



May 19, 2024

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# Knox

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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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# Knox



Knox County Courthouse

**COMPILER'S NOTE:** In addition to Private Acts, the Knox County Charter must be consulted when making decisions about whether or not an Act is still enforceable.

**Revised By:** Ronald E. Fults, Chief Legal Consultant, 2003

**Edited By:** Elaine Turner, 2003

**Reviewed By:** Office of Knox County Law Director, Mike Moyers, Law Director, 2003

**Updated By:** Stephen Austin, Legal Consultant, 2013

## Chapter I - Administration

### County Register

### Subdivision Maps

### Private Acts of 1919 Chapter 32

**COMPILER'S NOTE:** This act may be superseded by general law regarding regional and municipal planning at T.C.A. §§ 13-3-402, 13-3-404, 13-4-302 and 13-4-304.

**SECTION 1.** That all owners of land which has been subdivided or plotted into lots in counties of the State of Tennessee having a population of not less than 94,000 or more than 120,000, according to the Federal Census of 1910, or any subsequent Federal Census, shall, where any lot has been sold out of any such subdivision, within ten days thereafter, record in the Register's office of such county the plot or map showing such subdivision of said land so the engineer of said county or municipality can examine the same and ascertain accurately its location and also so that the tax assessor of such county may properly assess the same for taxes.

**SECTION 2.** That any person, firm or corporation failing to comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction, shall be fined as in cases of other misdemeanor.

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

Passed: January 23, 1919.

## Historical Structure

### Public Acts of 1989 Chapter 416

**SECTION 1.** No owner may demolish any residential structure which meets all of the following criteria unless the county or municipal legislative body, as provided herein, approves by majority vote such demolition:

- (1) The residential structure was originally constructed before 1865;
- (2) The residential structure is reparable at a reasonable cost; and
- (3) The residential structure has a historical significance besides age itself, including but not limited to uniqueness of architecture, occurrence of historical events, notable former residents, design by a particular architect, or construction by a particular builder.

If such property is located within the boundaries of a municipality, the municipal legislative body shall approve the demolition and no such county approval shall be required. If such property is located outside the boundaries of a municipality, the county legislative body shall approve the demolition.

If approval is not granted, the county or municipality shall proceed with a condemnation proceeding as provided in Tennessee Code Annotated, Title 29, Chapter 17, or purchase the property in question within a reasonable period of time which shall not exceed ninety (90) days.

**SECTION 2.** This act shall apply in any county having a population of more than three hundred thousand (300,000) according to the 1980 Federal Census or any subsequent Federal Census and shall be inapplicable to such residential structures within the right-of-way of projects administered by the Department of Transportation whenever a determination has been made that such structures are of historical significance and plans for their disposition or preservation have been coordinated with and concurred in by the State Historic Preservation Officer of the Tennessee Historical Commission.

**SECTION 3.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 22, 1989.

## Library System

### Public Acts of 2003 Chapter 99

**SECTION 1.** Tennessee Code Annotated, Section 10-3-103, is amended by adding new subsection (c), as follows:

Notwithstanding any other law to the contrary, in any county with a population not less than three hundred eighty-two thousand (382,000) nor more than three hundred eightythree thousand (383,000) according to the 2000 federal decennial census or any subsequent federal census, and which has adopted a charter form of government in accordance with title 5, chapter 1, part 2, et seq., such county, by a two-thirds (2/3) majority vote of the membership of its legislative body, may vest supervisory authority over the public library system with the county executive. The county executive in such county shall exercise all powers which would otherwise be exercised by the county library board pursuant to § 10-3- 104. A county library board shall be retained in such county in accord with the provisions of this section, but shall serve in an advisory capacity to the county executive.

**SECTION 2.** This act shall take effect upon becoming a law, the public welfare requiring it, and shall be null and void and cease to have any effect on April 30, 2006.

Passed: April 24, 2003.

## Retirement/Disability Compensation

### Private Acts of 1967-68 Chapter 246

**COMPILER'S NOTE:** This act is referenced in Article VI of the Knox County Charter. The charter states the intent to continue the system as established by the private act, but under the authority of the charter. Some provisions of this private act are superseded by Article VI of the Knox County Charter.

**SECTION 1.** That there is hereby created a system of pension and/or retirement, insurance, compensation, and benefits for all elected and/or appointed officials and employees of Knox County, including all departments and agencies, Boards or Commissioners, and employees of the Hillcrest Medical Nursing Institute, Inc.

As amended by: Private Acts of 1975, Chapter 91

**SECTION 2.** Be it further enacted, that the County Executive, four (4) members of the Knox County Commission to be selected by a majority vote of the membership of the Knox County Commission and four (4) representatives of the Knox County Employees League, said representatives to be elected by a majority vote of all of the members of the Knox County Employees League, shall hereby constitute a commission to be known as the Knox County retirement and Pension Commission.

The Retirement and Pension Commission shall, by majority vote, select one of its members as Chairman and one of its members as Secretary. The Chairman and Secretary shall serve for a term of one (1) year and each shall be selected at the first meeting of the Commission of each calendar year. A majority of the members of the Commission shall constitute a quorum, and all action taken by the Commission shall be affirmative by a majority of the Commission. The Commission shall meet at least once each month, and the Commission may meet in special session upon call by majority vote of the membership of the Retirement and Pension Commission. Members of the Commission shall serve without compensation as members of the Commission, but members of the Commission shall be reimbursed for any actual expenses incurred by them for the performance of their duties subject to the approval of the Knox County Executive. Membership on the Retirement and Pension Commission shall in no way prohibit participation by said members in the Retirement fund or any other retirement fund.

As amended by: Private Acts of 1969, Chapter 26  
Private Acts of 1980, Chapter 282

**SECTION 3.** That the intent of this Act is to empower the Knox County Retirement and Pension Commission to design and adopt and place into effect a financially sound retirement system. Be it further enacted that the Knox County Retirement and Pension Commission shall be empowered to employ the services of legal counsel, investment consultants, actuary consultants, and the services of others which, at the sole discretion of the Commission, may be necessary to maintain a soundly designed administrated and financed pension system.

The Commission shall also have complete control over the administration of the system. The Commission shall be empowered to define all terms and further empowered to rule on all specifications necessary for the design of the plan such as but not limited to: the purpose, the effective date of the system, the eligibility of employees as to membership in the retirement system, administration, contributions of the employees and Knox County on a matching fund basis, prior service, back service, and method of payment of same; military service, refund of members' contributions, service retirement, optional retirement, compulsory retirement, involuntary retirement, service retirement allowance, optional

allowance on service retirement, ordinary disability retirement, ordinary disability retirement allowance, benefit for disability in line of duty, benefit for death in the line of duty, benefit for death not in the line of duty, recovery from the reexamination for disability, indeterminate period of service, group insurance, constitutionality, credited services, base earnings, excess earnings, average base earnings, average excess earnings, normal retirement date, beneficiary contingent annuitant, et al. The Retirement Commission is further empowered to perform all the other necessary acts to fulfill all requirements necessary to administer the retirement pension fund.

**SECTION 32.** Notwithstanding provisions of Section 3 to the contrary, employees of the Hillcrest Medical Nursing Institute, Inc. may become members of the system, provided Hillcrest Institute pays, under such terms and conditions as may be directed by the Retirement and Pension Commission, the cost determined to be necessary to maintain an actuarially sound retirement system, including the cost of granting time for past employment, the employer contribution for current wages, and the cost of all actuarial studies related to Hillcrest Institute employees.

As amended by: Private Acts of 1975, Chapter 91

**COMPILER'S NOTE:** Private Acts of 1975, Chapter 91 amended Section 3 and designated that the amendment should be labeled as "Section 32."

**SECTION 4.** That the Commission shall prepare and publish an annual financial report showing all receipts, disbursements, and liabilities of the system. All proceedings and records of the Commission shall be open and available for inspection by the public at all times. The pension fund shall be treated as any other fund and the County Auditor as such shall perform his duties accordingly.

**SECTION 5.** *Corrections of Errors.* That any change in records, or errors resulting in any members, survivors, beneficiaries, and et al, receiving from the system more or less than he or she would have been entitled to receive had the records been correct or had the error not been made, the Commission, upon discovery of such error, shall correct the error by adjusting, as far as practical, the payments in such a manner that the benefits to which the members, survivors, beneficiaries, et al are correctly entitled shall be paid.

**SECTION 6.** That after the completion of the system as designed by the Retirement and Pension Commission, said system shall be submitted for its approval to the Knox County Board of Commissioners, who shall appropriate funds of Knox County annually, sufficient to maintain the system on an actuarially sound basis. Also, after the completion of the system as designed by the Retirement and Pension Commission, all benefits payable to retired members, survivors, beneficiaries, et al, shall continue unimpaired, and such benefits shall be an obligation of the Retirement System and Knox County.

As amended by: Private Acts of 1969, Chapter 26

Private Acts of 1980, Chapter 282

**SECTION 7.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

**SECTION 8.** *False Statements--* That any person who shall knowingly make any false statements or shall falsify or permit to be falsified any record or records of the system in any attempt to defraud the system shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

**SECTION 9.** That this Act shall become effective on and after its approval by a two-thirds (b) vote of the membership of the Quarterly County Court of Knox County. Its approval or non-approval shall be proclaimed by the Chairman of the Quarterly County Court of Knox County, Tennessee and shall be certified by him to the Secretary of State.

**SECTION 10.** That this Act shall take effect immediately from and after the day of passage, the public welfare requiring it.

Passed: May 23, 1967.

## Public Defenders

## Public Acts of 1990 Chapter 964

WHEREAS, the Sixth Judicial District, being Knox County, is the only judicial district without a Public

Defender; and,

WHEREAS, it is the intent of the General Assembly to create the position of District Public Defender for the Sixth Judicial District and to make such position a part of the District Public Defender Conference, with the same duties, responsibilities, privileges and staff assistance as other District Public Defenders.

**SECTION 1.** Tennessee Code Annotated, Section 8-14-202(a) is amended by deleting the word "sixth".

**SECTION 2.** Effective September 1, 1990, there is created the position of District Public Defender for the sixth judicial district. At the regular August election in 1990 the qualified voters of the sixth judicial district shall elect a person to the position of District Public Defender for a full eight (8) year term. The person elected to such office shall possess the same qualifications, powers and duties, and shall receive the same compensation, payable in the same manner, benefits, emoluments dignity of office and staff assistance as is required or provided by law for other District Public Defenders.

**SECTION 3.** Notwithstanding any provision of law to the contrary, the times for the filing of qualifying petitions for candidates for the office of District Public Defender for the sixth judicial district shall be modified if necessary by the county election commission in the sixth judicial district so that such names may be placed on the ballot in the regular 1990 elections.

**SECTION 4.** This act shall take effect upon becoming law, the public welfare requiring it.

Passed: April 12, 1990.

## Tennessee Technology Corridor High Technology Development Authority

### Private Acts of 1983 Chapter 148

**COMPILER'S NOTE:** This act is superseded by the Knox County Charter, Section 14-27 through 14-39, pursuant to T.C.A. § 5-1-120, subject to continuation by ordinance of the Knox County Commission. This act was reproduced rather than placed in the historical notes due to its importance and possible continuation by ordinance.

**SECTION 1.** Short Title - This act shall be known and may be cited as the "Tennessee Technology Corridor Development Authority Act."

**SECTION 2.** Legislative Findings - Public and governmental character of High Technology Development Authorities - Declaration of Public Necessity.

a. It is declared that a clear need exists in a specific area of Knox County, Tennessee, for improved management of the natural and manmade resources required for the attraction, expansion and continued support and nurture of high technology-based economic development and the subsequent creation and expansion of employment opportunities for all of Tennessee's citizens through the promotion of high technology business development. To this end, it shall be the purpose of this act to place physical development review responsibilities and other powers specified herein in a specially designated body, and that such body shall have the authority to exercise said powers to more effectively manage the natural and manmade resources to effect the location, expansion and support of high technology business development within the specific geographic area designated by this act.

b. It is further declared that the Tennessee Technology Corridor Development Authority created pursuant to this act shall be a public and governmental body acting as an agency and instrumentality of Knox County; and that the responsibilities, management authority, and other powers designated herein are declared to be for public and governmental purpose and a matter of public necessity. The property and revenues of the authority or any interest therein shall be exempt from all state, county and municipal taxation.

**SECTION 3.** Definitions. The following words or terms whenever used or referred to in this act shall have the following respective meanings unless different meanings clearly appear from the context:

- a. "Authority" shall mean the Tennessee Technology Corridor Development Authority created pursuant to the provisions of this act.
- b. "Governing Body" shall mean the chief legislative body of Knox County, or the chief legislative body of the City of Knoxville, as noted.
- c. "Board" shall mean the Board of Commissioners of the Authority.
- d. "Municipality" shall mean any city or county government having jurisdiction within the



geographical area of the Authority as designated by this act.

e. "State" shall mean the State of Tennessee.

f. "High Technology Business" shall mean any public or private enterprise engaged in the research, development, production or support of new or emerging products or processes through the application of advanced technology in new or rapidly expanding markets, or any other business deemed by the Board to be compatible with such businesses. g. "Planning Commission" shall mean the Knoxville/Knox County Metropolitan Planning Commission or any successor planning commission. h. "Technology Corridor" shall mean that geographical corridor described at Section 5(b) of this act.

As amended by: Private Acts of 2011, Chapter 9

**SECTION 4.** Authority Established - Purposes.

a. There is established in Knox County, Tennessee, a high technology development authority to be known as the "Tennessee Technology Corridor Development Authority".

b. The Authority shall be established for the purposes of:

(1) Developing and adopting jointly with the Planning Commission a comprehensive development plan for the Tennessee Technology Corridor as delineated elsewhere in this act.

(2) Developing, adopting, and administering site design and development standards in cooperation with the Planning Commission for the Technology Corridor to insure a high quality living and working environment conducive to the requirements of high technology business.

(3) Effecting sound development of the designated area through the financing, construction, renovation or modification of public service facilities in cooperation with the municipalities and utility districts as deemed necessary and appropriate for the location, siting, maintenance, and support of high technology business development.

(4) Acquiring, holding, improving, managing, and disposing of lands within the designated area which are suitable for the various purposes herein set forth and for use by research and development, manufacturing, processing or fabricating plants, or other businesses, industries or institutions which, by their advanced technological nature and siting requirements seek a location within the designated area.

**SECTION 5.** High Technology Overlay Zone, Establishment, Definition, Delineation.

a. In order to accomplish the purpose of this act, a High Technology Overlay Zone shall be established by the governing body within which the Authority shall exercise powers described herein to effect the purposes of this act. The powers described shall be exercised in cooperation with the governing body through its zoning authority and other police powers. The governing body's zoning resolution shall be amended to establish a high technology overlay zone in accordance with the provision of its zoning resolution and the general law of the state. Where design and development standards, regulations, policies, and procedures are adopted for the High Technology Overlay Zone by the Authority pursuant to this act, said standards, regulations, policies and procedures shall apply, provided that, the permitted and prohibited property uses, zoning, land management procedures and regulations otherwise applicable within the county shall also apply.

b. The geographic area defined as the Tennessee Technology Corridor and over which the authority shall exercise its powers shall be that portion of Knox County:

Beginning at a point on Interstate 40 which is 1000 feet east of the exit to Pellissippi Parkway (State Route 162); thence N. 21 degree 30" W. 5300 feet to the intersection of Dughtown Drive and Bob Kirby Road; thence north with the centerline of Bob Kirby Road to its intersection with Fox Drive (Chesney Road); thence west with the centerline of Fox Drive (Chesney Road) its intersection with Hickey Road; thence north with the centerline of Hickey Road to its intersection with Lovell Road; thence west with the centerline of Lovell Road to its intersection with the eastern right-of-way of Plumb Ridge Road; thence north with said right-of-way to its intersection with the southeast boundary of Wood Creek Subdivision; thence east with said boundary; thence north with northeast boundary of Wood Creek Subdivision; thence west with the northwest boundary of Wood Creek Subdivision; thence west with the northwest boundary of Wood Creek Subdivision approximately 1150 feet to a back corner of Lot #13; thence N. 40 degree W. 2800 feet to the intersection of Reagan Road and Hardin Valley Drive; thence north with the centerline of Reagan Road to its intersection with Coward Mill Road; thence east with the centerline of Coward Mill Road to its intersection with the Louisville and Nashville Railroad tracks; thence north with the centerline

of the Louisville and Nashville Railroad tracks; to the vicinity of Emory Road; thence with the centerline of Solway-Byington Road to a point 1000 feet east of the right-of-way of the Pellissippi Parkway (State Route 162); thence north maintaining a distance of 1000 feet from said right-of-way to the jurisdictional boundaries of Knox and Anderson County, Tennessee, at Melton Hill Reservoir (Clinch River); thence west with the Knox County boundary to a point 1000 feet west of the right-of-way of the Pellissippi Parkway (State Route 162); thence south maintaining a distance of 1000 feet from the said right-of-way until it intersects Beaver Creek; thence with the centerline of Beaver Creek, south to its intersection with Sam Lee Road; thence south with the centerline of Sam Lee Road 2200 feet; thence S. 38 degree 30" E. 3750 feet to Hardin Valley Road; thence S. 42 degree E. 3750 feet to the intersection of Chestnut Grove Road and Carmichael Road; thence south with the centerline of Carmichael Road to its intersection with Yarnell Drive; thence east with the centerline of Yarnell Drive 950 feet; thence S. 43 degree E. 5450 feet (crossing Snyder Drive) to the intersection of Lovell Road and Progressive; thence south with the centerline of Progressive to its intersection with Dutchtown Road; thence west with the centerline of Dutchtown Road to its intersection with Lovell Road and its exit from Interstate 40; thence east with centerline of Interstate 40 to the point of beginning.

Any modification of the boundaries of the corridor shall be made by amendment of the act upon concurrence of the governing body and the approval of the Authority.

As amended by: Private Acts of 1984, Chapter 229

**SECTION 6.** High Technology Development Authority - Sanctioning Authority - Governing Board - Members - Appointment - Terms.

a. The governing body of the Authority shall be a board of commissioners established in accordance with the terms of this act and charged with the promotion and support of high technology-based economic growth for the Tennessee Technology Corridor in the State of Tennessee.

b. The Board of Commissioners shall be composed of seven members, five of whom shall be nominated by the Governor of the State upon recommendations received from the chief executive of Knox County, and approved by a majority vote of the governing body of Knox County, and one who shall be appointed by the Governor. No person, whether or not a land owner or developer, with any property interest in any property within the Technology Corridor shall be nominated for, or appointed to serve, as a commissioner. One member shall be a member of the governing body of Knox County who shall be appointed by the governing body of Knox County, and at least one commissioner shall be from private business and one from an educational or research institution. The term of office of the member appointed by the Governor shall coincide with the term of office of the Governor, and the term of office of the member of the governing body of Knox County shall coincide with his term of office on the governing body. The remaining commissioners shall serve terms of five years which terms of office shall begin not more than one month after ratification of this act by the governing body of Knox County. Commissioners first appointed to the Board shall be appointed for terms of one, two, three, four and five years respectively, but thereafter each commissioner shall be appointed for a term of five years except as otherwise provided herein. All commissioners shall be residents of the State and all except the commissioner appointed by the Governor shall be residents of Knox County, Tennessee. Any vacancy by reason of non-residency, incapacity, resignation or death shall be filled in a like manner for the unexpired term. Commissioners shall be eligible for reappointment by the governing body of the county upon recommendation by the chief executive of Knox County and nomination by the Governor, and the commissioner appointed by the Governor, and the commissioner appointed by the governing body of Knox County, shall also be eligible for reappointment, if so appointed by the Governor or the governing body of the county respectively. A resolution of the governing body approving the nominees to the initial Board of Commissioners shall be filed along with notice of ratification with the Secretary of State for the State, after receipt of which the Authority shall be authorized to commence to conduct business.

As amended by: Private Acts of 2011, Chapter 9

c. All members of the Board of Commissioners shall serve as such without compensation, but may be allowed necessary expenses while engaged in the business of the Authority, as may be provided and approved by the Board of Commissioners, payable from the funds of the Authority.

As amended by: Private Acts of 2011, Chapter 9

d. The Board of Commissioners shall elect from its members a Chairman and Vice-Chairman, each of whom shall continue to be voting members, and shall adopt its own by-laws and rules of procedures. A majority of the commissioners shall constitute a quorum for the transaction of business. Except as herein expressly otherwise specified all powers granted to the authority shall be

exercised by its Board.

e. A commissioner may be removed from office for good cause including voting in matters of personal interest in violation of Tennessee Code Annotated 12-4-101, but only after notice of the cause of such removal has been served upon the commissioner, in accordance with Article 7, Section 1 of the Tennessee Constitution, Tennessee Code Annotated 12-4-102, and the general law.

**SECTION 7.** General Powers. The authority shall have all powers necessary to accomplish the purpose of this chapter (excluding the power to levy and collect taxes and special assessments) including, but not limited to, the following:

- a. To have perpetual succession, to sue and be sued, and to adopt a corporate seal;
- b. To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of the Tennessee Technology Corridor delineated elsewhere in this act, all facilities, equipment, and appurtenances necessary or convenient to the promotion, expansion, retention, nurture, and support of high technology-oriented economic development, and to charge for their use and for any and all services performed by the Authority, provided however, that the Authority shall have no power or control over land or facilities under control of any public utility created by general or special acts; provided, however, all construction proposed by the authority to be undertaken, in whole or in part, with state funds shall be submitted to the State Building Commission for review and no such construction shall be undertaken by the Authority without the advance approval of such commission.
- c. To accept donations to the Authority of cash, lands, or other property to be used in the furtherance of the purposes of this act, and to accept grants, loans, or other financial assistance from any federal, state, or local government or other sources, or in aid of the acquisition or improvement of any of the facilities described herein provided, however, that the acceptance of Federal or State assistance does not pre-empt grant monies otherwise available to Knox County.
- d. To purchase, rent, lease or otherwise acquire and to sell, transfer, manage, or otherwise dispose of any and all kinds of property, real, personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances which, in the judgment of the Authority's commissioners, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include the acquisition of lands within the Technology Corridor which are suitable for or deemed necessary by the Authority pursuant to its purposes for use by or support of high-technology businesses and industries provided, however, said acquisition shall be made upon approval of the governing body, which may impose in-lieu-of tax payment on the Authority, until ad valorem taxes shall be levied.
- e. To make contracts and execute instruments containing such covenants, terms and conditions as in the judgment of the Board of Commissioners may be necessary, proper, or advisable for the purpose of carrying out its functions including, but not limited to, agreements for obtaining grants, loans, or other financial assistance from federal, state or local governments or agencies thereof or other sources for the accomplishments of the purposes of this act and the acquisition or improvement of facilities as herein provided; and to make contracts and execute such instruments including, without limitation, licenses, long or short term leases, mortgages, and Deeds of Trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair and improvement thereof, as in the judgment of the Board of Commissioners may be necessary, proper or advisable for the furtherance of the purposes of this act.
- f. To establish schedules of fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render;
- g. To enter upon any lands, waters, and premises for the purpose of making surveys, inspections, and evaluations in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided, or for the effective performance of its duties performed in accordance with paragraph (j) of this part;
- h. To promulgate and enforce such rules and regulations as the Board of Commissioners may deem proper for the orderly administration of the Authority and the efficient operation of its facilities;
- i. To adopt and oversee implementation of a comprehensive development plan comprised of land use, public facilities, and capital improvement plans for the entire High Technology Overlay Zone in cooperation with local planning bodies for the purpose of developing a systematic land management policy and guidance for any person in the development process;
- j. To serve as a review board for the purpose of accepting, considering, approving or denying

applications for "certificates of appropriateness" as defined herein, prior to action on requests for rezoning or variance from the provisions of the zoning regulations in effect within the High Technology Overlay Zone, and prior to action on applications for building or grading permits within the High Technology Overlay Zone by any person authorized to issue such permits for the County of Knox or any municipality in order to insure that development within the zone is consistent with the policies and plans of the Authority; and to administer and enforce such developmental standards, regulations and related rules and procedures as the Board of Commissioners may adopt from time to time for the review and consideration of applications for such certificates, provided, however, that such standards, regulations and rules and procedures are first approved by the governing body for Knox County.

k. To employ and fix the compensation of an Executive Director and such staff as the Board of Commissioners deems necessary, who shall serve in the employment of the authority at the will and pleasure of the Board of Commissioners; and to employ, contract with and fix compensation for such architects, attorneys, accountants, planners, engineers, consultants and other professionals as may be necessary for the efficient operation of the Authority, and the operation of facilities under its control.

l. To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this act.

**SECTION 8.** Application for Permits for Construction in High Technology Overlay Zone - Certificates of Appropriateness.

All Applications for rezoning or variances from the provisions of adopted zoning ordinances, or for permits for construction, alteration, repair, rehabilitation, or relocation of a building, structure or other improvements to real estate situated within the High Technology Overlay Zone, shall be reviewed by the Board of Commissioners, which shall have broad powers to request detailed plans and related data pertinent to thorough review of the proposal. No rezoning or variance to zoning provisions shall be granted, nor shall construction, alteration, repair, rehabilitation or relocation to any building, structure or other improvement to real property situated within the High Technology Overlay Zone be performed without the issuance of a certificate of appropriateness by the Board of Commissioners. No building permit issuing authority in Knox County shall issue any such permit for new structure or improvements within the High Technology Overlay Zone without issuance of a certificate of appropriateness by the Board of Commissioners or by the governing body on appeal as provided in Section 11.

**SECTION 9.** Issuance or Denial of Certificate of Appropriateness - Guidelines.

a. The Authority shall, as soon as it is reasonably possible, but in all cases within 60 days following the initial consideration of an application by the Authority, meeting in regular session, grant a certificate of appropriateness with or without attached conditions, or deny the certificate, and shall state the grounds for denial in writing. In its review of applications for certificates of appropriateness, the Authority shall apply its adopted review criteria and standards, rules and regulations and give prime consideration to:

1. The proposed structure's or development's consistency with the comprehensive development plan and development standards jointly adopted by the Authority, the Planning Commission, the chief legislative body for Knox County and the chief legislative body for the City of Knoxville for the High Technology Overlay Zone;
2. The relationship of the proposed development's design or the proposed structure's exterior architectural features to the surrounding area and/or the character of the entire overlay zone;
3. The general compatibility of the structure or development proposal and its projected impacts on development already in the vicinity of the proposal, as well as those projected and reflected in the adopted comprehensive plan for the zone; and
4. Any other factor, including functional and/or aesthetic, which is reasonably related to the purposes of this act.

As amended by: Private Acts of 2011, Chapter 9

b. Failure by the Authority to act on an application within the time required herein shall constitute approval of the certificate, provided, however, that an extension may be granted upon concurrence of the applicant.

**SECTION 10.** Agricultural Structures, Residential Structures and Incorporated Areas of Farragut and Knoxville Excluded. The structures, facilities and land uses identified herein shall not be required to apply for a certificate of appropriateness from the Tennessee Technology Corridor Development Authority;

- a. Agricultural uses and structures or appurtenances located in an agricultural zone and used solely for the production of products for sale to wholesale or retail markets and not part of or functionally related to manufacturing, commercial, or industrial enterprises within the designated High Technology Overlay Zone.
- b. Residential structures when such structures are located within subdivisions approved by local planning commissions or otherwise permitted by the general law. Medium and high density residential developments, as defined by the Knoxville-Knox County General Plan, or its successors, shall not be exempt.
- c. All uses within incorporated areas of Farragut and Knoxville defined by the jurisdictional boundaries at the time of enactment of this private act. Areas annexed by any municipality subsequent to enactment of this private act shall not be exempt.
- d. Nothing contained in this act shall be construed to require any change, or limit in any way any existing use of land permitted by any zoning in effect at the time of the enactment of this act.

As amended by: Private Acts of 2011, Chapter 9

**SECTION 11. Appeal of Authority Actions.**

Any interested party who is aggrieved by any action of the Board of Commissioners of the Authority including the approval or denial of a certificate of appropriateness may appeal its decision to the governing body for Knox County, or the governing body for the City of Knoxville, as appropriate, by filing an appeal on the designated form and paying such filing fee as may be required within 30 days of the action of the Board of Commissioners. The action that is appealed may be overruled by an affirmative majority vote of the appropriate governing body. All appeals shall be heard within 60 days of filing of application for appeal. Appeal from the action of the appropriate governing body shall be by Writ of Certiorari as provided in the general law and shall be filed Within 30 days of such action.

As amended by: Private Acts of 2011, Chapter 9

**SECTION 12. Enforcement of Tennessee Technology Corridor Development Authority Decisions.**

In case any building or structure is erected, constructed, reconstructed, altered, maintained, or used, or any land is used in violation of this act or of any regulation or provisions enacted or adopted by the Authority under the powers granted by this act, the Board of Commissioners, the Attorney General, the District Attorney for the judicial circuit in which such violation occurs, or is occurring, the appropriate governing body's chief official for code administration and inspection, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

As amended by: Private Acts of 2011, Chapter 9

**SECTION 13. Construction of Act.**

- a. The powers, authority, and rights conferred by this act shall be in addition and supplemental to any other general, special or local law conferring powers to counties, industrial development corporation or port authorities, and the limitations imposed by this act shall not affect the powers conferred to any county, industrial development corporation or port authority created by any other general, special or local law.
- b. This act is remedial in nature, and shall be liberally construed to effect its purposes of promoting high technology-based economic development within and in proximity to the Tennessee Technology Corridor as defined herein, facilitating the attraction, siting, and support of high technology industries in Knox County, and encouraging the effective utilization of the natural, educational, and technological resources therein to the ultimate growth and development of commerce and industry in said counties and throughout the State of Tennessee.
- c. Nothing in this chapter shall grant any power or control to the Authority Board over any land or facilities now under the control of any existing authority or public utility created by general or special act.
- d. Nothing in this chapter shall be construed to prevent the extension of the Technology Corridor into other counties by adoption of similar legislation for such counties, and upon adoption of such legislation this act should be amended to provide for participation by representatives of that county or those counties on the Board of Commissioners by the appointment of additional members of the Board from either that county or those counties, and by providing for the governing body of such county to serve in all respects as the governing body for the development in such county.
- e. If any of the provisions of this act or the application thereof to any person or circumstance is

held invalid, the invalidity does not effect the other provisions or applications of this act which can be given effect without the invalid provision or application, and for that purpose the provisions of this act are separable.

**SECTION 14.** The Tennessee Technology Corridor Development Authority shall be subject to audit by the Comptroller of the Treasury in the manner established by the provisions of Tennessee Code Annotated, Section 8-4-109, for audit of state agencies.

**SECTION 15.** Ratification.

This act shall have no effect unless it is approved by a two-thirds vote of the governing body for Knox County. Its approval or nonapproval shall be proclaimed by the presiding officer of the governing body and certified by the presiding officer to the Secretary of State.

**SECTION 16.** Effective Date.

For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it; for all other purposes it shall be effective upon being approved as provided in Section 15.

Passed: May 12, 1983.

## Administration - Historical Notes

### County Attorney

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

1. Private Acts of 1931, Chapter 224, amended, Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Clerk at \$5,000 per annum.

### County Mayor

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

1. Public Acts of 1857-58, Chapter 38, created and regulated the office of county judge in Knox County.
2. Public Acts of 1887, Chapter 148, created and regulated the office of county judge for Knox County. This act was amended by several acts, the first of which was Private Acts of 1911, Chapter 46, which provided for the payment quarterly to the county judge of Knox County for ex-officio services rendered, and to fix limitations on the amount to be paid. Private Acts of 1917, Chapter 528, increased the salary of the county judge to \$3,600 per annum and provided a fixed sum in lieu of extra compensation for ex-officio services. Private Acts of 1927, Chapter 719, amended Public Acts of 1887, Chapter 148, by striking out the provision which provided a fixed sum to the county judge in lieu of extra compensation for ex-officio services and provided that the county judge be paid monthly instead of quarterly. Private Acts of 1941, Chapter 223, amended Public Acts of 1887, Chapter 148, by restoring the provision that provided a fixed sum in lieu of extra compensation for ex-officio services and increased the salary of the county judge to \$5,000 per annum. Finally, Private Acts of 1951, Chapter 79, repealed the previous amending acts to Public Acts of 1887, Chapter 148, and increased the salary of the county judge to \$7,500 per annum. Section 4 of Private Acts of 1951, Chapter 79, was found constitutional in Bayless v. Knox County, 199 Tenn. 268, 286 S.W. 2d 579 (1955).
3. Private Acts of 1919, Chapter 61, authorized the county judge of Knox County to employ a clerk for his office and to appropriate and pay out of the county funds compensation for such clerk, fixed his salary and defined his duties. This act was amended by Private Acts of 1943, Chapter 323, which increased the salary of the clerk to \$150 per month. Private Acts of 1978, Chapter 169, repealed both Private Acts of 1919, Chapter 61 and Private Acts of 1943, Chapter 323.
4. Private Acts of 1951, Chapter 96, provided for the county judge or county chairman to employ and determine the compensation for a stenographer. This act was superseded by the Knox County Charter, Section 8.12.

### County Law Director

The following acts once affected the appointment, election, or office of the county attorney in Knox 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 1901, Chapter 228, was the first act creating the "full time position of Knox County Attorney," and it was one of the earliest of such acts in this state. The Knox County Attorney, under this act, was required to transact all the legal business of the county and to advise the county officials, for which he would receive a yearly salary of \$1,200. Acts of 1903, Chapter 260, amended this act by increasing the length in which the county attorney would serve to two years, before being reelected to the position by the quarterly county court. This act was repealed by Private Acts of 1939, Chapter 232, which abolished the county attorney's office, effective the first Monday in April, 1940.
2. Private Acts of 1937, Chapter 877, amended the general law to require the Knox County Attorney to file suits for the collection of delinquent taxes in chancery and circuit courts, with no additional compensation. This act was repealed by Private Acts of 1977, Chapter 101.
3. Private Acts of 1939, Chapter 207, made it a misdemeanor in office for any county official to pay the county attorney any compensation in excess of the \$1,200 annual salary set by statute. However, this act did provide that the county attorney's expenses could be paid if he presented an itemized statement of them, supported by the proper receipts, bills, invoices, etc. This act was repealed by Private Acts of 1977, Chapter 102.
4. Private Acts of 1939, Chapter 231, created the office of solicitor of Knox County, to be elected by the voters at each biennial election. The solicitor was to conduct the legal business of the county, at an annual salary of \$2,400, plus appropriate expenses. This was amended by Private Acts of 1959, Chapter 38, to raise his term of office to four years, his salary to \$6,000 annually, and to provide for the employment of an assistant solicitor. Private Acts of 1963, Chapter 52, was also amendatory to the county solicitor at \$4,200. These acts were repealed by Private Acts of 1967-68, Chapter 368.
5. Private Acts of 1967-68, Chapter 382, as amended by Private Acts of 1967-68, Chapter 488, Private Acts of 1980, Chapter 293, established the office of county law director for Knox County. This act is superseded by the Knox County Charter, Section 3.08, pursuant to T.C.A. § 5-1-210.
6. Private Acts of 1977, Chapter 101, expressly repealed Private Acts of 1937, Chapter 877, in its entirety, being properly ratified by the quarterly court of Knox County.
7. Private Acts of 1977, Chapter 102, which was ratified by the Knox County Quarterly Court on July 18, 1977, expressly repealed Private Acts of 1939, Chapter 207.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Knox 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 1792, Ordinance #4, provided that the court of pleas and quarter sessions in Knox County was to meet on the first Monday in February, May, August and November.
2. Acts of 1794, Chapter 8, provided that the courts of pleas and quarter sessions of Knox County be held on the last Mondays in January, April, July and October.
3. Acts of 1809, First Session, Chapter 93, changed the meeting dates of the Knox County Court of Pleas and Quarter Sessions to the first Monday in January, April, July and October.
4. Public Acts of 1829-30, Chapter 20, Section 2, authorized the Knox County Court to elect three justices to serve as a quorum court. The quorum court was allowed to levy a tax of \$1.00 on each suit in order to pay the quorum court justices.
5. Public Acts of 1857-58, Chapter 90, Section 4, provided that the Knox County Court have exclusive jurisdiction of all criminal offenses under the grade of petit larceny committed in Knox County. This act was amended by Public Acts of 1859-60, Chapter 120, which provided for the Knox County Court Judge to issue a writ of venire facias to the Knox County Sheriff for twenty-five citizens of the county to act as jurors in the trial of misdemeanors.
6. Private Acts of 1859-60, Chapter 62, changed the times for holding the Knox County Court, for the trial of misdemeanors, to the first Mondays in April, August and December. This act was repealed by Private Acts of 1978, Chapter 164.
7. Public Acts of 1901, Chapter 25, prohibited justices of the peace from having offices for the transaction of official business outside of their own civil districts, and prohibited them from associating themselves with justices of other districts in the discharge of official duties or business in Knox County. Private Acts of 1911, Chapter 323, amended this act by changing the population

requirements to correspond with Knox County's population figures from the 1910 Federal Census.

8. Private Acts of 1911, Chapter 350, provided that no county having a population of from 90,000 to 140,000 inhabitants by the Federal census of 1910 or any subsequent Federal census shall be liable for any cost or fee arising from the small offense law to any Justice of the Peace in any case tried and submitted before him unless the offense was committed within the civil district in and for which such Justice of the Peace was elected. Any violation of this act was deemed a misdemeanor, and on conviction, fined \$50 and removed from office. This act is superseded by general law abolishing the office of Justice of the Peace. See Public Acts of 1978, Chapter 934.
9. Private Acts of 1913, Chapter 289, set the per diem of members of the quarterly county court at \$4.00.
10. Private Acts of 1919, Chapter 43, was superseded by general law relating to the county legislative body and courts. See Public Acts of 1978, Chapter 934.
11. Private Acts of 1931, Chapter 474, amended the general statutes known as "The Insanity Law for State Hospitals" to provide that in Knox County inquisitions for lunacy could be held by any member of the quarterly county court, appointed by the county judge to act as county judge pro tempore. This act was repealed by Private Acts of 1977, Chapter 142.
12. Private Acts of 1945, Chapter 533, authorized the quarterly county court to pay its members compensation for attending committee meetings. This act was repealed by Private Acts of 1977, Chapter 113.
13. Private Acts of 1967-68, Chapter 205, set the per diem of members of the Knox Quarterly County Court at \$25. This was repealed by Private Acts of 1969, Chapter 123.
14. Public Acts of 1967, Chapter 258, set the salary of county commissioners in counties with a population of more than 100,000, according the Federal Census of 1960, at \$15,000 per annum. This act was amended by Public Acts of 1971, Chapter 281, which increased the salary to \$20,000. Public Acts of 1975, Chapter 289, further amended Public Acts of 1967, Chapter 258, by stating that the salary of the county commissioners shall not be less than the maximum annual salary paid to the county court clerk as provided in Tennessee Code Annotated.
15. Private Acts of 1969, Chapter 121, authorized the quarterly county court to appropriate money from the general fund to be used for the restoration, preservation, and operation of historical sites within the county. This act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
16. Private Acts of 1969, Chapter 123, increased the compensation to \$200 per month for members of the quarterly county court. This act is superseded by Knox County Charter, Section 2.04, pursuant to T.C.A. § 5-1-210.
17. Public Acts of 1969, Chapter 272, reapportioned the quarterly county courts of counties which had populations in excess of 200,000 according to the Federal Census of 1960.
18. Private Acts of 1975, Chapter 189, authorized appropriations from the general fund for the use and benefit of any private, non-profitable organizations to be used for reducing racial friction in the community, and for providing services to members of disadvantaged minority groups within the county. This act is superseded by Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

### **County Register**

The following acts once affected the office of county register in Knox County, but are no longer operative.

1. Private Acts of 1859-60, Chapter 191, legalized the acts of James Armstrong as the entry taker of Knox County, since the minutes of the county court did not show any action on the election of an entry taker.
2. Acts of 1909, Chapter 498, made it unlawful for any county register or deputy county register to record or enter any deed or instrument which conveyed or purported to convey the title in fee simple to any real estate upon the records of the register's office or to receive such deed or instrument for the purpose of recording or entering the same upon the records, unless such deed or instrument was firstly countersigned by the county tax assessor or his duly appointed deputy. Any county register or deputy county register who violated the provisions of this act would be fined not less than \$25 nor more than \$50. This act was superseded by the Knox County Charter, Section 8.12, subject to continuation by ordinance of the Knox County Commission.
3. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Register of



Deeds at \$5,000 per annum.

### **County Trustee**

The following acts once affected the office of county trustee in Knox County, but are no longer operative.

1. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) so as to set the salary of the Knox County Trustee at \$5,000 per annum.
2. Private Acts of 1933, Chapter 488, required county trustees to give one bond to the State of Tennessee for its own use and benefit of such county, in the sum of one-eighth of the taxes collected for the state and county, respectively, during the year prior to which such bonds were to be executed. This act is superseded by the Knox County Charter, Section 8.12 and general law at T.C.A. § 8-11-103 which authorizes county legislative bodies to require trustees to execute bonds in greater amounts than the minimum amount established by general law.
3. Private Acts of 1970, Chapter 297, authorized the trustee in counties having a population of not less than 240,000 nor more than 260,000 according to the Federal Census of 1960 or any subsequent Federal Census, to accept payment of property taxes in two (2) installments, the first being prior to December 1, and the second prior to March 1st. This act is superseded by the Knox County Charter, Section 8.12, subject to continuation by ordinance of the Knox County Commission.

### **Retirement/Disability Compensation**

The following private acts dealt with retirement or disability compensation of county officials or judges, but have been superseded by general law or the Knox County Charter.

1. Private Acts of 1925, Chapter 437, provided that any peace officer, either Sheriff, Deputy Sheriff, or Constable who becomes totally disabled or incapacitated while in the line of duty, upon proof be entitled to receive from, and be paid by the county, a pension at the rate of \$50 per month during such total disability incurred. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
2. Private Acts of 1953, Chapter 402, as amended by Private Acts of 1961, Chapter 369, Private Acts of 1963, Chapter 61, Private Acts of 1967-68, Chapter 203, Private Acts of 1969, Chapter 14, and Private Acts of 1970, Chapter 252, created a system of pensions and/or retirement, insurance, compensation and benefits for county judges, judges of the general sessions, and judges of juvenile, domestic relations, or juvenile and domestic relations courts, whose salaries while in service were paid out of the county treasury, and who have become disabled or reached retirement age. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
3. Private Acts of 1963, Chapter 255, authorized the Knox County to procure Workman's Compensation Insurance for county employees. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Knox 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 1797, Chapter 19, provided that the citizens of Knox County were allowed to hold two fairs in each year for the purpose of selling goods, wares and merchandise.
2. Acts of 1809, 1st Sess., Chapter 2, authorized the county court to elect "suitable persons" to settle with the commissioners who had previously been appointed to oversee the construction of the public buildings for Knox County.
3. Acts of 1812, Chapter 47, authorized the county court to sell to the president and directors of the state bank as much of the public lot in Knoxville as would be necessary to erect a "banking house."
4. Acts of 1817, Chapter 3, made it lawful for any of the courts of law in Knox County, required to hold terms in the courthouse in Knoxville before January 1, 1818, to adjourn from said courthouse to any other house in Knoxville.
5. Acts of 1817, Chapter 83, authorized the county court to sell the lot on which the county jail had been erected since it was located in the center of Knoxville, and was therefore a nuisance to the adjoining landowners and prohibiting the growth of the city.

6. Private Acts of 1826, Chapter 30, provided for the relief of William P. Cobb, and others, owning fish traps and dams in Holston River, in Knox and Grainger counties.
7. Private Acts of 1829-30, Chapter 284, authorized Rosanna Smith of Knox County to file a petition for divorce from her husband Ulyses G. Smith.
8. Private Acts of 1831, Chapter 64, appointed William Montgomery as the commissioner who was to receive all the papers of any justice of the peace who resigned, removed from his district, died or in any other way vacated his office.
9. Private Acts of 1831, Chapter 211, directed the Treasurer of East Tennessee to pay \$43.41 to the clerk of the supreme court at Knoxville for the costs due the sheriff, guards, jailor, clerk and attorney general of Knox County for the removal of Charles M'Nally from the jail in McMinn County.
10. Private Acts of 1831, Chapter 232, Section 3, directed the Treasurer of East Tennessee to pay \$190 to Absalom Looney of Knox County for surveying done for the state and \$30 for the chain carriers.
11. Private Acts of 1832, Chapter 11, authorized the clerk of Knox County to dismiss a suit in the Knox County Court, against William S. Howell for selling jewelry as auctioneer without a license.
12. Private Acts of 1833, Chapter 29, authorized John N. Smith of Knox County to hawk and peddle goods in Knox County without obtaining any license therefor.
13. Private Acts of 1833, Chapter 44, authorized Thomas Anderson Jr. of Knox County to hawk and peddle dry goods in the counties of Knox and Anderson for four years, without paying any tax therefor.
14. Acts of 1849-50, Chapter 182, Section 6, made valid and legal the actions of James H. Armstrong, as entry taker of Knox County from August 1848 to January 1850.
15. Acts of 1853-54, Chapter 180, authorized Knox County to take stock in railroads and to issue bonds based on such stock.
16. Private Acts of 1859-60, Chapter 191, made valid and legal the actions of James H. Armstrong, as entry taker of Knox County from January 1855 to January 1860.
17. Public Acts of 1875, Chapter 15, provided for one additional notary public for Knox County who was capable of speaking and writing the German and French languages.
18. Public Acts of 1875, Chapter 35, amended the general law to provide that the chairman of the Knox County Court could appoint an additional notary public, who could speak and write German. This act was specifically repealed by Private Acts of 1978, Chapter 171, approved by the quarterly court on March 20, 1978.
19. Public Acts of 1895, Chapter 219, authorized the Knox County Court to sell and transfer the stock it held in the Knoxville and Ohio Railroad Company to the Ohio River, Knoxville and Tidewater Railway Company.
20. Acts of 1903, Chapter 583, required the Knox County Court to make an annual estimate of revenue needed for the upcoming fiscal year and to fix the tax rate accordingly.
21. Acts of 1905, Chapter 109, regulated the business of lending money on personal property, wages or salaries and the buying of salaries or wages; and prescribed the penalties for its violation in Knox County and in other counties with a population of not less than fifty thousand according to the Federal Census of 1910. This act was found unconstitutional in Spicer v. King Bros. & Co., 148 Tenn. 408, 189 S.W. 865 (1916).
22. Acts of 1907, Chapter 277, legalized subsidies of the Knox County Court to charitable institutions, provided that no single institution coming under the provision of this act shall be entitled to receive a greater sum than one-fifth of the total sum of \$5,000. This act was repealed by Private Acts of 1977, Chapter 124.
23. Acts of 1909, Chapter 73, empowered Knox County to provide and appropriate money for the purpose of aiding in the maintenance of any free public library and reading room established by any municipality within the limits of the county. This act was repealed by Private Acts of 1977, Chapter 103. Private Acts of 1977, Chapter 104, would have amended Private Acts of 1909, Chapter 73, by adding a provision making the same inapplicable to Knox County but this act was rejected by the quarterly court and never became effective.
24. Acts of 1909, Chapter 567, legalized subsidies to charitable institutions by the Knox County Court, provided that the subsidy did not exceed the sum of \$5,000 in any one year.
25. Private Acts of 1911, Chapter 201, legalized subsidies to charitable institutions by the Knox

- County Court, provided that the subsidy did not exceed the sum of \$5,000 in any one year. Private Acts of 1977, Chapter 99, would have amended this act to make it inapplicable to Knox County; however, this act was rejected by the Knox County Quarterly Court. Private Acts of 1977, Chapter 100, repealed Private Acts of 1911, Chapter 201.
26. Private Acts of 1919, Chapter 182, fixed the compensation of officers attending the courts of Knox County to \$3.50 for each day's attendance. This act was amended by Private Acts of 1943, Chapter 80, which raised the compensation to \$5.00 for each day's attendance. Private Acts of 1919, Chapter 182, was found unconstitutional in Remine v. Knox County, 182 Tenn. 680, 189 S.W. 2d 811 (1945).
  27. Private Acts of 1919, Chapter 601, established compensation for all permanently and totally blind persons who have been officers of such county or any civil district and who became permanently and totally blind while in, on account of, and by reason of the discharge of their duty as such officer of said county, or any civil district, of \$50 per month out of the general funds of said county. This act is superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.
  28. Private Acts of 1921, Chapter 267, amended Public Acts of 1915, Chapter 121 (which created the office of divorce proctor in counties with a population of 100,000 or over according to the 1910 Federal Census), so as to include Knox County in the law and to compensate the Knox County Divorce Proctor \$5.00 in each divorce suit filed in Knox County. This act was found constitutional in Wilson v. Wilson, 134 Tenn. 697, 185 S.W. 718 (1916). The office of Knox County Divorce Proctor was later abolished by Private Acts of 1949, Chapter 4.
  29. Private Acts of 1923, Chapter 563, provided that the salary of the commissioner of the poor would be set by the county court. This act was expressly repealed by Private Acts of 1981, Chapter 89, which was approved locally on May 18, 1981.
  30. Private Acts of 1925, Chapter 729, made it unlawful for any person, firm or corporation to operate any motor vehicle for the transportation of passengers or property for hire, without executing bond or providing insurance in counties having a population of more than 110,000 as declared by the Federal Census of 1920, or any subsequent federal census. This act is superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.
  31. Private Acts of 1929, Chapter 28, authorized the quarterly county court to appropriate \$7,500 to the Blount Mansion Association to be used for improving that building.
  32. Private Acts of 1931, Chapter 89, authorized the county to borrow any money needed for current expenses and to issue tax anticipation notes to cover this loan. This was amended by Private Acts of 1931 (2nd Ex. Sess.), Chapter 24, to specify that this money could be borrowed for all "general and special" county purposes; and Private Acts of 1945, Chapter 385, was another amendment which provided that Knox County could borrow money to meet its current expenses and issue tax anticipation notes for repayment for any and all county purposes.
  33. Private Acts of 1931, Chapter 192, created the position of purchasing agent for Knox County, but this position was abolished and the act repealed by Private Acts of 1937, Chapter 183, which created the board of county commissioners.
  34. Private Acts of 1931, Chapter 583, amended by Private Acts of 1941, Chapter 546, fixed the compensation for members serving on the Finance, Jail, Courthouse, and Beer Committees, of the county court, the sum of \$6.00 per meeting, committee chairmen \$7.50, and committee secretaries \$7.00, to be paid in same manner as per diem is paid to members of the county court. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
  35. Private Acts of 1933, Chapter 66, removed the minority of C. C. Terry.
  36. Private Acts of 1935, Chapter 537, validated the action of the county court in agreeing to pay out of the public treasury the amount of \$2,500 to be used in caring for, entertaining and decorating for the International Grotto Convention, which was to be held in Knoxville in June, 1935.
  37. Private Acts of 1937, Chapter 141, validated the action of the county court in appropriating \$500 from the general fund to the Central Labor Union, to help defray the expenses of decorations and entertainment at the Labor Day Celebration on September 7, 1937.
  38. Private Acts of 1937, Chapter 183, centralized, consolidated and reorganized county administrative affairs in Knox County by creating a board of county commissioners. This act was amended by several acts. The first of which was Private Acts of 1943, Chapter 167, which added provisions for the election of the commissioners of highways, finance and welfare. Private Acts of 1945, Chapter 429, amended Private Acts of 1937, Chapter 183, by fixing the term of office of the commissioners elected for four years and repealed so much of Chapter 183 which conflicted with

these terms. The salary of the county engineer was increased to \$350 per month by Private Acts of 1947, Chapter 555. Likewise, Private Acts of 1951, Chapter 25, increased the salary of the board of commissioners to \$7,500 per annum. Private Acts of 1959, Chapter 86, increased the compensation of the commissioners, deleted the maximum limitation on compensation for the county engineer and deleted the maximum tax rate limitation for the road fund. This act was further amended by Private Acts of 1963, Chapter 118, which provided for the purchase of supplies in excess of \$750 be made upon competitive bids, after due notice of advertisement. The salary of the commissioners was increased, by Private Acts of 1963, Chapter 270, to \$12,500 per annum. Private Acts of 1967-68, Chapter 158, amended Chapter 183, with regard to zoning and the regulation of beer and light alcoholic beverages and allowed the quarterly county court to review and either approve or amend the budget and set the tax rate for the county. Private Acts of 1980, Chapter 278, repealed Private Acts of 1967-68, Chapter 158. The salary of the commissioners was increased again by Private Acts of 1967-68, Chapter 204, which set their salaries to \$15,000 per annum. Private Acts of 1937, Chapter 183, was found constitutional in *Troutman v. Crippen*, 186 Tenn. 459, 212 S.W.2d 33 (1937) and repealed by Private Acts of 1980, Chapter 286.

39. Private Acts of 1937, Chapter 702, fixed the salary of the coroner in Knox County at \$100 per month. This act is superseded by the Knox County Charter, Section 8.12.
40. Public Acts of 1941, Chapter 75, provided for the preservation of the home of John Sevier, first Governor of Tennessee; created a commission and prescribed its powers and duties; authorized Knox County and the City of Knoxville to contribute to such memorial; appropriated the necessary funds for the purposes of this act; regulated the expenditures thereof and provided for audits and reports. This act was amended by Public Acts of 1969, Chapter 67, which increased the state's liability for the cost of upkeep and maintenance of the house to \$2,400 per annum. In addition, the sum of \$2,400 was appropriated annually for the maintenance of the memorial. Public Acts of 1979, Chapter 126, repealed Public Acts of 1941, Chapter 75.
41. Private Acts of 1941, Chapter 531, as amended by Private Acts of 1951, Chapter 95, authorized Knox County to establish the Old Records Department for the storage, safekeeping and preservation of old records. This act is superseded by the Knox County Charter, Sections 3.06 and 8.12 pursuant to T.C.A. § 5-1-120.
42. Private Acts of 1941, Chapter 546, set the membership of the Beer Committee at a maximum of nine members, one to be elected chairman. Members were not to be paid in excess of \$5.00 per diem and the chairman not in excess of \$6.00 per diem. This act is superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-210.
43. Private Acts of 1943, Chapter 352, authorized Knox County to appropriate \$5,000 of the general fund to defray the medical, surgical and hospital expenses of any police officer for injuries sustained in the line of duty while attempting to make a lawful arrest. This act was repealed by Private Acts of 1963, Chapter 127.
44. Private Acts of 1945, Chapter 306, fixed the compensation of the sealer of weights and measures in Knox County at \$125 per month and provided for an expense account for the sealer of weights and measures. This act was repealed by Private Acts of 1977, Chapter 108.
45. Private Acts of 1945, Chapter 529, authorized the quarterly county court of Knox County to elect an auditor. This act is superseded by the Knox County Charter, Sections 2.02 and 8.12, pursuant to T.C.A. § 5-1-210.
46. Private Acts of 1951, Chapter 130, regulated the sale and delivery of coal or coke in counties having a population of not less than 210,000, nor more than 230,000, according to the Federal Census of 1950. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
47. Private Acts of 1951, Chapter 711, created a moving picture Board of View. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
48. Private Acts of 1955, Chapter 417, would have amended Private Acts of 1937, Chapter 183, by authorizing the board of county commissioners to execute any contracts, leases or agreements for the operation of any and all recreational park areas operated or supervised by the county. This act, however, was rejected or disapproved by local officials and never became operative.
49. Private Acts of 1959, Chapter 9, was an act which attempted to authorize the county to provide workmen's compensation insurance for its employees and to pay from the ordinary funds of the county claims arising for personal injury or death in the course of employment. This act did not receive local ratification and never became an effective law.

50. Private Acts of 1959, Chapter 175, created the Northeast Knox Utility District, under the provisions of the Public Acts of 1937, Chapter 248. This act was superseded by the Knox County Charter, Section 8.12, subject to continuation by ordinance of the Knox County Commission.
51. Private Acts of 1963, Chapter 127, authorized the board of county commissioners of Knox County to appropriate money, not exceeding \$5,000, out of the general funds of the county, to defray the medical, surgical, and hospital expenses of any law enforcement officer of the county, or any civil district thereof, and to compensate such officer, for any injuries sustained by such officer, incurred in the line of his duty as a law enforcement officer. This act is superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.
52. Private Acts of 1970, Chapter 306, as amended by Private Acts of 1971, Chapter 62, authorized the board of county commissioners of Knox County to form and to administer a new agency to be known as the County-Wide Fire Department for the purpose of providing fire protection services to all of the county. This act is superseded by the Knox County Charter, Sections 3.06 and 8.12, pursuant to T.C.A. § 5-1-210.
53. Private Acts of 1970, Chapter 326, as amended by Private Acts of 1982, Chapter 368, Private Acts of 1986, Chapter 198, established a merit system for employees of the sheriff in counties with populations not less than 250,450, nor more than 300,000, according to the 1960 Federal Census or any other subsequent U.S. Census of population. This act was superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-210.
54. Private Acts of 1970, Chapter 344, attempted to amend Private Acts of 1937, Chapter 183, by raising the salary of the Knox County Commissioners to \$18,500 annually, but it was rejected on the local level and never became effective.
55. Private Acts of 1971, Chapter 174, empowered Knox County to regulate the erection, maintenance or occupancy of buildings, structures or premises, to regulate the business of electricians and electrical work, and to regulate and control plumbing and plumbing works and water supply systems in the unincorporated areas of the county to provide for the severability of this act and for local ratification. This act was repealed by Private Acts of 1981, Chapter 112.
56. Public Acts of 1973, Chapter 228, required every person, firm or corporation selling or offering for sale residential property within an approved subdivision tract, and being the original developer of such tract, to attach, affix, or otherwise incorporate into all printed matter relating to sales information about said residential properties a copy of a portion of the latest official revised edition of the municipality or county zoning district map showing the subdivision and the land immediately adjacent to the subdivision. This act is superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.
57. Private Acts of 1974, Chapter 219, would have authorized the chief administrative body of Knox County to appropriate money from the general fund of the county to install and maintain street lighting in the county, but this act was rejected by Knox County and therefore never became law.
58. Private Acts of 1974, Chapter 379, set the salary of the county commissioners for Knox County to \$21,100 per annum. This act was repealed by Private Acts of 1980, Chapter 279.
59. Private Acts of 1977, Chapter 117, as amended by Private Acts of 1980, Chapter 281, created a board of trustees to oversee the operation of the East Tennessee Regional Juvenile Service Center (the Knox County Detention Center). This act was superseded by the Knox County Charter, Section 8.12, subject to continuation by ordinance of the Knox County Commission.
60. Private Acts of 1977, Chapter 151, was rejected by the quarterly court of Knox County and never became effective. The act would have repealed the following laws: Acts of 1797, Chapter 19; Acts of 1799, Chapter 18; Acts of 1804, Chapter 21, Acts of 1809, 1st Sess., Chapter 2; Acts of 1811, Chapter 99; Acts of 1812, Chapter 47; Acts of 1815, Chapter 117; Acts of 1817, Chapter 3; Public Acts of 1819, Chapter 68; Public Acts of 1819, Chapter 157; Acts of 1837-38, Chapter 3 and Public Acts of 1887, Chapter 140; Public Acts of 1887, Chapter 184; Public Acts of 1887, Chapter 235; Public Acts of 1891, Chapter 18; Public Acts of 1899, Chapter 147; Public Acts of 1899, Chapter 377; Public Acts of 1901, Chapter 6; Acts of 1903, Chapter 601; Private Acts of 1911, Chapter 321; Private Acts of 1911, Chapter 350; Private Acts of 1913, Chapter 248; Private Acts of 1913, Chapter 289; Private Acts of 1915, Chapter 321; Private Acts of 1919, Chapter 32; Private Acts of 1919, Chapter 736; Private Acts of 1923, Chapter 563; Private Acts of 1925, Chapter 625; Private Acts of 1931, Chapter 289; Private Acts of 1931, Chapter 583; Private Acts of 1935, Chapter 302; Private Acts of 1941, Chapter 546; Private Acts of 1945, Chapter 384; Private Acts of 1945, Chapter 543, Private Acts of 1949, Chapter 105; Private Acts of 1951, Chapter 130; Private Acts of 1951, Chapter 711; and Private Acts of 1967-68, Chapter 202.

61. Private Acts of 1980, Chapter 248, authorized the Knox County legislative body to establish a system of personnel administration based on merit principals, or to amend and ratify the current system. This act is superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.
62. Private Acts of 1980, Chapter 286, as amended by Private Acts of 1981, Chapter 112, pertained to county administration. This act is superseded by the Knox County Charter, Sections 8.12 and 9.01, pursuant to T.C.A. § 5-1-210.

## Chapter II - Animals and Fish

### 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 Knox 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 276, authorized Caleb Lowe to build a fish trap on the north side of the Clinch River at the Cumberland Ford.
2. Public Acts of 1899, Chapter 377, amended the general law to provide for the erection of "fall fish traps" in Knox County on any sluice of any river not used for navigation.
3. Private Acts of 1911, Chapter 213, authorized a monthly supplement of \$50 to a humane officer, but this act was repealed by Private Acts of 1947, Chapter 56.
4. Private Acts of 1919, Chapter 222, was an act to protect foxes in Knox County, making it illegal to kill those animals or to destroy their dens. This act did provide that it was not unlawful to set traps about dwelling houses or outlying buildings in order to kill foxes who were inflicting harms on persons or livestock. This act was repealed by Private Acts of 1978, Chapter 231 in its entirety.
5. Private Acts of 1919, Chapter 568, set the open season on quail in Knox County from December 1st to February 1st of each year. This act was expressly repealed by Private Acts of 1978, Chapter 231.
6. Private Acts of 1921, Chapter 405, exempted Knox County from the general state dog law. This act was amended by Private Acts of 1978, Chapter 250, approved on April 17, 1978, by adding this language; "This act does not apply to Knox County."
7. Private Acts of 1933, Chapter 510, placed a bounty of \$.50 on the head of each hawk killed within Knox County, to be upon affidavit of any hawk killer that the killing took place within the boundaries of the county. This act has been expressly repealed by Private Acts of 1978, Chapter 172.
8. Private Acts of 1945, Chapter 532, placed a bounty of \$1.00 upon chicken hawks, rabbit hawks or other hawks which were injuring or destroying chicken, fowl, small animals, or song birds within Knox County. This act has been repealed by Private Acts of 1978, Chapter 178.
9. Private Acts of 1947, Chapter 56, authorized and empowered the quarterly county court in counties of this State having a population of not less than 170,000 and not more than 179,000 according to the federal census of 1940, or any subsequent federal census, to appropriate to any regularly elected or appointed officer of any society for the prevention of cruelty to animals, sometimes called Humane Society, a sum not exceeding \$150 per month as compensation for his services as such officer. This act repealed all laws in conflict with this act especially the Private Acts of 1911, Chapter 213. This act is superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.
10. Private Acts of 1949, Chapter 105, required the owners of ducks, geese and chickens in counties having a population of not less than 175,000 and not more than 180,000, according to the federal census of 1940, or any subsequent federal census, to keep same on their own premises preventing them from running at large and trespassing upon the premises of others. This act is superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.
11. Private Acts of 1953, Chapter 498, declared a closed season on red foxes in Knox County. This act was repealed by Private Acts of 1978, Chapter 231.
12. Private Acts of 1955, Chapter 66, as amended by Private Acts of 1977, Chapter 19, declared a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any

time of the year except during such periods as may be fixed by the Wildlife Resources Commission for the protection of the species in all counties of this state having a population of not less than 223,005 and not more than 223,015 inhabitants, according to the federal census of 1950, or any subsequent federal census. This act is superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Debts**

1. Public Acts of 1887, Chapter 140, authorized Knox County to fund her outstanding warrants issued for debt contracted in the building of a new courthouse, and to issue bonds in lieu of said warrants.

#### **Buildings/Memorials**

1. Private Acts of 1919, Chapter 736, authorized a bond issue of \$125,000 to be used for remodeling the courthouse. These bonds were to mature within twenty years, at an interest rate set by the quarterly county court.
2. Private Acts of 1927, Chapter 791, provided for a \$150,000 issue of bonds to be used for constructing a county poor farm and a workhouse for female prisoners. These bonds were to mature within five years at a maximum annual interest rate of 5%. This was amended by Private Acts of 1929, Chapter 229, to provide that the sale of these bonds and use of their proceeds would be supervised by a special committee appointed by the quarterly county court rather than by the Poor House Committee.
3. Private Acts of 1929, Chapter 227, authorized a bond issue of \$1,000,000, for a new courthouse, jail and other public buildings. Subject to voter approval, these bonds would bear interest at an annual rate of 4½% for a maximum of twenty years.
4. Private Acts of 1929, Chapter 463, authorized a bond issue of \$150,000, to erect and equip a workhouse, maximum interest rate of 5%, with the county judge to set the maturity date.
5. Private Acts of 1929, Chapter 596, validated the issuance by the Knox County Quarterly Court of bonds in the amount of \$100,000 for the poor farm, at the October, 1928 term of court.
6. Private Acts of 1929, Chapter 610, provided for a bond issue of \$150,000, to be used for building Memorial Auditorium. These bonds were to mature within twenty years, at a maximum annual interest rate of 5%.
7. Private Acts of 1935, Chapter 370, authorized a \$250,000 bond issue for the construction of a new county jail. These bonds were not subject to voter approval and their maximum interest rate was to be 4½%.
8. Private Acts of 1941, Chapter 530, provided for the issuance of bonds in the amount of \$40,000, to be used for improvements on the John Tarleton Institute, with a maximum annual interest rate of 4%, and a maturity date within twenty years.
9. Private Acts of 1943, Chapter 403, provided for the issuance of the "Memorial Bonds of Knox County, Tennessee" in the amount of \$30,000. These bonds were to mature within twenty years at a maximum annual interest rate of 5%.
10. Private Acts of 1947, Chapter 752, authorized the City of Knoxville and Knox County to borrow money and issue their bonds therefor, in the aggregate amount of not more than \$4,000,000 for the purpose of erecting and constructing a public building in the City of Knoxville for use as a courthouse and a city hall. This act was repealed by Private Acts of 1949, Chapter 11.
11. Private Acts of 1949, Chapter 684, authorized Knox County and Knoxville jointly to issue the "UT Memorial Research Center and Hospital Bonds" in the amount of \$1,000,000.

#### **Refunding**

1. Public Acts of 1887, Chapter 140, provided for a bond issue in the amount necessary to refund the

indebtedness the county had incurred in the construction of the courthouse. These bonds were to mature within fifteen years.

2. Public Acts of 1899, Chapter 147, authorized a bond issue in the amount necessary to refund the floating debt of the county, with a maximum interest rate of 4%, to mature within thirty years.
3. Acts of 1903, Chapter 601, authorized a \$125,000 bond issue with a maximum annual interest rate of 4%, to be used to refund the outstanding debt of the county.
4. Private Acts of 1919, Chapter 381, provided for the issuance of the "Knox County Refunding Bonds" in the amount of \$150,000, to be used to refund the indebtedness incurred by the building of the Mascot Elementary School and other debts of the school system. These bonds were to bear interest at an annual rate of 6% and were to mature within twenty years.
5. Private Acts of 1931, Chapter 594, authorized a \$200,000 bond issue, to be used for refunding the debt incurred by building the Solway and McBee Ferry bridges (maximum interest rate of 5%, maturity date within twenty years).
6. Private Acts of 1935, Chapter 538, validated the issuance of funding bonds in the amount of \$500,000, dated April 1, 1935, maturing by 1945 with an interest rate of 4%.
7. Private Acts of 1937 (2nd Ex. Sess.), Chapter 8, validated the action of the Knox County Quarterly Court in issuing \$250,000 of "Emergency Relief Bonds" dated October 1, 1937, with an interest rate of 3¾%.

### **Roads**

1. Private Acts of 1915, Chapter 117, provided for a \$500,000 bond issue (maturity date within thirty years, 5% annual interest rate) to be used for building pike roads and bridges.
2. Private Acts of 1917, Chapter 577, authorized a bond issue of \$500,000, the proceeds from which were to be used to construct a road from the Blount County line, through Knoxville, to Mascot. These bonds were to mature within thirty years at a maximum annual interest rate of 5%.
3. Private Acts of 1919, Chapter 528, authorized the quarterly county court to issue interest-bearing warrants for terms up to twenty years, to be used to build bridges across any river or stream to connect state highways in the county. This act also authorized a tax levy of up to \$1.00 per \$100 assessed value, to be used for redeeming these warrants.
4. Private Acts of 1929, Chapter 226, authorized a bond issue of \$250,000 to be used to construct a bridge over the Holston River, at or near McBee's Ferry. These bonds were to mature within twenty years, at a maximum annual interest rate of 4½%.
5. Private Acts of 1929, Chapter 228, provided for a bond issue of \$500,000 to construct the Henley Street Bridge, with a maximum annual interest rate of 4½% and maturity dates within twenty years.
6. Private Acts of 1929, Chapter 254, provided for a \$200,000 bond issue which was to be used for the construction of a bridge at or near Solway Ferry on the Clinch River. These bonds were to mature within twenty years at a maximum annual interest rate of 4½%.
7. Private Acts of 1931, Chapter 243, authorized another bond issue of \$500,000, to be used in constructing the Henley Street Bridge. This additional bond issue was necessary since the funds from the first issue, authorized by Private Acts of 1929, Chapter 228, had been placed in the Bank of Tennessee at Nashville and that bank had subsequently failed as the Depression struck Tennessee.
8. Private Acts of 1941, Chapter 460, authorized a bond issue of \$150,000 to be used for purchasing machinery, equipment and tools for the county road department. These bonds were to mature within twenty years, at a maximum annual interest rate of 5%.
9. Private Acts of 1947, Chapter 590, provided for a bond issue of \$100,000 to be used for purchasing machinery, equipment and tools for use upon the county highways and bridges. These bonds were to mature within twenty years with a maximum annual interest rate of 5%.
10. Private Acts of 1949, Chapter 59, authorized a bond issue of \$500,000 to be used in the construction of "Boyd's Bridge" with a maximum annual interest rate of 5%.
11. Private Acts of 1953, Chapter 475, was the last private act authorizing a bond issue for the county road system. This act provided for 5% bonds in the amount of \$480,000 to be used for constructing the Riverdale-Kimberline Heights Bridge.

### **Schools**

1. Private Acts of 1911, Chapter 206, provided for a bond issue of \$50,000 to be used for



discharging the balance owed on the purchase of the Central High School site in Fountain City.

2. Private Acts of 1913, Chapter 235, provided for the issuance of high school bonds in the amount of \$50,000, with a maturity date within twenty years and an annual interest rate of 4½%.
3. Private Acts of 1915, Chapter 1, authorized Knox County to issue bonds in the amount of \$125,000, to be used to purchase land which was then to be donated to the University of Tennessee for experimental agricultural purposes. These bonds had an interest rate of 5% and were to mature within twenty years.
4. Private Acts of 1915, Chapter 129, authorized a \$50,000 bond issue (maximum interest rate 5%, maturity date within twenty years), to be used for constructing a high school building in Knox County.
5. Private Acts of 1927, Chapter 320, provided for a \$300,000 bond issue to be used for acquiring lands for the University of Tennessee to use for agricultural experimental and educational purposes. These bonds were to mature within twenty years with a maximum interest rate of 5%.
6. Private Acts of 1931, Chapter 237, authorized a \$500,000 issue of "Knox County School Bonds" with a maximum interest rate of 5% and a maturity date within twenty years. The proceeds from this bond issue were to be used in constructing school buildings.
7. Private Acts of 1941, Chapter 512, authorized a \$600,000 bond issue (maximum interest rate 4%, maturity date within thirty years) to be used for constructing school buildings.
8. Private Acts of 1945, Chapter 210, authorized the issuance of a total of \$1,000,000 worth of bonds over a ten year period, to be used for school purposes. These bonds were to bear interest at a maximum rate of 5% and were to mature within twenty years from their date of issuance.
9. Private Acts of 1947, Chapter 556, provided for the issuance of the "Knox County Emergency School and Improvement Bonds" in the amount of \$2,000,000. These bonds were to bear interest at a maximum rate of 5%, payable semi-annually, and were to mature under conditions determined by the quarterly county court.
10. Private Acts of 1949, Chapter 838, authorized a bond issue of \$2,000,000, to be used for school purposes in Knox County. These short term notes were to bear interest at a maximum rate of 2½%.

## Chapter IV - Boundaries

### Creation of Knox County

### Ordinance By William Blount Governor of the Territory of the United States South of the River Ohio, 1792

BE IT ORDAINED, That from and after the fifteenth day of the present month of June, the counties of Greene and Hawkins shall be circumscribed by a line beginning on the Nolichucky river, at the place where the ridge which divides the waters of Bent and Lick creek strikes it; thence with that ridge to Bull's Gap of Bay's Mountain; thence a direct line to the place where the road that leads from Dodson's ford to Perkin's iron works, crosses the watry fork of Bent creek; thence down that road to the head of Panther creek, down the meanders of that creek to the river Holston; thence a northwest course to the river Clinch; again, from Nolichucky river where the ridge that divides the waters of Bent and Lick creek, strikes it a direct course to Peter Fine's ferry on French Broad; thence south to the ridge that divides the waters of French Broad and Big Pigeon, and with said ridge to the eastern boundary of the Territory.

And be it ordained, That two new counties be laid out and established below the aforesaid line, that is to the southward and westward of it, to be distinguished from and after the said fifteenth day of June instant, by the name of Jefferson county, and Knox county. The county of Jefferson to be butted and bounded by the above described line from the eastern boundary of the Territory to the river Holston, and down the river Holston to the mouth of Cresswell's mill-creek; thence a direct line to the mouth of Dumplin creek on French Broad; thence up the meanders of the French Broad to the mouth of Boyd's creek; thence south twenty five degrees east, to the ridge which divides the waters of Little Pigeon and Boyd's creek, and with said ridge to the Indian boundary, or the eastern boundary of the Territory, as the case may be, and by the eastern boundary; and Knox county to be butted and bounded by the line of Jefferson county, from the mouth of Cresswell's mill-creek to the Indian boundary, or eastern boundary of the Territory, as the case may be: again from the mouth of the said creek up the meanders of the river Holston, to the mouth of Panther creek; thence north west to the river Clinch; then by the river Clinch to

the place where the line that shall cross Holston at the ridge, that divides the waters of Tennessee and Little river, according to the treaty of Holston, shall strike it, and by that line.

And be it ordained, That Charles M'Clung and James Maberry, be appointed commissioners to run and mark the north west line from the mouth of Panther creek to the river Clinch, and the line from the mouth of Cresswell's mill-creek to the mouth of Dumplin; and Alexander Outlaw and Joseph Hamilton, that from Bull's Gap to the Watry Fork of Bent creek; and from Nolichucky river to Fine's ferry, on French Broad, and the south line to the dividing ridge between French Broad and Big Pigeon.

And be it ordained, That courts of pleas and quarter-sessions shall be held in and for the said counties for the due administration of justice, for the county of Knox, on the third Mondays of January, April, July, and October, and for the county of Jefferson, on the fourth Mondays in the same months, and may be continued by adjournments from day to day, not exceeding six days.

And be it ordained, That the courts of pleas and quarter-sessions shall be held for the county of Knox, at Knoxville, and for the county of Jefferson, at the house of Jeremiah Matthews.

Done at Knoxville, the 11th day of June, in the year of our Lord, 1792.

## Change of Boundary Lines

### Acts of the Territoriy South of the River Ohio, 1795, Chapter 6

**SECTION 1.** That the county of Knox shall be divided by a line as follows, to wit. Beginning upon the south side of the river Holston, at the mouth of Little River, then up the meanders of Little River, on the south side to the mouth of Stock Creek, and up the meanders of Stock Creek upon the south side to the head of Nicholas Bartlet's mill pond at high waters, thence a direct line to the top of Bay's Mountain, leaving the house of James Willis to the right, within forty rod of the said line, thence along Bay's Mountain, to the line of the county of Sevier, thence with that line to the eastern boundary of the Territory, thence southwardly to the line of the Indian boundary according to the treaty of Holston, and with that line to the river Holston, and up the meanders of the river Holston, upon the south side, to the beginning, shall thence forth be erected into a new and distinct county, by the name of Blount County.

**SECTION 2.** That William Wallace, Joseph Black, Samuel Glass, David Craig, John Tremble, Alexander Kelly, and Samuel Henry, are hereby appointed commissioners, a majority of whom shall have power to fix the place for erecting the court house, prison, and stocks, to receive and apply such sums of money as may be raised or appropriated to build the same to obtain fifty acres of land, by purchase or otherwise, to lay the same out into a town, and to sell and execute deeds for lots, and to apply the money arising from the sale, to the building the court house, which town shall be called and known by the name of Maryville; and the said commissioners shall give bond and security to the Governor, in the penal sum of one thousand dollars, for the due application of such sums of money as shall come to their hands for the purposes before expressed, and well and truly to account for the same, to and with the court of the said county of Blount, which bond shall be filed in the office of the clerk of the said county.

**SECTION 3.** That the court for the said county, of Blount shall be held constantly by the justices of said county, on the second Mondays in September, December, March, and June: And the justices for the said county of Blount are hereby authorized and empowered to hold the first court for the same at the house of Abraham Weir, 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 courthouse shall be built for said county of Blount; 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 such court house; and all courts held in and for said county of Blount, 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 Territory.

**SECTION 4.** That the justices of the county courts of Knox and Blount shall appoint jurors to serve at the superior courts of law and equity for the district of Hamilton, as follows: The county of Knox, twelve and the county of Blount, six. And the county of Blount shall compose part of the said district in the same manner, and for all purposes civil and military shall enjoy the same privileges as other counties in the Territory--Provided, nothing in this act contained, shall be so construed as to prevent the sheriff or collector of the taxes of the county of Knox from collecting the same, both public and county, within the limits of the said county of Blount, for the year one thousand seven hundred and ninety five, and the arrearages of taxes for the preceding years, in the same manner as if this act had not been passed.

**SECTION 5.** That this act shall be in force, and take effect from and after the second day of August next.

July 11, 1795.

## Acts of 1796 Chapter 28

**COMPILER'S NOTE:** Section 1 of this act is the only section which affected Knox County. The remaining portion of Acts of 1796, Chapter 28, concerned the creation of Grainger County.

**SECTION 1.** That the said counties of Hawkins and Knox, be divided by the following lines: Beginning on the main road leading from Bull's Gap to Haines's iron works, on Mossy creek, at the house of Felps Read, leaving said house in the new county, running a direct course to the Kentucky road, on the North side of Holston river, a quarter of a mile above the house of Thomas Henderson; thence north fifty degrees west, to the line that divides this state from the state of Virginia; thence west with said line to a point, north west of the end of Clinch mountain; thence a direct course to the end of Clinch mountain; thence with the ridge that divides the waters of Richland and Flat creeks to Holston river, at the upper end of the first bluff above Boyles's old place; thence up the meanders of said river to the mouth of Panther creek; thence up said creek to the head spring thereof, near the house of John Evans; thence along the main waggon [sic] road to the beginning; and all that part of the aforesaid counties of Hawkins and Knox, contained within the lines before described, be erected into a separate and distinct county by the name of Grainger.

## Acts of 1799 Chapter 22

**SECTION 1.** That from and after the tenth day of January, instant, the county of Knox shall be contained in the following described limits or bounds: beginning upon the south side of Holston at the mouth of Little river, thence up the meanders of Little river upon the south side to the mouth of Stock creek, and up the meanders of Stock creek upon the south side to the head of Nicholas Bartlett's Mill pond at high waters, thence a direct line to the top of Bay's mountain, leaving the house of James Willis within forty rod to the right hand, thence with the extreme height of the said mountain to its intersection with the river French Broad, a small distance below the house in which Andrew Evans lived, in the year of one thousand, seven hundred and ninety-six, thence across French Broad to a ridge, the continuation of the said mountain, which ridge or continuation of the said mountain divides the waters of Tuckahoe creek, from those of Dumplin creek, and with the extreme height of that ridge or mountain to the line run by Greer, Bayles, and M'Cleary, in the year of one thousand, seven hundred and ninety-six, thence with that line to the mouth of Criswell's creek, thence up the Holston to the upper end of the first Bluff above Boyles's old place, thence with the ridge which divides the waters of Richland creek from those of Flat creek to the end of Clinch mountain, thence a north west course to Clinch river, thence down said river opposite the end of the Cross mountain, thence with said mountain to the Indian boundary line at Cumberland mountain, and with Cumberland mountain agreeably to the treaty lately entered into at or near Tellico, between the United States and the Cherokees to Emery's river, thence down Emery's river according to its meanders to the river Clinch, and down the Clinch to the point where the line of the said treaty strikes the said river, and with that line to the river Tennessee, thence up the meanders of that river to the point formed by the junction of the Holston therewith, thence up the Holston with its meanders upon the south side to the mouth of Little river.

**SECTION 2.** That the lands ceded by the Cherokees by the treaty entered into at or near Tellico, shall be liable to taxation for the year of one thousand, seven hundred and ninety-nine, and every succeeding year in the same manner and under the same regulations and penalties as all other lands within the bounds of the treaty of Holston are liable.

January 5, 1799.

## Acts of 1801 Chapter 45

**COMPILER'S NOTE:** Sections 1 through 4 are the only sections of this act which affected Knox County. The remaining portion of Acts of 1801, Chapter 45, concerned the creation of Anderson and Roane counties.

**SECTION 1.** That from and after the passing of this act, Knox county shall be bounded by the following lines, (viz.) Beginning on the south bank of Holston, at the mouth of Little river, and running with the lines as described by an act, entitled, "an act describing and extending the bounds of Knox county," passed at Knoxville, January the fifth, one thousand seven hundred & ninety nine, to the upper end of the first bluff above Boyle's old place, thence along the lines as described by "An act to annex part of Grainger county to the county of Knox," thence along the former line of Knox county, to a ridge between Clinch mountain and Clinch river known by the name of the Chesnut ridge, thence along said ridge to the lower line of Henderson and company's survey; thence along said line to the top of the Copper ridge, thence along the extreme height of said ridge opposite the first bluff below the mouth of Bull Run, thence to the north bank

of Clinch river opposite said bluff, thence along the said north bank to a point, from which south, forty five degrees east, will strike the south bank of Holston river, so as to leave Knox a constitutional county, thence up the several meanders of said river on the south side to the beginning.

**SECTION 2.** That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the names of Anderson, (viz.) Beginning on the Chesnut ridge where the Knox and Grainger line crosses it, thence north, forty five degrees west, to the northern boundary of this state, thence south forty five degrees west, to a point from whence, south, forty five degrees east, will strike Wallen's ridge one quarter of a mile above the gap of the Indian fork of Poplar creek, thence to the double springs on the east fork of said creek, thence a direct course to Clinch river opposite the mouth of Hickory creek, thence up the lines of Knox county to the beginning.

**SECTION 3.** That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of Roane, (viz.) Beginning at the corner of Knox county, on the south bank of Holston river, running along said line to Clinch river on the north bank, thence up or down said north bank, as the case may be, to the corner of Anderson county, thence along said line, north forty five degrees west, to the north west corner thereof, thence south, forty five degrees west, to the southern boundary of this state, thence east, along said southern boundary to the river Tennessee, on the south side, thence up the several meanders of said river on the south side, to a point opposite the south bank of Holston river, thence to the said south bank, thence up the several meanders on the south side to the beginning.

**SECTION 4.** That Knox county shall not extend further down, than to a direct line from the salt petre cave, below the Chota ford on Holston, to the mouth of Hickory creek, on Clinch river, until the constitutional limits of Knox county shall be ascertained by actual survey, which shall be done by disinterested commissioners appointed by the county court of Knox: Provided also, That if on accurate survey it shall be found, that there are not constitutional bounds for Knox county above the line described in this section, that then and in that case, the deficiency shall be made up, by taking one half thereof from the county of Anderson on the south side, between the Grainger line, and the lower line of Henderson and company's survey; the other half thereof from Roane county, between the rivers Clinch and Holston, which lines when run, shall be the bounds of Knox county, any thing in this act to the contrary notwithstanding.

Passed: November 6, 1801.

## Acts of 1801 Chapter 47

**SECTION 1.** That all that part of Grainger county herein described, shall be annexed to, and be a part of Knox county: Beginning at the first bluff above Boyles's old place, running up the several meanders of Holston river to the upper corner of a survey of land claimed by William Cobb, next, below James Vance, thence a direct line to the Richland road, where the Knox and Grainger line crosses it.

**SECTION 2.** That Nathan B. Markland, is hereby appointed to run the aforesaid line, and shall receive the sum of three dollars for the same, to be paid by the county of Knox.

**SECTION 3.** That nothing herein contained shall be so construed as to prevent the sheriff of Grainger county from collecting the taxes for the year of one thousand eight hundred and one, and all arrearages.

Passed: October 29, 1801.

## Acts of 1851-52 Chapter 221

**COMPILER'S NOTE:** This is the only section which affected Knox County. The remaining sections of this act have been intentionally omitted.

**SECTION 1.** That the line between the counties of Grainger and Knox, be altered and changed in the following manner: Beginning on a flat-rock, a corner of the two counties, some five or six hundred yards above Sebinah Mynatt's house, towards and on the side of Clinch Mountain; thence running so as to include the Smith Mynatt houses, now owned by James Cannon, in the county of Knox; thence a direct line to Silas Mynatt's house at the head of Crooked Run; thence a due west to the original county line, including Hardin W. Mynatt's house, Preston Mynatt's house, James Cannon's Plantation, Preston Mitchel's plantation, all in the county of Knox.

Passed: February 21, 1852.

## Private Acts of 1865-66 Chapter 76

**COMPILER'S NOTE:** This is the only section which affected Knox County. Sections three and four of this

act have been intentionally omitted.

**SECTION 1.** That the County line between the Counties of Union and Knox be so changed as to run as follows: Beginning on a stone where the County line crosses the Knoxville Road leading to Maynardville by way of Milan Church, running direct to the point of Clinch Mountain near the house of Nels. Mynette; Provided, however, that the persons hereby attached to Union County shall be required, as heretofore, to pay their share of the taxes levied by the County Court of Knox County until the entire indebtedness already incurred by Knox County for Railroad purposes, shall be paid, and the Tax Collector of Knox County shall collect said tax from the people, who, by this act, are attached to Union County, and said Tax Collector shall account for and pay over to the Trustee of Knox County all monies so collected by him, according to the laws now in force.

**SECTION 2.** That E. Longmire be, and he is hereby, appointed to run and plainly mark the above named line.

Passed: April 26, 1866.

## Public Acts of 1887 Chapter 47

**SECTION 1.** That the county line between the counties of Knox and Union be so changed as to include all of the farm of Calvin Kitts, on which he now lives, in the county of Union, viz.: Beginning on a poplar stump in the Knox County line; thence running southwest with said line to a creek; thence north with said Calvin Kitts' line to the said Knox County line.

**SECTION 2.** That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 26th, 1887.

## Public Acts of 1899 Chapter 256

**SECTION 1.** That the county line between the counties of Knox and Sevier be, and the same is hereby, so changed as to include in the county of Knox all the land in the fourteenth district of Sevier county, which belongs to H. C. Blair and wife, J. G. Cannon, E. W. Houseley, J. N. McMillin, Rufus Kelly, Lula J. Walker, S. G. Randles, and J. W. Creswell, and the county line is so changed as to run with French Broad river from the point where the Knox county line comes to said river, near the house of Alex Ferguson, a southwest course to a point where the line of said county again comes to said river, near the butt of Bois mountain.

But this act shall in no way effect the right of Sevier county to collect all taxes due on said land, prior to and including the taxes of 1899.

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

Passed: April 14, 1899.

## Private Acts of 1925 Chapter 462

**SECTION 1.** That the line between the counties of Union and Knox be changed as follows: Beginning at the intersection of Manuel Merritt's line and the Knox County line; and Union County line thence northward with Manuel Merritt's line to the north corner of Charles T. Booker land; thence eastward with Chas. T. Booker line to Big Flat Creek; thence southward with the creek to the Knox County line.

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

Passed: April 2, 1925.

## Private Acts of 1933 Chapter 355

**SECTION 1.** That the present County line between the Counties of Knox and Sevier in the State of Tennessee, be and the same is hereby so changed as to include in Knox County, Tennessee, the lands of George Creswell, J. B. Kelly et al, C. M. McAfee, Lula Walker, George Maples, Paul Styles, Mollie LaFollette, Henry LaFollette and Veda M. Freels which lands lie on the North side of French Broad River, and have heretofore been recognized as being in Sevier County, Tennessee. The said County line with reference to said lands is hereby established as follows:

Beginning at a point where the present County line intersects French Broad River at a point a short distance up the River and East of the Seven Islands in said River, and thence extending up and with the meanders of said River to a point where the present County line touches said River at Mrs. C. A. Furgerson's Farm, near Cain Island, and opposite or near Russell Road, which is located on the North side

of said River.

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

Passed: April 10, 1933.

## Private Acts of 1953 Chapter 116

**SECTION 1.** That the county line between Blount and Knox County where said lines cross the southwestern part of the Mrs. Annie C. Elrod farm be changed and locate the said county dividing line with the west and southwest lines of said Elrod farm and Fate Cosner, George Sowder, Tim Burdine, Ace Tarwater to the corner of Elrod, Tarwater and Newton Rule thence northwest with the Elrod, Newton Rule and Langley line to county line where it crosses the line between Elrod and Langley, so as to transfer the fractional part of the Elrod farm in Blount County to Knox County adjacent to and adjoining the remainder and larger body of said Elrod farm including all of said Elrod farm in Knox County.

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

Passed: March 6, 1953.

## Boundaries - Historical Notes

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

1. Acts of 1794, Chapter 16, appointed John Payne and Charles McClung to run the dividing line between Hawkins and Knox County, from the mouth of Panther Creek to the Clinch River.
2. Acts of 1796, Chapter 34, appointed Joseph Greer, Abraham M'Clery and William Bailes as commissioners to run the lines between Knox and Sevier counties. The commissioners were paid \$2.00 per day for their services and \$1.00 was given to the marker for each day's work. The expense was to be borne by Knox and Sevier counties.
3. Acts of 1803, Chapter 49, appointed George Preston and John McClellan to run the line between Knox and Roane counties.
4. Acts of 1842, Chapter 177, changed the line between Knox and Grainger so that the entire farm of Sam McBee would be in Knox County.
5. Acts of 1849-50, Chapter 82, in response to a petition by a number of citizens of Knox and Sevier Counties, provided that the line between those counties from the mouth of Criswell's Mill creek to the top of Bay's Mountain be run by John W. Legg, county surveyor of Knox and John Mullendore, Sevier County Surveyor.
6. Acts of 1853-54, Chapter 177, provided that the lands of William Moulden and the heirs of D. Adams would be in Knox County, in order to clear up any controversy that might arise between Knox and Sevier counties.
7. Acts of 1855-56, Chapter 248, Section 4, changed the boundary between Knox and Jefferson counties to provide that the farm of Thomas Stringfield would be in Jefferson County.
8. Private Acts of 1859-60, Chapter 196, Section 6, placed part of John Robertson's homestead farm, the farm of Howard Hubbs and the farm of William Dyer in Union County, out of Knox County.
9. Public Acts of 1869-70, Chapter 48, Section 3, changed the line between Knox and Grainger counties so that the lands of James McBee be included in Grainger County.
10. Public Acts of 1873, Chapter 72, also changed the Knox-Union boundary, placing the farm of James McHaffie entirely in Knox County.
11. Public Acts of 1875, Chapter 140, Section 4, moved the lands of John and W. Edward Anderson out of Knox, into Union County.
12. Public Acts of 1883, Chapter 103, changed the county lines between Knox and Union so that the tract of land owned by Joseph McHaffie be included in Union County.
13. Public Acts of 1887, Chapter 132, changed the boundary between Sevier and Knox Counties, placing the farms owned jointly by G. W. Underdown and George King in Knox County.
14. Public Acts of 1889, Chapter 20, moved the farm of the Reverend Hugh Caldwell out of Union County into Knox County.
15. Public Acts of 1889, Chapter 124, changed the boundary between Knox and Anderson Counties to include in Anderson what was known as "Holt's Island" in the Clinch River, the property of W.C. Kincaid in Anderson County.

16. Public Acts of 1889, Chapter 194, moved the lands of Charles H. Smith, R. H. Harless, A. K. Mynatt, L. D. Bates, and Joseph Bates out of Union County into Knox County.
17. Public Acts of 1895, Chapter 95, changed the boundary between Knox and Sevier counties, to detach about fifty acres, the farm of D. A. Ferguson, from Sevier and place it in Knox County. This act also specified that the boundary line would be the public road running east-west along the edge of the Ferguson farm.
18. Public Acts of 1895, Chapter 183, transferred all of the farm of Samuel Bayless, north of the Raccoon Valley road, out of the Knox County into Union County.
19. Public Acts of 1899, Chapter 117, moved the farm of T. F. Adams, out of Sevier County, into Knox.
20. Acts of 1905, Chapter 186, altered the boundary line between Union and Knox Counties by detaching a small triangular piece of land belonging to W. E. Smith and William Childress from Knox County and placing it in Union County.
21. Acts of 1909, Chapter 68, moved the "Hugh Caldwell" farm from Knox into Union County.
22. Private Acts of 1919, Chapter 739, transferred the lands of I. L. Moore and Sally Moore out of Grainger County into Knox County.
23. Private Acts of 1927, Chapter 741, provided that the farm of Viola E. Hamilton, previously located in Grainger County, would be attached to the thirteenth civil district of Knox County.
24. Private Acts of 1933, Chapter 637, detached the remainder of the lands of A. C. Parrott from Grainger County and transferred them to Knox County.
25. Private Acts of 1963, Chapter 120, changed the boundary between Union County and Knox County, to include the farm of Clint Davis in Union County.
26. Public Acts of 1982, Chapter 666, changed the boundaries between Knox County and Union County by detaching the property described in the act, containing 85 acres, more or less, and belonging to Edgar L. Bayless, and wife, Twilla Bayless, from Knox County and attaching the same to the sixth civil district of Union County.

## Chapter V - Court System

### Board of Jury Commissioner - Jurors

#### Private Acts of 1965 Chapter 159

**COMPILER'S NOTE:** This act is superseded by the Knox County Charter, Section 18-31, pursuant to T.C.A. § 5-1-210, subject to continuation by ordinance of the Knox County Commission. This act was reproduced rather than placed in the historical notes due to its importance and possible continuation by ordinance. See Knox County Charter Chapter 18, Article II.

**SECTION 1.** That there is hereby authorized to be created a Jury Law for Knox County. There is created a Board of Jury Commissioners, hereafter referred to as the Board. The members of said Board shall be appointed by the Judge or Judges of the Circuit Court, acting jointly with the Judge or Judges of the Circuit Court, acting jointly with the Judge or Judges of the Criminal Court. Said Board shall consist of three discreet persons who are householders and freeholders of the County, and who are not practicing Attorneys at Law, or State or County Officers, and who have no suit pending in any of the said Circuit or Criminal Courts at the time of their appointment. No more than two of the said Commissioners shall belong to the same political party. The first appointee of said Commissioners shall be appointed to serve for one (1) year, one for two (2) years and one for three (3) years; all vacancies which may occur in said Board, either from death, resignation or otherwise, shall be filled in the same manner and by the same authority as the original appointment, for a three (3) year term. Such vacancy may be filled immediately upon receipt of satisfactory notice thereof.

There is hereby created an Executive Secretary to the Board, hereafter referred to as Secretary, who shall serve as the Deputy or Executive Officer of the Judges in their administration and supervision of the Jury Law, the Secretary's duties being more fully set out hereafter.

The Clerk of the Circuit Court is hereby created the Clerk of said Board, and whenever any member of said Board shall fail, refuse, or be unable to discharge any of the duties imposed by this Act upon said Board, the two remaining members of said Board shall perform the duties required of said Board temporarily; the performance of said duties by said remaining members of said Board shall be justified at any time when it shall appear by the affidavit of any member of said Board, or certificate of a reputable physician that any

member of said Board is unable for any reason to perform the duties required of such member.

As amended by: Private Acts of 1970, Chapter 321

**SECTION 2.** That the Jury Commissioners before entering upon the discharge of their duties, shall take and subscribe before any Judge of the Circuit or Criminal Courts the following oath:

"I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for Knox County to the best of my knowledge and ability, and that I will not place the name of any person on the jury list of said County, or in the jury box thereof, whom I believe to be corrupt or unfit, or who has to my knowledge solicited or had another to solicit his name to be placed on the jury list, or in the jury box, that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duty, unless called on to give evidence thereof in some Court of Justice or other legal tribunal of this State, so help me God."

Said oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of said Commissioners.

**SECTION 3.** That immediately after their appointment and qualification by the taking of said oath, said Jury Commissioners shall meet and organize by electing one of their members as Chairman, and by requiring the Executive Secretary and the Clerk of the Circuit Courts to take and subscribe an oath to faithfully discharge their duties as Executive Secretary and as Clerk of said Board, as required by law, and not to divulge any of the proceedings and deliberations of the Jury Commissioners, unless required to testify thereof in some Court of this State. This oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of the Commission.

**SECTION 4.** That it shall be the duty of said Jury Commissioners to select from the tax books, permanent registration lists, and poll books of the County, the names of not less than 15,000 upright and intelligent men and women of fair character and sound judgment, resident citizens of the County, who are eligible for jury service according to the qualifications of jurors as now prescribed by law; no name shall be selected except by majority vote of the Board; said names when so compiled by said Commissioners shall be listed alphabetically, assigned an identifying number, and shall constitute the jury list for the jury box of said County and from this the venire for each term shall be pulled by lot. The Board shall certify on each page of said list that the foregoing is the Jury List selected by it as of the date of completion of the list. The Secretary and Clerk of said Board shall then deposit numbered slips of paper containing all the numbers on the numbered list of names selected by the Board in a Jury Box. Said box shall be securely locked and sealed by the Secretary and Clerk and so kept until ordered by the Judges to break said seal and unlock said box for drawing of the venires.

For recording the said Jury List in said Book, said Clerk shall be entitled to a fee of ten cents for each name upon said list, to be paid by the County on the certificate of two or more of said Judges that said service has been rendered by said Clerk and said sum so allowed shall be in full payment of all services rendered by said Clerk pertaining to said Jury List and said Jury Box, and the keeping thereof, which said Clerk is required to perform under this Act.

As amended by: Private Acts of 1981, Chapter 76

**SECTION 5.** That at such time as the Judges shall determine, and in ample time before each Regular or Special Term of the Circuit and Criminal Courts, upon order of the Judges and in the presence of two or more of the Judges, the Secretary and Clerk shall unlock the Jury Box, break the seal thereof and after having well shaken same, cause to be drawn therefrom, in the presence of the Board, by a child under the age of ten years, or a person over said age but blindfolded, such number of names as may be ordered to be taken therefrom by the Judges of said Courts from which to impanel petit and trial juries for the respective terms of said Courts.

In the event the name of a person known by the Board to have died, removed from the County, or to be mentally or physically disabled or otherwise ineligible, should be drawn from said Box, a line shall be drawn through such name and number on said Jury List. Such name and number shall be struck through with applicable notation made and the corresponding numbered slip destroyed. Additional names shall be drawn until the required number of names for the venire is obtained. The numbered slips shall be immediately applied to the Jury List and typewritten list of the venire prepared. The numbered slips shall be placed in an envelope which together with the typewritten list of the venire shall be endorsed by the Secretary and the Clerk with the date of the drawing and certified on each as the Venire for the term and Court drawn and filed by the Clerk. Said envelope shall be kept under lock and key, together with said Venire List after its use, for three years from the date of expiration of the Term for which drawn. At the expiration of said three years, the Judges may order said numbered slips placed back in the Jury Box or may order them destroyed. After preparation of the Venire List and in ample time before commencement of the Term, the Clerk shall notify by certified or regular mail the persons whose names are set out in said Venire List and this notification by certified or regular mail shall constitute a legal summons to these



persons as jurors for said Term of Court. From such persons, when so summoned, the Judges shall prepare a jury calendar dividing the Term of Court into periods of not more than three weeks and shall impanel from the venire such number of names of Jurors as shall in their discretion be required for the aforesaid periods, and these shall be designated as the trial panels. Jurors assigned to each court or division shall be freely exchanged.

After service of the writ of venire facias, or after preparation of the trial panels, if by reason of a disqualification of the proposed jurors or other causes, the required number of Jurors cannot be obtained from said persons so summoned, the Judges shall have drawn from the Jury Box in open court a sufficient number of names until the trial panels are completed. This drawing need not be in the presence of the Jury Commissioners.

The Secretary and the Clerk shall note on the Jury List, provided for in Sec. 4, the date of the trial panel for which a Juror has been summoned. The inclusion of a Juror's name on a trial panel and the reporting of said Juror to said trial panel for service shall constitute jury service within the meaning of the provision herein that a Juror shall not be required to serve more than once in any three year period. Said Jury List shall be correctly posted by the Secretary and Clerk at the end of the service of each trial panel. Upon order of the Judges, any member of the Bar or public may inspect said Jury List, envelope with numbered slips or Venire List.

As amended by: Private Acts of 1981, Chapter 76

**SECTION 6.** That in the selection of a Grand Jury, the Judge or Judges of the Criminal Court, as the case may be, shall not be confined to the said Jury List, but may select members of the Grand Jury from the County at Large. To be eligible for Grand Jury service the individual must be eligible for jury service as is presently prescribed by law, and a registered voter, and must not have made any effort, directly or indirectly to become a member of such Grand Jury. The above qualifications must be determined by the Judge by asking such prospective Grand Juror, under oath, questions concerning the above qualifications.

As amended by: Private Acts of 1971, Chapter 170

Private Acts of 1973, Chapter 134.

**SECTION 7.** That whenever a Judge of the Circuit or Criminal Courts shall be satisfied that a jury in a cause pending in his Court cannot be obtained from the number of persons ordinarily summoned, the Judge may at such time, previous to the hearing of the cause as he may deem best, cause the Jury Box to be brought into open Court and such number of names as he deems sufficient drawn by the Judge therefrom. Said jurors may be summoned as provided in Section 5 or the Sheriff may summon said persons, in the manner directed by the Judge, and the Judge shall draw from the Box until the jury is completed, provided, however, that in empaneling a petit jury, the names of the regular venire summoned for the term, who have been assigned to the regular panel in attendance, shall first be called and exhausted before calling any of the names of jurors who have been summoned as additional jurors of the special panel in the manner provided herein.

As amended by: Private Acts of 1969, Chapter 128

**SECTION 8.** That any person summoned to serve as a juror in the Circuit or Criminal Courts may present to the Judge of the Court in which he is summoned an excuse and said Judge may thereupon excuse or not excuse said persons from service, according to the sound judgement and discretion of said Judge. In the event such person shall be excused, his numbered slip may be replaced in the Jury Box, and this shall be done in the case of all persons eligible to jury service excused for any reason which in the sound judgment of the Court only temporarily exempts said person from jury service, or the said person may be placed on the venire for any subsequent Term within one year. If in the discretion of the Judge the person should be permanently excused, his slip shall be retired and his name stricken from the jury list with proper notation as to cause.

**SECTION 9.** That from time to time as may be necessary, and for the purpose of replenishing or adding to said Jury List such persons as under the provisions of this Act are eligible to jury service, the said Jury Commissioners may add additional names as provided in Section 4 to said Jury List of persons eligible for jury service, and for each of said names so added to said List, shall be prepared a numbered slip and the same shall be placed in the Jury Box.

**SECTION 10.** That the operation of the Jury Law created herein shall be supervised by the Judges. The Executive Secretary, at the direction of the Judges, shall assist them in the discharge of their duties relating to said Jury Law. The duties of said Secretary, while not limited thereto, shall be: To assist in providing names from those sources specified in Section 4 for the Jury List; to serve as Secretary of the Board of Jury Commissioners and to assist said Board in arranging meetings of the Board and arranging for an individual to draw the names from the Box; in a supervisory capacity, to assist in the preparation of the Jury List, the numbered slips for the Jury Box, and after drawing of names for the venire, the preparation of the Venire List, the separation of the Venire List into trial panels for the Term, the notification to the Jurors of their period of service; the safekeeping of the numbered slips and Venire Lists

and the record of jury service on the Jury List; and such other duties as the Judges shall direct. The Secretary shall receive for services a salary, the amount of which shall be set by judges presiding over courts which regularly utilize jurors.

As amended by: Private Acts of 1971, Chapter 170  
Private Acts of 1981, Chapter 76.

**SECTION 11.** That it shall be a misdemeanor for any Jury Commissioner or Clerk of the Court of Secretary of the Board of Jury Commissioners or the Sheriff or any of his deputies in said County subject to the provisions of this Act, to divulge any of the secrets of said Jury Commissioners or to notify any one what name or names appear on said Jury List, or appear upon regular or special venire to be summoned for use in any court, or any part of such regular or special panel; and it shall also be a misdemeanor for any of the persons or officers charged with the duty of carrying out this Act to fail to perform any duty imposed by Act. It shall also be a contempt of Court, punishable by the Circuit Court upon its own motion, or by the Criminal Court upon the petition of the Attorney General, or on its own motion, for any Jury Commissioner, Circuit Court Clerk, Secretary or any other person to hold any Jury Box except as authorized by the provisions of this Act, or to destroy, deface or remove without authority or to add any name to the Jury List, Venire List or any Jury List or to assist in or connive at any such acts, or for any custodian of a Jury Box or List to knowingly permit such acts to be done.

**SECTION 12.** That the Judge or Judges having the right to appoint Jury Commissioners, under the provisions of this Act, shall have the right and authority to remove any or all of such Jury Commissioners for cause and upon due hearing for incompetency, failure to perform their duties as required by law, or corruption in office, or any other good and sufficient reason to said Judge or Judges appearing, upon giving five days notice to said Commissioners or Commissioner of the time and place of taking action thereon and the grounds therefor.

**SECTION 13.** That the Jury Commissioners provided for by this Act shall receive an amount set by the Judges for each and every day's service while actually engaged in the performance of the duties required of them in this Act. Their service will be certified by the Secretary and Clerk of the Board to the County, who will thereupon issue proper warrants for their payment by the County Trustee.

As amended by: Private Acts of 1971, Chapter 170

**SECTION 14.** That Jurors who report for service on a panel shall receive the amount provided by general law, each per day for each day of service, and a Juror shall be deemed to have served if he has reported for service on a panel.

As amended by: Private Acts of 1971, Chapter 170

**SECTION 15.** That all books and boxes and other things required by this Act to be purchased by the Secretary and the Clerk of said Board of Commissioners shall be paid for by the County in the manner now provided by law.

**SECTION 16.** That in the absence of fraud, no irregularity with respect to the provisions of this Act shall affect the validity of any action of a Grand Jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury if this Act has been substantially complied with, unless such irregularity has been specially pointed out and exception taken thereto before the Jury is sworn.

**SECTION 17.** That the provisions of this Act shall apply to all grand, petit, or trial juries in all Circuit and Criminal Courts of this County subject to the provisions of this Act; provided, the above provisions limiting jury service to not more than a three weeks period shall apply only to petit or trial juries; further, said limitation of jury service for not more than a three weeks period shall apply where a criminal or civil trial once commenced shall continue beyond said period, the jurors in this eventuality being required to serve until completion of the trial.

**SECTION 18.** That the Circuit and Criminal Courts that have selected petit or trial juries for the current terms under the provisions of Acts repealed by this Act, and are now in regular session, may continue the trial of cases in such courts until the end of the current terms, and organize at such subsequent term as may allow the Board to comply with this Act. Any indictments heretofore returned by Grand Juries and in all criminal cases pending in the Criminal Courts, are hereby declared legal, and the passage of this Act shall not affect in any wise any prior acts of Grand Juries or Trial Juries.

**SECTION 19.** That the Judges of said Courts may, acting within the limitations and framework of this Act, formulate, make and put into effect such procedural rules and regulations, applicable alike to all of said Courts, as may be necessary or proper to efficiently work out and put into practice the selection of juries as herein provided.

**SECTION 20.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 21.** That this Act shall take effect from and after its passage, provided that the same shall have been approved by a two-thirds majority of the Legislative Body of the County affected thereby having the

jurisdiction to approve or disapprove, and its approval or disapproval shall be proclaimed and certified to the Secretary of State by the presiding officer of said Body.

Passed: March 18, 1965.

## Criminal Court

### Acts of 1907 Chapter 1

**SECTION 1.** That there is hereby created and established a Criminal Court for Knox County, to be designated and known as the "Criminal Court of Knox County." Said court shall have exclusive jurisdiction in said county of all crimes and misdemeanors, and of all criminal proceedings, indictments, presentments, prosecutions, and trials of which the Circuit Court of said county had jurisdiction up to the passage of this Act. All jurisdiction which is hereby invested in said Criminal Court is hereby taken from said Circuit Court, but the jurisdiction, power, and duties of the regular Circuit Judge of Knox County shall not be affected or reduced except as expressly provided for in this Act. The grand and petit juries for said Criminal Court shall be selected, impaneled, and organized by the Jury Commission of Knox County and under the direction of the Judge of the Criminal Court of Knox County, as provided for by law for the Circuit Court of said county.

**SECTION 2.** That the terms of said Criminal Court shall begin on the first Mondays of March, July, and November of each year.

**SECTION 3.** That there is hereby created the office of Judge of the Criminal Court of Knox County, and that as soon as this Act takes effect, or as soon thereafter as practicable, the Governor of the State shall appoint a person who is qualified under the law to hold the office of Circuit Judge in this State as Judge of the Criminal Court of Knox County, who shall hold said office until the election and qualification of his successor. An election shall be held for said office, as required by law, on the first Thursday in August, 1908, and the Judge so elected shall hold said office as in case of vacancy and until the next regular election of judicial officers in the State and until his successor is duly elected and qualified, at which election, and every eight years thereafter, there shall be elected by the qualified voters of Knox County a Judge of said Criminal Court. The Judge of said Criminal Court shall receive the same salary as regular Circuit Judges of this State, and shall be clothed with all the general powers and have the same qualifications which are now possessed by regular Circuit Judges of this State.

**SECTION 4.** [Deleted by: Acts of 1909, Chapter 210].

**SECTION 5.** (a) That the present Clerk of the Criminal Branch of the Circuit Court of Knox County shall be the Clerk of said Criminal Court and perform all the duties and receive all the emoluments appertaining to the office of Clerk of said Criminal Court during the remainder of the term for which said Clerk has been lawfully elected and until his successor in office is duly elected and qualified; and the Attorney-general of Knox County shall discharge all the duties of Attorneygeneral in said Criminal Court and receive the compensation appertaining to his office during the remainder of the term, for which he has been duly elected.

(b) The Clerk of the Criminal Court of the County shall act as the Clerk of the Court of General Sessions for the purpose of overseeing the court's criminal docket, and when acting as Clerk of such court in that capacity shall be designated "Clerk of Court of General Sessions of Knox County, Criminal Division". Such Clerk is hereby authorized to perform the duties of the criminal division of such court. The fees, commissions and emoluments of the criminal division of such court of General Sessions shall constitute a part of the fees, commissions and emoluments of the office of the Clerk of the Criminal Court of the County. The Clerk of the Criminal Court shall receive no additional compensation for his services; however, such deputies and assistants as may be necessary for the proper operation and administration of the duties of such office shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of deputy Criminal Court clerks.

As amended by: Private Acts of 2000, Chapter 126

**SECTION 6.** That said Criminal Court may adjourn from time to time and hold and conduct its sessions and resume its sessions, notwithstanding that any other court of record in said county of Knox may be in session, and notwithstanding that the Judge of said Criminal Court may also be presiding in another court of record in said county.

**SECTION 7.** That the County Court of Knox County shall furnish all books and necessary supplies for said Criminal Court, and shall furnish for the sittings of said Criminal Court a separate court room; and the Sheriff of said county, in person or by deputy, shall attend upon each sitting of said Criminal Court while in

session.

**SECTION 8.** That the criminal cases, and all bonds, process mesne or final indictments, presentments, motions, appearances, and proceedings pending in the Criminal Branch of the Circuit Court of Knox County, when this Act takes effect, shall, by virtue of this Act and by operation of law, be and stand transferred from the Criminal Branch of the Circuit Court of Knox County to said Criminal Court of Knox County immediately upon the taking effect of this Act, and said records, proceedings, bonds, processes, indictments, presentments, and appearances shall not abate, but shall be at once filed in said Criminal Court by the Clerk thereof when this Act takes effect; and said proceedings, bonds, processes, indictments, presentments, and appearances shall not abate, but shall stand returnable to the next term of said Criminal Court after this Act takes effect.

**SECTION 9.** That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

**SECTION 10.** That this Act shall take effect from and after the first day of February, 1907, the public welfare requiring it.

Passed: January 22, 1907.

## District Attorney General

### Assistants and Criminal Investigators

### Public Acts of 1991 Chapter 27

**SECTION 1.** There is hereby created five (5) additional assistant District Attorneys General positions to the District Attorney General for the Sixth Judicial District; such positions shall be filled by appointment of the District Attorney General of the Sixth Judicial District, shall serve at the pleasure of such official, and shall perform such duties as may be assigned to them by the District Attorney General. The assistant District Attorneys General positions created herein shall be filled by persons licensed to practice law in Tennessee.

**SECTION 2.** There is hereby created two (2) additional criminal investigator positions for the District Attorney General of the Sixth Judicial District. Such positions shall be filled by appointment of the District Attorney General for such judicial district, shall serve at the pleasure of such District Attorney General and shall perform such duties on behalf of Tennessee as may be assigned to them by the District Attorney General. Such criminal investigators, as part of their duties, shall investigate crime and take statements of witnesses in felony and other cases and assist in carrying out the duties of the office of the District Attorney General. The duly appointed criminal investigators shall have the same authority and power as is conferred by law upon criminal investigators by Tennessee Code Annotated, Section 16-2-508.

**SECTION 3.** There is hereby created two (2) additional secretarial positions to the District Attorney General of the Sixth Judicial District. Such secretarial positions shall be filled by appointment of such District Attorney General and shall serve at the pleasure of such official.

**SECTION 4.** The board of commissioners of Knox County shall pay from its general and available funds, if appropriated and made a part of the Knox County annual budget, the salaries of the five (5) assistant district attorneys general positions, the two (2) criminal investigator positions and the two (2) secretarial positions created by this act. The compensation of the assistant district attorneys general positions shall be in accordance with the general law and shall be paid to such assistant district attorneys general in equal monthly installments. Each assistant district attorney general shall devote full-time to their duties, as provided by general law. The compensation of the criminal investigator positions shall be in accordance with the general law and shall be paid to such investigators in equal monthly installments. The compensation of the two (2) secretarial positions shall be established and approved by the board of county commissioners and shall be paid to each such employee at a monthly rate, twice per month.

As amended by: Private Acts of 1991, Chapter 495

**SECTION 5.** 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 6.** This act shall have no effect unless it is approved by a two-thirds (b) vote of the legislative body of Knox County. Its approval or nonapproval shall be proclaimed by the presiding officer of the

legislative body of Knox County and certified to the Secretary of State.

**SECTION 7.** 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 6.

Passed: March 11, 1991.

## General Sessions Court

### Private Acts of 1939 Chapter 54

**COMPILER'S NOTE:** The effective provisions of this act may be modified by ordinance pursuant to the Knox County Charter, Chapter 18, Article III.

**SECTION 1.** There is hereby created and established a court in and for Knox County, Tennessee, which shall be divided into five (5) divisions: One of which shall be designated Court of General Sessions, Division I, of Knox County, Tennessee, another, Court of General Sessions, Division II, of Knox County, Tennessee, another, Court of General Sessions, Division III, of Knox County, Tennessee, another, Court of General Sessions, Division IV, of Knox County, Tennessee, and the other, Court of General Sessions, Division V, of Knox County, Tennessee. The Court shall be held in Knoxville and Knox County, shall provide court rooms, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and pay for same out of the ordinary funds of said County.

There is created a Division V of the General Sessions Court of Knox County, Tennessee, and the position of General Sessions Judge to serve such Division V. Division V shall have the same jurisdiction, powers and authority as the other divisions of General Sessions Court in Knox County.

As amended by: Private Acts of 1959, Chapter 72  
Private Acts of 1995, Chapter 22

**SECTION 2.** That the jurisdiction, powers and authority of said Court shall be co-extensive with Knox County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Knox County are hereby divested of all such jurisdiction, powers and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in no wise affected by this Act.

**SECTION 3.** Three (3) divisions of the court shall be open for the conduct of business at the times on the days that the courthouse facilities shall be open for the conduct of the general business of the county. One judge shall be available for performance of needed judicial services for the termination of normal working hours until the opening of court on the next regular business day. Judges may hold court at the courthouse or in any other facilities provided by Knox County or the city of Knoxville for such purposes.

As amended by: Private Acts of 1981, Chapter 169

**SECTION 4.** That before the commencement of any civil action, the plaintiff shall pay to the Clerk of said Court of General Sessions an amount sufficient to cover the fees for the issuance of the original warrant or summons, writs of attachment, replevin or unlawful and forcible entry and detainer, rendition of judgement, docketing and the fees of the officers serving such process, such costs to be estimated by the Clerk of said Court. Before the issuance of any execution, or other process, or the performance of any additional service in the case, the plaintiff or the party seeking the same shall pay to the Clerk the fees therefor. Such payment made for Court costs shall be credited at once to the party paying the same, and such costs paid as compensation for the service of officers shall become payable to them only after the return of process has been made. When, and in the event such costs are collected from the defendant, the plaintiff or the party entitled thereto, shall thereupon be refunded the same; provided, however, that any resident of this State who is eligible to take and subscribe the oath for poor persons, may, upon taking and filing such oath, commence and prosecute an action without prepayment of cost.

As amended by: Private Acts of 1947, Chapter 148

**SECTION 5.** That the laws now regulating pleading and practice; stay of and appeals from judgements, writs and processes in civil cases in the courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the judges of said Court. In order to facilitate the business of the court, all cases set for hearing upon the trial docket may be called, heard and disposed of on the designated day and hour set without the waiting period of one hour thereafter as provided for either party in cases before Justices of the Peace.

The judges of the court shall adopt in writing such rules of evidence and procedure as may be necessary

to expedite the trial and disposal of cases.

As amended by: Private Acts of 1943, Chapter 395  
Private Acts of 1981, Chapter 169

**SECTION 6.** There shall be designated one of the judges of the four (4) divisions as administrative judge for the court. The administrative judge shall be responsible for the general oversight of the business of the court during the time which he serves in such capacity. In addition, he shall be responsible for the coordination of the work of the judges of the court with the judicial commissioners assigned to the court, if any, and shall certify to the county executive the hours worked and performance of said commissioners for any purpose for which the county executive asks for such certification. He shall also be responsible for scheduling the work assignments of the various judges and for coordinating the interchange between the judges necessitated by the sickness or absence of one of the judges and shall be responsible for the appointment of special judges, if needed, as provided hereinafter.

The designation as administrative judge shall be rotated between the judges of the various divisions commencing on September 1, 1981 at which time the judge with the greatest length of service as judge of the court shall be so designated and shall serve in the capacity for three (3) months, after which the judge with the second greatest length of service as judge of the court shall be so designated. The designation as administrative judge shall continue in that sequence until each of the judges of the various divisions has been so designated and served. In the event that any two (2) judges shall have the same length of service on the court, the designation as between them shall be made according to the numerical designation of their respective divisions in ascending order. Beginning on September 1, 1982 and at the beginning of each new term of the judges of the court thereafter, the rotation of the designation as administrative judge shall start anew with the judge with the greatest length of service to the court at that time being designated as administrative judge, who shall serve for a term of six (6) months in that capacity. Thereafter rotation of designation as administrative judge shall proceed, as outlined above, at six (6) month intervals throughout the remainder of the term.

In the event of unavailability of the administrative judge and an administrative decision is required, the next available judge in line to become administrative judge according to the rotation outlined above, shall be empowered to make such administrative decision in his stead.

As amended by: Private Acts of 1981, Chapter 169

**SECTION 7.** That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the sheriff, and all other officers, for the execution of writs and processes of said Court and fees for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the courts of Justices of the Peace. The fees and compensation, due for services rendered by the Court shall accrue to the Clerk of the Court. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the sheriff and all other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be paid to the Clerk and handled, accounted for and disbursed as required by law.

**SECTION 8.** That there shall be one civil docket and one criminal docket for the court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the court both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of court, of the sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Division of the Court in which, and the Judge by whom, the case was disposed of. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer, who receives the warrant, shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on said respective dockets.

**SECTION 9.** That there shall be one (1) judge for each division of said Court with the same qualifications and terms of office as provided by the Constitution of the State of Tennessee for inferior courts; and such judges shall take the same oath as that prescribed for Circuit Judges and Chancellors.

**SECTION 10.** The compensation of each of said judges shall be in the amount of eighty-five percent (85%) per annum of that of the circuit and chancery judges of the state of Tennessee, including any cost of living adjustments or other adjustments to judges' compensation during their term in office, payable out of the ordinary fund of the county in equal monthly installments from and after September 1, 1982. Judges shall give all of their regular working time to the duty of their office.

As amended by:  
 Private Acts of 1947, Chapter 148  
 Private Acts of 1953, Chapter 492  
 Private Acts of 1972, Chapter 338  
 Private Acts of 1981, Chapter 169

**SECTION 11.** That the Governor shall appoint the first three (3) judges of said court, who shall serve until the first day of September, 1940, and until their successors have been elected and qualified.

Their successors shall be elected by the qualified voters of the County at the general election on the first Thursday of August, 1940, to serve until the first day of September, 1942, or until their successors are qualified. Their successors shall be elected every eight (8) years thereafter for a term of eight (8) years.

Any person who shall become a candidate for election in August, 1940, and shall hold said office from the first day of September, 1940, or thereafter, for any one of the offices of judge of said court shall designate to the Board of Election Commissioners of Knox County the division of the court to which he seeks to be elected, and the candidate who shall receive the highest number of votes cast for judge of that division of said court shall be declared elected thereto. The Judge of Division V of the General Sessions Court of Knox County shall initially be appointed as provided by law. Such appointed judge shall serve until September 1, 1996, or until such judge's successor is elected and qualified. At the regular August Election in 1996, the qualified voters of Knox County shall elect a person to serve as Judge of Division V of the General Sessions Court until September 1, 1998, or until such judge's successor is elected and qualified. At the regular August election in 1998, and every eight (8) years thereafter, the qualified voters of Knox County shall elect a person to serve as Judge of Division V of the General Sessions Court for a term of eight years.

The Judge of Division V of the General Sessions Court of Knox County shall have the same jurisdiction, authority, powers and receive the same compensation, payable in the same manner, as the judges of the other divisions of the General Sessions Court of Knox County.

As amended by: Private Acts of 1995, Chapter 22

**SECTION 12.** If a judge of a division of the court fails to attend, cannot preside in a pending cause, or for any reason fails to hold court, the matters coming on for hearing in that division shall be reassigned to the divisions open for business; provided, however, that the administrative judge may call for service the judge of the division not scheduled to be in session if the matters for hearing in all divisions do not appear capable of disposition during the normal working hours of the available judges. At any time the administrative judge determines that less than three (3) judges are available for service and that appointment of a special judge is required by reason of the volume of matters coming on to be heard which are not reasonably capable of continuance, then a special judge may be appointed in accordance with Tennessee Code Annotated, Section 16-15-209 (a). With concurrence of the administrative judge, a special judge may be appointed in accordance with Tennessee Code Annotated, Section 16-15-209 (b). No special judge or judges shall be designated pursuant to Tennessee Code Annotated, Section 16-15-209 (b). More than twenty (20) normal business days in any one calendar year to serve for or in the stead of the judge of any one division. Special judges shall serve without pay.

As amended by:  
 Private Acts of 1945, Chapter 326  
 Private Acts of 1967-68, Chapter 209  
 Private Acts of 1981, Chapter 169

**SECTION 13.** That the judges of the three divisions of said court may interchange with each other, when necessary, or where such interchange is for the mutual convenience, or in case of sickness, absence or other disability on the part of any such judge to hold his court, and in the case of a vacancy for any cause, either of the other judges may hold court in the division in which such vacancy exists. The Governor shall have the power to appoint some qualified person to fill such vacancy.

**SECTION 14.** That the Clerk of the Circuit Court of the County shall act as the Clerk of the Court of General Sessions for the purpose of overseeing the court's civil docket, and when acting as Clerk of such court in that capacity shall designated "Clerk of Court of General Sessions of Knox County, Civil Division". Such Clerk is hereby authorized to perform the duties of the civil division of such court. The fees, commissions and emoluments of the civil division of such court of General Sessions shall constitute a part of the fees, commissions and emoluments of the office of the Clerk of the Circuit Court of the County. The Clerk of the Circuit Court shall receive no additional compensation for his services; however, such deputies and assistants as may be necessary for the proper operation and administration of the duties of such office shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of deputy Circuit Court clerks.

The clerk of said court and his deputies assigned thereto shall have concurrent authority with the judges to issue warrants and other processes and writs, other than those which the law requires shall be issued only by or upon the fiat of a judicial officer.

As amended by: Private Acts of 2000, Chapter 126

**SECTION 15.** That the sheriff of Knox County shall assign a deputy sheriff to attend the sessions of each division of said court to preserve order and wait on and serve the court. The sheriff shall receive no additional compensation for his services or those of the deputies so assigned; however, such deputy sheriff so assigned shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of deputy sheriffs for Knox County. The clerk of said court shall certify to the County Judge of Knox County the names of deputy sheriffs so assigned to said courts. The County Judge shall issue warrants drawn upon the Trustee for their compensation as provided herein.

The Sheriff of said County, or any deputy sheriff or constable thereof, shall serve legal processes, writs and papers issued by said court with the same authority as provided by law in the other inferior courts.

**SECTION 16.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Knox County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said case is disposed of or pending when this Act becomes effective.

**SECTION 17.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said County, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be distributed between the three divisions of the court with an equal distribution as practicable.

**SECTION 18.** That said court shall have authority to hear and determine all undisposed of cases pending in the courts of Justices of the Peace of Knox County as if such cases had originated in said Court of General Sessions, and shall have power to issue executions on judgments rendered by Justices of the Peace.

**SECTION 19.** That the Legislature expressly declares that each section of this Act is several [sic], and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 20.** That this Act shall take effect sixty (60) days after its passage, the public welfare requiring it.

Passed: January 24, 1939.

## Juvenile Court

### Private Acts of 1913 Chapter 277

**COMPILER'S NOTE:** The Knox County Charter at Section 5.07 continued the effectiveness of this act.

**SECTION 1.** That the words and phrases used in this Act and in the proceedings pursuant thereto shall, unless the same be inconsistent with the context, be construed as follows:

1. "Court" shall mean "the Juvenile Court of Knox County or the Judge thereof."
2. "Judge" shall mean "the Judge presiding over the Juvenile Court of Knox County."
3. "County" shall mean "Knox County, in the State of Tennessee."
4. "Child" or "children" shall mean "a dependent or delinquent child as herein defined," in Knox County.
5. "Officer" shall mean "the regular probation officer or an assistant probation officer."
6. "Order" shall mean "any adjudication or direction of said court," whether interlocutory or final.
7. "Peace officer" shall mean "the Sheriff of Knox County or any of his deputies, any constable of said county, and any policeman of any municipal corporation in said county."
8. "Magistrate" shall mean "any Justice of the Peace of Knox County and any Recorder of any municipal corporation in said county."
9. "Corporation" shall mean "any municipal corporation in said county."
10. The masculine gender may also include the feminine gender, and the singular number may also include the plural number.

**SECTION 2.** That there is hereby created for Knox County a court to be known and designated as the "Juvenile Court of Knox County," to be presided over by the Recorder of the city of Knoxville, a Judge who shall be a legal voter of Knox County and who shall receive an annual salary of \$1200 payable in monthly instalments by Knox County in the manner now provided for the payment of County officials. Immediately



after the passage of this Act, the Governor of the State shall appoint a Judge for said court who shall hold said office until the next regular election for civil officers in this State, at which election his successor shall be elected by the qualified voters of Knox County, and shall hold the office to which he shall then be elected until the next regular election for Judges to be held the first Thursday in August, 1918. Thereafter there shall be elected a Judge of said court by the qualified voters of Knox County as other Judges are elected in said county, who shall hold his office for the constitution period of time.

As amended by: Private Acts of 1915, Chapter 292

**COMPILER'S NOTE:** Private Acts of 1947, Chapter 763, amended Private Acts of 1925, Chapter 634, (which created the juvenile court in Knox County) by setting the salary of the judge of the juvenile and domestic relations court for Knox County to \$7,500 per annum. This act was amended by Private Acts of 1959, Chapter 39, which increased the salary of the judge of the juvenile and domestic relations court to \$10,000 per annum. None of the Private Acts specifically stated if the amendments were amending Section 2. Therefore, Section 2 was not specifically amended.

**SECTION 3.** That said court shall be a court of record, with a Clerk, who shall keep a minute record of its proceedings. The Clerk shall be the chief male probation officer hereafter provided for; he shall receive additional compensation as a Clerk. The Judge shall possess the usual constitutional and legal powers of Judges of courts of record in the exercise of the jurisdiction conferred upon the court, and the court shall have and exercise original and exclusive jurisdiction of all matters coming within the terms and provisions of this Act. This Act is to be construed liberally and as remedial in character, the powers herein conferred being intended to be general to affect the beneficial purposes herein set forth.

**SECTION 4.** That the Judge shall appoint one suitable man as chief probation officer and one suitable woman to act as probation officer of said court. Said officers shall hold office at the pleasure of the Judge and work under his direction. They shall have the powers of peace officers, except that they shall not serve process in civil cases. It shall be the duty of officers to serve the citations and other process of the court, take into custody and detain children and present them to said court for disposition, and otherwise aid the court in carrying out his orders. It shall be the duty of the officers to investigate all cases brought before the court, and also all cases reported to them or coming to their knowledge, and make written reports on same on such blanks as shall be provided for that purpose. They shall also visit the homes or places of residence of children and endeavor, as far as in their power, to remedy or remove the causes of dependency or delinquency, and shall do and perform such duties as will effectually aid in carrying out this Act. For their services each probation officer shall receive a salary of one hundred dollars (\$100.00) per month, all of which salaries shall be paid by the County of Knox in the manner now provided for the payment of County officials.

As amended by: Private Acts of 1915, Chapter 292

Private Acts of 1919, Chapter 40

Private Acts of 1941, Chapter 412

**COMPILER'S NOTE:** Private Acts of 1915, Chapter 292 erroneously states that Section 2 should be amended. However, the text in the Act refers directly to Section 4. Private Acts of 1919, Chapter 40 and Private Acts of 1941, Chapter 412 refer to the amendment in Private Acts of 1915, Chapter 292.

Furthermore, Private Acts of 1927, Chapter 231, provided that the compensation of the probation officers of the Knox County Juvenile Court be not less than \$100 per month and not more than \$150 per month. Private Acts of 1943, Chapter 201, set the compensation of the clerks, chief probation officer, officers and court assistants of the juvenile court of Knox County to be not less than \$100 per month and not to exceed \$225 per month. The salaries were fixed by the judge of the Knox County Juvenile Court. However, neither these acts specified where the text should be placed.

**SECTION 5.** That in addition to the regular officers herein provided for, the Judge shall have the right to appoint as many assistant probation officers, male or female, as he may deem desirable, but such assistant probation officer shall serve without compensation. They shall have the same powers and perform the same duties as the regular officers. Whenever any person desires to be appointed probation officer, such person shall file a written application addressed to the Judge, and setting forth therein the experience such person may have had that would fit him or her for said office, together with references.

**SECTION \_\_\_\_.** The Clerk of the Circuit Court of Knox County shall also serve as the Clerk of the Juvenile Court of Knox County.

The Clerk of the Circuit Court of Knox County shall receive no additional compensation for his or her services as Clerk of the Juvenile Court of Knox County. The Clerk of the Juvenile Court of Knox County shall have all of the rights, duties, and responsibilities of other Clerks of Court, including Circuit and Juvenile Court Clerks. The office of Juvenile Court Clerk and Circuit Court Clerk of Knox County shall be held by the same person who shall be elected every four (4) years, beginning with the general election of August, 1990.

As amended by: Private Acts of 1989, Chapter 27  
Private Acts of 2000, Chapter 126

**COMPILER'S NOTE:** Chapter 27 of the Private Acts of 1989 added an additional section, which Chapter 126 of Private Acts of 2000 referred to as Section 6. However, the section was never designated as Section 6 and the other sections were not renumbered. Therefore, it has been left as Section \_\_\_\_\_. Furthermore, Private Acts of 2000, Chapter 126, erroneously states that the act amends Private Acts of 1933, Chapter 277, but should read that it amends Private Acts of 1913, Chapter 277.

**SECTION 6.** That a "dependent" or "delinquent" child within the meaning of this Act, shall mean any child, male or female, under sixteen years of age -

1. Who is found begging or receiving alms, whether actually begging or affecting to sell or offer for sale anything; or
2. Who is found in any road or public place so begging or receiving alms; or
3. Who is a vagrant; or
4. Who is found wandering and without home or settled place of abode, or proper guardianship, or visible means of subsistence; or
5. Who is without parent or guardian, or without parent or guardian willing and able to exercise proper parental control; or
6. Who is destitute; or
7. Whose home, through fault or misfortune of parent or guardian or custodian, is unfit for the child; or
8. Who frequents the company of reputed criminals, vagrants, or prostitutes; or
9. Who is found living or being in any house of prostitution or assignation; or
10. Who habitually visits any saloon, pool room, or place where liquors are disposed of; or
11. Who persistently refuses to obey the reasonable and proper orders or directions of his parents or guardians; or
12. Who is incorrigible, that is, beyond the control and power of parents, guardian, or custodian owing to his vicious conduct or nature; or
13. Whose father is dead or has abandoned his family, or is an habitual drunkard, or does not provide for him, and the child is destitute of a suitable home or of adequate means of obtaining an honest living, or who is in danger of being brought up to lead an idle or immoral life, or where both parents are dead, or the mother (the father being dead) cannot properly support and care for the child; or
14. Who is an habitual truant within any Act to enforce the educational rights of children and providing penalties for the violation thereof at present in force or which may become in force, or who is not placed in a parental school thereunder, or who, being under sixteen, refuses to go to school as directed by parents, duly authorized guardian, or legal custodian; or
15. Who habitually drinks intoxicating liquors, or smokes cigarettes, or who habitually uses opium, cocaine, morphine, or other harmful drug; or
16. Who violates any law or statute of this State not punishable by life imprisonment or death, and who violates any ordinance of any corporation.

**SECTION 7.** That any reputable person having or being within said county, is within the provisions of this Act dependent or delinquent, may file with the court a verified petition which may be upon information and belief (stating the facts briefly and succinctly), which shall bring the child under the provisions of this Act. The title of the proceeding shall be: "In the matter of (inserting the name of the child), a child under sixteen years of age."

It shall set forth the name and residence of the child and of the parents, if known to the petitioners, and the name and residence of the person having the guardianship, custody, control, or supervision of such child, if known; or petitioners shall state that they are unknown, if that be the fact. If it appears from said verified petition that the child is embraced within the operation of this Act and the welfare of the child requires that its custody be immediately assumed, the court shall endorse upon the citation a direction that the officer serving the citation shall at once take the child within his or her custody. In the meantime the child shall be admitted to bail or released from the custody of the officer without bail, but when not so released, the child shall be detained pending the hearing of the case in the place provided for that purpose. The court may, of his own motion, direct any probation or peace officer to bring any child before him, whenever such child may be dealt with, upon a formal citation as herein provided.

**SECTION 8.** That upon the filing of the petition, verified as provided herein, and upon the Judge indorsing thereon an order for citation, the citation shall also be duly served on the parents, if any, otherwise upon the person having guardianship, or custody, or control, or supervision of the child named therein. The return of the officer shall be made on the citation substantially as the law requires returns in civil cases, and a failure to obey the citation willfully by the person upon whom it is served, shall be a contempt of court and shall subject the offender to such punishment as the law now permits for contempt.

The Judge shall have the powers of Circuit Judges to grant writs of habeas corpus in any case when said writs may not be granted by existing laws. The presiding Judge may at any stage of the proceedings appoint any practicing attorney in the county guardian ad litem for said infant, and when the said appointment is made it shall be the duty of such attorney to appear for such infant and without compensation.

**SECTION 9.** That upon the return of the citation, or when a child may be otherwise brought before the court, and at the time fixed for hearing the matter, the court shall proceed to hear and determine the case. The court may conduct the examination of witnesses without the aid of counsel and take testimony, and may inquire into the habits, conditions, surroundings, and tendencies of the child so as to enable the court to make such order as shall seem best adapted to carry out the intent and purpose of this Act; that the care, custody, punishment, and discipline of children shall approximate, as nearly as possible, that which should be given by good parents, and that, in so far as practicable, they shall be treated not as criminals, but as misdirected, misguided, neglected, and needing aid and encouragement. Said court may, in proper cases, bind children charged with crimes and misdemeanors to the Criminal Court of said county, or he may fine them and collect the fines as magistrates might do for the same offense, or he may commit them to the workhouse of Knox County as magistrates may do under the provisions of the law relating to small offenses. Said court shall have the power to commit children to the custody of a probation officer, confine them in a house of detention, commit them to a State, county, or private industrial school or reformatory or similar institution, or place them in a private family, apprentice or bind them out, as now provided by law, leave them in their own homes subject to the orders and discretion of the court and require them to report to the court or to any probation officer at such time and places as said court may designate; any expense necessary to the committing of any child as herein provided shall be paid by Knox County when certified to by the Judge and Clerk of the Juvenile Court in the same manner as other court costs are now paid by the county. When once jurisdiction has been obtained of a child by the court, it shall continue for the purpose of this Act during the minority of the child. The court shall have power to modify or revoke any order made by him respecting such child, omit fines, release, parole, recommit, or bind to the Criminal Court at his discretion. No adjudication shall operate as a disqualification of the child for any office under any State or municipal service, and the child shall not be denominated a "criminal" by reason of any such adjudication, nor shall such adjudication be denominated a "conviction." No testimony given in any matter by a child shall be heard against that child in any other suit or proceeding of any kind whatsoever.

**SECTION \_\_\_\_.** In any case in which the court shall find a child neglected, dependent or delinquent, it may in the same or subsequent proceeding, upon the parents of such child or either of them being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution or in any way in which a court of equity may enforce its orders and decrees, and no property of such parents, or either of them, shall be exempt from levy and sale under execution or other process issued from said court.

As amended by: Private Acts of 1923, Chapter 628

**COMPILER'S NOTE:** Private Acts of 1923, Chapter 628 adds a section between Sections 9 and 10. However, the act does not designate a section number. Therefore, it has been left blank.

**SECTION 10.** That whatever a child is charged with a violation of any law or statute, he or she shall have the right to waive an examination by the court, in which event the court shall commit the child to the county jail, or take bond with the security for the appearance of the child before the the [sic.] Criminal Court of the county; and where a child is charged with an infraction of an ordinance, he or she may appeal to the Circuit Court of the county as now provided by law. In all other cases of dependency and delinquency as herein defined, an appeal may be taken from any final order of the court of the Circuit Court, the appeal to be taken within thirty days after the entry of the order, and the appeal may be taken by the child, or the parents of the child, or by the guardian, or person having custody of the child upon giving an appeal bond in the penalty of two hundred and fifty dollars (\$250), conditioned to pay the costs of the cause and to abide by and perform the judgment of the Circuit Court in the premises, or by the guardian ad litem of the child without an appeal bond upon the guardian ad litem making oath that the persons interested in the child are unable to give an appeal bond by reason of their poverty. All appealed

cases shall be heard by the Circuit Judge immediately after their appeal either in term time or in vacation and without the intervention of a jury.

As amended by: Private Acts of 1923, Chapter 628

**SECTION 11.** That nothing in this Act contained shall be so construed as to prevent Justices of the Peace and Recorders of corporations from issuing warrants for the arrest of any child charged with an offense against the laws or ordinances, nor to prevent any peace officer from making arrests in any case where they are now authorized to make arrests and execute process; but whenever a child shall be brought before a Justice of the Peace or Recorder or is arrested by any peace officer, such child shall be sent immediately, in the custody of an officer, to the court, and when so delivered to the court, the jurisdiction of such Justice of the Peace, Recorder, or peace officer shall cease, and said court shall deal with the child as herein authorized; and nothing herein contained shall be construed as forbidding the grand juries of said county to find presentments and indictments against any person charged with crime as now authorized by law to do, but the Criminal Court of said county is hereby authorized to place under the control of said Juvenile Court and its officers any child arraigned for trial or tried in said court, or he may make any other order respecting the child that said court is now authorized by law to make and enter in the premises.

**SECTION 12.** That the court shall not be held at places where other courts are held in the county, nor shall children be confined in the jail of the county and the lock-ups of corporation if their confinement in said places can be avoided; but the jurisdiction herein conferred on the court shall be so administered as to dissociate children from the criminals as far as practicable. It shall be the duty of the County Court to defray all expenses properly incident to the conducting of the said Court, including bills for stationery, Court files, records, traveling expenses of probation officers and their prisoners under orders of the judge, and of the judge incurred under said Act and any and all other legitimate expenses of said Court. The Judge of said Court shall certify to the Judge of the County Court of said County a quarterly statement of all such bills and expenses and it shall be the duty of the County Court to pay these bills at each quarterly session.

As amended by: Private Acts of 1915, Chapter 292  
Private Acts of 1919, Chapter 40  
Private Acts of 1941, Chapter 412

**SECTION 13.** That the Judge may arrange with any incorporated association or voluntary society maintaining a suitable place of detention for children in said county for the use thereof as a shelter or temporary detention home or for the care of children, and he may enter an order which shall be effectual for that purpose.

**SECTION 14.** That it shall be the duty of the Judge at least once a year to visit each institution in which there shall be, at the time, a child under commitment pursuant to this Act, and the managers and officers of said institution shall accord to the Judge full opportunity to inspect the said institution in all its departments to the end that the Judge may be advised as to the propriety of continuing the use of said institution as a custodian agency, and the Judge may examine witnesses under oath or appoint a referee for the purpose of obtaining any information as to the efficiency and character of such institution.

**SECTION 15.** That all Acts and parts of Acts in conflict with this Act be, and the same hereby are, repealed.

**SECTION 16.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 11, 1913.

## Court System - Historical Notes

### Board of Jury Commissioners - Jurors

The following acts once affected jurors or boards of jury commissioners in Knox 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 65, created a board of jury commissioners for Knox County. This act prescribed the duties of the members of said board, and of the judges, and provided for jury lists, and jury boxes to be kept in Knox County and to repeal all laws in conflict with this act. Several sections of this act were revised by Acts of 1903, Chapter 570 and Acts of 1907, Chapter 24.
2. Private Acts of 1911, Chapter 173, created a board of jury commissioners for Knox County. This act prescribed the duties of the members and of the judges, punished those who violated the act and provided jury lists and jury boxes to be kept in Knox County. This act was amended by Private Acts of 1929, Chapter 213, which increased the term of the jury board commissioners to two years to be appointed at the May term and provided a provision which allowed the trial judges

to permanently excuse jurors from service who were disqualified from such duty and provided for an increase in the compensation of the jury commissioners. Private Acts of 1959, Chapter 37, further amended Private Acts of 1911, Chapter 173, by changing the population requirements of the act to conform to the Knox County population as recorded in the 1950 Federal Census. In addition, Chapter 37 changed the amount of names on the jury list so that the list contained not more than 10,000 and not less than 1,000 names. Finally, Chapter 37, increased the compensation of the jury commissioners to \$10 per day's service while making up the jury lists and \$10 per day for drawing said jurors and \$10 per day to the member of the commission who attended the court and delivered the certified list of jurymen to be paid from the Knox County Treasury.

3. Private Acts of 1913, Extra Session, Chapter 17, increased the compensation of jurors in Knox County to \$2.00 per each day's attendance and such mileage, ferriage and tolls as was allowed by law. This act was repealed by Private Acts of 1977, Chapter 107.
4. Private Acts of 1927, Chapter 76, increased the compensation of jurors in Knox County \$3.00 per each day's attendance and such mileage, ferriage and tolls as was allowed by law. This act was repealed by Private Acts of 1977, Chapter 105.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Knox 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, set the time for holding the Knox County Chancery Court to the first Mondays in June and December at Kingston.
2. Private Acts of 1831, Chapter 217, provided that a chancery court be held at Knoxville for the counties of Knox, Campbell, Anderson and Sevier.
3. Public Acts of 1835-36, Chapter 4, established chancery courts in the state. The counties of Knox, Anderson and Blount composed the sixth chancery district and held said court on the second Mondays in April and October in Knoxville.
4. Public Acts of 1857-58, Chapter 88, fixed the times of holding the chancery courts of the state. The Knox County Chancery Court was held on the first Mondays of April and October at Knoxville.
5. Public Acts of 1870, Chapter 32, divided the state into chancery districts. The second chancery district was composed of the counties of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress and Christiana.
6. Public Acts of 1870, Chapter 47, fixed the times for holding the chancery courts of the state. The Knox County Chancery Court was held on the third Mondays of March and September.
7. Public Acts of 1879, Chapter 197, set the time for holding the Knox County Chancery Court to the first Monday of January and the fourth Monday of June.
8. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into chancery courts. The Knox County Chancery Court was placed in the second chancery division and held its court on the first Monday in January and on the fourth Monday in June.
9. Public Acts of 1899, Chapter 214, placed the Knox County Chancery Court in the twelfth chancery division. The time for holding the Knox County Chancery Court was set for the second Mondays in May and November. This act was amended by Public Acts of 1901, Chapter 6, by detaching Knox County from the twelfth chancery division and placing it in its own separate division which was named the "Chancery Division of Knox County". The time for holding said court was set for the third Mondays in March and September.
10. Acts of 1909, Chapter 11, established a chancery division for Knox County, provided for the appointment of a chancellor by the Governor to hold office until a successor was elected in the August 1910 regular election, set regular term for holding court on the third Monday of March and November of each year.
11. Private Acts of 1911, Chapter 174, amended Acts of 1909, Chapter 11 by changing the dates of the regular term to hold court in the chancery division for Knox County, to the first Monday in May and November each year.
12. Private Acts of 1917, Chapter 246, amended Acts of 1909, Chapter 11, as amended by the Private Acts of 1911, Chapter 174, to change the name of the chancery division of Knox County to the Eleventh Chancery Division of the State of Tennessee.

13. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Probate Court Clerk at \$5,000 per annum.
14. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into chancery divisions. Knox County was placed in the eleventh chancery division and held said court on the first Mondays in May and November.

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

The reference list below contains acts which once applied to the clerk and master in Knox County. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1917, Chapter 213, allowed unmarried women over the age of twenty-one eligible to be appointed and to serve as deputy clerk and master of the Knox County Chancery Court. However, once the appointed female was married her position as deputy clerk and master was terminated. This act was repealed by Private Acts of 1977, Chapter 143.
2. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Chancery Court Clerk at \$5,000 per annum.

### **Circuit Court**

The following acts were once applicable to the circuit court of Knox 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 1792, Ordinance 3, provided that the counties of Knox and Jefferson constitute a judicial district which was known as the Hamilton Judicial District. The courts were held in Knoxville on the second Mondays in April and October, provided that the first court be held on the second Monday in October.
2. Acts of 1809 (1st Sess.), Chapter 49, established circuit courts throughout the state. The counties of Knox, Cocke, Jefferson, Sevier, Blount, Anderson, Roane, Rhea and Bledsoe composed the second judicial circuit. The time for holding the Knox County Circuit Court was set for the second Monday in the months of February and August.
3. Private Acts of 1821, Chapter 106, provided that certain causes be transferred to the Knox County Circuit Court.
4. Public Acts of 1831, Chapter 38, provided that all suits commenced and pending in the Knox County Circuit Court, by any Indian reserve against any person or persons, claiming title to land under claim for the state, would be transferred to the circuit court of the circuit in which such land lay.
5. Public Acts of 1835-36, Chapter 5, established circuit courts throughout the state. The second judicial circuit was composed of the counties of Knox, Cocke, Jefferson, Sevier, Blount, Campbell, Anderson and Morgan. The Knox County Circuit Court was held on the second Mondays of February, June and October.
6. Acts of 1837-38, Chapter 3, Section 7, set the time for holding the Knox County Circuit Court on the second Mondays in February, June and October.
7. Acts of 1855-56, Chapter 97, Section 2, changed the time for holding the Knox County Circuit Court to the first Mondays of February, June and October. This act was repealed by Private Acts of 1978, Chapter 235.
8. Public Acts of 1857-58, Chapter 98, placed Knox County in the third judicial circuit and set the time for holding the said court on the second Mondays of February, June and October.
9. Public Acts of 1870, Chapter 31, divided the state into judicial circuits. The third judicial circuit was composed of the counties of Knox, Morgan, Anderson, Monroe, Roane, Cumberland, Fentress, Blount and Christiana, if established.
10. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts of the state. The Knox County Circuit Court was held on the first Mondays of February, June and October.
11. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits. The circuit court of Knox County was placed in the third judicial circuit and held its court on the first Mondays in February, June and October.
12. Public Acts of 1887, Chapter 235, set the times for holding the Knox County Circuit Court to the fourth Mondays of February, May and October.

13. Public Acts of 1891, Chapter 18, Section 7, provided that at the next election of the judge of the Knox County Circuit Court, that the term of his office be eight years.
14. Private Acts of 1897, Chapter 223, detached Sevier County from the second judicial circuit and transferred and attached it to the criminal district composed of Knox County. It was the duty of the judge of the criminal court for the district of Knox County to hold the terms of the Sevier County Circuit Court and it was the duty of the district attorney for the Knox County Criminal District to attend the terms of the circuit court of Sevier County.
15. Public Acts of 1899, Chapter 409, Section 4, provided that all criminal jurisdiction in Knox County be conferred upon the circuit or law court of Knox County and the judge of said court was to hold the circuit court of Knox County on third Mondays in January, May and September.
16. Public Acts of 1899, Chapter 427, divided the state into judicial circuits. The third judicial circuit was composed of Knox County which held its court on the first Mondays in January, May and September.
17. Private Acts of 1923, Chapter 326, set the first Monday in every month as a return day in all divorce cases instituted in the circuit courts of counties of the State having a population of not less than 112,921 inhabitants and not more than 112,931 inhabitants, according to the Federal Census of 1920 or an subsequent federal census. And that all such divorce cases would stand trial at any time after the first Monday in any month coming five or more days after service of process, or the last publication made in non-resident cases.
18. Private Acts of 1931, Chapter 166, as amended by Private Acts of 1949, Chapter 450, established the Second Circuit Court of Knox County. Said court was held in the City of Knoxville and had concurrent jurisdiction with the first circuit court of Knox County, and its term began on the same days as the existing circuit court.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into judicial circuits. Knox County was placed in the third judicial circuit and held said court on the first Mondays in January, May and September.
20. Public Acts of 1959, Chapter 208, divided the circuit court of Knox County into three divisions and created the office of Circuit Judge for the third division. Court terms began on the first Mondays in January, May, and September.
21. Public Acts of 1965, Chapter 265, as amended by Public Acts of 1967, Chapter 77, established Division IV Circuit Court of the Third Judicial Circuit of the State of Tennessee to exist from and after September 1, 1966. The Criminal Court Clerk of Knox County was the clerk of the Fourth Circuit Court of Knox County. The judge was elected for a term of 8 years and was empowered to appoint a special Master to take proof and investigate any issue of fact involving the custody, support, and welfare of children raised in such proceedings and to report his findings on such issues to the Court, said report had the same effect as the report of a Master in Chancery proceedings. The Court was authorized to tax the fee of the special Master as a part of the costs in such cases

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

The following acts have no current effect, but once applied to the Knox County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Public Acts of 1859-60, Chapter 120, Section 7, authorized the Knox County Circuit Court Clerk to tax the costs which have accrued in the circuit court of Knox County, on behalf of the state in cases which have been transferred for trial to the county court, and that the same was to be certified for allowance by the county court of Knox County as other costs are certified.
2. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Circuit Court Clerk at \$5,000 per annum.

#### **Criminal Court**

The following acts once pertained to the Knox 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 1870, Chapter 100, established a criminal court in Knox County, to be held in the City of Knoxville. This act was amended by Public Acts of 1870-71, Chapter 97, which authorized the Knox County Court to appoint jurors to said court, instead of the judge of the criminal court. This act was further amended by Public Acts of 1871, Chapter 54, which changed the name of the criminal court to "The Criminal Court for the District of Knox."

2. Public Acts of 1873, Chapter 53, Section 3, set the salary of the judge of the Knox County Criminal Court at \$1,800 per annum. This act was repealed by Public Acts of 1889, Chapter 258.
3. Public Acts of 1875, Chapter 16, set the time for holding the Knox County Criminal Court to the first Mondays in January, May and September.
4. Public Acts of 1891, Chapter 18, Section 7, provided that at the next election of the judge of the Knox County Criminal Court, that the term of his office be eight years.
5. Public Acts of 1899, Chapter 101, abolished the Knox County Criminal Court.
6. Acts of 1903, Chapter 114, regulated the costs and fees in criminal cases arising under the small offense law by justices of the peace in Knox County and in other counties with a population of 60,000 to 90,000 according to the Federal Census of 1900.
7. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Criminal Court Clerk at \$5,000 per annum.
8. Public Acts of 1931, Second Session, Chapter 38, set the time for holding the Knox County Criminal Court on the first Mondays in March, July and November.
9. Public Acts of 1970, Chapter 364, reorganized the criminal court of the third judicial circuit of the state, Knox County; created two divisions thereof; defined the jurisdiction of said court; provided for an additional judge and fixed his compensation; provided for a secretary and a court reporter for the additional judge and fixed their compensation and defined the duties of the clerk, sheriff and the attorney general of said court.
10. Public Acts of 1976, Chapter 518, reorganized the criminal court of the third judicial circuit of the state, which included Knox County; created three divisions thereof; defined the jurisdiction of said court; provided for an additional judge for said court and fixed his compensation; provided for a secretary and a court reporter for the additional judge and fixed their compensation; and defined the duties of the clerk, the sheriff and the attorney general of said court.

#### **Court Officers**

The following private act historical summary notes a private act which has been superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

1. Public Acts of 1977, Chapter 485, provided for the compensation of court officers in counties having populations in excess of 250,000, according to the 1970 federal census of population, a minimum annual salary of \$7,800 to be paid by the county to any person appointed to serve as court officer for the trial level courts of record in the county regardless of whether or not the duties of such person included the service of process issuing from any of such courts. The compensation authorized by this act did not include the expense allowance for the use of an automobile by any such person.

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

The following acts once affecting Knox County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1817, Chapter 65, divided the state into solicitorial districts. The counties of Knox, Anderson, Morgan, Roane and Rhea composed the fourth solicitorial district. 2. Public Acts of 1871, Chapter 54, created the office of district attorney for Knox County. 3. Public Acts of 1897, Chapter 24, authorized the district attorney general of Knox County and other counties with a population of 50,000 and over, according to the Federal Census of 1890, to appoint an assistant and provided for the compensation of such assistant.
2. Public Acts of 1899, Chapter 199, abolished the offices of attorney general and assistant attorney general for Knox County. The duties that were exercised by said officers were delegated to the attorney general of the second judicial circuit and his assistant.
3. Private Acts of 1917, Chapter 398, as amended by Private Acts of 1921, Chapter 573, and Private Acts of 1945, Chapter 420, created the office of assistant attorney general for Knox County.
4. Private Acts of 1935, Chapter 264, authorized the district attorney general of Knox County to appoint an employee to make official investigations, prescribed the duties of such employee and provided for his compensation. This act was amended by Private Acts of 1955, Chapter 100, increased the salary of the employee to not less than \$2,400 nor more than \$3,600 per annum. This act was further amended by Private Acts of 1963, Chapter 123, which raised salary of the employee to \$4,800 per annum. Private Acts of 1935, Chapter 264, was repealed by Private Acts



of 1967-68, Chapter 279.

5. Private Acts of 1935, Chapter 302, gave the district attorney the responsibility to have printed at the expense of the county all state warrants for the use of the justice of the peace.
6. Public Acts of 1967, Chapter 260, created the office of criminal investigator for the third judicial circuit of the state which circuit comprised Knox County and provided for the appointment, qualification and payment of salary and to define the duties of the criminal investigator.
7. Private Acts of 1969, Chapter 38, authorized Knox County to supplement the compensation paid by the state to three full time assistant district attorneys general who were in the third judicial circuit. This act was amended by Private Acts of 1970, Chapter 197, by increasing the number of assistant district attorneys general to six.
8. Public Acts of 1969, Chapter 187, provided one additional assistant district attorney, one additional criminal investigator and a secretary to the district attorney general for the third judicial circuit, Knox County, and provided for their appointment, compensation and duties.
9. Public Acts of 1970, Chapter 393, provided additional assistant district attorneys general and additional secretaries to the district attorney general for the third judicial circuit, Knox County, of the state. This act was amended by Public Acts of 1974, Chapter 609, provided an additional secretary to the district attorney general for the third judicial circuit.
10. Public Acts of 1973, Chapter 375, provided one additional assistant district attorney general, one additional assistant district attorney general and/or criminal investigator, and one additional secretary to the district attorney general for the third judicial circuit, Knox County, and provided for the selection, compensation and duties thereof.
11. Public Acts of 1978, Chapter 775, provided one additional assistant district attorney general to the district attorney general for the third judicial circuit, Knox County, and provided for his appointment, compensation and duties.
12. Private Acts of 1981, Chapter 58, as amended by Private Acts of 1982, Chapter 238, Private Acts of 1991, Chapter 20, established a prosecution team of assistant district attorneys general in the office of the district attorney general, to prosecute repeat offenders and drug offenders. The prosecution team authorized by this act was known as the "Career Criminal Unit".

### **General Sessions Court**

The following acts once affected the general sessions court of Knox County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1970, Chapter 292, would have amended Private Acts of 1939, Chapter 54, by fixing the jurisdiction of the general sessions court of Knox County, however, this act was rejected by the proper authorities and never became operative in accordance with its provisions.
2. Private Acts of 1971, Chapter 190, would have amended Private Acts of 1939, Chapter 54, by fixing the jurisdiction of the court, but the act was rejected by the proper authorities and never became operative in accordance with its provisions.
3. Private Acts of 1992, Chapter 164, would have created a fifth division of the general sessions court for Knox County; however, the act was not adopted by the county and therefore never took effect.
4. Private Acts of 1998, Chapter 170, would have amended Private Acts of 1913, Chapter 277, Private Acts of 1989, Chapter 27, Private Acts of 1995, Chapter 22, by adding a Division VI to the general sessions court of Knox County. This act never received local approval.

### **Juvenile Court**

The following acts once affecting juvenile courts in Knox County are included herein for reference purposes.

1. Private Acts of 1911, Chapter 522, created a juvenile court for Knox County, defined its jurisdiction, provided for the appointment of its officers and fixed their compensation, defined delinquent and dependent children in the county and made them subject to the discretionary orders, custody, control and disposition of said juvenile court.
2. Private Acts of 1935, Chapter 539, as amended by Private Acts of 1945, Chapter 307 and Private Acts of 1955, Chapter 72, made it the duty of the judges of the Criminal Court, the Circuit Court and Second Circuit Court to appoint a parole officer and the compensation for said officer was not to exceed \$400 per month. This act was superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.

**Secretarial Assistance**

The following acts are no longer in effect but are listed here for historical purposes.

1. Private Acts of 1915, Chapter 425, authorized the county court to employ stenographers to assist the judges of the various courts, at a monthly salary of \$75. This was amended by Private Acts of 1917, Chapter 529, to raise the salary to \$100 per month and by Private Acts of 1943, Chapter 139, to specify that the quarterly court was authorized to appropriate funds for the compensation of these stenographers.
2. Private Acts of 1927, Chapter 99, provided for the district attorney-general to appoint a stenographer and set compensation at \$125 per month. This act was superseded by general law at T.C.A. § 8-7-601, et seq.
3. Private Acts of 1947, Chapter 151, provided for the employment of stenographers to aid the various judges in Knox County, and this act also authorized the county court to appropriate money for the payment of their salaries which was set at \$175 per month.
4. Private Acts of 1951, Chapter 96, provided for the employment of stenographers to aid the county judge or county chairman in Knox County.

## Chapter VI - Education/Schools

### Board of Education

### Employees

### Civil Service

## Private Acts of 1937 (3rd Ex.Sess.) Chapter 18

**COMPILER'S NOTE:** The Knox County Charter at Section 6.05 continued the effectiveness of this Act, as amended, but was subsequently amended.

**SECTION 1.** That all counties of this State having a population of not less than 155,000 and not more than 157,000 according to the Federal Census of 1930 or any subsequent Federal Census, civil service or permanent tenure shall apply to all employees of the Boards of Education of the counties coming within the provisions of this Act occupying the positions of principals, teachers, supervisors of instruction, clerks and secretaries, provided, that no persons occupying the positions of principals, teachers, supervisors of instruction, clerks and secretaries, shall be under civil service or permanent tenure unless and until they have been employed by the Boards of Education of said counties for the fourth year from the time of their employment; and, provided, further, that said probationary period, which shall consist of three school years, shall have been served within five years next preceding their employment for the fourth year; provided, further, that all promotions for such employees coming under the provisions of this Act shall be probationary for two years from the time of their promotion, but without prejudice to their civil service rights prior to promotion; provided, further, that the provisions of this Act shall include only substitute and emergency teachers who shall teach twenty-seven (27) school months after the passage of this Act, and who shall meet the educational requirements of the Board of Education. Provided, further, that in case any employee under tenure shall be promoted to any position in the school system of said counties which is not protected by tenure, in the event that said position is at any time abolished or the Board of Education shall at any time remove the occupant of said position for any cause other than one of the specified causes for the removal of employees under tenure, then the occupant of such position shall be reinstated in the same civil service status that he held prior to promotion. Provided, further, that the provisions of this Act shall not apply to nor include teachers or principals who are teaching in the place and stead of teachers and principals on leave of absence. Provided, further, that all employees of the Board of Education of said counties coming under the provisions of this Act who have been promoted to the position of supervisor may be reinstated as teachers or principals at the regular Teacher's Salary Schedule, in the discretion of the Board of Education, without the preferring and sustaining of charges as hereinafter provided.

Provided, further, that the time served by all supervisors who are not under civil service or teachers' tenure at the time of their employment shall be counted as a part of the probationary period for civil service as provided by this Act; and provided, further, that all time served by any superintendent of

schools in the counties coming within the provisions of this Act from the effective date of this Act, shall be counted as a part of the probationary period for civil service as provided by this Act; and, provided further, that any employee, under civil service or teacher tenure who may hereafter be elected superintendent by the people or otherwise shall retain his civil service status.

Provided, further, that all employees of Boards of Education coming under the provisions of this Act shall be required to retire from civil service at such age and under such conditions as are provided, or that may be provided from time to time, by the State Teachers' Retirement Law.

As amended by: Private Acts of 1945, Chapter 345

**SECTION 2.** That neither the Board of Education, nor any member thereof, nor the Superintendent of Schools, nor any other official of the Boards of Education of Department of Education of any of the counties coming within the provisions of this Act, shall have any right to discharge, suspend, demote, or change any employee made subject to civil service or permanent tenure by the provisions of this Act, from one position or class to another position of class within the Department of Education of said counties at a reduced salary, unless and until charges as specified herein shall have first been filed and sustained against such employee in the manner herein provided. Provided, further, that in making up the school budget the Board of Education of any such counties ascertain that there is a surplusage of employees in the system, by reason of the natural diminution of the number of pupils in any school, or otherwise, the Board of Education of any such counties may reduce the number of employees to the number required by first dismissing all of those who have not been appointed or employed for the fourth year from the time of their employment. If the reduction so made is inadequate or insufficient in the opinion of the Board of Education of any such counties, the Board may then dismiss civil service employees without charges being filed or sustained, but such dismissals shall be made according to seniority of service.

As amended by: Private Acts of 1945, Chapter 345

**SECTION 3.** That employees under civil service or permanent tenure by the provisions of this Act may be suspended, demoted, or discharged from service for inefficient service, neglect of duty, or improper conduct, in the following manner:

(a) The Superintendent of Schools or any Supervisor of schools, or any principal, or any ten patrons of the school in question may prefer charges against any such employee. Such charges shall be in writing but may be in any form, and no charge shall ever be dismissed because lacking in form. A copy of said charges shall be delivered to the employee charged, and a certificate from the Superintendent of Schools that he has delivered a copy of said charges shall be sufficient evidence of delivery. No charge shall be dismissed for insufficiency, but the charge or charges shall state the facts upon which such charge or charges are based, and give the time, place and factual nature in such detail as will apprise the employee under charge of the case against him, but if after the hearing hereinafter provided for, the employee charged submits himself for examination, and after such employee has testified he shall make affidavit: (1) that he has been misled to his prejudice by the insufficiency of the charge, and (2) that he verily believes that he can obtain sufficient testimony to cause a dismissal of the charge, the evidence so taken on the hearing shall become the charge, and such employee shall be granted a reasonable time in which to obtain such testimony in his behalf.

(b) After preferment and filing of charges as above set out, the employee charged shall be entitled to a hearing before the Board of Education. Pending such hearing, the employee may be suspended by the Board of Education, but such charges shall be filed and a copy thereof furnished the employee within twenty-four (24) hours after such suspension. The Board of Education shall hear all charges within fifteen days after a copy of such charges have been furnished the employee so charged, unless the hearing is further postponed at the request of or with the consent of the employee charged. At such hearing the employee under charge may appear and defend in his own right, or he may appear and defend by counsel. Each member of the Board of Education is hereby empowered to administer oaths to the parties and their witnesses appearing before them. The Board of Education shall render its decision within ten days after the conclusion of the hearing, excluding the day of the hearing. If the decision is adverse to the employee charged, and is rendered in his absence, the Board shall give or cause to be given immediate notice in writing of such decision to such employee.

(c) Either party dissatisfied with the decision of the Board of Education shall have the right of appeal therefrom to the Chancery Court of the County in which such hearing is held within ten days after receipt of notice of the decision of the Board of Education by the employee charged, except in cases of demotion only, in which cases the decisions of the Board of Education shall be final and no appeal shall be allowed. Upon written notice to the Board of Education, and upon executing and filing with the Clerk & Master of said Court an appeal bond in the penalty of \$250.00 conditioned as required by law in civil cases, to be approved by the Clerk & Master, or upon subscribing to the

statutory oath provided by law in lieu of bond, it shall be the duty of the Board of Education to cause to be transmitted all the papers in the case, including a transcript of the evidence introduced on the trial of the case before the Board of Education, to the Chancery Court within thirty days after such appeal has been taken, and said case shall be tried on appeal in the Chancery Court under rules and procedure as provided by law as other civil cases are tried in said court, except that no formal pleadings shall be required of either party in the Chancery Court, and the case shall be tried in the Chancery Court on the evidence introduced on the trial of the case before the Board of Education, and no additional evidence shall be introduced by either party in the Chancery Court. The sole remedy by said dissatisfied party shall be by appeal or certiorari to the Chancery Court.

(d) The Superintendent of Schools shall issue writs of subpoena on request of either party to compel attendance of witnesses to testify on the hearing of such investigation before the Board of Education. Such subpoenas shall be signed by the Superintendent of Schools and be served by any truant officer or the sheriff of the county or one of his deputies, and shall be obeyed by the witnesses in the manner as subpoenas issued by Justices of the Peace or the clerks of General Sessions Courts, or the clerks of common law courts under the general statutes of Tennessee, and any failure to obey such subpoenas may be punished in the same manner and to the same extent as is now provided by law for failure to obey subpoenas issued by Justices of the Peace, Clerks of General Sessions Courts, or clerks of common law courts of this State.

(e) Hearings upon such charges shall be held at such place in the county as may be designated by the Board of Education, and shall be public unless private hearing is agreeable to the Board of Education, and the employee charged.

As amended by: Private Acts of 1945, Chapter 345

**SECTION 4.** That if on final disposition of the case the employee so charged is not dismissed nor suspended on final hearing, any unpaid salary accruing during his or her suspension before the final hearing shall be paid in full by the Board of Education of such county. The Board of Education shall have the right to grant leaves of absence to any employees of the Board of Education, said leave of absence not to exceed, however, two years; provided that the Board of Education upon the advice of the County physician may compel any female employee who has become pregnant at any time after three months pregnancy, to take a leave of absence not to exceed two years.

As amended by: Private Acts of 1943, Chapter 330

**SECTION 4(a).** The Board of Education shall have the right to grant leaves of absence upon written request of such employee of the Board of Education, said leave of absence not to exceed, however, two years; provided that the Board of Education, upon the advice of the county physician, may compel any female employee who has become pregnant, at any time after three months after pregnancy, to take a leave of absence not to exceed two years; provided, that any such female employee violating the provisions of this Section shall be subject to charges preferred against here for improper conduct in the manner provided in Sections 3, 3(a), 3(b), 3(c), and 3(d) herein. Provided, further, that the Board of Education may from time to time employ persons set out in Section (1) of this Act, who shall not be subject to civil service or entitled to permanent tenure; provided, at the time of the hiring for the fourth year, the employee signs a written waiver of the provisions and benefits of this Act; and provided, further, that not more than fifteen (15) per centum of all employees coming within the provisions of this Act shall be so employed at any one time.

As amended by: Private Acts of 1945, Chapter 345

**SECTION 5.** That if any sentence, clause, or section of this Act be held unconstitutional, or the application of this Act be held unconstitutional, with respect to any person or circumstance, such holding shall not affect any other person or circumstance.

**SECTION 6.** That all laws or parts of laws in conflict with this Act, be, and they are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: November 17, 1937.

## Education/Schools - Historical Notes

### Board of Education

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

1. Private Acts of 1911, Chapter 327, set the salary of members of the county board of education at \$240 annually. This was repealed by Private Acts of 1917, Chapter 258.
2. Private Acts of 1911, Chapter 338, authorized the county board of education to provide and contract for the transportation of pupils to and from the county high schools and to issue warrants

- for the expense of said transportation paid from the school fund. This act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
3. Private Acts of 1919, Chapter 694, established a board of education for Knox County of five members to be elected by the quarterly county court. This act also divided the county into five school districts and provided that the county superintendent of schools would act as an ex-officio member of the board. This act was specifically repealed by Private Acts of 1970, Chapter 339.
  4. Private Acts of 1923, Chapter 547, was the next local act to establish a county board of education, of five members, to be elected by the voters of Knox County every two years. This act was amended by Private Acts of 1925, Chapter 233, to require candidates for the board of education to file with the county election commissioner a copy of their high school diplomas. Private Acts of 1945, Chapter 448, also amended Private Acts of 1923, Chapter 547, by increasing the term of the members of the board of education to four years and raising their per diem to \$10 for a maximum number of twenty-four meetings per year. Several sections of Private Acts of 1923, Chapter 547, were found unconstitutional in *Southern v. Beeler*, 183 Tenn. 274, 195 S.W. 2d 857 (1946). All three of these acts were repealed by Private Acts of 1970, Chapter 339.
  5. Private Acts of 1925, Chapter 143, as amended by Private Acts of 1927, Chapter 77, Private Acts of 1929, Chapter 246, authorized the board of education to pay out of the county school fund to any teacher who wished to retire and was 70 years of age or older and had taught in the public schools for thirty years or more an annual pension equal to two-thirds of the salary received in the last year of service. The act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
  6. Private Acts of 1929, Chapter 255, as amended by Private Acts of 1937, Chapter 688, amended the Private Acts of 1925, Chapter 143, changing the teachers eligibility for retirement to age 65 with 25 or more years of service to be paid a minimum annual pension of \$480 for the remainder of such teacher's life. The act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
  7. Private Acts of 1949, Chapter 823, was another local act establishing a board of education for Knox County. This act provided for a board of seven members, set out seven school districts in the county, and provided that the county superintendent of public instruction would be the executive officer of the board. This act was amended by Private Acts of 1959, Chapter 74, to raise the salary of the members of the board of education to \$20 per meeting, for a maximum of twelve meetings per year. Both of these acts were repealed by the current school law, Private Acts of 1970, Chapter 339.
  8. Private Acts of 1970, Chapter 338, attempted to create a board of education for Knox County, while repealing a number of previous school laws, but this act did not receive local approval and never became effective.
  9. Private Acts of 1970, Chapter 339, as amended by Private Acts of 1972, Chapter 300, Private Acts of 1974, Chapter 357, Private Acts of 1980, Chapter 280, Private Acts of 1982, Chapter 191, Private Acts of 1982, Chapter 241, gave exclusive management and control of the county school system of Knox county to the county board of education composed of nine members elected from nine school districts, each consisting of the voting wards and precincts of Knoxville and Knox County. The act is superseded by the Knox County Charter, Sections 5.01, 5.02, 5.03, and 5.04, pursuant to T.C.A. § 5-1-120.

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

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

1. Private Acts of 1829-30, Chapter 205, provided that James Park, Joseph C. Strong, James Campbell, James H. Cowan, William Swawn, John Hilsman, Hugh Brown, Lewis Cox, Doc. James G. M. Ramsey and Spencer Jarnagin constitute the body politic and corporate of Hamden Sidney Academy of Knox County.
2. Public Acts of 1895, Chapter 155, prohibited county superintendents of public instruction from teaching in any of the public schools as principle or assistant during their official terms in office in Knox County or any other counties with a population of 30,000 or more, according to the Federal Census of 1890.
3. Private Acts of 1925, Chapter 260, was the first private act providing for the popular election of the county superintendent of public instruction, for a term of four years.
4. Private Acts of 1951, Chapter 46, as amended by Private Acts of 1967-68, Chapter 443, Private Acts of 1979, Chapter 14, Private Acts of 1979, Chapter 142 and Private Acts of 1981, Chapter

170, provided for the election and term of office of the County Superintendent of Public Instruction along with the eligibility requirements and compensation. The act was superseded by the Knox County Charter, Section 5.04, and general law.

5. Private Acts of 1955, Chapter 157, set the salary of the Knox County School Superintendent to \$7,500 per annum. It's not known as whether or not this act was actually passed by Knox County in 1955; regardless, it has been superseded and is included for historical purposes only.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Knox 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 Hampton Sidney Academy as the county academy of Knox. This was amended by Acts of 1807, Chapter 56, to appoint additional trustees for that academy. Private Acts of 1978, Chapter 167, removed Knox County from the application of this act. The amending act, Acts of 1807, Chapter 56, was likewise amended by Chapter 167.
2. Acts of 1811, Chapter 99, established a female academy in Knox County known as the Knoxville Female Academy.
3. Private Acts of 1901, Chapter 403, established the Tuckahoe School District out of parts of Knox and Sevier counties. This was amended by Acts of 1903, Chapter 319, to provide that the first election for school district directors would be held on the fourth Saturday in May, 1904 and every two years thereafter. The Tuckahoe Special School District did not have taxing powers and all special school districts which were not taxing districts were abolished by the general education act found in Public Acts of 1925, Chapter 115.
4. Acts of 1905, Chapter 114, enabled the Knox County Court to make appropriation from the public school fund for the professional education and training of teachers in summer institutes and summer schools. This act was amended by Private Acts of 1911, Chapter 68, which changed the population figures to correspond to Knox County's population based on the 1910 Federal Census. Private Acts of 1977, Chapter 106, repealed Acts of 1905, Chapter 114.
5. Acts of 1907, Chapter 480, required that the flag of the United States of America be displayed during the daytime on all but rainy days from an upright flagstaff, at all county and municipal public schoolhouses during all school hours of each scholastic year. The county court was responsible to make sufficient appropriations of moneys out of the general fund of Knox county necessary for the purchase of said flags, poles, flagstaffs, halyards, pulleys, and the replacement thereof. This act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
6. Acts of 1909, Chapter 494, was a compulsory attendance law applicable to the parents of children between the ages of eight and fourteen. This act required that children be sent to school for four months or eighty consecutive days of each year. In the next legislative session, there were two identical acts, Private Acts of 1911, Chapter 221 and Chapter 306, which were passed to amend the 1909 Knox County school law, by changing the population figures to reflect those of the 1910 census. Public Acts of 1978, Chapter 716, repealed both Private Acts of 1911, Chapter 221 and Private Acts of 1911, Chapter 306.
7. Private Acts of 1911, Chapter 63, authorized the county high school board to assume any debt of not more than \$4,000 which had been incurred by any board of trustees for building and furnishing any house which had been given to the county high school board for school purposes. This act was specifically repealed by Private Acts of 1978, Chapter 168, in its entirety.
8. Private Acts of 1911, Chapter 206, provided for a bond issue of \$50,000 to be used for discharging the balance owed on the purchase of the Central High School site in Fountain City.
9. Private Acts of 1913, Chapter 235, provided for the issuance of high school bonds in the amount of \$50,000, with a maturity date within twenty years and an annual interest rate of 4½%.
10. Private Acts of 1913, Chapter 248, authorized the Quarterly County Court to make appropriations to assist free kindergartens in the county which had been in existence for a period of three years or more; provided, that said court should not exceed the sum of \$1,000 in any one year.
11. Private Acts of 1915, Chapter 1, authorized Knox County to issue bonds in the amount of \$125,000, to be used to purchase land which was then to be donated to the University of Tennessee for experimental agricultural purposes. These bonds had an interest rate of 5% and were to mature within twenty years.

12. Private Acts of 1915, Chapter 129, authorized a \$50,000 bond issue (maximum interest rate 5%, maturity date within twenty years), to be used for constructing a high school building in Knox County.
13. Private Acts of 1925, Chapter 625, made free textbooks in all grades mandatory in Knox County grammar schools. In *State ex rel. Scandlyn v. Trotter*, 153 Tenn. 30, 281 S.W. 925 (1926), the Tennessee Supreme Court ruled this act invalid since its benefits and burdens affected the individual citizens in their private relation rather than the county in the form, machinery, instrumentalities of governmental control, and was not within the exception to article I, section 8 and article XI, Section 8 of the constitution that allows the legislature to pass special laws affecting the county as a political agency.
14. Private Acts of 1927, Chapter 320, provided for a \$300,000 bond issue to be used for acquiring lands for UT to use for agricultural experimental and educational purposes. These bonds were to mature within twenty years with a maximum interest rate of 5%.
15. Private Acts of 1931, Chapter 237, authorized a \$500,000 issue of "Knox County School Bonds" with a maximum interest rate of 5% and a maturity date within twenty years. The proceeds from this bond issue were to be used in constructing school buildings.
16. Private Acts of 1931, Chapter 456, provided that all motor vehicles used under contract with the school authorities in the transportation of school children be equipped with shatter proof glass. Violation of this act by the owner of said motor vehicles was deemed a misdemeanor and punishable as such. This act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
17. Private Acts of 1933, Chapter 366, established an institution for dependent and neglected children of good moral character between the ages of 6 and 18. Such institution was under the control of a board of five (5) trustees. This act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
18. Private Acts of 1941, Chapter 512, authorized a \$600,000 bond issue (maximum interest rate 4%, maturity date within thirty years) to be used for constructing school buildings.
19. Private Acts of 1945, Chapter 210, authorized the issuance of a total of \$1,000,000 worth of bonds over a ten year period, to be used for school purposes. These bonds were to bear interest at a maximum rate of 5% and were to mature within twenty years from their date of issuance.
20. Private Acts of 1947, Chapter 556, provided for the issuance of the "Knox County Emergency School and Improvement Bonds" in the amount of \$2,000,000. These bonds were to bear interest at a maximum rate of 5%, payable semi-annually, and were to mature under conditions determined by the quarterly county court.
21. Private Acts of 1949, Chapter 838, authorized a bond issue of \$2,000,000, to be used for school purposes in Knox County. These short term notes were to bear interest at a maximum rate of 2½%.
22. Private Acts of 1951, Chapter 71, was an act which gave an immediate salary increase to the teachers, principals, supervisors, clerks, secretaries, attendance workers, and school janitors in Knox County. Private Acts of 1978, Chapter 170, repealed this act entirely as it was written.
23. Private Acts of 1959, Chapter 87, would have amended Private Acts of 1937, Chapter 688, by increasing the maximum teacher's pension to \$900 annually, payable in monthly installments, but this act did not receive local approval and never became effective.
24. Public Acts of 1971, Chapter 287, as amended by Public Acts of 1972, Chapter 638, provided that enriched courses of study in subjects prescribed by statute as part of the regular school curriculum or courses of study in subjects not prescribed by statute as part of the regular curriculum may be provided at any school within the system, with the approval of the board of education, and attendance at such courses may be restricted to those upon whose behalf payments were made to finance the courses. This legislation applied to counties having a population of at least 250,000 and not more than 280,000 according to the 1970 federal census and any subsequent federal census. Chapter 287, is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

## Chapter VII - Elections

### Civil Districts

# Private Acts of 1947 Chapter 753

**COMPILER'S NOTE:** The civil districts are no longer used as district boundaries for election of county legislative body (county commission) members, but the general law at T.C.A. § 5-1-112 left these civil district boundaries undisturbed for real property record-keeping purposes. This act is superseded by the Knox County Charter, Chapter 2, Article 1, Section 2-1 subject to continuation by ordinance of the county commission. This act is reproduced for its relevance to land records in Knox County.

**SECTION 1.** That the Civil Districts of Knox County as now existing, seventeen (17) in number, be and the same hereby are abolished, and that the said County be divided into nine (9) Civil Districts, numbered and bounded as follows:

FIRST DISTRICT: The First District shall consist of all territory now embraced in the following Wards of the City of Knoxville, to-wit: 1, 2, 3, 4, 12, 13 and 14, and said District containing the County Town shall elect three Justices of the Peace and two Constables.

SECOND DISTRICT: The Second District shall consist of the territory now embraced in the following Wards of the City of Knoxville, to-wit: Nos. 5, 7, 15 and 16, and shall elect two Justices of the Peace and one Constable.

THIRD DISTRICT: The Third District shall consist of the territory now embraced in the following Wards of the City of Knoxville, to-wit: Nos. 8, 11, 20 and 21, and shall elect two Justices of the Peace and one Constable.

FOURTH DISTRICT: The Fourth District shall consist of the territory now embraced in the following Wards of the City of Knoxville, to-wit: Nos. 6, 9, 10 and 22, and shall elect two Justices of the Peace and one Constable.

FIFTH DISTRICT: The Fifth District shall consist of the territory now embraced in the Eighth Civil District of Knox County and in the following Wards of the City of Knoxville, to-wit: Nos. 19, 23 and 24, and shall elect two Justices of the Peace and one Constable.

SIXTH DISTRICT: The Sixth District shall consist of the territory now embraced in the following Civil Districts of Knox County, to-wit: Nos. 6, 7, 9 and 16, and shall elect two Justices of the Peace and one Constable.

As amended by: Private Acts of 1953, Chapter 454

SEVENTH DISTRICT: The Seventh District shall consist of the territory now embraced in the Second Civil District of Knox County and in the Seventeenth and Eighteenth Wards of the City of Knoxville, and shall elect two Justices of the Peace and one Constable.

EIGHTH DISTRICT: The Eighth District shall consist of all territory now embraced in the following Civil Districts of said County, to-wit: Nos. 4, 5, 13 and 15, and shall elect two Justices of the Peace and one Constable.

NINTH DISTRICT: The Ninth District shall consist of the territory now embraced in the Third, Fourteenth and Seventeenth Civil Districts of Knox County, and in the Twenty-fifth and Twenty-sixth Wards of the City of Knoxville, and shall elect two Justices of the Peace and one Constable.

TENTH DISTRICT: The Tenth District shall consist of the territory embraced prior to the enactment of Chapter 753 of the Private Acts of the General Assembly of the State of Tennessee for the year 1947 in the following Civil Districts of Knox County, to wit: number 10 and 11, and shall elect two Justices of the Peace and one Constable, and one member of School Board.

As amended by: Private Acts of 1953, Chapter 454

**SECTION 2.** That the office of Justice of the Peace in each incorporated town contained in Knox County be and the same hereby is abolished, and no incorporated town in said County shall elect or have power to elect any Justice of the Peace.

**SECTION 3.** That the number of Civil Districts of Knox County, as herein established, shall not be increased or diminished except by Act of the General Assembly of the State of Tennessee.

**SECTION 4.** That this statute shall not affect the present term of the office of the Justices of the Peace and Constables of Knox County elected from the Civil Districts of said County as now constituted and existing, and as to them this Act shall take effect September 1, 1948; but in order that the Quarterly County Court of Knox County and the Commissioners of Election of said County may make provision for voting precincts and registration of voters and for an election according to the provisions of this Act, and for all other purposes, this Act shall take effect June 1, 1948.

**SECTION 5.** That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being



hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part so held to be invalid, if any.

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

Passed: March 14, 1947.

## Elections - Historical Notes

The following is a listing of acts for Knox 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 1803, Chapter 24, divided the state into five electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Knox, Sevier, Blount, Roane and Anderson composed the third section and elected one elector.
2. 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 Knox, Blount, Roane, Campbell and Anderson composed the third electoral district and elected one elector.
3. Acts of 1812, Chapter 27, provided for the election of representatives from Tennessee to the United States Congress. The counties of Knox, Jefferson, Grainger, Claiborne, Sevier, Blount and Cocke composed the second congressional district and elected one representative to Congress.
4. Acts of 1812, Chapter 57, apportioned the representation of the state in the Tennessee State Legislature. Knox County composed one election district and elected one senator.
5. Acts of 1815, Chapter 117, established a separate precinct at the house of Jacob Gibbs on Beaver Creek.
6. Public Acts of 1819, Chapter 69, apportioned the representation of the state in the Tennessee State Legislature. Knox County composed one election district and elected one senator. In addition, Knox County elected one representative for the state legislature.
7. Public Acts of 1822, Chapter 1, divided the state into congressional districts. The counties of Knox, Grainger, Claiborne, Cocke, Jefferson, Sevier and Blount composed the second congressional district.
8. 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 counties of Knox, Blount, Anderson, Morgan and Roane composed the third electoral district and elected one elector.
9. 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 third electoral district was composed of the counties of Knox, Blount, Anderson, Morgan and Roane and elected one elector.
10. Public Acts of 1826, Chapter 3, apportioned the representation in the state legislature. The counties of Knox and Anderson composed one election district and elected one senator. In addition, Knox and Anderson counties jointly elected one representative to the state legislature.
11. 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 third electoral district was composed of the counties of Knox, Blount, Anderson, Morgan and Roane and elected one elector.
12. Private Acts of 1829-30, Chapter 298, provided that it be the duty of the justices of the peace of each captain's company in Knox County, to attend at their company muster ground, on the days appointed to hold elections for governor, members of the general assembly, members to the United States Congress and to elect electors for president and vice president of the United States. This act was amended by Private Acts of 1831, Chapter 29, by providing that persons could not vote in a different company than the one in which they were a part of; established places of voting and authorized the sheriff of Knox County to hold elections if a justice of the peace was not available to do so.
13. Public Acts of 1832, Chapter 4, divided the state into districts for the election of representatives to the United States Congress. The counties of Knox, Anderson, Sevier, Blount and Monroe composed the third congressional district.
14. Public Acts of 1832, Chapter 9, divided the state into fifteen electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Knox, Anderson, Campbell, Morgan and Roane composed the fourth electoral district.

15. Public Acts of 1833, Chapter 71, divided the state into representative and senatorial districts. The counties of Knox, Anderson, Campbell and Morgan composed one election district, and elected one senator. In addition, the counties of Knox, Greene, Monroe and McMinn elected and returned one representative each.
16. Public Acts of 1833, Chapter 76, provided for the calling of a state convention for the purpose of revising and amending the state constitution. Knox County composed one district and elected one delegate to the state convention.
17. Public Acts of 1835-36, Chapter 39, divided the state into fifteen electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Knox, Anderson, Campbell, Morgan and Roane composed the fourth electoral district.
18. Acts of 1842 (Ex. Sess.), Chapter 1, apportioned the representation in the general assembly. Knox County composed the fifth senatorial district and elected one senator and one representative.
19. Acts of 1842 (Ex. Sess.), Chapter 7, divided the state into congressional districts for the election of representatives to the United States Congress. Knox, Roane, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton and Marion counties composed the third congressional district.
20. Acts of 1851-52, Chapter 196, divided the state into congressional districts for the election of representatives to the United States Congress. The counties of Knox, Grainger, Claiborne, Campbell, Scott, Anderson, Morgan, Fentress and Overton composed the second congressional district.
21. Acts of 1851-52, Chapter 197, apportioned the representation in the general assembly of the state. Knox County elected one representative and composed a senatorial district with Roane County.
22. Private Acts of 1857-58, Chapter 69, Section 10, established a new civil district in east Knoxville. This act was repealed before it could have any effect, by Private Acts of 1857-58, Chapter 85, Section 23.
23. Public Acts of 1865, Chapter 34, divided the state into congressional districts for the election of representatives to the United States Congress. The counties of Knox, Morgan, Claiborne, Union, Campbell, Scott, Anderson, Blount, Monroe, Polk, McMinn, Bradley and Roane composed the second congressional district.
24. Public Acts of 1870-71, Chapter 60, set the boundaries of the second civil district and provided for the election of one more justice of the peace from that district. This act was repealed in the next session of the legislature, by Public Acts of 1873, Chapter 84.
25. Public Acts of 1871, Chapter 146, apportioned the senatorial and representative districts in the state. Knox County elected one representative and also elected a representative jointly with Anderson County. The fourth senatorial district was composed of Knox, Union, Grainger and Anderson counties.
26. Acts of 1872 (Ex. Sess.), Chapter 7, divided the state into congressional districts to apportion the representation of the state in the United States Congress. The second congressional district was composed of the counties of Knox, Sevier, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith Macon and Clay.
27. Public Acts of 1873, Chapter 27, divided the state into congressional districts to apportion the representation of the state in the United States Congress. The second congressional district was composed of the counties of Knox, Jefferson, Sevier, Blount, Monroe, Loudon, Roane, Anderson, Campbell, Scott, Morgan and Union.
28. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the state into senatorial and representative districts. Knox County elected one representative and jointly elected a representative with Loudon County. Knox and Anderson counties composed the fifth senatorial district.
29. Public Acts of 1882 (2nd Sess.), Chapter 27, divided the state into congressional districts to apportion the representation of the state in the United States Congress. The second congressional district was composed of Knox, Anderson, Jefferson, Union, Sevier, Blount, Loudon, Roane, Morgan, Campbell and Scott counties.
30. Public Acts of 1891, Chapter 131, divided the state into congressional districts to apportion the representation of the state in the United States Congress. Knox, Jefferson, Union, Sevier, Blount, Loudon, Roane, Anderson, Morgan, Campbell and Scott counties composed the second congressional district.

31. Acts of 1891, Extra Session, Chapter 10, apportioned the counties of the state into senatorial and representative districts. Knox County elected three representatives and jointly elected a representative with Union County in the third representative district. Knox County composed the fourth senatorial district.
32. Public Acts of 1901, Chapter 109, divided the state into congressional districts to apportion the representation of the state in the United States Congress. Knox County was placed in the second congressional district, along with Hamblen, Jefferson, Blount, Loudon, Roane, Scott, Anderson, Campbell and Union counties.
33. Public Acts of 1901, Chapter 122, apportioned the counties of the state into senatorial and representative districts. Knox County composed the fifth senatorial district and elected three representatives alone and one jointly with Loudon County in the eighth representative district.
34. Acts of 1903, Chapter 424, redistricted Knox County into twelve civil districts.
35. Acts of 1907, Chapter 372, was another redistricting act for Knox County, creating three more civil districts in addition to the twelve already in existence.
36. Private Acts of 1915, Chapter 365, created the sixteenth civil district out of parts of the seventh and eighth civil districts.
37. Private Acts of 1915, Chapter 687, also created an additional civil district, out of parts of the third civil district. This act also named the newly created district the sixteenth civil district, but since this was in conflict with Private Acts of 1915, Chapter 365, Chapter 687 was amended by Private Acts of 1917, Chapter 87, to change the name of the district to the seventeenth civil district of Knox County.
38. Private Acts of 1917, Chapter 118, established a compulsory system of legalized primary elections for making political nominations throughout the state and created the agencies for its operations and penalized its violations. This act was amended by Private Acts of 1925, Chapter 49, by providing for the election of county executive committeemen by the vote of the people of Knox County. Private Acts of 1929, Chapter 13, repealed Private Acts of 1925, Chapter 49.
39. Private Acts of 1921, Chapter 702, set the salaries of election officers in Knox County at \$2.50 per day.
40. Private Acts of 1929, Chapter 63, amended the general election law of 1859-60 to provide that in Knox County the polls would open at 9:00 A.M. and close at 7:00 P.M.
41. Private Acts of 1933, Chapter 489, provided for a biennial voter registration period of five days in Knox County with supplemental registration for two days, with the registrar's offices to be open from 9:00 A.M. to 8:00 P.M. during these registration days. This act was repealed entirely by Private Acts of 1978, Chapter 165.
42. Private Acts of 1945, Chapter 160, directed the City of Knoxville and Knox County each to pay \$4.00 per day to each member of the general assembly representing Knox County during sessions for the purpose of enabling said members to pay their legitimate expenses, and authorized the city and county to make appropriations for such purposes. This act was repealed by Public Acts of 1977, Chapter 160.
43. Private Acts of 1945, Chapter 488, provided that the commissioner of elections in Knox County would receive a monthly salary of \$40. This act also authorized the employment of a chief clerk in the commissioner's office, at an annual salary of \$1,800. This act was first amended by Private Acts of 1953, Chapter 401, which raised these salaries to \$50 per month and \$3,000 annually. Private Acts of 1959, Chapter 206, raised the commissioner of elections monthly compensation to \$100 and Private Acts of 1961, Chapter 339, was an attempted amendment which would have raised the chief clerk's salary to \$4,200 per year. This 1961 act failed to gain local approval and never became an effective law, and Private Acts of 1945, Chapter 488, and all its amendments were repealed by Private Acts of 1967-68, Chapter 202.
44. Private Acts of 1945, Chapter 543, authorized a system of permanent registration of Knox County voters and made registration a prerequisite to voting in Knox County elections. This act was amended by Private Acts of 1947, Chapter 146, to provide for assistants to the registrar-at-large, and to increase the compensation paid to the various election commission employees, and this amendment was specifically repealed by Private Acts of 1967-68, Chapter 202. Private Acts of 1945, Chapter 543, has itself been superseded by the general registration statutes now found in title 2, chapter 2 of Tennessee Code Annotated.
45. Private Acts of 1947, Chapter 145, set the per diem of precinct election officers at \$5.00.
46. Private Acts of 1955, Chapter 418, attempted to amend the redistricting act found in Private Acts

- of 1947, Chapter 753, by changing the boundaries of the eighth, tenth and eleventh civil districts, but this act never became effective, failing to receive local ratification.
47. Private Acts of 1963, Chapter 17, as amended by Private Acts of 1965, Chapter 91, Private Acts of 1972, Chapter 226 and Private Acts of 1980, Chapter 234, set the per diem of precinct election officials in Knox County at \$30 per day and allowed an additional \$10 for procuring the precinct ballot box and election supplies. This act is superseded by general law and the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
  48. Private Acts of 1965, Chapter 91, would have set the per diem of precinct election officials at \$15, with an additional \$5.00 for procuring the ballot box and election supplies, but this act was not approved by local authorities and never became effective.
  49. Private Acts of 1967-68, Chapter 202, provided for the employment of a registrar-at-large and clerical assistants by the election commission of Knox County.
  50. Private Acts of 1971, Chapter 38, provided for the Knox County Election Commission to compile a list of newly registered voters by wards on a monthly basis. This act is superseded by general law and the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
  51. Private Acts of 1971, Chapter 45, was the first private act providing for a primary election to select political nominees for county offices in Knox, but it was repealed by the current law, Private Acts of 1973, Chapter 156.
  52. Private Acts of 1971, Chapter 64, created the Office of Legislative Affairs for Knox County. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5- 1- 210. Private Acts of 2013, Chapter 6, repealed Private Acts of 1971, Chapter 64.
  53. Private Acts of 1971, Chapter 76, would have prohibited the use of the unit rule in political conventions of parties in Knox County, but this act did not receive local approval and never became effective.
  54. Private Acts of 1972, Chapter 240, failed to win local ratification, but it would have required any voter applying for a ballot in a primary election to give the address of his residence.
  55. Private Acts of 1972, Chapter 351, provided for a referendum in Knox County on the question of permitting the use of tandem freight trailers on Tennessee's roads, streets and highways at the August 3, 1972 general election.
  56. Private Acts of 1972, Chapter 368, would have provided for the holding of a gubernatorial preference primary in Knox County, but this act did not receive local ratification and never became an effective law.
  57. Private Acts of 1973, Chapter 68, provided for a referendum in Knox County on the question of a United States Constitutional Amendment to permit voluntary prayer in public schools at the August 1, 1974 general election.
  58. Private Acts of 1973, Chapter 156, as amended by the Private Acts of 1976, Chapter 207 and the Private Acts of 1977, Chapter 97, provided for a primary election to be held in Knox County for the selection of all political party nominees qualified under state law as political parties, for the selection of candidates for all county offices and other offices which are filled at the general August election in each even numbered year. This act repealed Private Acts of 1971, Chapter 45, and is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
  59. Private Acts of 1974, Chapter 199, was an attempted amendment to the 1973 primary election law which did not receive local ratification. This attempted amendment would have provided that before a write-in candidate could become the nominee of a local political party, he would have to receive 10% of the total primary vote.
  60. Private Acts of 1976, Chapter 259, would have amended Private Acts of 1963, Chapter 17, by increasing the per diem of \$20 to \$30 but was not acted on by local officials and therefore never became law.
  61. Private Acts of 1979, Chapter 161, would have amended Private Acts of 1973, Chapter 156, by providing that the provisions of the act apply to the county legislative body and the county executive whenever a special election is called for such county offices, however, this act was rejected or disapproved by Knox County and never became operative.
  62. Private Acts of 2012, Chapter 35, would have repealed Private Acts of 1971, Chapter 64, which created the Office of Legislative Affairs for Knox County, however, no action was taken by Knox County and it never became operative.

## Chapter VIII - Fountain City Sanitary District

### Fountain City Sanitary District - Historical Notes

The following acts once affected the Fountain City Sanitary District, but are no longer in effect and are noted herein for historical purposes.

1. Private Acts of 1947, Chapter 143, amended Private Acts of 1945, Chapter 176, by providing for the election of the board of commissioners of the Fountain City Sanitary District with their terms to begin on the first day of July, 1947. This act was constitutional in Whedbee v. Godsey, 190 Tenn. 142, 228 S.W. 2d 92(1950).
2. Private Acts of 1949, Chapter 831, amended Private Acts of 1945, Chapter 176, by providing for authority of the sanitary district to furnish services outside the boundaries of the district, changed the boundaries of the district, changed the qualifications for voters in elections authorizing the commission to issue bonds, required property owners to connect with the sewer system of the district, authorized the commission to combine charges for sewer and water services in one statement and to enforce the payment of such charges by the discontinuance of both water and sewer services.
3. Private Acts of 1957, Chapter 320, amended Private Acts of 1945, Chapter 176, by providing for a provision for the qualification of the commissioners of the district and the terms of office, their authority in connection with the issuance of bonds and concerning the election authorizing such action, and authorizing the district to annex territory to the same extent as such power and authority is vested in municipalities by designated sections of the Tennessee Code Annotated.

## Chapter IX - Health

### Air Pollution Control Board

### Private Acts of 1969 Chapter 37

**COMPILER'S NOTE:** This private act may have been superseded by the Knox County Charter, Chapter 18, Article II, pursuant to T.C.A. § 5-1-210.

**SECTION 1.** As used in this Act:

"Person" shall mean any natural person, firm, partnership, company, association, corporation, or political subdivision of the State.

"Board" shall mean the Air Pollution Control Board of Knox County, created by this Act, unless the context clearly indicates otherwise.

"Director" shall mean the Director of Air Pollution Control of Knox County, an office established by this Act.

"County" shall mean Knox County.

"County commission" and "Commission" shall mean the county legislative body of Knox County.

"Air Pollution" shall mean the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life and property.

"Air Contaminant" shall mean particular matter, dust, fumes, gas, mist, smoke, or vapor, or odor, or any combinations thereof.

"Knox County Technical Societies" shall mean a nominating committee composed of a chairman who is a representative of the Knoxville Technical Society and one representative from each of the participating engineering or scientific societies. To be eligible to participate, the society must present evidence that it has a minimum of 20 members who are residents of Knox County and that a significant part of its program is in an area related to air pollution.

As amended by: Private Acts of 1979, Chapter 164

Private Acts of 1980, Chapter 283

**SECTION 2.** That it is the intent and purpose of this Act to empower Knox County to undertake an air pollution control program that will maintain the purity of the air resources of the County consistent with the protection of normal health, general welfare and physical property of the people, maximum employment, and full industrial development of the County. The County is empowered to seek the accomplishment of these objectives through the prevention abatement and control of air pollution by all

practicable and economically feasible methods.

**SECTION 3.** That except as provided in this Act, administration of this program shall be under the jurisdiction of the county executive, who shall appoint a Director of Air Pollution Control, such appointment to become effective upon approval of the County Commission. The director, who must be a registered engineer in Tennessee (as defined in Tennessee Code Annotated 62-208) or who shall have completed formal engineering course work in air pollution effects and control, and who, in the judgment of the Air Pollution Control Board, has appropriate industrial and administrative experience, shall be responsible for direction and enforcement of the Air Pollution Control Program of the county. The director may be dismissed by the county executive.

As amended by: Private Acts of 1981, Chapter 33  
Private Acts of 1982, Chapter 206

**SECTION 4.** That:

(a) An Air Pollution Control Board of Knox County is hereby created, composed of seven members who are residents of Knox County, who shall be appointed by the Knox County Legislative Body. One of the members shall be a Doctor of Medicine licensed to practice medicine in Tennessee, one shall be an engineer, or technically trained person or scientist in an area related to air pollution, one shall be representative of the industrial interests of the County, one shall be a member of the faculty or staff of the University of Tennessee, one shall be an official or employee of the City of Knoxville, and one shall be an official or employee of Knox County, and one shall be a private citizen from the public at large who is not a public official or an employee of Knox County or the City of Knoxville. Such appointments shall be made from a list of not more than three persons meeting the foregoing qualifications, respectively, nominated by each of the following: The Knoxville Academy of Medicine, the Knox County Technical Societies, the Knoxville Chamber of Commerce, the Chancellor of the University of Tennessee (Knoxville), and the Mayor of the City of Knoxville, the County Executive of Knox County, the Knox County Legislative Body. Members shall hold office for four year terms, except that three of the initial appointees (as designated by the County Legislative Body) shall hold office for two year terms, or until their successors are appointed and qualified. The members first appointed shall take office on July 1, 1969. A vacancy shall be filled in the same manner, after three persons have been nominated to the County Legislative Body by the organization or officer as specified above to nominate persons qualified to fill the vacancy, for the unexpired term. Members shall serve without compensation.

The Board shall meet monthly for the first two years of its operation and at least quarterly each year thereafter in regular session. The Board shall elect a Chairman and Vice-Chairman biennially at its first meeting after the commencement of new terms, and it shall adopt rules of procedure to govern the conduct of its business. A member of the Board may be removed by the County Legislative Body for cause. The Director shall attend all meetings of the Board and shall act as secretary of the Board, making a record of all proceedings. Public notice shall be given of all meetings of the Board and it shall be open to the public.

(b) The Board shall have power to adopt, after receiving the recommendations of the Director, rules and regulations prescribing standards and procedures for carrying out an air pollution control program within the County, or in conjunction with other counties and municipalities. Such rules and regulations shall be reasonably related to the purpose declared in Section 2 of this Act and shall be consistent with the substantive provisions of Chapter 367, Public Acts of 1967, as amended, and any rules and regulations thereunder. Prior to adoption, such rules and regulations, or any amendment thereto, shall be issued in draft form and made available to any interested person, and the Board shall hold a public hearing thereon, after at least 30 days notice published in a newspaper of general circulation in the County. When adopted, such rules and regulations, and amendments thereto, shall be printed and made available at reasonable cost to any interested person, and a notice of such availability shall be published in a newspaper of general circulation in the County. The Director shall issue an annual report on July 1 of each year outlining the causes of air pollution in Knox County (including a list of persons contributing substantially to air pollution); steps that have been taken to curb air pollution and plans for the coming year. The Director may also issue more reports if requested.

As amended by: Private Acts of 1980, Chapter 283

**SECTION 5.** That the Director and his deputies may exercise the same investigative powers delegated to the State Air Pollution Control Board or to that Board's Technical Secretary by Chapter 367, Public Acts of 1967. The Director, in accordance with rules and regulations adopted by the Board, is empowered to issue an order, or to grant a variance for a period not to exceed one year (which may be renewed for no more than two like periods unless reasonable progress has been made) to any person after according a hearing to such a person. Such person, if dissatisfied with the Director's decision, may within 10 days, appeal

therefrom to the Board, which shall, within a reasonable time after a public hearing, confirm, modify or reverse the Director's decision, which shall be subject to review by the Circuit Court of Knox County on a petition for common law writ of certiorari filed within 10 days after the Board's decision. Any other citizen of Knox County who disagrees with any ruling of the Director for any reason concerning air pollution may appeal that ruling to the Board which shall hear the appeal at its next regular meeting which shall be open to the public and the Board may modify, confirm or reverse the Director's decision. Such judicial review shall be subject to the same conditions prescribed in Section 10 of Chapter 367, Public Acts of 1967. Procedures for hearings before the Director and the Board shall be prescribed in rules and regulations adopted by the Board. In the conduct of hearings as provided herein, the Director and the Board shall have power to subpoena witnesses and records and shall be entitled to judicial process for enforcement of such subpoenas. No person subject to the Board's rules and regulations shall be required to disclose any secret formulae, processes or methods used in any manufacturing operation carried on by him or under his direction. The composition of air contaminants shall not be considered secret unless so declared by the Board and the Board shall have the power to issue protection orders to prevent public dissemination.

**SECTION 6.** That violation of any rule or regulation duly promulgated by the Board is declared to be a misdemeanor, and each day of violation shall constitute a separate offense, punishable as provided in Tennessee Code Annotated 39-105.

**SECTION 7.** That the Director may cause to be instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent violation of any rule or regulation promulgated by the Board or of any order duly issued by the Director (as confirmed or modified by the Board, if this be the case).

**SECTION 8.** That the basis for proceedings or other actions that result from violations of this Act or of rules, regulations or orders issued pursuant thereto, shall inure solely to and shall be for the benefit of the public generally, and this Act is not intended to create in any way or to enlarge or affect in any way any private rights. A determination that there has been a violation of this Act or of any rule, regulation or order issued pursuant thereto, shall not create by reason thereof any presumption or finding of fact or law for use in any lawsuit brought by a private citizen.

**SECTION 9.** That if any section, subsection, sentence or clause of this Act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the Act as a whole or of any section, subsection, sentence or clause hereof not adjudged unconstitutional.

**SECTION 10.** That this Act shall have no effect unless approved by a two-thirds vote of the County Legislative Body of Knox County. Said Legislative Body shall vote on its approval within 90 days after its passage, and the County Executive of Knox County shall promptly certify the fact of its approval or disapproval to the Secretary of State.

As amended by: Private Acts of 1980, Chapter 283

**SECTION 11.** That this Act shall be effective from and after its passage, the public welfare requiring it.

Passed: March 20, 1969.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Public Acts of 1895, Chapter 194, appropriated \$20,000 for the purpose of erecting a building for the black insane at the Eastern Hospital for the Insane at Lyons' View, in Knox County.
2. Public Acts of 1897, Chapter 89, appropriated \$25,000 for the purpose of erecting an additional building or buildings for the white insane at the Eastern Hospital for the Insane at Lyons' View, in Knox County.
3. Private Acts of 1935, Chapter 565, provided for any person, firm or corporation engaged in the manufacture, storage, transportation, sale, and/or delivery of milk, butter milk, cream or other dairy products or using for the handling of other beverages or foods dealt in as incidental to such dairy business, bottles, cans, cases, crates or other containers having the name, mark, stamp or brand of such person, firm or corporation permanently affixed thereto, to register in the office of the Clerk of the Circuit Court of Knox County, such name, mark, stamp or brand in the manner prescribed for registering trade marks. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

## Chapter X - Highways and Roads

# Highways and Roads - Historical Notes

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

1. Private Acts of 1831, Chapter 9, authorized Jeremiah Johnson to build a wing mill dam on the French Broad River, provided said mill dam did not obstruct the navigation of said river.
2. Private Acts of 1831, Chapter 276, Section 4, authorized Caleb Low of Knox County to build a fish trap on the north side of the Clinch River, so as not to obstruct the navigation of the south side of said river.
3. Private Acts of 1832, Chapter 21, authorized Aaron Armstrong to erect a mill dam on Holston River in Knox County, provided that said mill did not interfere with the navigation of said river.
4. Private Acts of 1833, Chapter 115, authorized Caleb Low of Knox County to build a dam and a fish trap on the north sluice of Clinch River, provided, that said dam or trap did not interfere with the navigation of said river.
5. Acts of 1849-50, Chapter 261, authorized Benjamin Parker Hopkins and William Tinker of Cocke County to build a turnpike from the town of Tazewell in Claiborne County to Knoxville in Knox County.
6. Public Acts of 1879, Chapter 227, authorized Knox and Roane counties to build turnpikes and charge tolls thereon.
7. Public Acts of 1895, Chapter 80, authorized the Knox County Court to issue bonds for building a bridge across the Tennessee River at the south end of Gay Street, at Knoxville.
8. Public Acts of 1901, Chapter 8, created a board of public road commissioners for Knox County and other counties with a population of not less than 70,000 and not more than 90,000 according to the Federal Census of 1900. The act regulated the laying out and working of public roads and provided a method for the management and control of county workhouses. This act was amended by Acts of 1903, Chapter 408, which revised several sections dealing from the road supervisor to the employment of additional labor to work on the roads. This act was further amended by Public Acts of 1901, Chapter 83, which provided that workhouse bail bonds be made payable to the superintendent of public roads, provided a form for such bail bonds and authorized the superintendent of public roads to bring suits for the collection of bail bonds.
9. Acts of 1907, Chapter 368, created a board of public road commissioners for Knox County. The act regulated the laying out and working of public roads, provided a method for the management and control of county workhouses and provided for the raising of funds therefor. This act was amended by Acts of 1909, Chapter 170, which made several changes to the road law ranging from the salary of the superintendent of roads to requiring the road commissioners to keep the roads free from ruts and holes. Moreover, Acts of 1909, Chapter 472, amended Acts of 1907, Chapter 368, by providing several new provisions such as allowing the board of public road commissioners to construct workhouse camps and the method in which they would contract bids for the repair and upgrade of the roads.
10. Acts of 1907, Chapter 392, authorized electric railway companies to acquire lands for park purposes, either by purchase or condemnation in Knox County. This act was repealed by Acts of 1909, Chapter 349.
11. Acts of 1909, Chapter 354, authorized and empowered Knox and Anderson counties to jointly erect and maintain a free ferry over the Clinch River between the two counties on the Cobb Farm, near Salway.
12. Private Acts of 1913, Chapter 264, created a board of public road commissioners, provided the manner of their election, regulated the laying out and working of public roads in Knox County and provided a method for the management and control of the county workhouses. This act was amended by Private Acts of 1915, Chapter 594, by authorizing the Knox County Court to set a tax upon all property in the county of not less than .10¢ and not more than .15¢ on \$100 worth of property. In addition, another tax of not less than .7¢ and not more than .25¢ on \$100 worth of property was also levied. Both of these taxes were levied for the purpose of improving dirt roads in Knox County. This act was further amended by Private Acts of 1919, Chapter 542, which abolished the Knox County Board of Public Road Commissioners.
13. Private Acts of 1915, Chapter 117, provided for a \$500,000 bond issue (maturity date within thirty years, 5% annual interest rate) to be used for building pike roads and bridges.



14. Private Acts of 1915, Chapter 615, regulated the working and laying out of public dirt roads in Knox County and provided for the raising of funds and to provide for the punishment of persons violating the act.
15. Private Acts of 1917, Chapter 577, authorized a bond issue of \$500,000, the proceeds from which were to be used to construct a road from the Blount County line, through Knoxville, to Mascot. These bonds were to mature within thirty years at a maximum annual interest rate of 5%.
16. Private Acts of 1917, Chapter 739, created a public road system for Knox County, provided the manner of electing a general superintendent, regulated the laying out and working of public roads and provided a method for the management and control of the workhouses in Knox County. This act was amended by Private Acts of 1919, Chapter 114, so as to change the salaries of the office clerk, county engineer and workhouse employees, overseer's per diem and to change the terms of commutation and to create the office of assistant clerk. This act was further amended by Private Acts of 1919, Chapter 542, which abolished the Knox County Board of Public Road Commissioners. Finally, Private Acts of 1921, Chapter 676, amended Private Acts of 1917, Chapter 739, by changing the salary of the general superintendent, authorizing the county court to fix the number of days to work on the public roads each year, setting the rate per day if paid in lieu of work, state the time to be allowed for team and wagon with driver and to subject overseers to be taxed with costs in suits brought against delinquents where overseers fail to do their duty.
17. Private Acts of 1919, Chapter 528, authorized the quarterly county court to issue interest-bearing warrants for terms up to twenty years, to be used to build bridges across any river or stream to connect state highways in the county. This act also authorized a tax levy of up to \$1.00 per \$100.00 assessed value, to be used for redeeming these warrants.
18. Private Acts of 1925, Chapter 343, as amended by Private Acts of 1927, Chapter 627, Private Acts of 1933, Chapter 550, classified highways as primary or secondary roads and provided for a more efficient system of laying out, building and repairing the public roads, highways, ferries, bridges and other roadway structures. The county highway commission was responsible for preparing and updating a county road map. The board had control of all highways, bridges, ferries, the county workhouse, and the disbursements of funds collected by taxation or otherwise for construction, maintenance and improvement of roads, bridges, culverts, ferries and other road institutions, and the maintenance and operation of the county workhouse. This act is superseded by the Knox County Charter, Sections 3.06 and 8.12, pursuant to T.C.A. § 5-1-210.
19. Private Acts of 1929, Chapter 226, authorized a bond issue of \$250,000 to be used to construct a bridge over the Holston River, at or near McBee's Ferry. These bonds were to mature within twenty years, at a maximum annual interest rate of 4½%.
20. Private Acts of 1929, Chapter 228, provided for a bond issue of \$500,000 to construct the Henley Street Bridge, with a maximum annual interest rate of 4½% and maturity dates within twenty years.
21. Private Acts of 1929, Chapter 254, provided for a \$200,000 bond issue which was to be used for the construction of a bridge at or near Solway Ferry on the Clinch River. These bonds were to mature within twenty years at a maximum annual interest rate of 4½%.
22. Private Acts of 1931, Chapter 243, authorized another bond issue of \$500,000, to be used in constructing the Henley Street Bridge. This additional bond issue was necessary since the funds from the first issue, authorized by Private Acts of 1929, Chapter 228, had been placed in the Bank of Tennessee at Nashville and that bank had subsequently failed as the Depression struck Tennessee.
23. Private Acts of 1931, Chapter 289, made it unlawful for any vehicle by reason of its weight or character of its wheels to operate upon streets, roads, highways or other public thoroughfares in Knox County which had not complied with the rules and regulations prescribed by the state highway department or other department of the state having control and supervision of highway matters. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
24. Private Acts of 1935, Chapter 801, made it a misdemeanor for any person, firm, partnership, corporation or association to erect or maintain billboards, signs, posters or other mediums of advertising within 200 feet from the center of the Norris Dam Highway, beginning at the city limits of Knoxville and running to the Knox and Anderson line. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
25. Private Acts of 1941, Chapter 460, authorized a bond issue of \$150,000 to be used for purchasing machinery, equipment and tools for the county road department. These bonds were to mature

within twenty years, at a maximum annual interest rate of 5%.

26. Private Acts of 1947, Chapter 590, provided for a bond issue of \$100,000 to be used for purchasing machinery, equipment and tools for use upon the county highways and bridges. These bonds were to mature within twenty years with a maximum annual interest rate of 5%.
27. Private Acts of 1949, Chapter 59, authorized a bond issue of \$500,000 to be used in the construction of "Boyd's Bridge" with a maximum annual interest rate of 5%.
28. Private Acts of 1953, Chapter 475, was the last private act authorizing a bond issue for the county road system. This act provided for 5% bonds in the amount of \$480,000 to be used for constructing the Riverdale-Kimberline Heights Bridge.
29. Private Acts of 1969, Chapter 146, authorized the commissioner of highways of Knox County to offer and pay a reward or bounty in the amount of \$25 from the general fund of the county to persons furnishing information leading to the arrest and conviction of persons violating 39-4503 Tennessee Code Annotated.
30. Private Acts of 1974, Chapter 365, would have authorized Knox County to prescribe speed limits or zones and to erect signs and traffic signals on streets and roads other than state or federal highways, and to provide certain procedures therefor, however, according to the Knox County Clerk's Office this act was not ratified by Knox County and therefore never became law.
31. Private Acts of 1975, Chapter 182, authorized the board of county commissioners to prescribe speed limits or speed zones and to erect appropriate signs and traffic signals on streets and roads other than state or federal highways. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

## Chapter XI - Law Enforcement

### Law Enforcement - Historical Notes

#### **Jails and Prisoners**

The following acts once affected jails and prisoners in Knox County, but are no longer operative.

1. Acts of 1817, Chapter 83, authorized the Knox County Court to sell the lot where the jail of the county had been erected.
2. Public Acts of 1873, Chapter 29, amended Public Acts of 1871, Chapter 115, an act to regulate the salary of county jail physicians, by repealing the clause that sets limits on the amount the county jail physician can earn. In addition, Chapter 29, provided that the comptroller shall not allow any claim for medicines or attendance of said physicians, except in Madison, Davidson and Knox counties.
3. Public Acts of 1887, Chapter 184, created and regulated the office of superintendent of the workhouse for Knox County. This act is superseded by the Knox County Charter, Sections 3.06 and 8.12, pursuant to T.C.A. § 5-1-210.
4. Public Acts of 1897, Chapter 104, amended the general law which allowed counties to construct workhouses by providing that Knox County and other counties with a population between 55,000 and 75,000, according to the Federal Census of 1890, elect a superintendent of the workhouse for a term of four years. This act was amended by Public Acts of 1901, Chapter 38, by changing the population requirements of the act to conform to Knox County's population based on the Federal Census of 1900.
5. Acts of 1909, Chapter 201, authorized Knox County to establish and maintain a separate and permanent place of confinement of female prisoners, other than at the regular county workhouse.
6. Private Acts of 1911, Chapter 321, authorized and empowered the county court to create and establish, operate and maintain a separate and permanent place of confinement of female prisoners other than at the regular county workhouse, and to this end the said court was authorized and empowered to purchase and equip a place therefor in such manner as may be necessary, and to maintain the same at the expense of the county. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
7. Private Acts of 1915, Chapter 321, authorized the county to establish and maintain a Training Home for female prisoners sentenced to the County Workhouse. The Training Home was under the control and management of a board of five trustees, two of whom were women. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

8. Private Acts of 1973, Chapter 67, changed the name of the Knox County Workhouse to the Knox County Penal Farm.
9. Public Acts of 1986, Chapter 779, phased out certain programs or services which were provided through the Knox County Department of Correction

### **Militia**

Those acts once affecting Knox 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 18, granted the citizens of Knox County the privilege of holding separate general musters. This act was amended by Acts of 1801, Chapter 88, which allowed the citizens of Knox County to hold elections on their battalion muster grounds on the last Thursday of October to elect a representative to the United States Congress. The elections were held by the deputy sheriff or the coroner of the county.
2. Acts of 1801, Chapter 1, Section 9, provided that the volunteer company of Knox County be annexed to the regiment of cavalry of the district of Hamilton and be a part of said regiment.
3. Acts of 1803, Chapter 1, established and regulated the militia of the state. The militia of Knox County composed the tenth regiment of the state and hold regimental musters on the last Thursday in September.
4. Acts of 1815, Chapter 119, provided for the better establishment and regulation of the militia of the state by dividing the militia of the state into regiments and revising the militia laws of the state. The militia of Knox County composed the tenth and fortieth regiments.
5. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Knox County composed the tenth and fortieth regiments and held regimental musters on the last Friday in September for the tenth regiment and on the first Friday in October for the fortieth regiment. This act was repealed by Public Acts of 1978, Chapter 595.
6. Public Acts of 1826, Chapter 69, revised and amended the militia laws of the state. The militia of Knox County composed the tenth and fortieth regiments of the third brigade and held regimental musters for the tenth regiment on the last Friday in September and on the first Friday in October for the fortieth regiment.
7. Private Acts of 1831, Chapter 32, Section 6, established a separate battalion in Knox County, south of the French Broad and Holston Rivers. A first major was elected to command said battalion.
8. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Knox County composed the twenty-second and twenty-third regiments, fifth brigade of the first division.
9. Acts of 1837-38, Chapter 157, placed the militia of Knox County in the fifth brigade and held regimental musters on the first Friday and Saturday in September. This act was repealed by Public Acts of 1978, Chapter 595.
10. Acts of 1839-40, Chapter 56, condensed and brought into one view the militia laws of the State of Tennessee. The militia of Knox County composed the twenty-second and the twenty-third regiments of the fifth brigade and held musters on the Wednesday after the first Monday in October for the twenty-second regiment and on Thursday the next day for the twenty-third regiment.
11. Private Acts of 1861, Chapter 1, divided the state militia into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Knox County formed the twenty-second and twenty-third regiments of the fifth brigade and held musters on the Wednesday after the first Monday in October

### **Offenses**

The acts briefly summarized below fell into this category in Knox County and are no longer in effect.

1. Private Acts of 1949, Chapter 568, declared it to be unlawful for any person, firm or corporation, to possess, store, use, manufacture or sell pyrotechnics in Knox County. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210, subject to continuation by ordinance of the county commission.
2. Public Acts of 1983, Chapter 353, declared it to be unlawful for any person to place or attach any type of show-card, poster, or advertising material or device, including election campaign

literature, on any kind of poles, towers, or fixtures of any public utility company, whether privately or publicly owned or as defined in T.C.A. § 65-4-101, unless legally authorized to do so. This act is superseded by the Knox County Charter, Section 8.12, subject to continuation by ordinance of the county commission.

### **Sheriff**

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

1. Acts of 1804, Chapter 21, provided that Joseph Love, sheriff of Knox County, be paid the sum of \$113.33 for guarding Stephen Duncan in the Knox County Jail.
2. Private Acts of 1823, Chapter 186, authorized the sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner and Washington counties to appoint one additional deputy and provided that each such county have a total of three deputies. This act was repealed by Private Acts of 1978, Chapter 248.
3. Private Acts of 1831, Chapter 123, authorized the sheriff of Knox County to appoint three deputies. This act was repealed by Private Acts of 1978, Chapter 248.
4. Public Acts of 1857-58, Chapter 33, Section 5, provided that the Knox County Sheriff pay over the railroad tax before the first of June, unless otherwise directed by the Knox County Court.
5. Public Acts of 1857-58, Chapter 65, Section 2, provided that the Knox County Court may give the sheriff of Knox County such compensation for collecting the railroad tax of Knox County.
6. Private Acts of 1867-68, Chapter 63, authorized the Knox County Sheriff to appoint an additional deputy.
7. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Sheriff at \$5,000 per annum.
8. Private Acts of 1945, Chapter 384, fixed the compensation of deputy sheriffs and constables regularly waiting on the circuit, criminal, chancery and domestic relations courts to \$5.00 per day. This act was repealed by Private Acts of 1978, Chapter 249.
9. Private Acts of 1953, Chapter 405, fixed the compensation of deputy sheriffs regularly waiting on the general session courts, circuit courts, criminal courts, chancery courts and domestic relations courts of Knox County to \$7.50 per day for each day of service, to be paid out of the county treasury. This act was repealed by Private Acts of 1977, Chapter 112.
10. Private Acts of 1963, Chapter 53, fixed the compensation and provided for the payment by Knox County, to all persons appointed to serve as officers of the chancery, circuit, criminal and domestic relations courts of Knox County. This act was amended by Private Acts of 1973, Chapter 45, so as to allow for the earning of additional fees for the service of process.
11. Private Acts of 1972, Chapter 353, would have amended Private Acts of 1963, Chapter 53, by fixing the compensation and supplemental compensation and providing for the payment of such compensation and supplemental compensation by Knox County to all persons appointed to serve as officers of the chancery, circuit, criminal and domestic relations courts of Knox County, and repealing Private Acts of 1963, Chapter 53, but this act was rejected by Knox County and never took effect.
12. Private Acts of 1975, Chapter 126, would have amended Private Acts of 1963, Chapter 53, relative to the compensation of court officer in Knox County who serve process, however, this act was never ratified by Knox County and therefore never took effect.
13. Private Acts of 1975, Chapter 186, would have amended Private Acts of 1963, Chapter 53, by increasing the salary of those officers who received \$3,600 to \$7,200 per annum, however, this act was not ratified by Knox County and therefore never became law.
14. Private Acts of 1978, Chapter 166, would have repealed Private Acts of 1823, Chapter 186 and Private Acts of 1831, Chapter 123, however, this act could not be ratified as the effective date of the act was listed as 1977 instead of 1978. This act was later replaced by Private Acts of 1978, Chapter 248.

## **Chapter XII - Taxation**

# Amusement Tax

## Private Acts of 1991 Chapter 82

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

- (a) "Place of amusement" means any area of amusement, entertainment or diversion to which access is conditioned upon payment of an admission or a minimum expenditure.
- (b) "Person" means any individual, firm, partnership, association, corporation or municipality.
- (c) "Admission" means any charge of value in money or money's worth or requirement of minimum expenditure while in attendance imposed by a person operating a place of amusement as a condition of entry. "Admission" shall not include an entry fee for a participant in a contest, tournament or similar event wherein the entry fee does not inure to private profit.

**SECTION 2.** Each county having a charter form of government and having a population of less than five hundred thousand (500,000) according to the 1980 federal census or any subsequent federal census, by resolution or ordinance of its legislative body, is authorized to levy, in addition to all other taxes including any other tax on amusement, a tax of up to five percent (5%) on the price of admission to a place of amusement located outside the corporate limits of any municipalities within such county and a tax of one-half percent (½%) on the price of admission to a place of amusement located within the corporate limits of any municipality within such county.

**SECTION 3.** Each municipality located within a county within the provisions of Section 2, by ordinance of its legislative body, is authorized to levy, in addition to all other taxes, including any other tax on amusement, a tax of up to four and one-half percent (4 ½%) on the price of admission to a place of amusement located within the corporate limits of such municipality.

**SECTION 4.** There is exempted from the provisions of this act and no tax shall be levied hereunder:

- (a) Where the admission is two dollars (\$2.00) or less.
- (b) Admission to event sponsored by any nongovernmental organization not for profit so long as proceeds are utilized for the purposes of such organization, the event is organized and managed by volunteer workers or regular or part time employees of the organization and no other person or organization receives any payment calculated on volume or gross or net receipts; provided, however, this exception shall not apply to any event for which attendance exceeds one thousand admissions.
- (c) Admission to athletic events of public and private non-profit elementary, middle and secondary level schools held in facilities owned or controlled by a board of education or the private non-profit school or in facilities of the county or a municipality devoted principally to use for such athletic events for such schools.
- (d) On admission to events, other than regular season varsity intercollegiate and professional athletic events, held in a sports assembly center seating more than fifteen thousand (15,000) persons, a municipally owned civic auditorium/coliseum building, world's fair park, and any site seating more than fifteen (1,500) persons.
- (e) On admission to events held in a place of amusement located within the boundaries of a central business improvement district.

As amended by: Private Acts of 1998, Chapter 103

**SECTION 5.** From the effective date of the resolution or ordinance levying such tax, every person operating a place of amusement thereafter receiving any payment of admissions taxable thereby shall collect from the person paying such admission to the amount of the tax due thereon and shall remit to the designated official of such county and/or municipality on the tenth (10th) day of each month the tax collected under the provisions of this act for the preceding month.

**SECTION 6.** Taxes which are due and payable which are not remitted on or before the due dates are delinquent. A person operating a place of amusement charged with collecting such tax shall be liable for said delinquent taxes with interest from the due date at the rate of twelve percent (12%) per annum plus a penalty computed at the rate of one percent (1%) per month.

**SECTION 7.** If any provision of this act or the application thereof to any persons or circumstances to a particular class of admissions or of a particular class of amusements 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 severable. It is further the intent that should any exception to the collection of this tax be deemed invalid, said exception shall be deemed deleted and the tax enforced as though said exception had not been included.

**SECTION 8.** The provisions of this act shall be effective in any county or municipality to which it may apply upon adoption of a resolution or ordinance, as appropriate, as provided in Section 2 and 3.

**SECTION 9.** Chapter 776 of the Private Acts of 1947, and all acts amendatory thereto, and any other private acts in conflict herewith are hereby repealed.

**SECTION 10.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 2, 1991.

## 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 Knox County Assessor.

1. Acts of 1909, Chapter 498, placed the duty upon the county tax assessor to examine deeds or other instruments conveying or purporting to convey the title in fee simple to any real estate before same is recorded and ascertain if the property was correctly assessed. Also made it the duty of the county tax assessor to countersign every such deed or instrument after having recorded the transfer upon the assessment books of the property conveyed to the party or parties to whom the title is shown to be vested by such deed or instrument. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210, subject to continuation by ordinance of the county commission.
2. Private Acts of 1911, Chapter 35, amended the general law which provided for the assessment and collection of revenue for the state, Acts of 1907, Chapter 602, by setting the salary of the county tax assessor to \$3,000 per annum.
3. Private Acts of 1929, Chapter 26, amended the general law which provided for the assessment and collection of revenue for the state, Acts of 1907, Chapter 602, by setting the salary of the Knox County Tax Assessor to \$15,000 per annum.
4. Private Acts of 1929, Chapter 711, amended the general law which provided for the assessment and collection of revenue for the state, Acts of 1907, Chapter 602, by setting the salary of the Knox County Tax Assessor to \$6,000 per annum.
5. Private Acts of 1941, Chapter 256, required that any person before beginning any building operations over \$200 in Knox County must notify the Tax Assessor on a form furnished by said officer, showing the owner of the real estate, the location of the real estate, and the approximate total cost of such building operations. The act did not apply to the improvement of real property exempt from taxation by the State of Tennessee, or to the improvement of real estate, located within the borders of any municipal corporation which by ordinance or otherwise required the giving of similar information to a building inspector or like official. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210, subject to continuation by ordinance of the county commission.
6. Private Acts of 1941, Chapter 257, required that any person who subdivides land for sale into more than three parcels shall file a map or survey of such subdivision with the Tax Assessor of Knox County before conveying the title to any land in said subdivision. This Act did not apply in cases of a partition in kind among joint tenants, either voluntary or pursuant to orders of a court of competent jurisdiction; nor did said Act apply to conveyances by persons to such persons as would constitute their heirs at law; nor to subdivisions made in cases of judicial sales as provided by Code of Tennessee, 1932, Sec. 7802; nor in any cases where a map or survey of said property as last subdivided had been spread on record in the Register's office. This act is superseded by the Knox County Charter, Section 8.12 and general law.
7. Private Acts of 1955, Chapter 293, amended the general law which provided for the assessment and collection of revenue for the state, Acts of 1907, Chapter 602, by setting the salary of the Knox County Tax Assessor to \$7,500 per annum.
8. Private Acts of 1959, Chapter 192, amended the general law which provided for the assessment and collection of revenue for the state, Acts of 1907, Chapter 602, by setting the salary of the Knox County Tax Assessor to \$10,000 per annum.
9. Private Acts of 1965, Chapter 267, amended the general law which provided for the assessment

and collection of revenue for the state, Acts of 1907, Chapter 602, by setting the salary of the Knox County Tax Assessor to \$13,500 per annum.

10. Private Acts of 1982, Chapter 192, provided that during any period of time in which the assessor assumes the duties pursuant to T.C.A. § 67-680(b) or T.C.A. § 67-680(d) for a reappraisal, he shall receive as compensation, in addition to the compensation provided in T.C.A. § 67-332, the sum of 15% of such compensation. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

### **Taxation**

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

1. Acts of 1797, Chapter 3, authorized Knox County to collect an additional tax for building a courthouse, prison and stocks.
2. Acts of 1801, Chapter 61, authorized an additional tax levy for building the prison and stocks in Knoxville. This tax levy was not to exceed 12½¢ on each one hundred acres of land and white poll, 25¢ on each town lot and black poll, \$1.00 on each stud horse and \$25 on each billiard table. This act was amended to require the commissioners appointed to collect the tax also to superintend construction of the building, by Acts of 1803, Chapter 48.
3. Private Acts of 1831, Chapter 199, authorized another tax levy by Knox County, to be used for aiding the construction of a new courthouse.
4. Private Acts of 1917, Chapter 610, amended Acts of 1907, Chapter 602, known as the "General Assessment Law" so as to provide for the payment of a salary of \$3,600 per annum to the Knox County Tax Assessors, \$1,200 per annum for his chief office deputy and \$1,000 per annum for assistant office deputy tax assessors in Knox County.
5. Private Acts of 1919, Chapter 259, amended Acts of 1907, Chapter 602, known as the "General Assessment Law" so as to provide for the payment of a salary of \$1,500 per annum to the chief office deputy tax assessor and to provide for the employment of a second or deputy office tax assessor for Knox County.
6. Private Acts of 1921, Chapter 451, amended Acts of 1907, Chapter 602, known as the "General Assessment Law" so as to provide for the payment of a salary of \$4,500 per annum to the Knox County Tax Assessor.
7. Private Acts of 1921, Chapter 795, amended Acts of 1907, Chapter 602, known as the "General Assessment Law" by increasing the compensation of the members of the county board of equalization to \$4.00 per day for their services.
8. Private Acts of 1923, Chapter 46, created the office of Delinquent Poll Tax Collector appointed by the County Trustee for a term of 4 years and every 4 years thereafter. Before entering upon the discharge of his duties, shall take and subscribe to an oath before the County Trustee for the faithful performance of his duties; and shall also enter into bond in the sum of \$5,000, to indemnify the State and county against any loss for his failure to pay over any funds as required by law, which bond shall be approved by the County Trustee and County Judge or Chairman. The poll taxes were outlawed by the 14th Amendment to the United States Constitution (1964).
9. Private Acts of 1927, Chapter 712, amended Acts of 1907, Chapter 602, known as the "General Assessment Law" by authorizing the Knox County Tax Assessor to employ other deputies, assistants, clerk and engineers and legal services, necessary to make examinations, reports, valuations, compile data and other records as may be needed in making and preserving information in making assessments and in presenting the same before the county and state boards of equalization and railroad and public utilities commissions. Provided that the sum total of the compensation paid under this amendment did not exceed \$15,000 and that payments of said compensation be upon certificate of the tax assessor approved by the county judge.
10. Public Acts of 1927, Chapter 15, amended Acts of 1907, Chapter 602, known as the "General Assessment Law" by striking out the word "March" and inserting in lieu thereof the word "May" wherever same occurred. However, Public Acts of 1927, Chapter 15, excluded Knox County from this change. Private Acts of 1927, Chapter 227, provided for the exact same provisions as Public Acts of 1927, Chapter 15.
11. Private Acts of 1929, Chapter 53, amended the general law which provided for more just and equitable laws for the assessment and collection of revenue for state, county and municipal purposes, being Acts of 1907, Chapter 602, by requiring the Knox County Tax Assessor to file the assessment list report to the county judge instead of with the county court clerk and to keep his

- books instead of turning them over to the county court clerk. In addition, other aspects on the way the tax assessor certified and delivered his books were amended.
12. Private Acts of 1929, Chapter 212, amended the general law which dealt with the collection of taxes, Public Acts of 1923, Chapter 77, by providing that in Knox County all taxes be paid to the county trustee, except those paid to the deputy trustee, sheriffs or constables. This act also provided daily settlements between those collecting taxes and the Knox County Trustee and also provided prompt notation of tax payments on the proper tax duplicate book in the office of the Knox County Trustee.
  13. Private Acts of 1929, Chapter 711, amended the general law which provided for more just and equitable laws for the assessment and collection of revenue for state, county and municipal purposes, being Acts of 1907, Chapter 602, by increasing the salary of the Knox County Tax Assessor to \$6,000 per annum.
  14. Private Acts of 1931, Chapter 473, amended the general law regarding to the collection of delinquent taxes, state, county and municipal, by providing that the Knox County Trustee furnish a delinquent tax list to the deputy trustee who became known as the delinquent tax collector, provided that the county trustee choose an attorney to whom the delinquent tax list was delivered to, and provided that the penalty on delinquent land tax be dropped from ten percent to five percent and was to be collected by the delinquent tax collector, together with twenty-five cents for each receipt given, except so much thereof as shall be allowed, as compensation, by the county trustee, to the attorney. This act was repealed by Private Acts of 1937, Chapter 878.
  15. Private Acts of 1947, Chapter 776, levied an amusement tax of 1¢ per 20¢ admission on any place of amusement, including concerts, theaters, athletic events, circuses, carnivals, swimming pools, motion pictures, golf links, night clubs, wrestling matches, skating rinks and dance halls. This was amended by Private Acts of 1957, Chapter 413, to lower the tax rate on motion pictures to 6/10% on each 20¢ admission. Private Acts of 1985, Chapter 102, amended Private Acts of 1947, Chapter 776, by redefining the act's definitions, revising when the amusement tax should not be used and repealed Private Acts of 1957, Chapter 413. Private Acts of 1976, Chapter 286, amended Private Acts of 1947, Chapter 776, by exempting "high school, academy or other preparatory school" events from the imposition of the amusement tax created by the 1947 Act. Private Acts of 1969, Chapter 103, repealed the act for Knox County, but the City of Knoxville retained it. The final amendment to Chapter 776 was from Private Acts of 1986, Chapter 197, which repealed Private Acts of 1985, Chapter 102, redefined the act's definitions and revised the provisions of when the amusement tax should not be used. It must be noted that no record has been found as to whether or not Private Acts of 1985, Chapter 102 and Private Acts of 1986, Chapter 197 were ratified by Knox County; regardless Private Acts of 1947, Chapter 776 was repealed by Private Acts of 1991, Chapter 82. Private Acts of 1947, Chapter 776, was considered and found constitutional in *Knoxtenn Theatres v. Dance*, 186 Tenn. 114, 208 S.W.2d 536 (1947).
  16. Private Acts of 1953, Chapter 403, in all Counties of this State having a population of not less than 223,000 and not more than 230,000 inhabitants according to the Federal Census of 1950, or any subsequent Federal Census, that there shall be taxed and paid as a part of the costs in all suits instituted in counties in which this Act is applicable, and in all criminal cases, whether before a Justice of the Peace, a General Session or similar Court having county-wide jurisdiction, or a Court of record, except the Supreme Court and the Court of Appeals, a privilege tax of fifty cents (50¢), in addition to any such tax on litigation already imposed by law. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
  17. Private Acts of 1955, Chapter 50, as amended by Private Acts of 1972, Chapter 271, and Private Acts of 1984, Chapter 190, created the Knox County Government Library Commission. This act is superseded by the Knox County Charter, Section 8.12, subject to continuation by ordinance of the Knox County Commission.
  18. Private Acts of 1969, Chapter 103, attempted to repeal Private Acts of 1947, Chapter 776 and Private Acts of 1957, Chapter 413, with the approval of the Knox County Quarterly Court and the Knoxville City Council. However, the Knoxville City Council rejected this act and it never became law.
  19. Private Acts of 1970, Chapter 290, attempted to levy a hotel-motel tax of 5%, but this act failed to receive local approval and never became an operative law.
  20. Private Acts of 1977, Chapter 129, which imposed a privilege tax on the occupancy of hotel and motel rooms in Knox County and provided for the collection and distribution of the funds generated thereby, which required the maintenance of certain records and imposed penalties for non-compliance, was rejected by the Knox County Quarterly Court and never became an effective



law.

21. Public Acts of 1978, Chapter 896, provided for a privilege tax on the occupancy of hotel rooms in counties having populations of not less than 270,000 nor more than 300,000, according to the Federal Census of 1970. This act was amended by Public Acts of 1979, Chapter 433, by deleting a section relative to the expiration of the tax. Public Acts of 1980, Chapter 520, reenacted and reaffirmed Public Acts of 1978, Chapter 896. Public Acts of 1978, Chapter 896, was repealed by Public Acts of 1982, Chapter 847.
22. Private Acts of 1979, Chapter 162, provided that no admissions or amusement tax be imposed upon any amount of money paid for admission to any concert or meeting held for a religious purpose. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
23. Private Acts of 1982, Chapter 319, as amended by Private Acts of 1983, Chapter 147, authorized Knox County to levy, in addition to all other taxes including any other tax on amusement, a tax in increments of 1/10 of 1% up to 5% on the price of admission to a place of amusement. This act is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
24. Public Acts of 1982, Chapter 847, as amended by Public Acts of 1996, Chapter 628, authorized a privilege tax upon the privilege of occupancy in any hotel in Knox County. This act is superseded by the Knox County Charter, Section 8.12, subject to continuation by ordinance of the Knox County Commission.
25. Private Acts of 1983, Chapter 77, as amended by Private Acts of 1985, Chapter 35, added \$2.00 to the litigation tax on each warrant in Knox County General Sessions Court. This act is superseded by the Knox County Charter, Section 8.12, subject to continuation by the Knox County Commission.

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