



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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Chapter IV - Boundaries

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

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

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Chapter IV - Boundaries

Creation of the County

Acts of 1797 Chapter 8

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

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

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

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

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

SECTION 5. That before the said commissioners shall take into their hands any of the monies directed to be collected by this act, they shall enter into bond in the sum of fifteen hundred dollars, payable to the governor for the time being, and his successors in office, for the use of the said county of Cocke, conditioned for the faithful discharge of the trust reposed in them.

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

SECTION 7. That the sheriff of Jefferson county is hereby authorized to collect all monies due on judgments or executions, entered up in the county of Jefferson, prior to the passing of this act, and that

all proceedings now pending in the county of Jefferson shall be proceeded on, and determined in the same manner as if this law had not been passed.

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

October 9, 1797.

Change of County Lines

Acts of 1799 Chapter 13

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

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

Passed: January 2, 1799.

Acts of 1811 Chapter 41

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

Passed: October 22nd, 1811.

Acts of 1811 Chapter 110

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

Passed: November 19th, 1811.

Acts of 1817 Chapter 23

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

Passed: October 11th, 1817.

Acts of 1827 Chapter 177

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

Passed: December 11, 1827.

Boundaries - Historical Notes

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

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

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

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

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

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

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