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# Franklin

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

Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Franklin



Franklin County Courthouse

**Original Compilation By:** William C. McIntyre, Legal Specialist

**Revised and Edited By:** Gary S. McKee, Administrative Intern, January, 1987

**Updated By:** Stephen Austin, Legal Consultant, September, 2014

# Chapter I - Administration

## County Attorney

### Private Acts of 1939 Chapter 586

**SECTION 1.** That there is hereby created the office of County Attorney of Counties in Tennessee having a population of not less than 21,795 nor a population of more than 21,800 according to the Federal Census of 1930 or any subsequent census thereof.

**SECTION 2.** The term of office of the county attorney shall be four (4) years. The election of the county attorney shall be held at the first regularly scheduled meeting of the newly elected county commission, beginning September, 1990, and each four (4) years thereafter.

As amended by: Private Acts of 1991, Chapter 16

**SECTION 3.** The County Attorney shall be compensated in such a manner and at such a rate as prescribed from time to time by the Franklin County Board of Commissioners. In no case shall the amount of compensation be less than that being paid on March 3, 1980.

As amended by: Private Acts of 1967-68, Chapter 7  
Private Acts of 1980, Chapter 268

**SECTION 4.** That it shall be the duty of said County Attorney to attend to and transact all legal business of said County, either in court or otherwise, and to advise the County officials, at their request, upon legal matters affecting their offices, and no officer of said County shall employ any other Attorney save at his own personal expense, unless he shall be first authorized and empowered to do so by the Quarterly County Court. It shall also be the duty of said County Attorney appointed or elected pursuant to the provisions of this Act to file any and all suits necessary and required by law for the collection of delinquent taxes in said County in behalf of the State of Tennessee and said County.

As amended by: Private Acts of 1980, Chapter 268

**SECTION 5.** That no person shall be elected to said office unless he is a citizen or resident of said County and he shall be a duly licensed Attorney at Law.

**SECTION 6.** That all laws, or parts of law, in conflict with the provisions of this Act, be and the same are hereby repealed, and should any section, clause or paragraph of this Act be held unconstitutional, it shall not affect the validity of the remaining sections.

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

Passed: March 9, 1939.

## County Executive

### Private Acts of 1937 Chapter 876

**SECTION 1.** That there is hereby created the office of Clerk or Secretary for the County Judges in counties having a population of not less than 21,795 nor a population of more than 21,800 according to the Federal Census of 1930 or any subsequent Federal Census; and that said Clerk or Secretary shall be appointed by the County Judge of such counties and shall hold office at the pleasure of the County Judge of such counties.

**SECTION 2.** The clerk or secretary who shall be appointed by the County Judge to fill the office created in Section 1 of this Act shall receive such compensation in the manner and at the rate as prescribed from time to time by the Franklin County Board of Commissioners. Such sum shall be paid from the general fund of the county upon a warrant issued by the County Judge. In no case shall the amount of compensation be less than that being paid on March 3, 1980.

As amended by: Private Acts of 1949, Chapter 397  
Private Acts of 1953, Chapter 508  
Private Acts of 1957, Chapter 308  
Private Acts of 1959, Chapter 33  
Private Acts of 1963, Chapter 251  
Private Acts of 1967-68, Chapter 348  
Private Acts of 1980, Chapter 273

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

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

Passed: May 21, 1937.

## County Trustee

### Acts of 1909 Chapter 570

**SECTION 1.** That in any counties having a population of not less than 16,885 nor more than 17,000, of not less than 18,630 nor more than 18,640, not less than 20,390 nor more than 20,400, according to the Federal census of 1900 or any subsequent Federal census, the County Court thereof, in quarterly session assembled, a quorum being present, be, and is hereby, authorized to adopt a resolution to contract with a bank or banks making the highest and best bid to pay interest on monthly balances deposited in such bank or banks to the credit of the County Trustee of such county, said bids to be made in sealed envelopes to the County Court in quarterly session when they shall be opened and read to the court by the Judge or Chairman.

**SECTION 2.** That the County Judge or Chairman of the County Court, in order to carry out the will of such County Court, is hereby vested with full power to formulate, make, and sign said contract upon the terms and conditions specified therein, and he is authorized to employ legal counsel, in his discretion, to assist in the preparation of such contract, and the signing of said contract shall be attested by the County Court Clerk, who shall affix the seal of the court thereto.

**SECTION 3.** That when the contract has been completed and signed as heretofore described on the part of the county, and also signed by the president and cashier of the bank or banks under the corporate seal thereof, and a good and sufficient bond has been executed by the bank or banks for the faithful performance of such contract, and to save the county harmless, to be approved by such County Judge or Chairman, the County Trustee shall be notified in writing by such County Judge or Chairman of the execution of said contract and ordered to place all funds designated in such contract already in his hands or that may hereafter be collected by him on deposit in said bank or banks, noting the funds that shall draw interest and the amount thereof.

**SECTION 4.** That upon the receipt of said notice and order, it is hereby made the duty of such County Trustee to place all funds designated in such contract in the bank or banks specified in such notice and order.

**SECTION 5.** That from the date of said deposit, which shall be evidenced by the bank book or books, the County Trustee shall be released from liability for losses in consequence of said contract and deposit; provided, that should such County Trustee fail or refuse to specifically obey said order, he shall be held liable not only for said money collected and not deposited, but for the interest on said funds mentioned in said contract, which may be recovered by suit instituted in a court of competent jurisdiction for the use and benefit of said county, and as a penalty he shall be liable in a sum equal to the amount of such interest for the use and benefit of the bank or banks named in said contract, notice, and order, to be collected in the same proceeding, and such penalty shall be in full settlement and discharge of all damages sustained by such bank or banks by reason of the noncompliance with the terms of said contract.

**SECTION 6.** That before the 15th day of each month such contracting bank or banks shall render a statement to the County Trustee showing the balance on hand to his credit and interest thereon due to the 1st day of such month, and in making his monthly reports to the County Judge or Chairman, the County Trustee shall show the amount of said monthly balance as per bank or banks' statement, and place said interest to the credit of the proper fund.

**SECTION 7.** That all Acts heretofore passed in conflict with this Act are hereby repealed.

**SECTION 8.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 29th, 1909.

## Transfer of Special Funds

### Private Acts of 1929 Chapter 356

**SECTION 1.** That in Counties in this State of a population of not less than 20,600 and not more than 20,700, according to the Federal Census of 1920 or any subsequent Federal Census, the Quarterly County Court may by resolution appropriate any Special Fund belonging to said County in the hands of the County Trustee to any County purpose other than the one for which the same was collected; provided, that said fund will not be needed in the future for the purpose for which it was collected.

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

Passed: March 27, 1929.

## Administration - Historical Notes

### **County Attorney**

The following act once affected the appointment, election, or office of the county attorney in Franklin County. This act is included for historical reference only.

1. Acts of 1901, Chapter 464, created the office of County Attorney of Franklin County. The officer was to be elected by the Quarterly Court for a term of one year. The County Attorney would transact all legal business of the county, and would advise county officials concerning the legal affairs of their offices. No official was permitted to employ any other legal counsel except at his or her personal expenses.

### **County Clerk**

The following acts once affected the office of county clerk in Franklin County. They are included herein for historical purposes.

1. Public Acts of 1825, Chapter 259, authorized the Sheriff and the Clerks of the County Court and Circuit Court of Franklin County to have their respective advertisements and orders published in the Franklin Gazette.
2. Private Acts of 1915, Chapter 311, conferred upon females over the age of twenty-one years and who resided in Franklin County, the eligibility for appointment as Deputy County Court Clerk, Deputy County Register of Deeds, and Deputy Clerk and Master of the Chancery Court. A female accepting an appointment could not then plead coverture as a defense to a suit brought against her on an obligation or on account of a liability incurred by her in her official capacity.
3. Private Acts of 1933, Chapter 141, fixed the compensation of the County Clerk of Franklin County, beginning September 1, 1934, at a sum equal to the total annual fees or other monies collected by the County Clerk, except that any amount in excess of \$2,500 had to be turned into the public treasury.

### **County Executive**

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state, the officer to be elected by the people for four-year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of those Courts were assigned to the County Judge who would preside over the quarterly sessions of the County Court. The jurisdiction of the County Court was specifically outlined in the act. The County Judge would be the accounting officer and general agent of the County, discharging the duties enumerated in the act.
2. Public Acts of 1857-58, Chapter 5, expressly repealed Acts of 1855-56, Chapter 253, above, in its entirety, and restored all Quorum Courts to their former status.
3. Public Acts of 1867-68, Chapter 47, created the office of County Judge in Franklin, Lincoln, Hamilton, Lawrence, and Giles Counties, the officer to be elected by the qualified voters for a term of eight years. The County Judge would preside over the County Court at its quarterly sessions and exercise the powers and jurisdiction of the Quorum Court which was abolished. The judge was the accounting officer and general agent of the County being required to perform the duties specified for each.
4. Public Acts 1869-70, Chapter 103, continued the office of County Judge in Franklin County, stating that there would be one County Judge under the Act of February 25, 1868, creating the office of County Judge, and that the qualified person receiving the greatest number of votes in an election set for the fourth Saturday of March, 1870, would hold the office.
5. Private Acts of 1929, Chapter 136, authorized and empowered the County Judge of Franklin County to grant fiats for writs of injunction, attachment, replevin, certiorari and supersedeas, habeas corpus and any and all other writs and processes for the issuance of which an order or fiat is required, in the same way and to the extent that Chancellors and Circuit Judges of the state were authorized to do. The officer was further authorized to hold habeas corpus hearings and the County Court Clerk was to keep a docket and all the records for the County Judge.
6. Private Acts of 1939, Chapter 55, provided that any vacancy in the office of County Judge in

Franklin County would be filled in the same manner as vacancies in the offices of Chancellors and Circuit Judges.

7. Private Acts of 1939, Chapter 56, amended Private Acts of 1869-70, Chapter 103, above, by adding a provision that vacancies in the office of County Judge would be filled in the same manner as vacancies in the office of Chancellors and Circuit Judges.
8. Private Acts of 1951, Chapter 369, repealed Private Acts of 1939, Chapter 56, above, in its entirety.
9. Private Acts of 1951, Chapter 370, amended Private Acts of 1939, Chapter 55, above, by granting authority to the County Court to fill vacancies in the office of County Judge.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Franklin 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 1807, Chapter 53, directed that the County Courts in the Winchester District would be held on certain dates, the Franklin County Court to meet on the fourth Monday in January, April, July and October.
2. Acts of 1807, Chapter 72, established Franklin County and provided that a County Court be held in the County Justices of the Peace at the home of William Russell on the fourth Monday in January, April, July, and October, in each year. The County Court had the same power and jurisdiction and was to be held under the same laws, rules, and regulations as other county courts in the state,
3. Acts of 1809, Chapter 93, provided that the Franklin County Court of Pleas and Quarter Sessions would be held on the fourth Monday of January, April, July and October.
4. Acts of 1812, Chapter 68, scheduled the County Court of Franklin County to be held on the third Monday of February, May, August and November.
5. Acts of 1813, Chapter 134, changed the meeting dates of the County Court to the first Monday in January, April and October.
6. Acts of 1815, Chapter 186, stated that because it was impractical to transact the business of the County Court within the time allowed by law, the term of the County Court would begin on the last Monday in June and December, and continue for two weeks, but the April and October terms were to continue without change.
7. Acts of 1817, Chapter 138, set the County Court terms in Franklin County to begin on the fourth Monday in February, May, August and November. They were to be held for two weeks unless the business of the court was finished sooner.
8. Private Acts of 1822, Chapter 123, authorized the Court of Pleas and Quarter Sessions to hold its term for three weeks if the business of the Court so required.
9. Private Acts of 1826, Chapter 78, regulated the terms of the County Courts in Franklin and other counties.
10. Public Acts of 1831, Chapter 17, Section II, provided that the Boards of Commissioners of School Lands in Franklin and other counties may apply to any two Justices of the Peace in writing signed by at least three members of the said Board for a subpoena. It was then the duty of the Justices, or either of them, to issue the subpoena directed to the agent of the Treasurer of Middle Tennessee who was appointed by the said Treasurer to lease the school lands of the county and receive the rents and profits thereof. The agent must then appear within ten days before the Justices and answer any question asked of him by the Justices of Commissioners concerning the agent's receipt of such rent and profit and the agent would have to give an accounting of the management of the land.
11. Public Acts of 1835-36, Chapter 6, provided for a court in every county made up of Justices of the Peace to meet once a month and hold open until the business of the court was finished. Three of the Justices were a quorum to hear the probate of wills and related matters. No jury trial was allowed. The County Courts had the further responsibility of selecting jurors for the courts. It could levy and collect taxes for county purposes.
12. Acts of 1855-56, Chapter 246, incorporated the town of Alisonia in Franklin County and empowered the qualified voters of the town to elect an additional Justice of the Peace.
13. Public Acts of 1875, Chapter 42, set the per diem for the Justices of the Peace at \$1.50 for court attendance.



14. Private Acts of 1911, Chapter 544, provided that every magistrate for the service rendered in attendance at the Quarterly Court was entitled to \$2.50 per day in addition to a mileage allowance.
15. Private Acts of 1957, Chapter 235, set the per diem for Franklin County Justices of the Peace attending Quarterly Courts at \$7.50 and set the mileage allowance, payable for no more than two days at any one time, for those Justices residing more than five miles from the Courthouse at five cents per mile. This Act was rejected by Franklin County and did not become effective.
16. Private Acts of 1959, Chapter 115, set the per diem for Franklin County Justices of the Peace attending Quarterly Court at \$10 and set the mileage allowance, payable for no more than two days at any one time, for those Justices residing more than five miles from the Courthouse at five cents per mile.
17. Private Acts of 1970, Chapter 281, repealed Private Acts of 1959, Chapter 115, and set the per diem at \$10 for Franklin County Justices of the Peace in attendance at any regular or called meeting of the Quarterly County Court of its committees, and set the mileage payment for all justices at five cents per mile.
18. Private Acts of 1973, Chapter 14, repealed Private Acts of 1970, Chapter 281, above, and set the per diem at \$25 for the Franklin County Justices of the Peace in attendance at any regular or called meeting of the Quarterly County Court or its committees, and set the mileage payment for all Justices at five cents per mile.
19. Private Acts of 1973, Chapter 51, amended Private Acts of 1973, Chapter 14, above, provided for a per diem of \$10 for Justices of the Peace for committee meetings of the Quarterly County Court.
20. Private Acts of 1974, Chapter 249, set the per diem at \$10 and the mileage allowance at five cents per mile for those members of committees of the Quarterly County Court not eligible for allowance under Private acts of 1970, Chapter 281.

### **County Register**

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

1. Public Acts of 1827, Chapter 4, provided for the appointment by joint ballot of both Houses of the General Assembly of a Register of the Land Office for the Mountain District of Tennessee who was to keep his office in Sparta, in White County, for the benefit of Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson Counties.
2. Public Acts of 1829, Chapter 13, provided that the registrations of all deeds and other instruments which had been properly proved and admitted to registration in the Register's Office of Franklin County by John Keeton or a Deputy, would be confirmed and rendered valid as though such registrations had been made by a legally authorized person.

### **County Trustee**

The following act once affected the office of county trustee in Franklin County, but is no longer operative.

1. Private Acts of 1933, Chapter 142, set the salary of the County Trustee of Franklin County at \$2,500 annually, provided the fees of the office amounted to that much; otherwise, the salary would be the same as the fees collected. If the fees exceeded the sum, the excess would be paid into the county treasury.

### **Purchasing**

The following act once affected the purchasing procedures of Franklin County, but is no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1994, Chapter 115, expressly repealed Private Acts of 1933, Chapter 82, as amended by Private Acts of 1943, Chapter 225, relative to purchasing in Franklin County.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Franklin County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Private Acts of 1826, Chapter 34, directed the Entry Taker of Franklin County to permit William Collins to enter such quantity of vacant and unappropriated land as \$8.75 would allow under the laws authorizing entry north and east of the congressional reservation line, and to permit John Fletcher in like manner to enter a quantity of land as \$12.50 would allow.
2. Private Acts of 1829, Chapter 20, authorized the Court of Pleas and Quarter Sessions to condemn

and set aside a plot of up to two acres on Elk River to establish a boatyard, to have a survey made, and to have a plat drawn and registered. A jury composed of five people would view the premises, determine the value of the property taken, and the Court would then pay that amount to the owner of the said property. The boatyard was not to be established on land of a private individual without his consent.

3. Public Acts of 1831, Chapter 45, Section 7, appointed Elijah D. Robbins, John Daugherty, Thomas Pharis, Dudley Johnson, William Knox, and John R. Patrick as a Board of Commissioners of Internal Improvement for Franklin County. The Board was empowered to draw that portion of the internal improvement fund set aside for Middle Tennessee to which Franklin County would be entitled under the percentage ratios established in the Act. The funds were to be used for removing the obstructions in and improving the navigation of the Elk River.
4. Acts of 1837-38, Chapter 157, Section 3, was part of the military law of the state at that time which required a drill for every brigade in every county seat in September of every year. Franklin County was in the Tenth Brigade and would drill in Winchester on the second Friday and Saturday of September. (The military law was chiefly administrative in nature, one being passed at virtually every convening of the legislature, and all of the details of those laws, more public than private, are not included in this report.)
5. Acts of 1837-38, Chapter 280, expanded the corporate limits of the Town of Salem to embrace George Hudspeth's below, extend to the pond between Salem and Mrs. Triggs above, and for one-quarter of a mile on each side of the road running through Salem.
6. Acts of 1839-40, Chapter 34, incorporated Hugh Francis, W. Estell, and W. B. Wagner, owners of land in Franklin County on which there were located several chalybeate and other mineral springs, as the Bloomingdale Medicinal Springs, and set forth the terms and conditions under which the corporation was to operate.
7. Public Acts of 1870-71, Chapter 8, detached Franklin County from the Eastern Land District and attached it to the Middle Tennessee Land District.
8. Private Acts of 1933, Chapter 40, removed all the disabilities of infancy from John Lee Shasteen to allow him to receive all the monies coming to him from an estate, to settle with the administrator thereof, and to perform all things in the way and manner as he might do if twenty-one years old.
9. Private Acts of 1935, Chapter 99, removed the disabilities of infancy of Ferdinand Powell, Jr., George Frederick Biehl, George Sellers Graham, Jr., and Benjamin Phillips, Jr., so that each could perform all acts as if he were twenty-one years of age, and removed the disabilities of infancy of all infant successors to the named individuals in their capacities in the Phi Gamma Delta fraternity at the University of the South in Franklin County insofar as membership and official duties in the fraternity would necessitate and require.
10. Private Acts of 1937, Chapter 49, removed all the disabilities of infancy from Benjamin Patrick Lynch so that he could perform all acts as if he were twenty-one years of age.

## 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 Franklin County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1873, Chapter 54, made it a misdemeanor to kill deer in Franklin County between the first day of February and the first day of July and provided that upon conviction the fine was to be not less than \$10 nor more than \$25.
2. Public Acts of 1875, Chapter 47, repealed Public Acts of 1873, Chapter 54, above, as it applied to deer hunting in Franklin County.
3. Public Acts of 1877, Chapter 25, made it unlawful in several counties, including Franklin, to take or catch fish by use of seine, net, traps, gigs, or any other device except by hook and line or trotline. A minnow net for catching bait was excepted. The act granted to the owners of the land adjoining the water where any violation was committed the right to sue for damages and injunctions. The act declared it a misdemeanor to obstruct the free passage of fish by using a seine, net or trap.

4. Public Acts of 1879, Chapter 12, repealed Public Acts of 1877, Chapter 25, above, as it applied to the regulation of fishing in Franklin County.
5. Public Acts of 1893, Chapter 147, made it unlawful to hunt, kill, or in any way destroy deer in Franklin County between and including January and September of each year. Trapping of wild turkeys was prohibited at all times, and the killing of wild turkeys was forbidden from the first of April to the first of September of each year. The shooting and taking of quail and partridge was prohibited from the first of April to the first of December and trapping of them was prohibited at all times. All methods of fishing except by hook and line were prohibited. The act set forth a schedule of fines for violations.
6. Private Acts of 1897, Chapter 240, permitted the residents of Franklin and other listed counties to catch fish at any time except during April and May in any of the waters of the county and by any means except by poison, dynamite, or wing net across any stream.
7. Acts of 1903, Chapter 169, was probably the first statewide act regulating game, fish, and birds in all the counties. The Act determined which animals were game animals; it provided for game wardens; it provided for open and closed hunting seasons, and it regulated non-resident hunters, market hunters, and the exportation and transportation of game animals.
8. Acts of 1903, Chapter 515, established a type of fence to be lawful in Franklin County in addition to other lawful fences. The fence would be lawful if its posts were no more than ten feet apart (sixteen feet if wire was used exclusively), with three barbed wires, three rails, or three slats, the first of which being at least eighteen inches from the ground. It could consist of wire, planks, rails, or slats or a combination of such materials.
9. Acts of 1905, Chapter 30, repealed Acts of 1903, Chapter 515, above, as it applied to the establishment of an additional lawful fence in Franklin County.
10. Acts of 1907, Chapter 489, was a general law regulating fish and fishing in the state. The use of seines was specifically prohibited except that under certain conditions fishing for personal use with seines was allowed in Franklin County and in sixteen other counties.
11. Private Acts of 1911, Chapter 433, amended Acts of 1903, Chapter 52, by making it inapplicable to Franklin County. The 1903 act prohibited the owners of livestock from permitting animals to run at large except under certain conditions. At the time the 1903 act was passed, it did not appear from the population figures used that it was applicable to Franklin County, but there must have been some confusion necessitating the amendment.
12. Private Acts of 1915, Chapter 236, amended Acts of 1907, Chapter 489, above, by deleting Franklin County from the list of seventeen counties in which fishing for personal use with seines would be allowed. The act also made fly fishing or the use of a spinner in any stream in Franklin County a misdemeanor.
13. Private Acts of 1917, Chapter 530, made it lawful to catch fish with a seine having one and one-half inch mesh from the first day of July until the first day of August, to catch fish with grabs during the month of May, with fly from June 1 to August 1, and with hook and line at any time. The act made it lawful to kill or catch squirrels and rabbits at any time.
14. Private Acts of 1919, Chapter 204, declared an open season during which game could be killed in Franklin County, as follows: for quail, November 1 to February 1; for squirrels, the entire year.
15. Private Acts of 1919, Chapter 711, made it illegal in Franklin County for any person upon the land of another to poison, kill, or attempt to do so, beaver, muskrat, fox, mink, raccoon, skunk, opossum, or weasel, or to molest the dens or lairs of the same, or to send them out of the county or state at any time between February 1 and November 1 of each year. Violations were punishable by fines of \$15 to \$25.
16. Private Acts of 1921, Chapter 405, exempted Franklin County and several other counties from the operation of Public Acts of 1919, Chapter 61, which regulated the owning, keeping, and harboring of dogs and provided for a license fee to be paid for each dog owned.
17. Private Acts of 1925, Chapter 222, required that an election be held in Franklin County to ascertain the will of the voters with reference to a stock law for the County. Poll tax receipts were not required for qualification of voters and the ballot was to allow the choice: "For Stock Law" or "Against Stock Law".
18. Private Acts of 1925, Chapter 684, declared it unlawful in Franklin County for the owners of livestock or one having control or management of livestock to permit the animals to run at large. The owner of livestock was liable for damages caused by livestock at large and an injured party could take and confine the livestock for the purpose of enforcing a lien granted by the act on the

livestock. Violation of the act was a misdemeanor punished by a fine of from \$2 to \$10, the fines to go to the elementary school fund of the County.

19. Private Acts of 1927, Chapter 32, directed that an election be held in Franklin County to determine the will of the voters regarding a stock law. This act was similar to the 1925 act, above, which also required an election.
20. Private Acts of 1929, Chapter 198, required an election to be held in Franklin County to determine the will of the voters with reference to a dog law in the County.
21. Private Acts of 1929, Chapter 591, made it unlawful in Franklin County for a person to take, hunt, or kill, by means of traps, guns, or dogs, any opossum except between November 1 of any one year and February 1 of the following year. Violations were punishable by fines of between \$25 and \$50.
22. Private Acts of 1933, Chapter 181, permitted the residents of Franklin County to fish in that County without a license provided they observed the fishing regulations; permitted the catching of carp, sucker, buffalo, red and black horse fish, or any other non-game fish by grab hooks, grabbling, or angling with rod and line, or by trotline at all seasons of the year; permitted residents to catch, trap, kill, sell or buy red and gray foxes from and including November 15th to February 15th; prohibited the killing or taking of any game fish from April 15th to June 15th inclusive; permitted resident commercial fishermen to operate with a \$2 license instead of the \$10 license required by then current state law.
23. Private Acts of 1933, Chapter 282, amended the General Game and Fish Law of 1931 by permitting the residents of Franklin County to chase in the County with dogs red and gray foxes during all seasons of the year without procuring a license of any kind. The foxes were not to be killed by gun or in any other manner during the chase.
24. Private Acts of 1935, Chapter 733, made it lawful for any person in Franklin County to buy and sell furs of wild animals without the payment of any license whatsoever for the privilege of doing so.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Courthouse**

1. Private Acts of 1929, Chapter 586, authorized the Quarterly Court of Franklin County, upon approval in a direct vote of the people, to issue, on behalf of the County, coupon bonds in an amount not exceeding \$150,000 to bear interest at a rate not exceeding five percent per annum for the purpose of erecting and equipping a courthouse in the City of Winchester. The Quarterly Court was to fix the details of the issue and levy an annual tax on property and privileges, the revenue to be used to create a sinking fund. The program would be administered by a Finance and Executive Committee composed of five citizens and the County Judge. The funds were to be collected by the Trustee and the bonds designated as the "Court House Bonds."
2. Private Acts of 1935 (Ex. Sess.), Chapter 144, authorized the Quarterly County Court of Franklin County, upon approval in an election of the people and subsequent majority vote of the Quarterly County Court, to issue, on behalf of the County, coupon bonds in an amount up to \$150,000 to bear interest at a rate not exceeding four per centum per annum for the purpose of erecting and furnishing a courthouse in Winchester. The Quarterly County Court was required to fix the details of the issue and was to levy a tax on all property in the County subject to taxation and thereby create a fund to pay interest and principal as due. A Building Committee, formed by the Court and composed of four citizens and the County Judge, was authorized to contract for and supervise construction of the courthouse. The furnishing of the courthouse could be done only after the building and all expenses were paid for.

#### **Debts**

1. Public Acts of 1866-67, Chapter 41, granted authority to the County Court to issue bonds for the amount of the indebtedness of the County. No debt was to be paid that was made in aid of the rebellion.

2. Private Acts of 1927, Chapter 571, authorized the County Court of Franklin County to issue interest bearing warrants as evidence of debt against the County to procure funds to meet and pay any indebtedness at any time incurred by the County.
3. Private Acts of 1955, Chapter 240, granted authority to the Quarterly County Court of Franklin County to borrow up to \$50,000 by issuing interest bearing notes and to apply the amounts so borrowed to pay or settle the claim against the County of Seth E. Giem and Associates, a partnership, and Marr and Holman, Architects. A tax levy was authorized to raise funds to pay the indebtedness created by the bond issue.

### **Roads**

1. Public Acts of 1899, Chapter 417, authorized the County Court of Franklin County at its quarterly session to appoint commissioners, and empowered the said commissioners to issue bonds of the County for the purpose of laying out, constructing, and building public roads in the County. The bonds would be in the total amount of \$100,000 with an interest rate not to exceed six per centum per annum and maturity dates within twenty years. The bond issue was required to be approved by a majority of the qualified voters at an election called by the commissioners. The County Court was required to levy a tax on property to pay for the bonds.
2. Acts of 1903, Chapter 143, named five commissioners, B. L. Wiggins, Hugh Lucas, A. J. Skidmore, W. O. Jones, and J. C. Hale, and empowered them to issue bonds on behalf of Franklin County for the purpose of laying out, constructing, and building public roads in the County. The bonds would be in the amount of \$100,000 and bear interest at a rate not exceeding five per centum per annum.
3. Acts of 1903, Chapter 588, amended Acts of 1903, Chapter 143, above, by correcting two mistakes in wording. The original act stated the bonds would be payable in "good coin" and this was changed to read "gold coin". The original act named five commissioners and then referred to them throughout as the "three commissioners". "Three" was changed to read, "five".
4. Acts of 1903, Chapter 472, amended Acts of 1903, Chapter 143, above, by striking the names of the five commissioners and providing for the immediate appointment of five commissioners by the Governor. Once appointed, the commissioners were required to stand for election at the August, 1904, regular election. The act further provided that the Quarterly County Court of Franklin County, rather than the commissioners, would be empowered to issue the bonds on behalf of the County, but because the amending language is imprecise and lacks clear punctuation, this section of the act is ambiguous.
5. Acts of 1905, Chapter 46, repealed Acts of 1903, Chapter 143, Chapter 588, and Chapter 472, above, in their entireties.
6. Acts of 1907, Chapter 12, authorized the County of Franklin to issue bonds in an amount not exceeding \$200,000 for the purpose of improving, building, piking, or macadamizing certain named public roads in the County. The bond issue had to be approved by the majority vote of qualified electors at a special election. Upon the petition of one hundred legal voters, such an election could be held but not more than once a year. The ballots had to have printed on them: "For Good Roads" and "Against Good Roads". If approved the bonds were to bear interest at four and one-half per cent to five per cent depending on the maturity date, the maximum of which would be thirty years. The County Court was to elect five commissioners empowered to conduct the bond issue and subsequent road work. The commissioners could assess a "privilege" against teamsters operating on the roads as haulers and against delivery businesses using the roads but not against farmers. They could work prisoners from the workhouse and receive credit from the construction contractors for such work. They could also lend money received from the bond issues but only that in excess of funds needed immediately.
7. Acts of 1907, Chapter 209, amended Acts of 1907, Chapter 12, above, by making changes in the roadways to be benefitted by the bond issue and by stating that the voters in the special election held to approve or reject the bonds would consist of all males over age twenty one who had resided in the County six months and in the State twelve months and such persons could vote without registering or paying a poll tax. It also attempted to clarify the original act by stating that the bonds could be approved by a majority of the votes cast rather than by a majority vote of the electors, but the amendment contained a typographical error and is unclear.
8. Acts of 1907, Chapter 401, amended Acts of 1907, Chapter 12, above, as amended, to make changes in the list of roadways to be benefitted by the bond issue; to state that the election for approval of the bonds could be held as frequently as twice per year; and to direct that the County Court should elect the commissioners after the bond issue is approved by a special election.

9. Acts of 1909, Chapter 432, amended Acts of 1907, Chapter 12, above, as amended, to make changes in the list of roadways to be benefitted by the bond issue; to allow a majority vote of the County Court to approve the bond issue as an alternative to the public election required in the original act; and to change the ballot in the public election to read "For Bond Issue" and "Against Bond Issue". Further, the act deleted the amendment concerning qualification of voters, as set forth above, so that the law would read as originally written and the bond issue would be approved in an election of the qualified electors.
10. Private Acts of 1911, Chapter 144, repealed Acts of 1907, Chapter 12, above, along with all its amending acts, that is, Acts of 1907, Chapter 209, Acts of 1907, Chapter 401, and Acts of 1909, Chapter 432, above.
11. Private Acts of 1911, Chapter 145, authorized the County of Franklin to issue bonds in the sum of \$200,000 for the purpose of improving, building, piking, or macadamizing certain named public roads in the County. The bond issue had to be approved by the majority of votes cast by the qualified electors and no more than one election could be held on the question in each two year period. If issued the bonds would mature no later than thirty years from issuance and bear interest at the rate of four and one-half percent to five percent. Five commissioners elected by the Quarterly Court were to direct and supervise the bond issue and the subsequent road work.
12. Private Acts of 1919, Chapter 399, authorized Franklin County through its County Court to issue bonds in an amount up to \$50,000, bearing interest at a maximum rate of five per centum per annum, with maturity dates of up to twenty years for the purpose of constructing, building, grading, macadamizing, and piking the road from Winchester to the Coffee County line known as the Dixie Highway. The County Court was to levy a tax to pay the indebtedness and elect five commissioners to supervise the issuance of the bonds and subsequent road work.
13. Private Acts of 1937 (3rd Ex. Sess.), Chapter 11, authorized Franklin County to borrow up to \$7,500 using short term notes paying the best available interest at a maximum rate of five per centum per annum for the purpose of acquiring the rights-of-way in the construction project concerning the highway from Winchester to the Marion County line and to levy a tax sufficient to pay interest and principal as they become due.

### **Schools**

1. Public Acts of 1893, Chapter 130, authorized the taxing district of Winchester to issue bonds in the amount of \$10,000, bearing interest at four percent, with maximum maturities of twenty years, to build and furnish a schoolhouse for the 22nd School District.
2. Acts of 1909, Chapter 428, authorized Franklin County in the event the State Board of Education decided to locate the State Normal School for the Middle Division of Tennessee in Winchester, to raise funds by tax levy or bond issuance to repair and remodel the Winchester Normal College, formerly the Carrick Academy, and to purchase land and erect buildings for the new school.
3. Private Acts of 1935, Chapter 789, authorized Franklin County to issue bonds in an amount not exceeding \$30,000 for the purpose of assuming the bonded indebtedness in the amount of \$20,000 of the Town of Cowan relating to bonds issued for the purpose of building and equipping a school building and the bonded indebtedness of the town of Decherd in the amount of \$10,000. The bonds were to be known as the Franklin County Funding Bonds and would bear interest at a rate not exceeding five per centum per annum and would mature no later than twenty years after issuance. A tax levy to pay the indebtedness was authorized.
4. Private Acts of 1939, Chapter 188, ratified prior proceedings of the Quarterly County Court of Franklin County during which the Court had issued bonds without statutory authorization. The bonds so ratified were then legal in all respects. The bonds were in the amount of \$50,000 with interest at 2 3/8 percent and were known as School Debt Bonds. The act authorized the County to levy a tax to retire the bonds when due and pay the interest.
5. Acts of 1947, Chapter 658, enabled the Quarterly County Court to issue and sell negotiable, interest bearing coupon bonds in an amount not exceeding \$750,000 for the purpose of constructing school buildings on land owned by the County or on land to be purchased with the proceeds of the bond issue. The bonds were to bear an interest rate of not more than three percent and the maturity dates could not extend beyond twenty years.

### **Winchester**

1. Acts of 1903, Chapter 8, permitted the taxing district of Winchester to issue coupon bonds in an amount not exceeding \$20,000 with a maturity period of up to thirty years, at a rate of interest not exceeding six percent for the purpose of completing construction of the water works and power plants then being built.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1807 Chapter 72

**SECTION 1.** That there be a new county established within the following bounds, to wit: Beginning on the south east corner of Warren county, thence with the south boundary line of Warren, to the western boundary line of Bedford county, thence with said line to the southern boundary line of the state, thence east with the state line to the south west corner of Bledsoe county, thence northwardly to the beginning; which said bounds shall constitute a new and distinct county, to be known by the name of FRANKLIN.

**SECTION 2.** That for the administration of justice, a county court shall be held by the justices of the peace for said county, at the house where Maj. William Russell now lives, on the fourth Mondays in January, April, July, and October, in each and every year; and said court shall continue to be held at said Russell's until otherwise provided by law; and said courts shall be held until the same laws, rules and regulations, and shall have and exercise the same power and jurisdiction, as the other county courts within this state.

**SECTION 3.** That it shall be the duty of the sheriff of the said county of Franklin, to hold an election at the place of holding courts in the same, on the first Thursday in the month of April next, and on the succeeding day, for the purpose of electing one colonel and two majors of militia, which elections shall be held under the same laws, rules and regulations, as the elections for the same officers in the other counties within this state; and said officers shall have the same powers, and be subject to the same laws and duties, as the other colonels and majors of militia within this state.

**SECTION 4.** That the sheriff of said county of Franklin, on the days prescribed by the constitution of this state, shall hold an election in said county, at the place of holding court, under the laws governing elections in like cases, for the purpose of electing a governor for the state, member or members of the state legislature, members of congress, (and when required by law) electors to elect the president and vice president of the United States; and it shall be the duty of said sheriff, to meet the plaintiff of Jackson county, on the Monday immediately succeeding each of said elections, at the court house of Jackson county, for the purpose of comparing the votes taken at Franklin with those taken in Jackson; and the sheriff of Jackson after the comparison takes a place, shall certify the person duly elected.

**SECTION 5.** That general musters and courts martial shall be held at the place of holding courts in the said county of Franklin, on the following days, (to wit:) the general muster, on the first Thursday in the month of September, in each year; and the court martial on the same day in the following month; which musters and courts martial shall be governed by the laws in force regulating the militia--And the militia of said county, shall be attached to, and be a part of the fourth brigade, and shall be the thirty second regiment; and the said county of Franklin, shall be, and compose a part of Winchester district, and shall send three jurors to the superior courts at Carthage.

Passed: December 3, 1807.

### County Seat

#### Acts of 1809 (Sept. Sess.) Chapter 78

**SECTION 1.** That it shall be the duty of the sheriff of Franklin county to open and hold an election at the present place of holding court in said county, on the first Thursday and Friday of February next, for the purpose of electing seven fit and proper persons, as commissioners to fix on and finally establish a permanent seat of justice in and for the said county of Franklin; which said election shall be advertised by the sheriff of said county, at three of the most public places, in each captains company, at least fifteen days previous to the time of holding said election, and every free male person above the age of twenty-one years, actually resident in said county at the time of such election, shall be permitted to vote: and the seven persons who have the highest number of votes, shall be the commissioners for the purpose aforesaid.

**SECTION 2.** That it shall be the duty of said commissioners, when so elected, before they enter on the duties of their appointments, to take the following oath, to wit: I, A. B. do swear that I will well and truly execute and perform all the duties enjoined on me by law, as a commissioner to fix on a permanent seat of justice in the county of Franklin, to the best of my skill and ability, So help me God.

**SECTION 3.** That it shall be the duty of said commissioners, and they have full power and authority to fix

on a proper place for the seat of justice in and for said county, which site shall be as near the centre as a due regard for timber and water will permit.

**SECTION 4.** That a majority of said commissioners shall constitute a board to transact business, and it shall be their duty, so soon as they have fixed on a place for the seat of justice in said county, immediately to proceed to obtain a tract of land, not less than forty acres, to be conveyed to them by general warrantee deed, in trust, for the purpose of laying off a town thereon, and they shall lay off the same into convenient lots, lanes, streets and allies, reserving therein, in the most convenient and eligible place, two acres in a square form, to be called the Public Square, on which to erect the public buildings, and said commissioners shall sell the lots so laid out to the highest bidder for the same, at public sale, giving a credit to the purchaser or purchasers, of twelve months from the day of sale, and make deeds of conveyance to the purchasers respectively, but said sale of lots shall not take place until the time and place of sale shall have been advertised at four of the most public places in said county, and in some newspaper printed at Carthage or Nashville, two months at least before such sale shall be made, and in all cases of sales of lots, the said commissioners shall take notes under hand and seal, to themselves as commissioners aforesaid, with good and sufficient security, for the payment of the purchase price (?) of their respective purchasers.

**SECTION 5.** That the said commissioners shall let out the building of the court house, prison, and stocks in said town, to the lowest bidder, and appropriate the money arising from the sales of lots, in payment for the same, and to no other purpose whatever, unless the monies arising from the sales of lots should be more than sufficient to pay for the public buildings, then, in that case, they shall deposit the residue in the county treasury, to be appropriated as other county monies; but in case the monies arising from said sales, should be found insufficient, it shall be the duty of the court of said county, a majority of the justices being present, on application to them made by said commissioners, to lay a tax not exceeding the amount of the state tax, to be raised from the same property and polls, and be collected by the same persons and in the same manner as the state tax, which tax is to be laid annually for the term of three years, from the first imposition thereof, if said buildings shall not have been sooner paid for; Provided, said buildings shall not be let out until the time and place of letting out the same shall have been duly advertised at four of the most public places in said county, and in some newspaper at Carthage or Nashville, at least three months previous to the date of letting out the same.

**SECTION 6.** That the said commissioners shall, before entering into duties of their office, give bond to the chairman of the said court, and his successors in office, with security to be approved of by the court, in the sum of five thousand dollars, conditioned that they will faithfully discharge the trust reposed in them by this act, and fairly account for all monies that may at any time come to their hands, by virtue of their appointment as commissioners aforesaid, and it shall be their duty to settle with the court when called on for that purpose: Provided said commissioners be not called on for a settlement oftener than once in each year.

**SECTION 7.** That the said court are hereby authorized to order such sum or sums of money to be paid out of the county treasury, to each of said commissioners as they may deem an adequate compensation for his service and expenses in the performance of the duties enjoined on him by this act.

**SECTION 8.** That the town herein directed to be laid off, shall be called and known by the name of Winchester, and the same shall be the place of holding court for said county of Franklin, as soon as a majority of the magistrates of said county in court, may be of opinion that the improvements will authorize an adjournment thereto.

**SECTION 9.** That this act shall commence and be to force from and after the passing thereof.

Passed: November 22, 1809.

## Change of Boundary Lines

### Acts of 1809 (Sept. Sess.) Chapter 79

**SECTION 1.** That from and after the passing of this act, the bounds of Warren county shall be as follows, (to wit:) Beginning on Cumberland mountain at the south west corner of White county, thence westwardly along the top of said mountains to a point just twenty poles further than a place opposite where Avent, a son-in-law of Thomas Vining now lives, thence a direct course by the house spring on the head of Stones river, to the east boundary line of Rutherford county, thence along the lines of Rutherford, Wilson, Smith and White counties, to the beginning; and that the country taken from Warren county by the reduction of it as aforesaid, shall be and the same is hereby declared to be attached to and held to be a part of Franklin county, any former law to the contrary notwithstanding.

**COMPILER'S NOTE:** The sections following Section 1 do not apply to Franklin County and are not included



herein.

Passed: November 23, 1809.

## Acts of 1813 Chapter 70

**SECTION 1.** That from and after the passage of this act the dividing line between the counties of Franklin and Warren, shall be continued from the place where the present dividing line between said counties crosses the main road leading from Winchester to McMinnville, near Henry Avants, to a direct course until it strikes Bedford county line at the place where said Bedford county line, crosses the old Nickajack trace, thence the boundary line of Warren county, shall run with the boundary lines of Bedford and Rutherford counties until it intersects the present boundary line of Warren county, and all that part of Franklin county stricken off by the before mentioned lines shall be attached to, and become a part of Warren county: Provided, That nothing herein contained shall be so construed as to prevent the sheriff of Franklin county from collecting any arrearages of taxes which may be due to the county of Franklin within the before described bounds.

**SECTION 2.** That Alexander Perryman is hereby appointed to run and plainly mark the said dividing line agreeably to the course described in the first section of this act, who shall be allowed the sum of three dollars per day, for each day he may be necessarily employed in said service by the county court of Franklin county, and paid by the trustee of said county who shall be allowed a credit for the same on the settlement of his accounts.

Passed: November 9, 1813.

## Public Acts of 1825 Chapter 188

**SECTION 1.** That the territory now included in Marion county, lying west of the line, hereinafter described be and the same is, hereby attached to Franklin county, to wit: Beginning on the southern boundary line of the State of Tennessee, between the waters of Battle creek and Crow creek, at the present point where the second surveyor's district in Tennessee intersects with said southern boundary line, running thence northwardly, with the line of said second surveyor's district, till it strikes the present boundary line of Franklin county, so as to include in said county of Franklin, the territory lying west of said line.

**SECTION 2.** That John Kelly and William M. Quisinberry be, and they are, hereby appointed commissioners and surveyors, to run and mark said line between said counties, whose duty it shall be to perform said duty on or before the first day of April next; the expense of which said running and marking shall be paid by the county of Franklin.

Passed: November 18, 1825.

## Private Acts of 1835-36 Chapter 36

**SECTION 1.** That a new county be and the same is hereby established, by the name of Coffee in honor of the late General John Coffee, east of Bedford, west of Warren and north of Franklin, adjoining said counties, and composed of parts of the same: beginning at the store house of William Norton, in Hoover's gap, in the line between Rutherford and Bedford; thence south, eight degrees east, ten and a half miles, to a point twelve miles east of Shelbyville; thence south six and a half miles, to a corner in Franklin county; thence east eight a half miles, to a point twelve miles north of Winchester; thence south, eighty degrees east, four miles; thence north, forty-five degrees east, thirteen miles sixty-four poles; thence north three hundred and four poles; thence north, thirty degrees west, two miles and one hundred and fifty poles; thence north, sixty degrees west, one mile and one hundred and sixty poles; thence north, thirty degrees west, two miles; thence north, eighty-five degrees west, three miles and two hundred poles; thence north, twenty degrees west, six and a half miles; thence south, seventy-one degrees west, six miles and seventy poles; thence north, eleven degrees west, one thousand and thirty poles, to the Bedford corner; thence south, forty-four degrees west, along the line between Rutherford and Bedford, one hundred and ninety-two poles; thence south, along said line, one hundred and twenty-eight poles; thence a continuation with said line and ridge, with its meanders, to the beginning.

Passed: January 8, 1836.

## Acts of 1837-38 Chapter 67

**SECTION 2.** That so much of Franklin county, as is contained in the following described, bonds be, and the same is hereby attached to Coffee county, to wit, beginning at the south east corner of Coffee county, near \_\_\_\_\_ Streets, running in a straight line, from said corner to the mouth of Bradley's creek, on

Elk river; thence up said river with its meanders, to Caldwell's old bridge; thence with the big road to the foot of Cumberland mountain, near James Petty's; thence with the meanders of the foot of said mountain, to the big road, known as Hollingsworth's trace; thence with said road to the Marion county line; thence with said line to the Warren county line; thence with said line to the Coffee county line; thence with said line to the beginning, including the settlements on the head of Elk river.

**SECTION 3.** That all the officers, both civil and military, in that portion of Franklin county, thus attached to Coffee county, shall continue in, and hold those offices, the period of time for which they were elected in said county of Franklin.

**SECTION 4.** That William L. Mooney, Jesse Gorher, and Benjamin Wildman, be, and they are hereby appointed commissioners, to open and hold an election, on the first Saturday in February, by giving ten days notice, at the following places, to wit: at Pelhams', James Cunningham's and the Parmer precinct, for the purpose of ascertaining whether the inhabitants of that portion of Franklin county wish to be attached to the said county of Coffee, and if a majority of the qualified voters, in that portion of Franklin county, thus stricken off, shall vote for being attached to Coffee county, it shall then be the duty of the Governor of the State to issue his proclamation, declaring that said portion of Franklin county, thus stricken off, to be a portion of Coffee county, and the part thus stricken off of Franklin county, shall compose a part of Coffee county, to all intents and purposes: Provided, however, that nothing in this act shall be so construed, as in any wise, to interfere or remove the present seat of justice of Coffee county. This proviso shall be inserted in the advertisement, to hold the election contemplated in this section of this act.

Passed: January 13, 1838.

## Public Acts of 1870-71 Chapter 18

**SECTION 1.** That the line between the counties of Coffee and Franklin, be so changed as to detach from Franklin and attach to Coffee the following boundaries, viz: Beginning at or near the three water holes on the line of Franklin and Coffee, thence south 48° west to the old Shelbyville and Winchester road, by the Flat Creek; thence north-west with said road to the Bedford County line; thence with the Bedford County line to the line of Coffee County; Provided, That the parties so detached from Franklin and attached to Coffee county shall pay their taxes for 1870 to the tax collector for Franklin County.

**SECTION 2.** That the said citizens detached from Franklin County be attached to the 13th civil district of Coffee County.

Passed: December 15, 1870.

## Public Acts of 1879 Chapter 178

**SECTION 1.** That the line between the Counties of Coffee and Franklin, be so changed as to detach from Franklin and attach to Coffee, the territory included in the following boundaries, to-wit: Beginning on a post-oak on the north side of the Tullahoma and Hillsboro Road, at the point at which the present line between the Counties of Coffee and Franklin, crosses the south boundary line of the lands of A. Kocsis; thence east with the south boundary line of A. Kocsis and others, to the Nashville & Chattanooga Railroad; thence east to the southeast corner of Travis' lands, leaving Travis in Franklin County; thence with Travis' east and north line, west of Blue Creek, thence up Blue Creek (including) the lands of David Hart, in Coffee County, to the Lynchburg & Tullahoma Road; thence with said road to the Moore County Line; thence north and east with the Moore County Line; thence north and east with the Moore and Bedford County Line, to the Line of Coffee County; Provided, that the parties so detached from Franklin and attached to Coffee County, shall pay their taxes of 1878, to the Trustee of Franklin County.

**SECTION 2.** That the said citizens so detached from Franklin County, be attached to the 13th Civil District of Coffee County.

**SECTION 3.** That all laws and parts of laws, in conflict with this Act, be and the same is hereby repealed.

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

Passed: March 24, 1879.

## Public Acts of 1879 Chapter 235

**SECTION 1.** That the lines between the Counties of Franklin, Coffee and Grundy, at their intersection on Elk River, be changed as follows, to-wit:

Beginning at a stake in the line between Coffee and Grundy, 20 yards north of Elk River, and running thence west to the north end of the bridge crossing Elk River; thence with the center of said bridge to the south

end of said bridge; thence to a stake in the old line, 15 yards south of said river, so as to place the said bridge on the lines between said Counties of Coffee, Franklin and Grundy.

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

Passed: March 28, 1879.

## Public Acts of 1891 Chapter 143

**SECTION 1.** That the line between the counties of Franklin, Marion and Grundy be changed to run as follows, to wit:

Beginning at what is known as Drip Spring, south of the railroad on the line between Franklin and Marion, and running east to Fred. Myers' spring, thence northeastward across the railroad to Basil Summers' chalybeate spring in Grundy County; thence west along the north bluff of the mountain to the line between Franklin and Grundy Counties, north of the railroad.

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

Passed: March 13, 1891.

## Public Acts of 1899 Chapter 245

**SECTION 1.** That section 1 of the Acts of 1879, entitled "An act to change the line between the counties of Coffee and Franklin," be amended by striking out all the words in said Section 1 after the word "to wit" and inserting the following words in lieu thereof: Beginning at a stone, with pointers, in the west boundary line of a 1,200-acre tract granted in name of R. Sparp (now owned by Kirkpatrick, and leaving Kirkpatrick in Franklin county), just north of the three water holes (about 15 poles); thence south with the line of said grant 311 poles to the Lanier line; thence west with said line 23 poles; thence north 50 poles; thence west 216 poles to the east boundary line of Joab Short 500-acre grant; thence north with the east boundary line of said grant (about 120 poles) to the southerly boundary line of the old 695 acre Kocsis survey; thence with the southerly boundary of said Kocsis' survey (about 500 poles) to the right of way of the Nashville, Chattanooga & St. Louis Railway at a point (about 52 poles) south of the Anderson (now Dundas) tract; thence across said railroad; thence to the southeast corner of the Travis lands; thence running with the Travis east, north and west lines (leaving Travis in Franklin County) and on to the southeast corner of the Martin lands; thence with Martin's south boundary line and on to the southeast corner of the David Hart lands (now M. Wilson); thence with the south boundary of the Hart lands to the road; thence with the road to Hastings' southeast corner (about 35 poles): thence to the southeast corner of the Crane Oak View tract and the old Thomas line to the Moore county line; thence with the Moore county line and Bedford county line to the line of Coffee county; Provided, That so much of the Hasting, Crane and Thomas tracts as are assessed in Franklin shall pay taxes to the trustee of Franklin county for the year 1899.

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

Passed: April 7, 1899.

## Private Acts of 1915 Chapter 146

**SECTION 1.** That the County line between Coffee and Franklin Counties be, and the same is hereby changed so as to be in part as follows: Beginning at the northwest corner of J. P. Parker's farm, at a point on the west side of Rock Creek, in the present line between Coffee and Franklin Counties and just across said Rock Creek from a stone marker in said present line between said Counties, thence running with the meanders of the west bank of said Rock Creek in a southerly and southeasterly direction three hundred and twenty-five poles, more or less, to the intersection of said Creek with the south line of Burch Hutson's farm, said point being said Hutson's southwest corner, thence running in an easterly direction with said Hutson's south line one hundred and forty-one poles, more or less, to the southeast corner of said Hutson's farm, thence running north with the east line of said Hutson's farm and Dr. J. A. Mitchell's ten acre tract one hundred and forty poles, more or less, to the County line between said Coffee and Franklin Counties, said point of intersection being a few poles southeast of a stone marker in the present County line between said two counties; so as to include in the Thirteenth Civil District of Coffee County the following lands now lying in the Seventh Civil District of Franklin County, to wit: the farm of Burch Hutson containing about 155 acres, the farm of J. P. Parker containing about 65 acres, and a small strip of land lying between said Parker farm and Rock Creek, Dr. J. A. Mitchell's ten acre tract, a small tract of J. M. Travis, and what is known as "Johnstown Settlement."

**SECTION 2.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

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

Passed: March 30, 1915.

## Private Acts of 1945 Chapter 285

**SECTION 1.** That the line between Franklin and Moore Counties be, and the same is, hereby changed as follows: By detaching from Franklin County and the farm conveyed to L. E. Huffman, A. F. Huffman and E. C. Huffman by John W. Bedford and wife, Ruth Bedford, by deed of record in Deed Book 69 at page 598, Register's Office of Franklin County, lying in the Fourteenth Civil District of said County; the farm conveyed to A. F. Huffman by Tobe Stewart and wife, Dovie Stewart, and J. H. Stewart by deed of record in Deed Book 68, page 104, Register's Office of Franklin County, lying in the Fourteenth Civil District of Franklin County; the farm of Thomas D. Chapman conveyed to him by J. C. Rolman and wife, Elvie Rolman, by deed of record in Deed Book 69, page 422, Register's Office of Franklin County, lying in the Fourteenth Civil District of Franklin County; and the farm of E. C. Huffman lying in the Sixth Civil District of Franklin County and conveyed to him by Morton Webb and wife, Odell Webb, by deed of record in Deed Book 67, pages 361-362, Register's Office of Franklin County, and attach said farm lands of Moore County.

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

Passed: February 16, 1945.

## Private Acts of 1947 Chapter 272

**SECTION 1.** That the line between Franklin and Moore Counties be and the same is hereby changed as follows: By detaching from the Sixth Civil District of Franklin County the following described tracts of land, to-wit: Approximately 180 acres of land, more or less, owned by John W. Bedford and wife, Barabara Ruth Bedford, bounded on the north by M. D. Gray and Mack Brandon, south by Frank Gray, east by Frank Gray and James Gray, and west by the Moore and Franklin County line; approximately 176 acres of land, more or less, owned by M. D. Gray, bounded north by Harland Bean, south by Mack Brandon, east by James Gray and J. Lee Clark, west by Moore and Franklin County line; approximately 37 acres of land, more or less, owned by James M. Gray and wife, Louise Gray, bounded north by M. D. Gray, south by Frank Gray and John W. Bedford, each by John Lee Clark and M. D. Gray, and west by M. D. Gray and John W. Bedford, and attach said three tracts of land to the Third Civil District of Moore County.

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

Passed: February 19, 1947.

## Private Acts of 1965 Chapter 86

**SECTION 1.** That the line between the counties of Franklin and Moore be, and the same is hereby changed by detaching from the Sixth Civil District of Franklin and attaching to the Third Civil District of the County of Moore, the following described tract of land, to-wit:

Beginning at the southwest corner of a 55 acre tract and the southeast corner of the original tract, running thence north 86° west 28 poles to a stake; thence south 2° west 5 poles to a stake; thence north 86° west 86½ poles to a gully; thence up the gully when reduced to a straight line is north 31½° west 34 poles; thence north 2° east 19 poles to a stake in the road; Thence north 48½° west 10 poles to a stake in the road; thence north 3° east 16-18/25 poles to a stake; thence south 52° east 32 poles to a stake; thence north 87° east 26 poles to a stake; thence south 2° east 21 poles to a stake; thence south 88° east 20 poles to a stake; thence north 23° east 24½ poles to a stake; thence north 37° east 36 poles to a stake in the east boundary of the original tract; thence south 12° east 20½ poles to a stake; thence south 7° east 59 poles to the beginning, containing 39 acres and 32 poles.

Being the same tract of land conveyed to Cecil Hulvey and wife, Geneva Hulvey, by deed of James A. Durm, et ux, et al, bearing date of January 12, 1950, of record in Deed Book No. 81, Page 479, Register's Office of Franklin County, Tennessee.

**SECTION 2.** That this Act shall have no effect unless the same shall be approved by a two-thirds vote of both the Quarterly County Courts of Franklin and Moore Counties on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officers of each of the bodies having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

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

Passed: March 2, 1965.

## Public Acts of 1998 Chapter 652

**SECTION 1.** Upon approval by a two-thirds vote of the County Legislative Body of each county to which this act may apply, the boundary line between the counties of Coffee and Franklin be, and the same is, hereby changed by deleting and detaching from the County of Franklin and attaching and including to the County of Coffee all of the hereinafter described property:

Beginning at a stake located in the north margin of Oak Park Drive 1145 feet in an easterly direction from the east margin of the Old Winchester Highway and running N 04 degrees 28 minutes E 205.3 feet to an iron pin, thence S 86 degrees 30 minutes E along the southerly margin of Lot No. 68 of said subdivision 202.0 feet to an iron pin; thence along the curvature of Oak Park Drive (if in a straight line) S 14 degrees 52 minutes E 109.2 feet to an iron pin; thence along the curvature of Oak Park Drive (if in a straight line) S 24 degrees 46 minutes W 110.0 feet to an iron pin located in the northerly margin of Oak Park Drive; thence N 86 degrees 15 minutes W along the north margin of Oak Park Drive 200.0 feet to an iron pin, same being the point of beginning.

**SECTION 2.** Upon approval by a two thirds vote of the County Legislative Body of each county to which this act may apply, the boundary line between the counties of Coffee and Franklin be, and the same is, hereby changed by deleting and detaching from the County of Coffee and attaching and including in the County of Franklin all of the hereinafter described property:

Beginning at a post in the south margin of a public road known as Dean Shop Road (also known as Call's Circle Road) at Weaver's northeast corner; thence running with the southerly margin of said road South 84 degrees 09 minutes East 2,300 feet to a point where the southerly margin of Dean Shop Road intersects with the westerly margin of Landers Road; thence running with the westerly margin of Landers Road South 01 degree 21.5 minutes West 1,850 feet to a point; thence leaving the boundary of said road running North 84 degrees 09 minutes West 2,230 feet to a post; thence North 78 degrees 45.5 minutes West 461.03 feet to a post; thence North 05 degrees 4.5 minutes East 453.72 feet to a post; thence North 85 degrees 06 minutes West 594.85 feet to a post in the westerly margin of a public road; thence North 00 degrees 2.5 minutes East along the east margin of said road 1,210.18 feet to a stake in the south margin of Dean Shop Road; thence South 84 degrees 09 minutes East running with the southerly margin of the Dean Shop Road 1,050.36 feet to the point of beginning.

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

Passed: March 11, 1998.

## Public Acts of 2014 Chapter 838

**SECTION 1.** The boundary line between Franklin County and Marion County shall be revised so that the new boundary line is established as follows:

Beginning at a concrete monument set in the Tennessee/Alabama State line, the NAD 83 State Plane coordinates for said monument are N 238417.707, E 2006538.893, said point also being located South 89 degrees 13 minutes 00 seconds East, 491.46 feet from an old rock corner found; Thence from the POINT OF BEGINNING proceeding along the agreed boundary line between Franklin and Marion Counties North 00 degrees 00 minutes 47 seconds West, 26,212.27 feet to a concrete monument set in the South boundary of the Franklin State Forest (N 264629.974, E 2006532.886), said point being located South 84 degrees 57 minutes 35 seconds East, 1145.05 feet from a concrete monument found; Thence with the Franklin State Forest line South 84 degrees 57 minutes 35 seconds East, passing through a rock corner found at 421.06 feet for a total distance of 2500.66 feet to a concrete monument set (N 264410.272, E 2009023.885); Thence North 00 degrees 35 minutes 30 seconds West, 58,772.59 feet to a concrete monument set (N 323179.730, E 2008417.090); Thence North 89 degrees 15 minutes 24 seconds West, 1876.54 feet to a point in a settling pond at the sand plant (N 323204.073, E 2006540.705); Thence North 00 degrees 00 minutes 00 seconds East, passing through a concrete monument set as a witness corner at 337.22 feet in all a total distance of 913.41 feet to the centerline intersection of US Highway 64/41-A and the old abandoned railroad bed (N 324117.486, E 2006540.705), said point being located North 00 degrees 00 minutes 00 seconds East, 64.76 feet from a concrete monument set as a witness corner.

**SECTION 2.** This act shall take effect January 1, 2015, the public welfare requiring it.

## Boundaries - Historical Notes

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

1. Acts of 1809 (Sept. Sess.) Chapter 48, Section 13, provided that the territory east of Lincoln,

south of Bedford, and north of the state line would be a part of Franklin County.

2. Acts of 1815, Chapter 86, stated that Alexander Perryman had been appointed as the surveyor to run and mark the line between Franklin and Warren Counties, and that he failed to do so. The act then appointed John McGowan in his place with the same responsibilities and McGowan was to receive the same rate of pay, provided he took the oath of office and started work immediately.
3. Acts of 1855-56, Chapter 161, Section 5, changed the boundary line between Franklin and Lincoln Counties to include in Franklin County the farm of Allen Johnson.
4. Public Acts of 1857-58, Chapter 11, Section 13, changed the boundary line between Franklin and Grundy counties to include in Franklin County all the lands of W. G. Gwinn, Lawson Row, and Daniel C. Smith.
5. Private Acts of 1859-60, Chapter 100, Section 13, altered the boundary between Franklin and Lincoln Counties to include in Franklin County the land of C. H. Bean.
6. Public Acts of 1870-71, Chapter 18, changed the boundary line between Franklin and Coffee Counties so that a portion of Franklin County in the Flat Creek area near the then Bedford County Line was detached and placed in Coffee County. The persons affected were to pay their 1870 taxes to Franklin County.
7. Public Acts of 1883, Chapter 62, changed the line between Franklin and Moore Counties to include in Moore County all the farms of S. S. Reaves, J. A. Reaves, T. L. D. Parks, J. W. Anderson, J. M. Turner, and Wiley Millsaps, the land being some of the farms through which the county line ran.
8. Public Acts of 1887, Chapter 104, changed the line between Franklin and Moore Counties to include in Franklin County the farms of F. M. Bean, and to include in Moore County the farms of J. C. Tipps, Jr., James Reed, John Cashion, and C. H. Bean.
9. Public Acts of 1891, Chapter 228, moved the farm of J. F. Laxson from Franklin County to Grundy County.
10. Acts of 1901, Chapter 379, transferred the farm of J. N. Smith from Franklin County into Moore County.
11. Acts of 1903, Chapter 374, changed the county line so that the land belonging to Mrs. Louise Bean in Franklin County was included in Moore County.
12. Acts of 1905, Chapter 191, changed the county line so that the farm of A. J. Womack in Franklin County was included in Moore County.
13. Acts of 1905, Chapter 206, changed the boundary line between Moore and Franklin Counties to include in Moore County all the lands of N. A. Majors.
14. Acts of 1905, Chapter 385, was a Senate Bill and it was worded the same as Acts of 1905, Chapter 206, above, which was the House Bill. Both bills passed the General Assembly and were signed by Governor Cox.
15. Acts of 1905, Chapter 390, was a Senate Bill and it was worded the same as Acts of 1905, Chapter 191, above, which was the House Bill. Both bills passed the General Assembly and were signed by Governor Cox.
16. Acts of 1909, Chapter 208, changed the line between Franklin and Moore Counties and included within the limits of Moore County the lands of Thomas Millsaps.
17. Private Acts of 1915, Chapter 443, changed the line between Franklin and Moore Counties and included within the limits of Moore County the land of M. A. Bean.
18. Private Acts of 1917, Chapter 194, changed the line between Franklin and Moore Counties and moved forty-one acres belonging to Mitchell Stewart from Franklin County into Moore County.
19. Private Acts of 1917, Chapter 244, moved fourteen acres in Franklin County belonging to G. E. Byron and ten acres in Franklin County belonging to the J. E. Coop estate and occupied by Lula Cleek to the Second Civil District of Moore County, and six acres belonging to M. A. Bean from the Sixth Civil District of Franklin County to the Third Civil District of Moore County.
20. Private Acts of 1921, Chapter 762, materially changed a portion of the lines between Franklin and Coffee Counties with a metes and bounds description of the area being transferred to Coffee.
21. Private Acts of 1923, Chapter 55, repealed Private Acts of 1921, Chapter 762, above, and restored the line between Franklin and Coffee Counties as it was before the act was passed, except the land belonging to the State known as the Vocational School was left in Coffee County.
22. Private Acts of 1927, Chapter 324, changed the line between Franklin and Grundy Counties to include in Franklin County the lands of A. J. Patterson and a portion of the lands of Frank L.

Lynch.

23. Private Acts of 1941, Chapter 309, changed the line between Franklin and Moore Counties and moved the farm of C. M. Cates, consisting of about 124 acres, from the Fourteenth Civil District of Franklin County to the Second Civil District of Moore County.
24. Private Acts of 1945, Chapter 428, detached thirteen acres belonging to Charlie Smith from the Fourteenth Civil District of Franklin County and attached it to the Second Civil District of Moore County.
25. Private Acts of 1949, Chapter 610, transferred eighty-five acres, owned by J. C. Bedford, from the Sixth Civil District of Franklin County to the Third Civil District of Moore County.
26. Private Acts of 1955, Chapter 343, changed the county line between Franklin and Coffee Counties to include in Coffee County certain numbered lots of the Oak Park subdivision in Tullahoma and, to include in Franklin County the remaining lots in the subdivision. The Act was not considered at the local level and consequently it did not become law.

## Chapter V - Court System

### Chancery Court

#### Clerk and Master

### Private Acts of 1980 Chapter 266

**SECTION 1.** The Clerk and Master of the Chancery Court of Franklin County, Tennessee, is hereby authorized to employ one (1) clerk to assist in the duties of that office, and said clerk shall be compensated in such a manner and at a rate as prescribed from time to time by the Franklin County Board of Commissioners to be paid from the general fund of the county. In no case shall the amount of compensation be less than that being paid any such clerk being employed on March 3, 1980, pursuant to Chapter 468 of the Private Acts of 1943.

**SECTION 2.** Chapter 468 of the Private Acts of 1943 is hereby repealed in its entirety.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Franklin County before September 6, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Franklin County and certified by him to the Secretary of State.

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

Passed: March 26, 1980.

### General Sessions Court

### Private Acts of 1982 Chapter 302

**COMPILER'S NOTE:** Effective July 1, 2014, all clerical duties and responsibilities for the probate court currently exercised by the circuit court clerk shall transfer to the clerk and master. On such date, the clerk and master shall assume all duties and responsibilities with respect to the administration of estates, guardian appointments and other probate matters. All probate files, records and other documents maintained for the probate court in such counties shall be transferred to the custody of the clerk and master. PUBLIC CHAPTER NO. 756 OF THE PUBLIC ACTS OF 2014.

**COMPILER'S NOTE:** Effective July 1, 2014, all jurisdiction relating to the probate of wills and the administration of estates of every nature, including the estates of decedents and of wards under guardianships or conservatorships and related matters presently in the court of general sessions shall be transferred to chancery court. On such date, the chancellor shall assume all duties and responsibilities with respect to the administration of estates, guardian appointments and other probate matters. All probate files, records and other documents maintained in the general sessions or circuit court in such counties shall be transferred to the custody of the clerk and master. PUBLIC CHAPTER NO. 756 OF THE PUBLIC ACTS OF 2014.

**SECTION 1.** Effective September 1, 1982, all juvenile jurisdiction under Tennessee Code Annotated, Title 37, and all similar laws shall be transferred to and vested in the General Sessions Court of Franklin County, Tennessee.

**SECTION 2.** Effective September 1, 1982, the Probate Court of Franklin County, Tennessee, including all judicial jurisdiction now exercised by the Franklin County judge, including, but not limited to, wills; administration of decedents' estates, including the sale of decedents' land for the payment of debts; qualification of guardians; partition of land cases, both by sale and in kind; the affairs of minors, incompetents, and others laboring under a disability, shall not be separate from the current jurisdiction of the General Sessions Court of Franklin County, nor shall there be separate terms for Probate Court; it being the intent of this section to merge the Probate Court and General Sessions Court of Franklin County into one (1) court having jurisdiction over such matters.

**SECTION 3.** Nothing in this act shall be construed to affect or alter the duties, responsibilities, fees and jurisdiction of the present clerks of the probate, juvenile, and General Sessions Courts of Franklin County. Upon the effective date of this act, the County Clerk shall continue to serve as the clerk for all probate matters, and the Circuit Court Clerk shall serve as the clerk for all juvenile matters and as the clerk in all matters within the present jurisdiction of the General Sessions Court.

As amended by: Private Acts of 1999, Chapter 8

**SECTION 4.** Nothing in this act shall be construed to affect, alter or diminish the jurisdiction presently conferred upon the Circuit or Chancery Court of Franklin County.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Franklin County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 6.** 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 5.

**SECTION 7.** Notwithstanding this Chapter and any other chapter amendatory thereto, effective July 1, 2014, all clerical duties and responsibilities for the probate court currently exercised by the circuit court clerk shall transfer to the clerk and master.

As amended by: Private Acts of 2014, Chapter 48

**SECTION 8.** Notwithstanding this Chapter and any other chapter amendatory thereto, effective July 1, 2014, all jurisdiction relating to the probate of wills and the administration of estates of every nature, including the estates of decedents and of wards under guardianships or conservatorships and related matters presently in the court of general sessions shall be transferred to chancery court.

As amended by: Private Acts of 2014, Chapter 48

Passed: April 7, 1982.

## Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Franklin County, but are no longer operative.

1. Acts of 1807, Chapter 72, provided that the newly created County of Franklin would be a part of the Winchester District and would send three jurors to the superior court at Carthage.
2. Acts of 1809 (Sept. Sess.), Chapter 49, Section 15, authorized the Court of Pleas and Quarter Sessions of Franklin County to summon 39 jurors for the Circuit Court and to levy a tax to pay them provided that a majority of the Justices were present at the Court when the tax was levied.
3. Acts of 1817, Chapter 128, authorized counties, including Franklin, through their County Courts at their first session in each year to lay a tax to provide additional compensation to jurors attending the Circuit and the County Courts, so long as a majority of the Justices were present when the tax was levied, and that the extra compensation did not exceed fifty cents per day.
4. Acts of 1905, Chapter 233, created a three-member Board of Jury Commissioners for Franklin County, the members to be appointed for terms of two years by the judge or judges holding Circuit or Criminal Court. The members were to be discreet persons, freeholders and householders of the County, who were not practicing attorneys or state or county officers. The duty of the Board was to select from tax books and other sources the names of between 250 and 1000 men of intelligence, integrity, and sound judgment. The list would be the jury list for two years. It would be kept secret and under lock and key. The names from the list were to be



written on slips of paper and placed in a Jury Box kept locked and sealed. Prior to each term of Circuit or Criminal Court, the Board was to unlock the box and have a child under the age of ten years draw the names of the jury panel for that term of court. The Sheriff, after taking an oath to keep the names of jurors secret, would summon each person and instruct him not to divulge the fact that he had been summoned as a juror. Records and lists of jurors were to be kept by the Clerk of the Circuit Court who would act as clerk for the Board. Only a judge could excuse a person from service. Criminal penalties were imposed for any person requesting to be placed on the jury list and for any board member, clerk, sheriff, or deputy who revealed any secrets of the Board or who tampered with the Jury Box. Compensation for a Jury Commissioner was \$2.00 per day while he was engaged in making up a jury list.

5. Private Acts of 1925, Chapter 81, exempted Franklin County from the provisions of Public Acts of 1919, Chapter 37, which was a general law requiring criminal court judges and circuit judges having criminal jurisdiction to appoint the foreman of the grand jury in their respective counties.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Franklin 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.

1. Public Acts of 1822, Chapter 13, stated that the Chancery Courts of Tennessee would be held by one of the Justices of the Supreme Court at the present places of holding the Supreme Court at least once each year. The Equity Courts would be held at Rogersville on the first Monday in November, at Knoxville, on the third Monday of November, at Charlotte on the fourth Monday in December, at Sparta, on the second Monday in December, at Nashville on the fourth Monday in January and at Columbia on the second Monday in January, each term to continue for two weeks, six weeks in Nashville, unless the docket was completed sooner.
2. Public Acts of 1824, Chapter 14, Section 8, required the Judges of the Supreme Court to make arrangements among themselves to hold the Chancery Court of the State at least twice a year. Franklin County was served by the Court sitting in McMinnville on the second Monday of June and December. Courts were also to be held at Greeneville, Rogersville, Kingston, Franklin, Columbia, Charlotte, Jackson, and Carthage.
3. Public Acts of 1827, Chapter 79, repealed all laws giving the Judges of the Supreme Court of Errors and Appeals jurisdiction to hear original chancery cases. It divided the state into two Chancery Divisions, the Eastern and the Western. Franklin County was in the Eastern Division and continued to be served by the Court sitting in McMinnville. One chancellor was to be appointed by the General Assembly for each division, to be compensated by a salary of \$1,500 per year.
4. Public Acts of 1827, Chapter 88, stated that the Chancellors for each Chancery Division were state judges and could interchange with one another from court to court as necessary on account of constitutional disability, or as necessary for their own convenience. This act changed the court days in McMinnville to the third Monday in June and December.
5. Public Acts of 1829, Chapter 103, allowed the two Chancellors of the State to adopt a set of rules to regulate practice in the Chancery Courts.
6. Public Acts of 1835-36, Chapter 4, created an additional Chancery Division to be the Middle Division and subdivided each of the three divisions into numerous districts. Franklin County composed the entire Seventh District of the new Middle Division. The Court for the district was to be held in Winchester on the third Monday of February and August. The new Chancellor was to be appointed by the General Assembly for eight-year terms. The Chancellors were granted the authority to interchange among the several Chancery Courts of the State as necessary, to adopt a set of rules for practice in the courts which were to be revised every four years, and to appoint their respective Clerks and Masters for six year terms.
7. Acts of 1837-38, Chapter 116, changed the court terms for several Chancery Courts in the Eastern and Middle Division of the State but made no change in Franklin County.
8. Acts of 1839-40, Chapter 21, page 42, provided that the Chancery Court would meet at Winchester on the third Monday of February and August.
9. Acts of 1839-40, Chapter 33, created the Fourth Chancery Division in the State and authorized an additional Chancellor to be elected. The new division was composed of the then current Chancery Districts holding court in Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro and Shelbyville.
10. Acts of 1845-46, Chapter 82, changed the court terms for the Chancery Court at Winchester to the Wednesday after the third Monday in February and August.

11. Public Acts of 1857-58, Chapter 88, prescribed a schedule for the times and place of holding Chancery Courts across the State in all six Chancery Divisions. The time of meeting of the Chancery Court in Franklin County remained the same, the Wednesday after the third Monday in February and August.
12. Public Acts of 1866-67, Chapter 33, created the 12th Chancery Division, containing White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Cannon, and Warren Counties. Court terms at Winchester would begin on the first Monday in February and August. The Governor was to appoint a Chancellor for the new division to hold office until his successor was elected.
13. Public Acts of 1869-70, Chapter 52, changed the court terms of the Chancery Court at Winchester to the fourth Monday in January and June.
14. Public Acts of 1869-70 (2nd Sess.), Chapter 32, reorganized the state Chancery Courts into twelve districts each consisting of certain named counties. The Counties of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, Warren, and Grundy comprised the Fourth District.
15. Public Acts of 1869-70 (2nd Sess.), Chapter 47, fixed the times for holding Chancery Court in the various divisions, setting the time in Franklin County as the fourth Monday in January and June.
16. Acts of 1885 (Ex. Sess.), Chapter 20, was a major reorganization of the lower court system in the State. Eleven chancery divisions were formed. The Counties of Franklin, Warren, Cannon, Rutherford, Bedford, Lincoln, Moore and Marshall comprised the Fourth Chancery Division. In Franklin County, court was to be held on the fourth Monday in January and in June. Chancellors were to be elected.
17. Acts of 1891 (Ex. Sess.), Chapter 6, detached Franklin County from the Fourth Chancery Division and placed it in the Third Chancery Division.
18. Public Acts of 1895, Chapter 37, changed the court terms for Franklin County's Chancery Court to the fourth Monday in January and July, with the return days for process being changed to coincide.
19. Public Acts of 1899, Chapter 104, changed the time for holding Chancery Court at Winchester for Franklin County to the fourth Monday in January and the second Monday in June.
20. Public Acts of 1899, Chapter 427, divided the state into ten Chancery Divisions. Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Monroe, Polk, Meigs, and Hamilton Counties were all in the Third Chancery Division. Terms in Franklin County would start on the fourth Monday in January and July.
21. Acts of 1903, Chapter 587, changed the time for starting Chancery Court terms in Winchester back to the fourth Monday in January and the second Monday in June.
22. Private Acts of 1911, Chapter 435, created the Twelfth Chancery Division composed of all the counties of the Third Chancery Division except Hamilton County which alone would then constitute the Third Chancery Division. Court terms would remain as they were except Hamilton would have five terms of court annually. The Governor would appoint a Chancellor until one was elected by the people for the new Division.
23. Private Acts of 1911, Chapter 516, set the rate for taking depositions in Franklin County at \$1.00 for each deposition not exceeding one thousand words and ten cents for each one hundred words over and above the initial one thousand.
24. Private Acts of 1917, Chapter 455, changed the term for Chancery Court in Franklin County to the second Monday of June and December.
25. Private Acts of 1917, Chapter 727, was a Senate bill and it was worded the same as Private Acts of 1917, Chapter 455, above, which was a House bill. Both bills passed the General Assembly and were signed into law by Governor Rye.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, organized the judicial structure of the state by dividing it into fourteen Chancery Divisions. The Twelfth Division was composed of Rhea, McMinn, Warren, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee, Monroe and Franklin Counties. Court at Winchester would commence on the second Monday in June and December. (All legislation for the Chancery Courts from this point on was by public act now codified in T.C.A.).

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

The reference list below contains acts which once applied to the clerk and master in Franklin County.

1. Private Acts of 1929, Chapter 431, set the annual salary of the Franklin County Clerk and Master at \$1800 and required the Clerk and Master semi-annually to file an accounting of fees with the

County Judge and pay those fees into the county treasury. Fees for allowances while acting as a court-appointed receiver and commissions on land sales were exempt from the reporting and payment requirement.

2. Private Acts of 1933, Chapter 750, allowed the Clerk and Master of Franklin County additional compensation not in excess of \$1,200 a year, over and above his fees, commissions and emoluments, provided that all of them together did not exceed \$2,000 annually. The extra pay could be awarded only upon petition of the Clerk and Master to the Chancellor who would determine the amount of such compensation as in his judgment was warranted under all the circumstances.
3. Private Acts of 1935 (Ex. Sess.), Chapter 47, vested power in the Quarterly County Court of Franklin County to vote an appropriation to the Clerk and Master in such amount as the Court deemed best as compensation for "ex officio" duties rendered the public as Clerk and Master.
4. Private Acts of 1943, Chapter 468, authorized the Clerk and Master of Franklin County to employ a clerk or stenographer to be paid a salary of \$600 per year.

### **Circuit Court**

The following acts were once applicable to the circuit court of Franklin County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1809 (Sept. Sess.), Chapter 49, formed five Judicial Circuits in the State. The Third Circuit contained the Counties of Smith, Warren, Franklin, Sumner, Overton, White, and Jackson. Courts would be held in all circuits twice each year by the five Circuit Judges, appointed by joint ballot of the General Assembly and commissioned by the Governor. The Judges would appoint a Clerk for the Courts in their Circuit. In Franklin County the Circuit Court terms would begin on the second Monday in February and August.
2. Acts of 1812, Chapter 68, rearranged the terms of the Circuit Courts in several of the counties. Franklin County's Circuit Court would start its terms on the third Monday in January and July of each year.
3. Acts of 1817, Chapter 138, rescheduled the terms of the Circuit Courts in the Third, Fourth, Fifth, and Sixth Judicial Circuits. Courts would open in Franklin County on the first Monday in February and August and remain open until the business of the courts was completed or the judge had to leave to attend court in another county.
4. Private Acts of 1821, Chapter 172, stated that the Circuit Court for Franklin County would be held at the Courthouse in Winchester beginning on the fourth Monday in January and July and continue for two weeks unless its business was finished sooner.
5. Public Acts of 1824, Chapter 88, ordered the Judge of the Third Judicial Circuit to hold a special term of the Circuit Court at Winchester to try all civil cases pending in law and equity, starting on the second Monday in November, 1824, and continuing until completed. The sheriff was to summon 26 jurors to serve the court at regular pay with such substitutes being called as might be necessary.
6. Public Acts of 1825, Chapter 9, provided that the Circuit Court of Franklin County would be held on the second Monday in January and July and continue for a period of four weeks if the business of the court so required.
7. Private Acts of 1826, Chapter 29, said that all suits at law then pending in the Circuit Court of Marion County relating to lands lying in that part of Franklin County which formerly belonged to Marion County would be transferred to the Circuit Court of Franklin County and the Clerk would furnish a complete transcript for each case.
8. Public Acts of 1829, Chapter 52, created the Eleventh Judicial Circuit, consisting of Warren, Franklin, Bedford, Rutherford, and Wilson Counties.
9. Public Acts of 1835-36, Chapter 5, was enacted after the adoption of the 1835 Constitution and established the Circuit Courts of Tennessee in eleven Judicial Circuits. Courts would meet for three terms a year instead of two. The Fifth Judicial Circuit was composed of the Counties of Wilson, Rutherford, Bedford, Coffee, and Franklin and the Circuit Court in Franklin County would convene on the fourth Monday of the next April and thereafter on the fourth Monday of March, July, and November.
10. Private Acts of 1835-36, Chapter 52, provided that the next term of the Circuit Court for Franklin County would convene on the fourth Monday in April rather than the second Monday in January, and thereafter, the Court would be held on the days specified by the act which reorganized the judicial structure of the State, that is, Public Acts of 1835-36, Chapter 5, above.

11. Acts of 1837-38, Chapter 3, organized the Circuit Courts of the State into fourteen Judicial Circuits. The Thirteenth Circuit consisted of Franklin, Lincoln, Warren, and Coffee Counties.
12. Acts of 1837-38, Chapter 116, provided that the Circuit Court in Franklin County would meet on the second Monday of January, May and September.
13. Acts of 1839-40, Chapter 21, provided that the Circuit Court in Franklin County would meet on the third Monday in March, July and November.
14. Acts of 1843-44, Chapter 155, Section 5, changed the times for convening Franklin County's Circuit Court to the first Monday of January, May, and September.
15. Acts of 1847-48, Chapter 53, changed the times for court sessions, after the next term of court, for Franklin County's Circuit Court to the second Monday in March, July and November.
16. Acts of 1847-48, Chapter 181, changed the times for convening the Circuit Court terms in the Thirteenth Judicial Circuit with the term in Franklin County starting on the third Monday in March, July and November.
17. Acts of 1849-50, Chapter 206, changed some of the times for convening Circuit Court in the Thirteenth Judicial Circuit, shifting Franklin County to the fourth Monday in March, July and November.
18. Public Acts of 1857-58, Chapter 98, completely reorganized the system of Circuit Courts in the state into sixteen Judicial Circuits. The Eighth Circuit consisted of the Counties of Franklin, Grundy, Van Buren, Warren, Coffee and Lincoln. The schedule for beginning each term of court remained the same in Franklin County, that is, the fourth Monday in March, July, and November.
19. Public Acts of 1869-70 (2nd Sess.), Chapter 31, reorganized the Circuit Court system by reducing the number of Judicial Circuits in the state to fifteen. Franklin, Grundy, Warren, Coffee, Lincoln and Van Buren Counties were placed in the Sixth Judicial Circuit.
20. Public Acts of 1869-70 (2nd Sess.), Chapter 46, established the times for convening the Circuit Courts of the State. The time for holding Circuit Court in Franklin County in the Sixth Circuit was set on the fourth Monday in March, July, and November.
21. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete revision of the lower court system of the state. Fourteen regular and one special Judicial Circuits were established. The Sixth Judicial Circuit consisted of Franklin, Van Buren, Grundy, Coffee, Warren, Moore, Lincoln, DeKalb, and White Counties. Terms of court in Franklin County were set to begin on the fourth Monday in March, July, and November.
22. Public Acts of 1887, Chapter 8, changed the times for convening the Circuit Court in the Sixth Judicial Circuit. Franklin County would start court on the first Tuesday after the first Monday in April, August, and December.
23. Acts of 1891 (Ex. Sess.), Chapter 2, detached Bledsoe County from the Fourth Judicial Circuit and attached it to the Sixth Judicial Circuit and detached Franklin County from the Sixth Judicial Circuit and attached it to the Fourth Judicial Circuit. Court in Franklin County would begin on the first Monday in April, August and, December. Provisions were made for a change of judge and attorney-general in the two counties.
24. Public Acts of 1899, Chapter 102, changed the time for Circuit Court terms to the third Monday in April, August and December.
25. Public Acts of 1899, Chapter 427, divided the state into fourteen Judicial Circuits. The Sixth Judicial Circuit consisted of Franklin, Sequatchie, Marion, and Hamilton Counties. Court terms were to begin in Franklin on the first Monday in April, August and December.
26. Acts of 1903, Chapter 131, changed the time for convening the Franklin County Circuit Court to the third Monday in April, August, and December.
27. Acts of 1903, Chapter 361, created a Criminal Court Circuit composed of Franklin, Hamilton, Sequatchie, and Marion Counties. The Act conferred on the new court jurisdiction over all criminal matters arising in the named counties. The terms of the court were to begin in Franklin County on the third Monday in April, August, and December. Civil jurisdiction remained with the Sixth Judicial Circuit, the terms for which were to be held beginning on the third Monday in April, August, and September.
28. Public Acts of 1915, Chapter 18, detached Franklin, Marion and Sequatchie Counties from the Sixth Judicial Circuit leaving Hamilton County as the sole County in the Circuit.
29. Public Acts of 1915, Chapter 19, created the Eighteenth Judicial Circuit composed of Franklin, Marion, Sequatchie, Grundy, Bledsoe, Rhea, Meigs and James Counties. The Governor was to

appoint a judge and attorney-general for the new circuit to serve until the next general election in 1916. Court terms in Franklin County would commence on the first Monday in January, May, and September.

30. Private Acts of 1925, Chapter 81, exempted Franklin County from the provisions of Public Acts of 1919, Chapter 37, which required judges of the Criminal Court and of the Circuit Courts having criminal jurisdiction to appoint the foreman of the grand jury in their respective counties.
31. Private Acts of 1925, Chapter 511, amended Acts of 1915, Chapter 19, above, so that the terms of the Circuit Court were to begin in Franklin County on the first Monday in January, the fourth Monday in April, and the fourth Monday in August.
32. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower court system of Tennessee. Twenty Judicial Circuits were formed. The Eighteenth Circuit was composed of Franklin, Sequatchie, Bledsoe, Marion, Grundy, Meigs, and Rhea Counties. The Circuit Court in Franklin County was to meet on the first Monday in January and the fourth Monday in April and in August.

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

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

1. Private Acts of 1824, Chapter 101, authorized the Circuit Court Clerk of Franklin County to build an office on the Public Square in Winchester, the site to be designated by the County Court. Upon resignation or death of the clerk, the successor in office would have the benefit of the building by paying the value of it to the resigned clerk or to his heirs.
2. Public Acts of 1825, Chapter 259, authorized the Sheriff and Clerks of the County and Circuit Court to publish their advertisements and orders in the Franklin Gazette then being published in Winchester.
3. Acts of 1903, Chapter 255, set forth a schedule of annual salaries for Circuit Court Clerks based upon the population of the county in which the Clerk was serving. According to population figures, the Circuit Court Clerk of Franklin County would be paid \$1,000 annually under the Act. The Clerk was required to file an annual, sworn, itemized statement with the County Judge, or Chairman, showing the amount of fees collected by the office during the year. If the fees were less than the salary, the County would supply the difference. If the fees exceeded the salary, the Clerk could retain the surplus.
4. Private Acts of 1919, Chapter 248, amended Acts of 1903, Chapter 255, above, regulating the compensation of Circuit Court Clerks so that the Clerk in Franklin County would be paid \$1,200 annually.
5. Private Acts of 1929, Chapter 479, provided that in addition to the then current compensation of the Circuit Court Clerk in Franklin County the Clerk would be paid \$900 yearly in equal monthly installments.
6. Private Acts of 1951, Chapter 533, set the salary of the Circuit Court Clerk of Franklin County at \$2,400 annually.

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

The following acts once affecting Franklin County are no longer in effect but are listed here for historical purposes.

1. Acts of 1817, Chapter 65, divided the state into ten Solicitorial Districts. Franklin, Lincoln, and Bedford Counties constituted the Eighth District.
2. Public Acts of 1927, Chapter 86, allowed an assistant Attorney General to be appointed in the Eighteenth Judicial District at an annual salary of \$2,500.
3. Public Acts of 1967, Chapter 82, authorized the District Attorney in the Eighteenth Judicial District to appoint an additional Assistant District Attorney with an annual salary of \$4,800.
4. Public Acts of 1971, Chapter 192, authorized one Criminal Investigator for the Eighteenth Judicial Circuit whose duties would be to investigate crime, take witness statements, and perform tasks assigned by the District Attorney General.
5. Public Acts of 1976, Chapter 561, created an additional full time position for an Assistant District Attorney in the Eighteenth Judicial District.

#### **General Sessions Court**

The following act once affected the general sessions court of Franklin County, but is no longer in effect

and is included herein for reference purposes.

1. Private Acts of 1933, Chapter 751, set forth a procedure in small offense cases whereby the Justices of the Peace of Franklin County would submit reports to the County Judge so that costs to the County in those cases could be better controlled.

## Chapter VI - Education/Schools

### Board of Education

### Private Acts of 1933 Chapter 108

**COMPILER'S NOTE:** Private Acts of 2000, Chapter 104, amended this Act by deleting all sections of the act and enacting new sections.

**SECTION 1.** The Board of Education of Franklin County, Tennessee, shall be composed of eight (8) members, one to be elected from each of the eight County Commission Districts. Candidates must meet eligibility requirements as prescribed by statute, must be residents of the district from which they are elected, and shall be elected by the residents of the County Commission District in which they reside.

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

**SECTION 3.** The members of the Board shall be elected for a term of four (4) years, and may succeed themselves. Incumbents shall serve as members from the district in which they reside and shall complete the term for which they were elected. The first election, pursuant to this Act, shall be held in August, 2000. In order to establish staggered terms of office, the members from odd-numbered districts shall be elected for a term of two (2) years, and the members of even-numbered districts shall be elected for a term of four (4) years. Thereafter, members shall serve for a term of four (4) years, with the exception that in the event that an incumbent from an even-numbered district has a term that expires in 2002, the member elected from that district in 2002 shall serve for a term of two (2) years, and thereafter, a term of four (4) years.

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

**SECTION 5.** The duties of the members of the Board of Education shall be as prescribed by the General Laws of the State of Tennessee.

**SECTION 6.** Compensation for members of the Board of Education shall be fixed by the County Legislative Body.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Franklin County but are no longer operative.

1. Private Acts of 1961, Chapter 156, amended Private Acts of 1933, Chapter 108, Section 10, by setting the compensation of the members of the Board of Education at \$10 for attendance at a meeting, and providing for the chairman to receive \$60 per month and a mileage allowance. This act was not approved locally.
2. Private Acts of 1969, Chapter 106, amended Private Acts of 1961, Chapter 156, Section 1, by setting the compensation of the members of the Board of Education at \$25 per meeting attended, with the chairman receiving \$50 per meeting. No members were to be paid for more than twenty meetings per year. This act was not approved locally.
3. Private Acts of 1974, Chapter 336, amended Private Acts of 1933, Chapter 108, as amended by Private Acts of 1963, Chapter 107, by setting the compensation of the members of the Board of Education at \$50 per month to be paid from the school fund. This act was not approved locally.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure

of Franklin 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. Public Acts of 1821, Chapter 67, required the County Court of Franklin County to appoint three commissioners for each tract of school land in the County. The commissioners were to act as a board of trustees for their respective tracts and were required to post a \$1,000 bond. Their duties were to superintend and conduct the schools on their tract, lease the school land for terms not exceeding five years, and account for the monies received. They were to build a good and convenient schoolhouse in which a common English school may be taught and to employ a good teacher of the English language. They were empowered, generally, to sue and be sued on behalf of the school land under their control.
2. Public Acts of 1831, Chapter 17, required the surveyor of the second surveyor's district to make a map or plan of that part of Franklin, Bedford, and Lincoln Counties where school land was located using information available in his office. If the board of commissioners of any school tract so required, the surveyor was to survey the tract of school land and re-mark the lines of it and if any of the corner trees of the tract had been destroyed or had fallen, the surveyor was to cause a stone to be placed in lieu of the tree and was to have it marked as a corner of the tract. The resulting plat and certificate of survey was to be filed with the County Court Clerk.
3. Private Acts of 1835-36, Chapter 67, provided for the election of commissioners of the school lands in Franklin, Bedford, and Warren Counties. The Justice or Justices of the Peace residing in each township having a tract of school land were required to hold an election for three commissioners to serve a term of one year. The commissioners were empowered to lease the school lands for terms of one to fifty years, to receive the rents and profits, to sue and be sued on behalf of the school lands of the township, and to pass rules and bylaws for the regulation of the school on their respective tracts.
4. Public Acts of 1893, Chapter 68, created School District #22, and set forth a metes and bounds description. The new School District was in the vicinity of Handley's Mill where the First School District line crossed Boiling Fork Creek, and the description mentions the names, B. A. Rings, W. T. Moss, W. L. Jernigan and Zinemon.
5. Acts of 1903, Chapter 230, permitted universities, colleges or schools in Franklin County to enclose the land owned by them with suitable fences but required that they erect good gates across any public road and maintain the roads within the enclosure at their own expense.
6. Acts of 1907, Chapter 236, applied to Franklin County and each county of the state not specifically exempted. The act reorganized the management of county schools by abolishing the office of District Director and creating the County Board of Education. The County Court was required to divide the county into five districts. Each such district would be composed of whole civil districts. Provision was made for counties with fewer than five civil districts. The County Court was to elect a board member from each district and thus create an initial Board of Education. Thereafter the members were to be elected by the qualified voters of their respective districts with provision made for at-large elections in counties with less than five civil districts. A board member was required to be a qualified voter, a resident of the district, and to have had at least a primary education. The duty of the Board was to employ teachers, erect buildings, and generally to control and transact all school business. Each member was to be compensated for actual time spent on Board Business at the rate of not less than \$1.50 per day nor more than \$3 per day for not more than thirty days per year. The act further provided for an Advisory Board from each district to be elected by the voters, with the duty to recommend teachers, suspend and dismiss pupils subject to appeal to the Board, and make written reports and general recommendations to the Board.
7. Acts of 1907, Chapter 259, authorized the School Directors of the Twentieth School District of Franklin County to transfer to the Board of Education of Franklin County the property known as Tessill College, along with all improvements and equipment. The property could be transferred by deed without money consideration. However, the County High School had to be operated in the building on the said property. If the high school were ever removed from the building then the property would revert to the Twentieth School District.
8. Acts of 1909, Chapter 211, created the Twenty-first School District for Franklin County to be known as the Bean's Creek School District.
9. Acts of 1909, Chapter 428, authorized Franklin County, in the event the State Board of Education decided to locate the State Normal School for the Middle Division of Tennessee in Winchester, to raise funds by tax levy or bond issuance to repair and remodel the Winchester Normal College,

- formerly the Carrick Academy, and to purchase land and erect buildings for the new school.
10. Private Acts of 1911, Chapter 329 exempted Franklin County from the terms and conditions of Acts of 1907, Chapter 236, above, which abolished District Directors of Education and created Boards of Education.
  11. Public Acts of 1915, Chapter 78, required Franklin County, a county under the "old Director System", to set aside from its general school fund a separate fund to be expended for the purpose of more nearly equalizing the common schools in the various districts.
  12. Private Acts of 1915, Chapter 235, created the Twenty-third School District of Franklin County, defining the boundaries of the district and establishing the polling place for election of district directors at Penite.
  13. Private Acts of 1915, Chapter 532, directed that the elected Civil District school directors divide their Districts into school precincts each to contain one public school building. The voters of any school precinct could elect to have the precinct designated a special taxing precinct and the County Court would use the additional revenue, in conjunction with other funds, to maintain an eight month school term.
  14. Private Acts of 1917, Chapter 206, empowered the directors of the public schools in the various school districts of Franklin County to establish primary and secondary schools in which could be taught the first ten grades of the public school curriculum.
  15. Private Acts of 1917, Chapter 547, provided that when any school precinct in the County opted to become a special taxing precinct, the County Court of Franklin County must appropriate through the High School Board an amount of funds equal to the additional revenue raised by the special tax for the purpose of maintaining a minimum eight month school term in the special taxing precinct. The act amended Private Acts of 1915, Chapter 532, above, by directing that the special three member board of education for the special taxing precinct would be appointed biennially or as soon as practicable after the regular August election.
  16. Private Acts of 1921, Chapter 773, created the Cowan Academy Special School District with its own board and separate administration. The act named a Board of Directors to hold office until its successors were elected at the next general election. They were C. C. Looney, Roy Cowan, George B. Dobson, Walter Cowan and James G. Seargent. The Board was to establish and maintain a public school at Cowan Academy and had full power to administer the district. The act levied a property tax on the district and a \$1.00 poll tax on all males ages 21 through 50 in the district.
  17. Private Acts of 1923, Chapter 197, amended Private Acts of 1921, Chapter 773, above, by changing the boundaries of the Cowan Academy Special School District so that the land within the Cowan corporate limits was taken out of the District along with some property on the west side of the right-of-way of the Nashville, Chattanooga, and St. Louis Railway south of Cowan.
  18. Private Acts of 1925, Chapter 132, re-created the Cowan Academy Special School District, establishing it as it was in the 1921 act, with the original boundaries, except that it provided for a bond issue of \$35,000 to help fund the District operations along with the original property tax levy and poll tax.
  19. Private Acts of 1925, Chapter 133, repealed Private Acts of 1921, Chapter 773, above, and Private Acts of 1923, Chapter 197, above.
  20. Private Acts of 1929, Chapter 357, amended Acts of 1925, Chapter 132, above, by limiting the grades taught in the Cowan Academy Special School District to the elementary grades. The Act further allowed the County Court to fix the tax rate for the school district which would not exceed thirty cents on \$100 of property valuation.
  21. Private Acts of 1931, Chapter 735, repealed Private Acts of 1925, Chapter 132, above, as amended by Private Acts of 1929, Chapter 357, above.
  22. Private Acts of 1933, Chapter 85, required the Franklin County Board of Education to prepare and submit to the Quarterly Court an annual budget for the schools in the County. The act further provided that following the adoption of the budget of the Quarterly Court, it was a misdemeanor to exceed the budget in any manner.
  23. Private Acts of 1935, Chapter 240, permitted Franklin County to reimburse any incorporated town or municipality within the County for funds contributed by the town or municipality and used for the repair, construction, maintenance, and equipment of the school properties of the County. If the funds were obtained by the issuance of bonds by the town or municipality, then the County was authorized to assume such bonded indebtedness and pay the principal and interest when due.



24. Private Acts of 1937, Chapter 241, regulated the contracts for the transportation of pupils in the Franklin County school system by requiring that no contract for said transportation could be made by the Board of Education that covered a period of less than two scholastic years.
25. Private Acts of 1939, Chapter 345, amended Private Acts of 1915, Chapter 532, above, by providing that the entire Seventeenth Civil District of Franklin County would be a special taxing district and that funds derived from the special tax must be used to maintain a nine month school term in the district when the State required an eight month term. The qualified voters of any special taxing precinct by majority vote could abolish the special taxing status and all additional taxation would cease.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Franklin County, but are no longer operative regarding elections.

1. Public Acts of 1835-36, Chapter 1, required the General Assembly, by joint resolution, to appoint five suitable people, as Commissioners, in each county to lay off the county into districts of convenient size regarding both land area and population. The number of districts in a particular county would depend on population, with counties of 3,000 or more people allowed a total of twenty-five districts. Resolution Number 3 of December 11, 1835, appointed John R. Patrick, James Robeson, John W. Holder, Richmond P. Harris, and Daniel Reagle as Commissioners for Franklin County. Later resolutions replaced Patrick with John Staples and replaced Staples with William S. Mooney.
2. Acts of 1855-56, Chapter 137, created an additional Civil District in Franklin County. The Enoch Stewart cabin on the state line, Round Cave, the old turnpike gate on Belfonte Road, and Ellis' Fork on Point Rock Creek were some of the place names mentioned in the metes and bounds description of the District boundaries.
3. Public Acts of 1895, Chapter 209, formed an additional Civil District, the Nineteenth, for Franklin County. The metes and bounds description started at a point where the Eighth, Ninth and Tenth Civil Districts joined at the Henry Bratton farm then ran north to Mrs. Nancy Spark's place, then west to the land of Joe Finney, then west to Pope Duncan's land, then to Payne's Church on the Winchester to Hillsborough Road, so as to include Pope Duncan's land. The polling place would be at Perkins' School House.
4. Acts of 1903, Chapter 236, created the Twentieth Civil District in Franklin County. Some parts of the metes and bounds description mentioned Boiling Fork Creek at or near Hanley's Mill, the Winchester Road crossing of Waggoner's Creek, and Estill Springs Road beyond B. A. Ring's.
5. Acts of 1903, Chapter 482, divided the Twelfth Civil District into two Districts to be called the Twelfth and Twenty-first, the description of the latter including the names of J. D. Lynch, John Boy Lynch and the Barnes' land.

#### **Elections**

The following is a listing of acts for Franklin County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Acts of 1807, Chapter 74, established five Districts for the election of the Electors who were to vote in the 1808 election of the President and the Vice President of the United States. The Fourth District contained the Counties of Smith, Jackson, Overton, White, Sumner, Wilson, Warren, and Franklin. Votes would be tabulated at Carthage. The elector chosen would then meet the other electors in Knoxville to vote for President and Vice President.
2. Acts of 1812, Chapter 5, increased the number of Presidential Electoral Districts in the State from five to eight. The Fourth District was made up of the Counties of Rhea, Bledsoe, Overton, White, Warren, and Franklin, which together would elect one Elector. Votes would be counted and recorded at Sparta for the district.
3. Acts of 1812, Chapter 27, established six U. S. Congressional Districts in Tennessee, doubling Tennessee's representation in Washington. Franklin County was in the Third District.
4. Acts of 1812, Chapter 57, increased the membership of the General Assembly of Tennessee to

- twenty Senators and forty Representatives. Franklin County would elect one Representative and Franklin and Warren Counties together would elect one Senator.
5. Acts of 1813, Chapter 115, provided that the separate election for the Sheriff which as established was to be held at the home of Major James Hunt would instead be held at the house of James Cunningham in Franklin County under the existing rules and regulations.
  6. Acts of 1815, Chapter 31, organized Tennessee into eight U. S. Electoral Districts for the 1816 election of the President and Vice President of the United States.
  7. Private Acts of 1820, Chapter 95, provided that the election return officers of the Senatorial District composed of Warren and Franklin Counties would thereafter meet in Hillsborough in Franklin County on the first Monday after the election to compare the polls.
  8. Public Acts of 1822, Chapter 1, established eight U. S. Congressional Districts in the State. The Counties of Franklin, Overton, White, and Jackson composed the Fourth District.
  9. Public Acts of 1823, Chapter 47, formed eleven Presidential Electoral Districts in Tennessee, assigning the Counties of Franklin, Warren, White, Overton, and Jackson to the Fifth Electoral District.
  10. Public Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly to twenty Senators and forty Representatives. Franklin County and Warren County elected one Senator while Franklin County itself elected one Representative.
  11. Public Acts of 1827, Chapter 17, established eleven Presidential Electoral Districts. The Fifth District contained Franklin, Warren, White, Overton, Fentress, and Jackson Counties and was to elect one elector.
  12. Public Acts of 1832, Chapter 4, divided Tennessee into thirteen U. S. Congressional Districts. The Fifth Congressional District included the Counties of Franklin, Fentress, White, Overton, and Warren.
  13. Public Acts of 1832, Chapter 9, created fifteen Electoral Districts for the election of the President and Vice President. Franklin County and Bedford County were in the Tenth U. S. Congressional District.
  14. Public Acts of 1833, Chapter 71, provided that Franklin County and Warren County would constitute one of the twenty State Senatorial Districts and that Franklin County would elect one of the forty Representatives alone.
  15. Public Acts of 1833, Chapter 76, stated that a Constitutional Convention of sixty members would be called, whose delegates would be elected on the first Thursday and Friday in March. Those selected would meet in Nashville on the third Monday in May to revise, amend, and alter the State Constitution, or form a new one. Franklin and Sumner Counties would compose a District and jointly elect one delegate.
  16. Public Acts of 1835-36, Chapter 39, enacted subsequent to the adoption of the 1835 Constitution, formed fifteen Presidential Electoral Districts in Tennessee. Franklin County and Bedford County formed the Tenth District.
  17. Acts of 1837-38, Chapter 67, appointed William L. Mooney, Jesse Gorher, and Benjamin Wildman as Commissioners to hold an election on the first Saturday in February, 1838, at three precincts to ascertain the will of the people on whether that part of Franklin County would become part of Coffee County.
  18. Acts of 1839-40, Chapter 79, declared that each congressional district constituted one electoral district for the purpose of choosing electors for the Presidential and Vice Presidential election of 1840.
  19. Acts of 1842 (Ex. Sess.), Chapter 1, divided the State into twenty-five Senatorial Districts and fifty Representative Districts for the General Assembly. The Counties of Franklin and Lincoln comprised one of the Senatorial Districts and Franklin County, alone, would elect one Representative.
  20. Acts of 1842 (Ex. Sess.), Chapter 7, established eleven U. S. Congressional Districts in the State. It assigned Franklin, Lincoln, Bedford, and Marshall Counties to the Fifth District.
  21. Acts of 1851-52, Chapter 196, formed ten U. S. Congressional Districts in the State. The Sixth District contained the Counties of Franklin, Bedford, Marshall, Lincoln, and Maury.
  22. Acts of 1851-52, Chapter 197, apportioned the State for representation in the General Assembly. Franklin County would elect one Representative alone. Franklin and Lincoln Counties constituted one Senatorial District.

23. Public Acts of 1865, Chapter 34, set up eight U. S. Congressional Districts in Tennessee. The Fourth District contained the Counties of Franklin, Rutherford, Cannon, Coffee, Lincoln, Bedford, Giles, and Marshall.
24. Public Acts of 1869-70, Chapter 105, authorized a referendum to be held on the proposed calling of a Constitutional Convention which would amend, revise, or form a new Constitution for the State. The ballots would be simply a "For" or "Against" proposition. There would be seventy-five (75) delegates to the convention and each county would have the same number of delegates as it had Senators and Representatives in the General Assembly. The delegates elected would convene in Nashville on the second Monday in January, 1870.
25. Public Acts of 1871, Chapter 146, apportioned the representation in the Tennessee General Assembly based on the 1870 Census. Franklin County would elect one Representative alone, and be a part of the Thirteenth Senatorial District with the Counties of Marshall and Lincoln.
26. Acts of 1872, (Ex. Sess.), Chapter 7, divided Tennessee into nine U. S. Congressional Districts, based on the 1870 Census. The Fourth District was made up of the Counties of Franklin, Lincoln, Marshall, Bedford, Coffee, Cannon, and Rutherford.
27. Public Acts of 1873, Chapter 27, increased the number of U. S. Congressional Districts in Tennessee from nine to ten and reassigned counties accordingly. The Fifth U. S. Congressional District included the Counties of Franklin, Lincoln, Marshall, Moore, Bedford, Coffee, and Rutherford.
28. Public Acts of 1881 (2nd Sess.), Chapter 5, established the number of State Senators at thirty-three and the number of Representatives at ninety-nine.
29. Public Acts of 1881 (2nd Sess.), Chapter 6, apportioned the State Senatorial and Representative Districts. Franklin County elected one Representative. The Counties of Franklin, Moore, and Bedford composed the Fifteenth Senatorial District.
30. Public Acts of 1882 (Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The Fifth Congressional District was made up of the Counties of Franklin, Cannon, Coffee, Lincoln, Moore, Marshall, Bedford, and Rutherford.
31. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the state according to the 1890 Census. Franklin County would have one Representative. The Eleventh Senatorial District contained the Counties of Franklin, Marion, and Grundy.
32. Public Acts of 1891, Chapter 131, divided Tennessee into ten U. S. Congressional Districts. The Third U. S. Congressional District was composed of Franklin, Monroe, Polk, Bradley, Hamilton, James, McMinn, Bledsoe, Grundy, Van Buren, White, Warren, Marion, and Meigs.
33. Acts of 1901, Chapter 109, formed ten U. S. Congressional Districts in the State with Franklin County in the Third District along with Monroe, Polk, McMinn, Meigs, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Van Buren, Grundy, White, and Warren.
34. Acts of 1901, Chapter 122, was the last reapportionment of the General Assembly for more than sixty years. The Eleventh Senatorial District included the Counties of Franklin, Marion, Grundy, and Warren. Franklin County was to elect one Representative alone and another one along with Marion County.
35. Acts of 1907, Chapter 178, amended Acts of 1901, Chapter 122, above, by abolishing the position of joint Representative for Franklin and Marion Counties and permitting Marion County to elect one Representative proper.
36. Private Acts of 1915, Chapter 145, repealed Acts of 1907, Chapter 178, above, and restored the joint Representative for Marion and Franklin Counties.
37. Private Acts of 1917, Chapter 251, exempted Franklin County from the provisions of Public Acts of 1890, Chapter 24, a general election law for the state.
38. Private Acts of 1917, Chapter 252, declared that no registration of voters would be had in Franklin County and that registration would not be a prerequisite to voting in that County in any local, state or national election.

## Chapter VIII - Health

### Hospitals

## Private Acts of 1931 Chapter 362

**SECTION 1.** That any county in this State, having a population of not less than 21,790 nor more than 21,800, by the Federal Census of the year 1930, or any subsequent Federal Census, is hereby authorized to appropriate and donate to any hospital for the sick, located in said county, which engages wholly, or in part, in the work of caring for the indigent sick inhabitants of such county, free of cost, an amount not to exceed Five Thousand (\$5,000.00) Dollars per annum.

**SECTION 2.** Any appropriation made under this Act may be done by the Quarterly Court of such county, at a regular session, and limited to the remainder of the calendar year in which the appropriation is made.

**SECTION 3.** It shall be the duty of the County Judge or Chairman of the County Court of any county making such appropriation, to issue to the treasurer of such hospital a warrant on the County Trustee, for any amount appropriated by the Quarterly Court under this Act, and said warrant shall be paid by the Trustee out of any funds of said county in his hands, not otherwise appropriated.

**SECTION 4.** All laws and parts of laws in conflict with this Act are hereby repealed.

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

Passed: June 5, 1931.

## Sale of Health Care Facilities

### Private Acts of 1983 Chapter 3

WHEREAS, Franklin County, Tennessee, owns health care facilities consisting of a hospital, a nursing home, medical clinical offices, and an ambulance service; and

WHEREAS, by virtue of certain private acts, the health care facilities are located within the Franklin County general hospital district and are operated, managed and controlled by a board of trustees; and

WHEREAS, the board of county commissioners, as the duly constituted governing body of Franklin County, Tennessee, has determined that it is necessary, advisable and in the best interest of the citizens of Franklin County, Tennessee, that the health care facilities be sold in order to place the operation of the facilities on a more sound financial basis and to improve the quality of health care for the citizens of Franklin County, Tennessee; and

WHEREAS, the board of county commissioners has reviewed the proposal of Methodist Health Systems, Inc. and believes that Methodist Health Systems, Inc. is the appropriate party to purchase the health care facilities and to insure their proper and continued operation; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

**SECTION 1.** The county legislative body is hereby authorized to sell the Franklin County hospital, the nursing home, medical clinical offices, ambulance service and all related facilities to a non-profit corporation, specifically Methodist Health Systems, Inc., upon such terms, including installment payments, as may be agreed upon by the county and the purchaser.

**SECTION 2.** Chapter 349 of the Private Acts of 1968, Chapter 290 of the Private Acts of 1972, Chapter 41 of the Private Acts of 1979, Chapter 13 of the Private Acts of 1981 and Chapter 73 of the Private Acts of 1981, are repealed.

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

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

Passed: February 24, 1983.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1935, Chapter 703, recited that G. C. Houghson actively engaged in the practice of veterinary medicine, surgery, and dentistry for 28 years, and was recognized during the World War in his profession and was in charge of a hospital in his profession for nine months. The act

authorized him to practice veterinary medicine, surgery, and dentistry in Tennessee including making tuberculin tests and issuing certificates in connection therewith, and directed the State Board of Veterinary Medical Examiners to issue him a license without the necessity of undergoing examinations therefor.

2. Private Acts of 1945, Chapter 583, directed the State Board of Veterinary Medical Examiners to issue a permanent license to G. C. Houghson to practice veterinary medicine, his having been issued previously two temporary licenses which were registered in the County Court Clerk's office. He would pay a fee of \$10.00 when the said license was issued. The spelling of the surname differed from the 1935 act above.
3. Private Acts of 1963, Chapter 201, created a non-profit hospital district and described the area included therein. It would be controlled by a Board of Trustees composed of five men and a chairman. The County Judge would be an ex-officio member of the Board. The act enumerated the specific powers of the Board and named Hoskin Shadow, James Gray, Alfred J. Gipson, Gordon Pogue, and James Henry Hawkins as the members of the first Board. It created the office of administrator and defined his duties. The act was not approved by local authorities and therefore did not become effective.
4. Private Acts of 1967-68, Chapter 349, created the Franklin County Hospital District and established its management and operation in the same manner as the 1963 non-profit district act described above. The act and all its amendments were repealed by Private Acts of 1983, Chapter 3, reprinted herein.
5. Private Acts of 1972, Chapter 290, amended Private Acts of 1967-68, Chapter 349, above, so that the hospital district would include the property known as Memorial Hospital Property and authorized the Board of Trustees of the hospital district to accept donations and gifts for the purpose of carrying on the business of the district.
6. Private Acts of 1979, Chapter 41, amended Private Acts of 1967-68, Chapter 349, above, by increasing the membership of the Board of Trustees from five to six, by requiring two members of the board to be County Commissioners, and by removing the requirement that no member of the medical staff could be a member.
7. Private Acts of 1979, Chapter 152, amended Private Acts of 1967-68, Chapter 349, above, relating to the powers of the Board of Trustees to borrow money. The act was not approved by local authorities.
8. Private Acts of 1981, Chapter 13, amended Private Acts of 1967-68, Chapter 349, above, relating to the power of the Trustees to borrow money and enter into contracts.
9. Private Acts of 1981, Chapter 73, amended Private Acts of 1967-68, Chapter 349, above, by changing the boundaries of the Hospital District.

## Chapter IX - Highways and Roads

### Arnold Engineering Center

#### Private Acts of 1951 Chapter 8

Whereas, The United States of America, through its Corps of Engineers, United States Army, has begun construction of the Arnold Engineering Development Center, including the Elk River Dam and Reservoir on the Elk River, near Tullahoma, Tennessee; and

Whereas, The construction and operation of such dam, reservoir and center will make necessary the relocation, alteration, repair and reconstruction of certain county highways which form a part of the County Highway Systems, and which pass through or near such dam, reservoir and center areas; and

Whereas, Under existing laws, the counties in which such county highways or parts thereof are located have a reversionary right in such easements and highway rights of way; and

Whereas, It is the responsibility and obligation of the United States of America to make just compensation for such taking or flooding or for damage to such county highways or portions thereof as may accrue from the acquisition, construction or operation of such dam reservoir and center; and

Whereas, The United States of America may require conveyance to itself of fee simple or lesser estate in and to such easements and highways, or portions thereof, as considerations for just compensation, either in money or in relocation facilities:

Now, therefore,

**SECTION 1.** That the County Highway Commissioners and County Judge in counties having a population of not less than 23,890 nor more than 23,895, are hereby jointly authorized, empowered and directed to determine the terms, conditions, and monetary considerations for the acquisition of such lands, easements and rights of way forming county highways or portions thereof, including all rights of the public for road purposes, as well as the reversionary rights of the counties in which located, as for the damaging of such easements and rights of way; and the County Highway Commissioners and the County Judge are further empowered, authorized and directed to execute in behalf of the counties heretofore referred to, any and all necessary contracts or agreements or, if in judicial proceedings, any stipulations with the United States of America, and to execute and deliver with respect to the interest therein of the counties heretofore referred to, all necessary deeds, easements, or other conveyances which may be required in connection with the relocation, alteration, abandonment, extinguishment of rights or other things concerning roads, bridges or other facilities on the properties of the counties in which the same are located, and such deeds or conveyances shall include any and all reversionary interest in such highway rights of way of any county or other political subdivision of the State; provided, however, that such abandonments, conveyances or relocations shall not require advertising, judicial approval, or any other requirement prior to effective accomplishment.

**SECTION 2.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: January 9, 1951.

## Road Law

### Private Acts of 1935 Chapter 633

**SECTION 1.** Deleted in its entirety by Private Acts of 1971, Chapter 12.

**SECTION 2.** There are created for Franklin County four (4) county highway districts to be composed of the county civil districts, as follows:

The first highway district composed of the first and fifth magisterial districts; the second highway district composed of the seventh and second magisterial districts; the third highway district composed of the third and fourth magisterial districts; and the fourth highway district composed of the sixth and eighth magisterial districts.

As amended by:

- Private Acts of 1941, Chapter 542
- Private Acts of 1945, Chapter 393
- Private Acts of 1971, Chapter 12

**SECTION 3.** That there is hereby created a "County Highway Commission" for each county or counties to which this Act applies, to be composed of three members possessing the qualifications, to be elected in the manner, charged with the duties and entitled to the compensation hereinafter set out and provided therefor.

As amended by:

- Private Acts of 1941, Chapter 542
- Private Acts of 1945, Chapter 393
- Private Acts of 1961, Chapter 78

**SECTION 4.** At the August general election for 1974 and every four (4) years thereafter, the county highway commissioners shall be elected by the majority vote of the qualified voters in each of the highway districts set forth above in this act. The qualified voters in each of the above named road districts shall vote for one candidate (sic) from the road district, and the candidate receiving the highest number of votes in said general election shall be declared by the Election Commissioners of said county or counties the duly elected Highway Commissioner from said County Highway District. Candidates for election will qualify as the law now provides for qualification of candidates for any other County office, but said Commissioner must be a freeholder and over the age of twenty-one years and a bona fide resident of the District from which he appears and is a candidate for a period of at least six months.

As amended by:

- Private Acts of 1945, Chapter 393
- Private Acts of 1971, Chapter 12

**COMPILER'S NOTE:** Private Acts of 1937, Chapter 214, repealed and replaced Section 5 of this Act. Private Acts of 1939, Chapter 488, repealed the new Section 5 without replacing it.

**SECTION 6.** That the persons receiving a certificate of election, as provided in Section 4 of this Act, shall qualify on September 1st, as other County candidates qualify, and they shall meet in the courthouse in their respective county or counties on the first Monday in September, following their election and qualification, and shall elect one of their number as Chairman of the Commission, and another of their

number as Secretary of the Commission. The Chairman shall preside over all meetings of the "County Highway Commission", or in his absence, a chairman pro tem may be elected from one of those present. A majority of the members shall constitute a quorum for the transaction of all business of said Commission. Each member of said Commission shall take and subscribe to an oath before some officer authorized to administer such oaths to the effect that he will honestly and faithfully, and impartially discharge the duties of his office, and faithfully and honestly account for and pay over all monies, and turn over all property belonging to the counties in his hands, and likewise, shall post with the County Court Clerk a good and solvent bond in the sum of One Thousand (\$1,000.00) Dollars for the faithful performance of his duties. Said Commission shall meet in regular session on the first Monday in September, December, March and June of each year, and at any other time in special meetings on the call of the Chairman of the Commission, upon five days notice whenever the Chairman may deem it necessary and proper to have a meeting for the performance of the duties of said Commission and the transaction of its business, but no member of said Commission shall receive compensation for more than fifteen days in any one year. The Chairman shall call a meeting of said Commission when requesting (requested\*) in writing so to do by a majority of the other members of said Commission.

The Secretary shall attend all meetings of said Commission, keep a complete and correct record of all accounts of the Commission at each meeting, and such other records shall be kept by him as is now or may be hereafter provided by law. Said Secretary shall meet with the Chairman at such times as may be deemed necessary and proper by the said Chairman, or a majority of said Commissioners, for the performance of such duties as may be imposed upon him by this Act. All such services shall be performed by said Chairman and said Secretary without additional compensation other than that fixed in this Act for said board of County Highway Commissioners.

**COMPILER'S NOTE:** The original Act did not contain a Section 7.

**SECTION 8.** The members of the Franklin County Highway Commission shall be compensated in such a manner and at such a rate as prescribed from time to time by the Franklin County Board of Commissioners. Such compensation shall be paid by the chairman of the Franklin County Highway Commission out of the highway funds on warrant of the chairman of such highway commission, payments to be made on the first of each month, and the chairman shall not be entitled to receive any additional compensation for his services as chairman, but shall receive the same compensation as other members. In no case shall the amount of compensation be less than that being paid on March 3, 1980.

As amended by:  
Private Acts of 1939, Chapter 489,  
Private Acts of 1943, Chapter 224,  
Private Acts of 1949, Chapter 43,  
Private Acts of 1975, Chapter 132,  
Private Acts of 1980, Chapter 267

**SECTION 9.** That it shall be the duty of the said Highway Commissioner(s\*), after they shall have qualified as provided in Section 4 of this Act to meet at noon on the first Monday in September following their election and qualification and elect a Superintendent of Highways for the ensuing two years and fix his salary, provided further that said salary shall not exceed Seven Thousand Five Hundred (\$7,500.00) Dollars per annum.

The Superintendent of Highways so elected shall be a man over twenty-five years of age, qualified in the art of road building and maintenance, with a satisfactory written record and evidence of his ability so to do; and provided further that he shall not be related to any member of the Board of County Highway Commissioners, either by blood or marriage within the third degree.

As amended by:  
Private Acts of 1945, Chapter 244  
Private Acts of 1955, Chapter 292  
Private Acts of 1961, Chapter 77  
Private Acts of 1965, Chapter 273

**SECTION 10.** That the Superintendent of Highways so elected as provided in Section 9 of this Act shall within five days after his election qualify before the County Court Clerk by taking an oath to support the Constitution of the State of Tennessee and of the United States, and to faithfully discharge the duties of his office, and he shall execute a bond for the use and benefit of the county or counties effected by this Act in the sum of Ten Thousand (\$10,000.00) Dollars for the faithful discharge of his duties. Said bond shall be secured by some bonding company authorized to do business in the State of Tennessee, and having a resident agent in said State, upon whom service may be had, and the premiums on said bond shall be paid from the highway funds of said county or counties.

Provided further that the Superintendent of Highways shall be subject to removal from office at any time after 30 days written notice charging inefficiency, mismanagement, misfeasance, or malfeasance in office whenever in the judgment of the said Commission it is deemed to be to the best interests of said county or counties, or in the best interest of said work, the employment of said Superintendent of Highways being

subject to the will and pleasure of the said Commission.

As amended by: Private Acts of 1939, Chapter 489

**SECTION 11.** That it shall be the duty of the said Highway Commissioners; first, to determine the roads to be built, worked or maintained as a part of the County Highway system of said county or counties, and rural roads thereof; second, to employ such laborers, supervisors, mechanics, etc., as in their judgment may be necessary and to fix their compensation; to purchase machinery, material, equipment and supplies which may be required in road construction. Provided further that all purchases made by said County Highway Commission for any purpose whatsoever where the purchase price would amount to or exceed the sum of Two Thousand (\$2,000.00) Dollars, said purchase shall be made upon competitive bidding and a record of advertisements for bids and the awarding to the successful bidder and the reasons therefor shall be kept by said Commission, and shall be open for inspection by any interested party or citizen on said county or counties.

As amended by: Private Acts of 1937, Chapter 267  
Private Acts of 1979, Chapter 24

**SECTION 12.** That it shall be the duty of said Highway Commissioners to negotiate with the Highway Department of the State of Tennessee for the rental or lease of machinery or equipment from the State Department if deemed necessary in the carrying forward of road work in said county or counties; to have general supervision of the rural road construction and maintenance in said county or counties and the expenditure of gasoline money received from the State or any other revenue that may be available for said work; to have general supervision and direction of all road work, maintenance, repairing, construction, grading and drainage and any and all detail work as provided in this Act; to disburse all funds of the Highway Department. The Chairman of said Highway Commission shall issue warrants upon the trustee of said county or counties, which warrants are to be paid by the Trustee of said county or counties. The said Chairman of said Highway Commission shall keep a record of each and every warrant, the purpose for which it is given and all other records in such manner and method as may be adopted and approved by the Highway Department of the State of Tennessee.

No funds of the Highway Department shall be paid out or disbursed by the Trustee of the County except on warrant of the Chairman, and should any amount or amounts be paid from this fund or diverted such act is hereby declared to be a misdemeanor on the part of the Trustee.

As amended by: Private Acts of 1937, Chapter 214  
Private Acts of 1939, Chapter 488.

**SECTION 13.** That the District Road Commissioner elected by the Quarterly Court of said counties for the various Civil Districts shall be under the general supervision of the Superintendent of Highways and shall take their reports to and settlements with him, and said settlements shall be made at all times on or before the following the road year. The salaries of the District Commissioners shall be fixed by the Quarterly Court at the time they are elected and no Commissioner shall be paid his salary until he has made a satisfactory report and settlement as above provided; and he will then be paid his compensation by warrant issued by himself on his particular district and countersigned by the Superintendent of Highways. And said warrant shall then be paid by the County Trustee out of such funds as may be to the credit of the particular District.

As amended by: Private Acts of 1937, Chapter 214  
Private Acts of 1939, Chapter 488

**SECTION 14.** That it shall be the duty of the Quarterly Court of said Counties to levy a tax upon all taxable property in said County at its July term, or any other tax levying term, along with other taxes in an amount not to exceed more than ten cents on the \$100.00 for road purposes.

And said Quarterly Court may or may not, as it deems best, at its January term of each year, assess all male citizens between the ages of twenty-one years and fifty years for road duty, that is free labor. But in no event shall the assessment of free labor exceed one day for each one cent levied for road purposes; in other words, they may assess five days free labor if they assess five cents levy, etc., but the assessment of free labor is left to the discretion of the Court. In the event assessment for free labor shall be made any person so assessed shall be allowed to commute by the payment of \$1.00 per day for the number of days assessed.

The Quarterly Court may also, in its discretion, assess teams and wagons or teams or wagons for free labor on the road, but neither team nor wagon shall be assessed for more than five days. And in the event such assessment shall be made commutation may be had for teams at \$2.00 per day or for wagons and teams at \$3.00 per day. In the event teams or wagons are assessed the owner may furnish a driver, subject to road duty who may put in his time as driver of said team.

Should any person, or the owner of any wagon or team so assessed, fail to work, said fact shall be reported to the Commissioner by the overseer and it shall become the duty of the Commissioners to prosecute such person; and such failure is hereby made a misdemeanor and such delinquent when found guilty may be assessed a fine of not less than \$10.00 nor more than \$50.00, and committed to the workhouse in case he



fails to pay said fine.

**SECTION 15.** That from the Road District funds shall be paid the compensation of Commissioners and overseers, the construction and repair of culverts and drainage, rights-of-way for district roads and such other incidental expenses and work as may be necessary for said district roads; provided further that such amount or amounts as may at the end of the calendar year remain to the credit of a district. The apportionment of district funds shall be made as now provided by law.

As amended by: Private Acts of 1937, Chapter 214

**SECTION 16.** That where such counties have declared a workhouse, all workhouse prisoners capable of road labor, or other labor incident to the construction or maintenance of roads shall be subject to orders of the Superintendent of Highways, and shall at all times be worked where feasible.

The county jail may be declared the workhouse in which event the Sheriff or other person keeping the jail, will feed the workhouse prisoners which bills will be paid from the county funds as now provided by law. But clothing where necessary for work hands and transportation to and from work will be furnished by the Highway Commissioners and paid for by the Superintendent from highway funds as other bills against the highway funds.

**SECTION 17.** That all applications to open, change, close and restore to public use any and all public roads in such counties shall be by written petition to the County Highway Commission, setting out the District or Districts in which the roads are located. The Superintendent of Highways within ten days after the application has been filed with the County Highway Commission shall notify the person first named on the petition of the date at which he and the District Road Commissioner will be present at the beginning point mentioned in the petition to act on the application. The time and beginning point to all land owners to be effected by the proposed change. (sic) If the land owner effected (sic) by the proposed change is a non-resident then ten days written notice to his agent or attorney residing in the county shall be a legal notice. The Superintendent of Highways and District Road Commissioner shall attend at the appointed time and place, and if proper notices have been given, shall act upon the application, assess the damages against the County, and report their action to the County Court and with their report file the original petition, notice to land owners, and the names of the material witnesses.

And after said report shall have been filed with the Clerk of the Court it shall be entered as the decree of the Court unless within ten days after the filing of same some one or more interested parties signify their disapproval in writing either with the Superintendent of Highways or the County Court Clerk; and if such disapproval or protest is filed within fifteen days thereafter the whole controversy shall be tried and heard before the County Judge, and his finding shall become final and entered on the minutes, unless one or more interested parties appeal to the Circuit Court. The interested party or parties shall have the right to appeal as in other cases by the execution of good and solvent cost bond and the case shall be transferred to the Circuit Court; all papers shall be filed with the Circuit Court Clerk; the case shall be placed on the docket and heard in the Circuit Court, as other controverted propositions are heard.

After the controversy shall have been settled in any of the above mentioned methods, the damage, if any assessed, shall be paid by the parties by warrant drawn by the Superintendent of Highways and paid by the County Trustee from any unappropriated funds.

The County Highway Commission may of their own motion or violation, open, change, abandon or restore any road or roads without petition, provided that the foregoing provisions as to hurt and damage will apply.

**SECTION 18.** That the County shall have the power to receive by gifts or to acquire in the usual way and manner, or by condemnation, rock quarries, chert beds, gravel pits, land, routes for drainage purposes or any other thing of value necessary, in the judgment of the Commission, for the construction, maintenance, drainage, or upkeep of roads. In case condemnation becomes necessary the Superintendent of Highways may institute condemnation proceedings in the way and manner now provided by law for condemnation.

In case of condemnation the same procedure and appeals will prevail as now provided by law, except that in case it is decided the property is necessary its use will be condemned and used and the final decision on appeal will determine the damages, etc.

**SECTION 19.** That the Superintendent of Highways or any person acting under his direction and authority may enter upon any land adjoining or near any section of road to construct any drain or ditch necessary to the preservation of the improvements of such roads, and it shall be the duty of the Superintendent of Highways at all times, and those working under his orders and directions to keep open all ditches and drain(s\*) on all roads in the county so as to prolong the life of the road. Any person or persons who shall place or cause to be placed in any manner whatsoever any obstruction in the roads, ditches, or drains of said counties which would obstruct or damage in the least the public roads included in this act shall be guilty of a misdemeanor and upon conviction before any Justice of the Peace shall be fined not less than Ten Dollars nor more than Twenty-five Dollars for each offense, and the Superintendent of Highways is

authorized and empowered and it is made his duty to prosecute all offenders.

As amended by: Private Acts of 1937, Chapter 214

Private Acts of 1939, Chapter 488

**SECTION 20.** That the County jails of such counties as are affected by this Act are hereby declared to be a County Workhouse, and the Sheriff or Jailer, as Superintendent thereof, shall have the care and custody of all county convicts committed to such institution, except when they are at work on the roads or are being taken to and from such road work, during which time the guard, designated by the Commission, shall have the care and custody of them and shall be responsible for their safety. All the powers and duties now vested in and imposed upon the Board of Workhouse Commissioners, sometimes called "Workhouse Board", in counties of which this Act applies, are hereby vested in and imposed upon the said County Highway Commission herein created, and the said Board of Workhouse Commissioners is abolished. That said Highway Commission shall have charge to any and all prisoners confined in the County Jail or workhouse under a workhouse sentence as provided by law, and shall work or cause to be worked on the public roads of the county, for such credit on the sentence in time or money as is now or may hereafter be provided by law for such work; provided, that nothing herein shall be construed to relieve the Sheriff or Jailer of any responsibility for such prisoners now, or hereafter imposed by law, except when such prisoners are actually at work under the orders of the said Commission.

**SECTION 21.** That the Highway Commission, may if they deem best, have copies of this Act printed in pamphlet form, same to be paid for from the said highway fund on warrant of the Superintendent of Highways; but this provision is not compulsory, and should publication be made, they shall in no wise exceed two hundred fifty copies per annum.

**SECTION 22.** That each section, sub-division, and paragraph of this Act is hereby declared to be a separate and independent clause from any other section, sub-division, or paragraph hereof, and the illegality or invalidity of any section of (or\*) sub-division or paragraph hereof shall not affect any other section or paragraph.

**SECTION 23.** That all laws and parts of laws in conflict herewith, or with any part hereof, be and the same are hereby expressly repealed.

**SECTION 24.** That this Act take effect from and after the first day of September 1936, the public welfare requiring it.

Passed: April 20, 1935.

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Franklin County, but which are no longer operative.

1. Public Acts of 1821, Chapter 6, required the County Courts of all counties to index and classify the roads within their respective boundaries according to their width and surfacing materials. Penalties were provided for those persons who obstructed roads and for those persons who failed to abide by the terms of the act.
2. Private Acts of 1823, Chapter 292, authorized William Matlock to open a turnpike road starting at James Cox's place on the main stage road leading from McMinnville to Huntsville, Alabama, to be 18 feet wide wherever topography would permit, cleared of all stumps and causewayed when needed. He could charge a toll when the road was completed and accepted by the Commissioners appointed for that purpose. The act exempted from paying the toll all citizens of Franklin and Lincoln Counties, any mail carriers, and any person going to or coming from a mill, a blacksmith shop, muster, or preaching.
3. Private Acts of 1829, Chapter 36, authorized James Dorin and William Gibson to open a turnpike from Caldwell's bridge in Franklin County crossing Cumberland Mountain via these two men's properties to intersect the stage road leading from Jasper, Tennessee, to Bellfont, Alabama, which turnpike had to be 18 feet wide wherever possible. Tolls could be collected when the turnpike was completed, but any mail carrier was to be exempt.
4. Private Acts of 1829, Chapter 96, declared the road running from Colonel Benjamin Hollingsworth's place to Jasper to be a free road and required Franklin and Marion Counties to keep it in good repair.
5. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court would select one Road Commissioner for a two year term from each Civil District which were called Road Districts for the purposes of this Act. The Commissioner would be in charge of all roads, bridges, road

hands, tools, and materials used in his area, and would be compensated at the rate of \$1.00 per day but for no more than ten days each year. The County Court would fix the number of days road hands would be compelled to work and fix the price on one day's labor. The County Court could also levy a road tax of two cents per \$100.00 for each day of labor for the road hands. Road Commissioners would name and supervise the Road Overseers in their Districts who would be the immediate supervisors of their section of road, would work the same number of compulsory days and be paid up to \$6.00 per year for the days worked over that number. All males outside of the cities between the ages of twenty-one and forty-five were required to work on the roads. The Commissioners would hear and dispose of the petitions to open, close, or change a road, would classify and index the roads in their Districts, and would see to it that the roads in their Districts met the basic specifications established in the Act. This Act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).

6. Acts of 1903, Chapter 242, amended Acts of 1901, Chapter 136, Section 3, above, by inserting a provision that one-half of the labor and one-half of the money paid in commutation of labor, and one-half of the road funds raised by taxation may be devoted to the repair, construction, and upkeep of the roads in the District from whence it all came.
7. Acts of 1903, Chapter 249, amended Acts of 1901, Chapter 136, above, in Section 1, by giving the Grand Juries in the Counties the inquisitorial powers to investigate certain offenses defined in the Act. Section 4 was amended by requiring that presentments be made against any Road Overseer who failed to perform as required by the Act, and Section 12 was changed to make any contractor failing to perform his contract, or failing to do his duty in the road programs guilty of a misdemeanor and subject to prosecution and fines.
8. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, by adding a provision that any person living in a Civil District who refused to serve as a Road Commissioner was guilty of a misdemeanor, and that the Commissioners would be paid for their services, the amount to be set by the County Court, not to exceed \$40 for each Civil District. All suits filed would be prosecuted in the name of the County Trustee and all money collected would be paid over to the Trustee.
9. Private Acts of 1915, Chapter 134, allowed the County Court of Franklin County to levy a tax of not less than fifty cents per one hundred dollar valuation of property subject to tax, to improve, macadamize, construct, lay-out, grade, drain, pave, pike, and maintain roads in the County. The County Court would elect three members to a Board of Commissioners with the County Judge and County Court Clerk as ex officio members. The Board would have full control of the building and maintenance of the roads and the expenditure of funds from the tax levy which would be kept as a separate fund. The members could not be interested personally in any contract let by the Board and each was to post a \$3,000 bond. The Board would settle or compromise damage claims and suits, fix the amount of privilege tax for the use of roads so long as such tax did not apply to farmers hauling products from farm to market, and work prisoners on the roads. The act was applicable to certain named roads.
10. Private Acts of 1915, Chapter 595, amended Private Acts of 1915, Chapter 134, above, by adding four additional roads covering 43 miles to the list of roads affected by the earlier act. The four roads were to be regarded as a single project, to be paid for, worked on, and completed as provided in the earlier act for the roads on the original list.
11. Private Acts of 1927, Chapter 531, amended Acts of 1901, Chapter 136, above, by limiting the tax levy to two cents per \$100 valuation of property for each day assessed to labor on the public roads. The act required all non-exempt male residents of Franklin County between ages 21 and 60 to work on the public roads for a period to be set that would not be less than 6 days nor more than 10 days per year. Owners of teams and wagons were required to commit them to work on the roads for the same period. Anyone could make payments to the County in lieu of work.
12. Private Acts of 1929, Chapter 125, required the State of Tennessee to repay Franklin County all funds expended by the County on any roads which had been designated by the State Department of Highways and Public Works as a part of the state highway system, but the amount reimbursed was not to exceed \$40,000. The content of this statute was enacted into law again as Public Acts of 1929, Chapter 146.
13. Private Acts of 1929, Chapter 430, created the office of Superintendent of Roads. The official would be a citizen of the County and experienced in road building and maintenance. The position would be filled by the County Highway Commissioners for two-year terms. The Superintendent would execute a \$5,000 bond, and would be subject to removal by a majority of the commissioners for certain offenses. He would have general charge and supervision of all road

work. The Quarterly Court would elect District Road Commissioners who would be assigned duties in their districts by the Superintendent and would make reports concerning their work to the Court. All males between 21 and 50 years of age were subject to road work but could commute at \$1 per day; owners of wagons and teams, subject to 3 days annual duty, could commute for \$2 per day. Workhouse prisoners could be used on the roads under the supervision and control of the Superintendent and the Commissioners.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Jails and Prisoners**

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

1. Acts of 1813, Chapter 85, appointed five commissioners to raise up to \$1500 by conducting a lottery for the purpose of rebuilding the jail in Winchester which had burned.
2. Private Acts of 1819, Chapter 21, authorized the County Court at its next January session, at least nine Justices then being present, to levy a tax on all taxable property in the County and continue it for the next two years, for the purpose of building a jail in Winchester, said tax to be collected by the regularly constituted tax collection officer.
3. Private Acts of 1822, Chapter 49, specified that the limits of the prison rules were to be as follows: Beginning on the northeast bank of the Boiling Fork of Elk River below Christopher Bullard's Spring, thence running a straight line up the creek including said spring eight poles above, and including Nathan Green's spring on the south side of said creek, thence running parallel with the south boundary of the town in Winchester opposite to the southern corner of said town, thence running with the western boundary of said town so far past the western corner thereof as that a straight line running to the beginning will include Carrick Academy.

#### **Militia**

Those acts once affecting Franklin County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1803, Chapter 1, constituted an early and complete military code for the local armed forces of the State, including within it a Table of Organization and the regulations appertaining to all phases of military functions. Franklin County was yet to be created but all persons in the State were affected by this act.
2. Acts of 1809 (Sept. Sess.), Chapter 89, was a lengthy amendment to the militia law. Franklin and Warren Counties were Constituted as the seventh brigade. Several regulations were set forth. For example, an officer could be fined five dollars for not appearing for roll call at the regimental muster.
3. Acts of 1815, Chapter 119, was a new statewide military code of laws for Tennessee. The Table of Organization established all of the county units then existing in Tennessee. The Franklin County Militia constituted the 32nd Regiment, a part of the 8th Brigade. All men age eighteen to forty were declared members of the militia.
4. Public Acts of 1819, Chapter 68, revised and amended many parts of the State's Militia Law. Franklin County retained its 32nd Regiment and added the 56th Regiment. The 32nd Regiment would call and hold its annual Regimental muster and drill on the third Saturday in October and the 56th Regiment would do the same on the fourth Saturday of the same month. The remainder of this long and involved law addressed itself to the details of organization, operation, logistics, and discipline of the entire military structure of the State.
5. Public Acts of 1825, Chapter 69, declared that all free men and indentured servants between the ages of eighteen and forty-five years would constitute the State Militia. Some persons were exempted including judges, ministers of the gospel, grist mill keepers, public ferry men, and mail carriers. The times for muster for Franklin County's 32nd and 56th Regiments remained the third and fourth Saturdays of October, respectively. Many changes were made to the military system of a technical or organizational nature.
6. Public Acts of 1835-36, Chapter 21, was a reorganization of the whole state militia law and units. Franklin County's Regiments were numbered as the 39th, 40th, and 41st. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three (3)

Sergeants, three (3) corporals, and no less than forty-five (45) privates.

7. Acts of 1837-38, Chapter 157, scheduled county drills and musters for every county militia unit in Tennessee. Franklin County would convene and drill its units on the second Friday and Saturday in September. Franklin, Warren, Cannon, and Coffee Counties' units would compose the Tenth Brigade.
8. Acts of 1839-40, Chapter 56, limited membership in the militia of the State to white, male, inhabitants between the ages of eighteen and forty-five, with some exceptions specified. The Organizational Table did not make any changes in the regiments of Franklin County, and they remained in the Tenth Brigade as they were formerly scheduled.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Franklin County Sheriff's Office.

1. Acts of 1815, Chapter 162, required the Sheriff of Franklin County to advertise land in execution in a newspaper in the Fourth Judicial Circuit as well as the Third Judicial Circuit, as then already required. The County Ranger was likewise required to publish his advertisements concerning stray animals.
2. Private Acts of 1822, Chapter 54, required the Sheriffs and Rangers of Lincoln and Franklin Counties to advertise all sales and stray animals in a newspaper printed in Nashville, Shelbyville, Murfreesboro, or Sparta.
3. Public Acts of 1825, Chapter 259, authorized the Sheriff and Clerks of the County and Circuit Courts to publish their advertisements and orders in the Franklin Gazette, being published in Winchester.
4. Private Acts of 1826, Chapter 17, required the Sheriff of Franklin County to collect all taxes due Marion County, up to January 1, 1826, from that area which was annexed to Franklin County by an act of 1823.
5. Private Acts of 1867-68, Chapter 63, allowed the Sheriffs of Franklin, Knox and Dyer Counties to appoint an additional deputy sheriff over the number then allowed by law.
6. Public Acts of 1897, Chapter 124, set the salaries of various county officials across the state by classifying counties into population groups. This act was the first departure from the fee system of compensation and it became the model for future legislation. The salaries would be paid from the fees collected by officials but the fees were declared the property of the respective counties. The salary of the Sheriff of Franklin County under this act was \$1,000 annually.
7. Private Acts of 1921, Chapter 977, fixed the salary of the Franklin County Sheriff at \$1,500 per year. He was required to make a report to the County Court by December 31st of each year containing an itemized statement of the amount of fees he had collected. If the fees were less than \$1,500, the county would pay the deficit out of the county treasury.
8. Private Acts of 1969, Chapter 160, authorized the Sheriff of Franklin County to receive a fee of \$2.00 per day for each prisoner kept in the county jail for a period of 24 hours without naming the source from which the money would be paid. This act was rejected at the local level and did not become a law.
9. Private Acts of 1970, Chapter 283, permitted a fee of \$1.75 daily to the Sheriff for each prisoner committed for 24 hours or longer. This act was rejected by the Quarterly County Court and did not become law.

## **Chapter XI - Library**

### **Public Library Fund**

#### **Private Acts of 1941 Chapter 328**

**SECTION 1.** That the County Court of Franklin County, Tennessee, is hereby authorized and empowered to levy and collect a tax of one cent on each One Hundred Dollars valuation of the tax aggregate of said County, to be collected as other County taxes and to be designated and used as a Public Library Fund.

**SECTION 2.** That said fund as and when collected shall be kept in a separate fund and account by the Trustee and paid out for the upkeep and maintenance of a Public Library in said County, upon the warrant

of the County Judge to such party or parties as the County Court may designate.

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

Passed: February 10, 1941.

## Chapter XII - Taxation

### Assessor of Property

#### Private Acts of 1937 Chapter 854

**SECTION 1.** That in counties having the population set forth in the caption of this Act it shall be the duty of the County Tax Assessor to keep his office open during regular business hours upon all lawful business days which are not legal holidays, for the purpose of attending to the business of his office.

**SECTION 2.** That in counties affected by this Act, the Quarterly County Court is hereby authorized to supplement the compensation of the County Tax Assessor by an appropriation out of the general revenues of the county, provided, that such supplement shall in no event exceed the sum of \$1250.00 Dollars per annum.

As amended by: Private Acts of 1945, Chapter 316

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

Passed: May 19, 1937.

#### Private Acts of 1963 Chapter 108

**SECTION 1.** That in counties having a population not less than 25,000 nor more than 25,550 according to the Federal Census of 1960 or any subsequent Federal Census, there is hereby devised a more efficient method of assessing the taxable property in such counties for State and County purposes.

**SECTION 2.** That every conveyance in writing of real property, located within the county, excepting mortgages and deeds of trust, shall be presented to the Tax Assessor or the duly authorized deputy Tax Assessor of such counties wherein said property is located, for notation of the change or changes in ownership occasioned by said conveyance. Upon presentment, it shall be the duty of the Tax Assessor or Deputy Tax Assessor to note the information, as outlined herein, in a well bound book to be furnished by said counties. Said book shall show the names of the grantors or lessors; the names of the grantee or lessees; the number of acres or town lots conveyed; the civil district in which such property is located; the consideration paid; whether there are buildings, dwellings or other improvements on said property; whether the number of acres or lots conveyed be all or a portion of the property previously assessed in the name of the grantors or lessors thereof; the general boundaries of said property as fixed by the designation of adjacent owners of said property; and under the title, "Remarks," show such other information as will enable the County Tax Assessor or Deputy Tax Assessor to keep current records of his office to the end that all real estate shall be assessed for taxation in the name of the true owner or in the name of the person or persons responsible for the payments of the taxes.

**SECTION 3.** That no conveyance in writing of real property except mortgages and deeds of trust, shall be recorded by the Register of any County under this Act for registration unless it bears a stamp or notation evidencing that such conveyance has been presented to the Tax Assessor or Deputy Tax Assessor, noted thereon.

**SECTION 4.** That mortgages, deeds of trust, or other like instruments are specifically exempt from the provisions of this Act.

**SECTION 5.** That if at any time the Tax Assessor or his Deputy should not be available, in that event, the Register may receive and note such instruments but the same shall not be recorded and released from Registry until the provisions of this Act shall have been complied with.

**SECTION 6.** That the failure of any Tax Assessor, Deputy Tax Assessor or Register to comply with the provisions of this Act shall constitute a misdemeanor in office and subject them to a fine of not less than \$25.00 nor more than \$50.00 for each offense.

**SECTION 7.** That in the event any section or part of any section of this Act shall be held invalid the remainder of the Act shall not be invalidated but shall remain in full force and effect.

**SECTION 8.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 9.** That this Act shall become effective when the same shall have been approved by the

Quarterly County Court of any county to which it may apply by a vote of not less than two-thirds (2/3) of the members of said Court, such approval to be made within six (6) months after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1963, the public welfare requiring its becoming effective at the time, and not before such approval. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the presiding officer of the Franklin County Quarterly Court to the Secretary of State.

Passed: March 11, 1963.

## Clerks

### Private Acts of 1980 Chapter 272

**SECTION 1.** The Assessor of Property in Franklin County is hereby authorized to appoint two (2) full time clerks, designated as the First Clerk and Second Clerk, to serve at the pleasure of such assessor and to work under his direction. The salaries of such clerks shall be set in such a manner and at such a rate as prescribed from time to time by the Franklin County Board of Commissioners, or as otherwise prescribed by law. In no case shall the amount of compensation paid to each such clerk be less than that being paid to the full time clerk as of March 3, 1980.

**SECTION 2.** Chapter 8 of the Private Acts of 1967, is hereby repealed in its entirety.

**SECTION 3.** Chapter 284 of the Private Acts of 1970, is hereby repealed in its entirety.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Franklin County before September 6, 1980.

Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Franklin County and certified by him to the Secretary of State.

**SECTION 5.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.

Passed: March 26, 1980.

## Books

### Private Acts of 1933 Chapter 139

**SECTION 1.** That in all Counties in the State of Tennessee having a population of not less than 21,795 and not more than 21,800 by the Federal Census of 1930 or any subsequent Census, the tax book or books in said Counties be made and prepared in all respects as the law now provides except that this work will be done under contract based upon the lowest responsible and reliable bid.

**SECTION 2.** That within ten days after the Equalization Board of said Counties certify the completion of their work for a given year, the Financial Agent or County Judge of said counties will advertise for bids on said tax books, said advertisement to be made in such manner as to the County Judge appears best. Written bids will be received and will be opened by the County Judge in his office on the date specified in his advertisement and the contract will be awarded to the lowest responsible bidder; provided however, that any and all bids may be rejected by said County Judge for reasons satisfactory to him. If in the judgment of the County Judge it would be to the advantage of the County he may readvertise for ten days, or, in event all bids are rejected at any particular opening, he may then and there receive new bids from any any (sic) all parties desiring to submit new bids.

**SECTION 3.** That when a satisfactory bid shall have been received by the County Judge he will award the contract to the successful bidder, said contract to be in writing and providing for the faithful preparation of said tax books as the law now provides; and before entering upon his contract the successful party will enter into a good and solvent bond of \$1,000.00 for the faithful performance of his duties in the execution of his work.

**SECTION 4.** That the party to whom the contract is awarded as above provided shall have the power, and it shall be his duty, to call to his assistance at any time the Tax Assessor, the County Trustee, or any other County official whose duty it shall be to render assistance to the party receiving the contract in the details of making up the tax book involving double assessments, erroneous assessments, etc.; and it shall further be his duty to pick up such property as may come to his attention and add same to the Tax Book, and assessments of same to be fixed by the Tax Assessor; provided however, that the party or parties so

picked up shall have notice of at least five days to appear before the Tax Assessor and the maker of the tax book and show cause why his property should not be assessed at the price indicated by the maker of the tax book and the Assessor.

**SECTION 5.** That the party or parties making the tax book shall have it completed and in the hands of the Trustee on or before the first Monday in October of each year, and his failure in this respect will forfeit the contract price for his work on said tax book.

**SECTION 6.** That when said book shall have been completed and written certification to the fact made to the County Judge and the book received and accepted by the County Trustee that within ten days thereafter the County Judge shall issue a warrant on the Trustee to the contractor for his labors under the provisions of this Act; provided however, that said book shall be neat, legible and accurate, and made up in all respects as the law now provides.

**SECTION 7.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and especially the provision of the Code that now makes it the duty of the County Court Clerk to make up the tax books.

**SECTION 8.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 20, 1933.

## Hotel/Motel Tax

### Private Acts of 1988 Chapter 219

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

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(2) "Hotel" means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, governmental entity, or any other group or combination acting as a unit.

(6) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.

As amended by: Private Acts of 1989, Chapter 32

**SECTION 2.** The legislative body of Franklin County (hereinafter "legislative body") is authorized to levy a privilege tax upon the privilege of occupancy in any hotel or each transient in an amount not to exceed seven percent (7%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this act.

As amended by: Private Acts of 2011, Chapter 25.

**SECTION 3.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of this hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the county.

When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

**SECTION 4.** The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the county to the trustee or such other officer as may by resolution of the legislative body be charged with the duty or collection thereof; such tax shall be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect



the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

**SECTION 5.** The trustee or other authorized collector of the tax authorized by this act shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the trustee by the operator with such number of copies thereof as the trustee may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the trustee and approved by the legislative body prior to use. The trustee shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the legislative body. The legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act.

**SECTION 6.** No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 7.** Taxes collected by an operator which are not remitted to the trustee on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

**SECTION 8.** It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the county, which records the trustee shall have the right to inspect at all reasonable times.

**SECTION 9.** The trustee in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided by law for the county clerks.

For his services in administering and enforcing the provisions of this act, the trustee shall be entitled to retain as a commission one percent (1%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected also shall apply to the tax levied under the authority of this act. The trustee shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707(b), for the county clerks with respect to the adjustment and settlement with taxpayers all errors of taxes collected by him under authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the trustee, and the resolution authorizing levy of the tax shall designate an officer against whom suit may be brought for recovery.

**SECTION 10.** The trustee is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in the general fund or such other fund as the legislative body may specify by resolution.

**SECTION 11.** The provisions of this act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this act shall continue to be in full force and effect; it is the legislative intent now hereby declared, that this act would have been adopted even if such unconstitutional or void matter had not been included herein.

**SECTION 12.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Franklin County, not more than ninety (90) days subsequent to its approval by the Governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and shall be certified by him to the Secretary of State.

**SECTION 13.** 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, this act shall take effect upon being approved as provided in Section 12.

Passed: April 29, 1988.

## Litigation Tax

## Private Acts of 1983 Chapter 28

**SECTION 1.** A litigation tax of five dollars and twenty-five cents (\$5.25) shall be assessed and taxed as part of the costs in all civil suits instituted in the courts of Franklin County, Tennessee, be the same General Sessions, Circuit or Chancery, and a litigation tax of fifteen dollars (\$15.00) shall be assessed and taxed as part of the costs in all criminal actions originating in the courts of Franklin County, Tennessee, be the same General Sessions or Circuit.

**SECTION 2.** The clerks of said courts shall collect the said litigation taxes imposed in Section 1 of this act and pay the same into the "Franklin County Jail Capital Projects Fund" to be used for repair, reconstruction, maintenance and improvement of the Franklin County Jail.

As amended by: Private Acts of 1992, Chapter 233

**SECTION 3.** All expenditures made from the said fund herein provided for shall be made by the County Executive upon the approval of the County Commission for the purposes herein specified.

**SECTION 4.** The County Commission is authorized to issue notes and bonds for the advanced purposes herein specified and to pledge the income to accrue from the tax herein levied toward the payment of the bonds or notes.

**SECTION 5.** Chapter 14 of the Private Acts of 1967 is amended by deleting Sections 1 through 4 in their entireties.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Commission of Franklin County at or before the next regular meeting of such commission occurring more than thirty (30) days following the date upon which it is approved by the Governor or otherwise takes effect without his signature. Its approval or nonapproval shall be proclaimed by the presiding officer of such commission and certified by him to the Secretary 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 of this Act.

Passed: March 3, 1983.

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

1. Acts of 1907, Chapter 602, contained a schedule of salaries for tax assessors in the state and was enacted to more equitably assess property and collect taxes for the state, counties, and cities. All counties under 60,000 population would pay the Tax Assessor only if the official dutifully complied with the act.
2. Private Acts of 1911, Chapter 411, amended Acts of 1907, Chapter 602, above, by setting the salary of the Tax Assessor of Franklin County at \$1,000 annually.
3. Private Acts of 1913, Chapter 279, provided that the Tax Assessor of Franklin County would receive a salary of \$1,000 per annum paid by warrant of the County.
4. Private Acts of 1913, Chapter 313, was identical to Private Acts of 1913, Chapter 279, above. Chapter 313 was House Bill No. 646. Chapter 279 was House Bill No. 658.
5. Private Acts of 1921, Chapter 936, fixed the salary of the Tax Assessor at \$1,250 annually provided he had completed his work for the year. He was not to be paid until the work was complete.
6. Private Acts of 1933, Chapter 752, authorized the County Judge to make advancements of salary to the Tax Assessor in monthly payments not to exceed \$25 per month. The amount of the advancement was to be deducted from his salary at the time of final settlement and payment.
7. Private Acts of 1953, Chapter 228, fixed the salary of the Tax Assessor in Franklin County at \$2,400 annually.
8. Private Acts of 1957, Chapter 295, would have set the salary of the Tax Assessor at \$2,800 annually but it failed to receive local approval and did not become law.
9. Private Acts of 1959, Chapter 303, amended Private Acts of 1957, Chapter 295, above, and would have set the salary of the Tax Assessor at \$3,600 and allowed an expense reimbursement. This

act was approved locally, but the act it amended had not been approved, therefore it was invalid.

10. Private Acts of 1963, Chapter 207, would have set the Franklin County Tax Assessor's salary at \$6,000 annually, plus reimbursement of travel expenses up to \$75 a month, provided he submit a sworn, itemized account. The act was rejected by the Quarterly County Court and did not become law.
11. Private Acts of 1965, Chapter 146, required any person desiring to erect, construct, or reconstruct any building in Franklin County, if the value of such structure or alteration exceeded the sum of \$1,000, to apply for and receive a permit from the Tax Assessor.
12. Private Acts of 1967-68, Chapter 338, stated that no power system or power cooperative supplying electrical power in Franklin County could lawfully supply power to persons residing in Franklin County unless such persons produced a proper building permit issued by the Tax Assessor.
13. Private Acts of 1970, Chapter 282, authorized the Assessor of Property of Franklin County to appoint an additional full time deputy to serve at the pleasure of the Assessor and be paid a salary equal to that paid the deputy to the County Court Clerk.
14. Private Acts of 1975, Chapter 21, repealed Private Acts of 1965, Chapter 146, above, and Private Acts of 1967-68, Chapter 338, above.
15. Private Acts of 1980, Chapter 265, repealed Private Acts of 1970, Chapter 282, above.

### **Assessor of Property - Clerks**

The following acts have been superseded, repealed, or failed to win local ratification, but they are listed here as a reference to laws which once affected Franklin County.

1. Private Acts of 1963, Chapter 222, authorized the Tax Assessor to appoint a clerk at a \$3,000 annual salary to be paid in equal monthly installments but this act was rejected by local authorities and did not become effective.
2. Private Acts of 1967-68, Chapter 8, authorized the Tax Assessor to appoint a Clerk at a \$3,600 annual salary.
3. Private Acts of 1970, Chapter 284, amended Private Acts of 1967-68, Chapter 8, above, by setting the annual salary of the clerk authorized by the act at a sum equal to the clerk or chief deputy of the tax assessor but not less than \$3,600. This act was repealed and replaced by Private Acts of 1980, Chapter 272, reprinted hereinabove.

### **Taxation**

The following is a listing of acts pertaining to taxation in Franklin County which are no longer effective.

1. Acts of 1815, Chapter 126, provided relief to those citizens who had been annexed to Warren County from Franklin County. The boundary line had not been run at that point by the surveyor and the residents of the area had been compelled to pay taxes to both Counties. The act allowed Franklin County to reimburse their taxes upon proof of payment after the County line had been run and the determination made that they were in fact in Warren County.
2. Acts of 1907, Chapter 602, was a general law, applicable to Franklin County, which in several lengthy sections stated the type of property to be taxed and the procedures for taxing it, provided for and defined the office of Assessor, and described the procedures for tax collection by the Assessor.
3. Private Acts of 1911, Chapter 411, amended Private Acts of 1907, Chapter 602, above, by setting the salary of the Franklin County Tax Assessor at \$1,000 annually to be paid out of the county treasury.
4. Public Acts of 1927, Chapter 15, amended Acts of 1907, Chapter 602, above, and changed the word "March" to the word "May" wherever it appeared in the original act. Franklin County was listed along with several other counties that were not included in this amendment.
5. Private Acts of 1927, Chapter 227, amended the general revenue law, Acts of 1907, Chapter 602, above, by exempting Franklin County and twelve other counties from its provisions.
6. Private Acts of 1941, Chapter 328, authorized the County Court of Franklin County to levy and collect a tax of one cent on each \$100 of property with the revenues designated as the Public Library Fund.
7. Private Acts of 1967-68, Chapter 14, assessed a litigation tax on all criminal and civil cases filed in the Courts of Franklin County. The proceeds were to be used to fund the construction of a new jail. The assessments were \$1.50 for cases in General Sessions Court and \$3 for cases in Criminal

Court.

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