collection and accounting; however, this act was rejected or disapproved by Hawkins County and therefore never took effect.

## Chapter X - Law Enforcement

## Offenses

## Pyrotechnics

### Private Acts of 1947 Chapter 617

**SECTION 1.** That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 28,523 and not more than 28,525 inhabitants according to the Federal Census of 1940 or any subsequent Federal Census.

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

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

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

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

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

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

Passed: March 5, 1947.

## Law Enforcement - Historical Notes

### Jails and Prisoners

The following acts once affected jails and prisoners in Hawkins County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 86, appointed George Maxwell, Andrew Campbell, Francis Dalzell, Rhodham Kenner, and Andrew Galbreath as commissioners to superintend the building of a prison and stocks on the public square in Rogersville. The commissioners were required to advertise for bids. The Hawkins County Quarterly Court could levy a tax, if necessary, at its January meeting in 1808 to produce funds to pay for the prison.
2. Private Acts of 1831, Chapter 127, provided that treasurer of East Tennessee pay Joseph Hicks, jailor of Hawkins County, \$55 for the keeping of William Crutchfield in the Hawkins County Jail.
3. Private Acts of 1833, Chapter 154, provided that Joseph Hicks, jailor of Hawkins County, receive \$42 from the state for keeping James Hanna in the Hawkins County Jail under a charge of stabbing.

### Militia

Those acts once affecting Hawkins County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1799, Chapter 22, authorized the militia of Hawkins County to hold general musters on the

third Fridays in February and July annually.

2. Acts of 1801, Chapter 1, was an act which amended the state militia law in several particulars. Section 9 was pertinent in the provisions that were made for the volunteer companies of cavalry of Hawkins and Washington counties, commanded by Captains Alexander Nelson and Allen Gillespie, which were annexed to the district of Washington.
3. Acts of 1803, Chapter 1, organized the Tennessee Militia into units designating the militia in Hawkins County as the fourth regiment of the state and held musters on the third Thursday of October.
4. Acts of 1805, Chapter 5, provided that the militia residing north of Clinch Mountain and within Hawkins County compose the third battalion of the Hawkins County regiment.
5. Acts of 1815, Chapter 119, was an act which was intended to better establish and regulate the militia of the state. Hawkins County's militia was designated as the fourth regiment of the first brigade which also embraced Washington, Sullivan, and Greene counties.
6. Public Acts of 1819, Chapter 68, was a new militia law for Tennessee. The first brigade was made up of the county militia units for Hawkins, Washington, Greene and Carter. The military units in Hawkins were termed the fourth regiment and their official annual muster was set for the fourth Saturday in October. The remainder of the act was all regulatory and administrative in nature. This act was repealed by Public Acts of 1978, Chapter 595.
7. Public Acts of 1826, Chapter 69, revised and amended the militia laws of the state. The militia of Hawkins County composed the fourth and the seventy-eighth regiment of the first brigade which also included the counties of Washington, Sullivan, Greene and Carter. The annual official muster for Hawkins County took place on the fourth Saturday in October for the fourth regiment and on the second Thursday in October for the seventy-eighth regiment.
8. Public Acts of 1835-36, Chapter 21, divided the militia of the state into regiments, brigades and divisions. The militia of Hawkins County composed the ninth, tenth and eleventh regiments of the third brigade of the first division.
9. Acts of 1837-38, Chapter 157, Section 3, scheduled the times for county drills for every militia unit in the state and rewrote several sections of the state military code. The third brigade was composed of the units in Hawkins, Powell and Grainger counties and the brigade's official muster would occur on the Monday and Tuesday following the first Friday and Saturday in September of each year. This act was repealed by Public Acts of 1978, Chapter 595.
10. Acts of 1839-40, Chapter 56, revised the militia laws of the state and also divided the militia into regiments and brigades. The militia of Hawkins County composed the ninth, tenth and eleventh regiments of the third brigade. The militia of Hawkins County held its regimental musters on the first Tuesday in October.
11. Private Acts of 1861, Chapter 1, revised the militia laws of the state and also divided the militia into regiments and brigades. The militia of Hawkins County composed the ninth, tenth and eleventh regiments of the third brigade. The militia of Hawkins County held its regimental musters on the first Tuesday in October.
12. Public Acts of 1870, Chapter 31, divided the state into judicial circuits. The first judicial circuit was composed of Hawkins, Hancock, Greene, Carter, Johnson, Sullivan and Washington counties.

### **Sheriff**

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

1. Private Acts of 1821, Chapter 158, stated that it appeared to the satisfaction of the general assembly that a judgment was obtained against Gabriel McGraw, sheriff of Hawkins County, for the amount of taxes due the state on a tract of land, advertised in the county as the property of Walter Sims, when it was out of the power of the sheriff to make a sale because there were no bidders on the property, therefore the judgment against the sheriff was suspended until he had an opportunity to offer the property for sale again, the proof of which he must offer to the quarterly county court of Hawkins County.
2. Private Acts of 1827, Chapter 4, made it lawful for the sheriff of Hawkins County to appoint two deputy sheriffs in addition to the deputies now allowed to be appointed by law.
3. Private Acts of 1827, Chapter 7, declared that anyone who bought land from the sheriff of Hawkins County who sold Thomas Johnson's land for taxes may pay their proportionate share of

the balance still due on the taxes of the said land and get their title cleared.

4. Private Acts of 1831, Chapter 229, allowed James P. McCarty, former sheriff of Hawkins County, the further time of two years to collect the taxes and public dues which accrued during his stay in office and for that purpose he may exercise the same powers of the sheriff's office as before in collecting the money.
5. Private Acts of 1833, Chapter 232, made it the duty of the treasurer of the East Tennessee State Bank to pay to James Bradley, sheriff of Hawkins County, the sum of \$13.50 which represents the amount of pay and expenses for himself and a guard in conveying William Crutchfield, under a charge of bigamy, from Hawkins County to Blountville, provided the sheriff makes an oath before a justice of the peace that he has never before received any compensation for the same thing.
6. Acts of 1837-38, Chapter 306, was the legislative authority for the sheriffs of Hawkins, Maury and Monroe counties to appoint one more deputy in addition to all the other now permitted under the law.
7. Acts of 1855-56, Chapter 213, Section 2, directed the comptroller of the state to issue a warrant to Crawford Hall, an attorney for Jesse L. Harton, of Scott County, Virginia, in the amount of \$124, same being the amount of \$100 which was offered by Havery Hamilton, sheriff of Hawkins County, for the arrest and delivery of Madison Saunders, a fugitive from justice, charged with the murder of George Emmett, and \$24 which was the amount of expense incurred in traveling and in pay to guards in the apprehension and delivery of Saunders to the jailor of Hawkins County.
8. Acts of 1861 (Ex. Sess.), Chapter 21, was the authority needed for the sheriffs of Hawkins, Shelby and Dyer counties to employ two additional deputies over and above that number allowed under the general law.
9. Private Acts of 1865-66, Chapter 122, stated that it appeared from duly certified records that the state owes the sum of \$367.40 to George W. Beal, the recent jailor of Hawkins County for his services in boarding and lodging two state prisoners, one charged with murder and the other with rape. This act directed the state comptroller to pay that amount to Beal.
10. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Sheriff at \$1,800.
11. Private Acts of 1919, Chapter 102, provided that the Hawkins County Sheriff would receive \$600 per annum in ex-officio fees, to be paid quarterly. Private Acts of 1929, Chapter 200, amended Section 1 of Chapter 102, by increasing the amount of the ex-officio fees to be paid to the sheriff each year from \$600 to \$1,200, also in addition to all fees collected in the office. This act and Private Acts of 1929, Chapter 200, were both declared unconstitutional in Shanks v. Hawkins County, 160 Tenn. 148, 22 S.W. 2d 355 (1929).
12. Private Acts of 1919, Chapter 282, fixed the compensation of sheriffs or other officers for each day's attendance on any court in Hawkins County to \$3.00.
13. Private Acts of 1929, Chapter 539, allowed the sheriff of Hawkins County to appoint a chief deputy who would serve at the will and direction of the sheriff. The chief deputy was paid \$100 a month out of the "County Fund Proper" in addition to the statutory fees for a deputy. A warrant was issued for the \$100 and paid as other warrants. The chief deputy must devote his full time to law enforcement, be subject to discharge by the sheriff, and must make bond as the law requires. He must also be a resident of the county and maintain both local and long distance phone service. This act was declared unconstitutional in Hose v. Hawkins County, 159 Tenn. 652, 21 S.W. 2d 395 (1929).
14. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Sheriff at \$2,500. Private Acts of 1935, Chapter 720, expressly and entirely repealed Private Acts of 1933, Chapter 851, which concerned the annual salaries of several Hawkins County officials.
15. Private Acts of 1978, Chapter 274, would have provided for a civil service system for the Hawkins County Sheriff Department, however, this act was not approved by the quarterly court and therefore never took effect in Hawkins County.

## Chapter XI - Taxation

### Assessor of Property

### Compensation

## Private Acts of 1949 Chapter 202

**SECTION 1.** That in all counties of this State having a population of not less than 28,500 inhabitants, nor more than 28,550 inhabitants, according to the Federal Census of 1940, or any subsequent Federal Census, the Tax Assessors thereof shall receive a compensation of Six thousand five hundred dollars (\$6,500.00) per annum, to be paid out of the general funds of said counties.

As amended by: Private Acts of 1965, Chapter 119.

**SEC. 2.** That in said counties falling within the purview of this Act, the Tax Assessor shall maintain and observe regular office hours in the office or offices provided him by said counties.

**SEC. 3.** The Tax Assessor is authorized to employ one full-time clerical assistant, whose salary shall be two hundred fifty dollars (\$250.00), payable out of the general funds of the county in the same manner as the Tax Assessor is paid.

As amended by: Private Acts of 1965, Chapter 119.

**SEC. 4.** That grantees of realty, prior to the recording of deeds thereto, shall present such deeds to the County Tax Assessor, who shall make a record of such transactions, and who shall present monthly reports of said transactions to the County Trustees of the counties falling within the purview of this Act.

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

Passed: February 16, 1949.

## Subdivisions

## Private Acts of 1953 Chapter 438

**SECTION 1.** That in all counties having a population of not less than 30,000 or more than 30,500, according to the 1950 Federal Census, or any subsequent Federal Census, it shall be unlawful and a misdemeanor in office for the Register of Deeds of such county to accept and file for registration any map or plat of a subdivision of real estate within such county without having first ascertained that a copy of such map or plat has been filed with the Tax Assessor of county.

**SECTION 2.** That it is hereby made the duty of any person subdividing property to cause a copy of the map or plat of such subdivision to be filed with the Tax assessor of such county as a condition precedent to the registration of such map or plat; and any person, firm, or corporation failing to comply with the provisions of this section shall, upon motion of the Tax Assessor of such county, or any interested citizen, be liable to a forfeiture in favor of the county in the sum of one hundred twenty-five (\$125.00) Dollars in any court of competent jurisdiction.

**SECTION 3.** That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

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

Passed: April 6, 1953.

## Litigation Tax

## Private Acts of 1982 Chapter 321

**SECTION 1.** A litigation tax of five dollars and twenty-five cents (\$5.25) on all civil cases and of fifteen dollars (\$15.00) on all criminal cases shall be levied and taxed as a part of the costs in actions filed in the Hawkins County general sessions court, criminal court, circuit court, chancery court, and probate court. This tax shall not apply to cases filed in juvenile court.

**SECTION 2.** The respective clerks of each court shall collect the litigation tax and report and pay over the same to the county general fund.

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

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

PASSED: April 8, 1982.



# Property Tax

## Private Acts of 1957 Chapter 61

**SECTION 1.** That the Quarterly County Court of Hawkins County, Tennessee be and the same is hereby authorized and empowered to levy for County ordinary purposes a tax not exceeding sixty cents (\$.60) on the \$100.00 on all property assessed for taxation in said County.

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of any county to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty years 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 3.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 19, 1957.

## 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 Hawkins County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1953, Chapter 436, set the salary of the tax assessor in Hawkins County at \$3,600 per year, payable monthly out of the general county funds. Private Acts of 1959, Chapter 180, amended Private Acts of 1953, Chapter 436, by raising the annual salary of the tax assessor from \$3,600 to \$5,000 a year. Both of these acts were repealed by Private Acts of 1965, Chapter 119.
2. Private Acts of 1953, Chapter 463, gave the tax assessor of Hawkins County the right to employ a clerical assistant at a salary not to exceed \$125 a month, said assistant to work on a full time basis and be paid out of the general funds of the county on the warrant of the county judge, or chairman, countersigned by the county court clerk. This act was entirely repealed by Private Acts of 1965, Chapter 119.

### Taxation

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

1. Acts of 1792, Chapter 14, granted power to the justices of the peace in Hawkins County to levy a tax for building a courthouse, prison and stocks to be located in Rogersville, which tax would not be permitted to exceed twenty cents on each 100 acres of land in one year. The quarterly court may appoint three, or more, commissioners to supervise the work and the sheriff was given the power to collect the taxes.
2. Acts of 1794, Chapter 15, allowed a levy of a special tax in Hawkins County at the rates specified in the act which money would be applied to the erection of a courthouse, prison and stocks for the district of Washington at Jonesborough. This act was repealed by Acts of 1797, Chapter 3. This act granted the authority to the county courts of Hawkins, Knox and Carter counties to levy and collect an additional county tax, which would not exceed the rates scheduled in the act, for the purposes of building, or repairing the courthouse, prison and stocks whenever the same was found to be necessary.
3. Acts of 1796, Chapter 2, set up a schedule of taxes which would be levied against certain types of property and privileges and used for general purposes. Section 2 of this act stated that nothing contained therein shall be construed as to extend this tax to the counties of Hawkins, Davidson, Montgomery, Sumner, Robertson and Washington.
4. Acts of 1798, Chapter 11, repealed the second section of a public act which was the authority to lay and collect county taxes for certain purposes as the same was applied to Hawkins County.
5. Private Acts of 1823, Chapter 224, provided that the double taxes arising on the lands of Walter Sims, deceased, in Hawkins County which lands had been sold and purchased for the benefit of the state, were remitted, and the heirs and legatees of the said Walter Sims were given until the next meeting of the general assembly to redeem the same by paying the single tax due, plus 10% interest.

6. Private Acts of 1829-30, Chapter 208, stated that the quarterly court of Hawkins County at their first session in January, 1830, might, at their discretion, lay a tax for the year 1830, and every year thereafter as long as may be necessary, to revise a sum sufficient to build a courthouse which tax shall not be more than double the state tax. Nicholas Fain, George Hale, William Simpson, John Mitchell, James Young, James Sanders, and Dick Alexander were named commissioners whose duty it was to procure and award a contract to build the said courthouse at Rogersville and to supervise the work as it was in progress. Private Acts of 1831, Chapter 4, repealed that part of the former act which authorized the building of a courthouse and the laying of a tax therefor in Hawkins County, and which required the sheriff to pay over the tax money to the trustee and the sheriff is now instructed to pay the tax money over to the commission who were supervising the building of the courthouse.
7. Private Acts of 1857-58, Chapter 131, extended its benefits to Hawkins County to require the county to classify roads and to assess taxes upon all the property and polls in the county to be used for keeping up the roads.
8. Private Acts of 1865-66, Chapter 74, gave to the tax collector of Marion County an extension of time until June 1, 1866, to collect and pay over the state and county tax for the year 1865. Section 3 extended all the benefits and privileges of this act to the revenue collector of Hawkins County.
9. Public Acts of 1869-70, Chapter 82, authorized and made it the duty of the revenue collectors of Hawkins County to take up all railroad tax receipts for county subscription to the stock of the Rogersville and Jefferson Railroad which were obtained prior to the funding of the railroad debt of Hawkins County.
10. Public Acts of 1870-71, Chapter 50, exempted Hawkins County from the provision of this act which authorized several counties and incorporated towns in the state to impose taxes for county and corporation purposes.
11. Acts of 1909, Chapter 81, authorized and empowered the county court of Hawkins County to divert and apply all that part of the county tax properly arising from the assessment of railroads in Hawkins County to the payment of the principal or interest of any turnpike bonds said county may now or hereafter owe.
12. Private Acts of 1931, Chapter 223, created the office of delinquent poll tax collector for Hawkins County and provided the fees of said officer and how said office was filled. This act was amended by Private Acts of 1931, Chapter 518, by limiting the duty of the delinquent poll tax collector. Private Acts of 1931, Chapter 223, was repealed by Private Acts of 1931, Chapter 757.
13. Private Acts of 1999, Chapter 59, levied a privilege tax on the occupancy of any room, lodgings or accommodations furnished to transients. This act failed to receive local approval.

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