



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

November 19, 2024

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# Giles

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Dear Reader:

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

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

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

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# Giles



Giles County Courthouse

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# Chapter I - Administration

## County Attorney

### Private Acts of 1931 Chapter 255

**SECTION 1.** There is an office of County Attorney of Giles County, Tennessee. The County Attorney shall be elected by the Giles County Commission for a period of one (1) year and shall serve until a successor is duly elected under the provisions of this Act. If the County Attorney becomes unable to serve for any reason, be it death, disability, or resignation, for a period of ninety (90) days, then the County Commission may, at its next regularly scheduled meeting, fill the vacancy.

**SECTION 2.** The County Attorney shall be compensated with a reasonable salary in an amount to be determined from time to time by the County Commission. The County Attorney's salary shall not be diminished during the one-year term for which such salary is established. The County Attorney shall be paid monthly upon the presentation to the County's Financial Management Office of an itemized invoice for services rendered by the County Attorney.

#### **SECTION 3.**

SECTION 3. The County Attorney shall:

- (a) Render legal aid and advice to any county official, duly appointed deputy, or employee in matters relating to their official work and official duties;
- (b) Transact the usual legal business of the county, in court or otherwise;
- (c) Meet with the County Commission at its sessions and give legal advice and render legal services to the County Commission, its committees, and its members;
- (d) Render such other services on behalf of the county as may reasonably be deemed to be the usual, customary, and ordinary duties of a County Attorney; and
- (e) Appear for and on behalf of the county in all litigation affecting the county or its interests wherever and whenever the same may be held or pending, when properly instructed or requested to do so by the County Commission or the officials of the county acting within the scope of their authority.

**SECTION 4.** The County Attorney shall submit an itemization of any expenses, such as travel, printing, postage, and court reporting, that the County Attorney incurred on behalf of the County on a monthly basis to the Giles County Financial Management Office for processing and payment.

**SECTION 5.** For legal matters out of the ordinary that include extra or unusual legal services or require an unusual amount of legal work and time or for work and services that would not be reasonably deemed to be the usual and ordinary work or duties of a County Attorney, the County Mayor may retain counsel for such legal matters pursuant to Tennessee Code Annotated, Section 5-6-112.

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

**SECTION [ ].** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Giles County. Its approval or nonapproval shall be proclaimed by the presiding officer of Giles County and certified to the secretary of state.

**SECTION [ ].** 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 as provided in Section 3.

As amended by: Private Acts of 2016, Chapter 36.

Passed: March 21, 1931.

**COMPILER'S NOTE:** Private Acts of 2016, Chapter 36, deleted all of the sections of the original 1931 Act. The last three sections with brackets as set forth above appear in the 2016 amendment as Sections 2, 3, and 4.

# County Mayor

## Private Acts of 1893 Chapter 77

**COMPILER'S NOTE:** Parts of this act may have been superseded by Tennessee Code Annotated, Title 5, Chapter 6.

**SECTION 1.** That there shall be elected by the qualified voters of Giles County, a person learned in the law, to be styled county executive of Giles County, and who shall be the county executive of said county, and who shall be thirty years of age; and who shall hold his office for a term of eight years from the date of his election, and until the election and qualification of his successor. Said person shall be a citizen of Giles County, and a person of good moral character.

**SECTION 2.** That the first election for county executive of Giles County shall be held at the same place and time, and by the same officer that the other county elections are held, on the first Thursday in August, 1894, and under the same rules and regulations that are prescribed by law for other county elections; and subsequent elections (except vacancies, which shall be filled when they occur in the manner prescribed by law) on the first Thursday in August every four (4) years thereafter; and in case of sickness, incompetency, or inability of the county executive, a special executive may be elected under the same provisions, and with the powers of said county executive, in the same manner as prescribed by Section 4695, Milliken & Vertrees' compilation of laws of Tennessee.

As amended by: Private Acts of 1973, Chapter 158

**SECTION 3.** And the office of chairman of the county court of Giles County, and the office of chairman pro tem. of the county court of said county, are abolished from and after the first Monday in January, 1894.

As amended by: Private Acts of 1973, Chapter 158

**SECTION 4.** That the county executive of Giles County shall receive for his services as county executive aforesaid the sum of one thousand dollars per annum, to be paid monthly out of the revenue of the county upon the executive's own warrant, countersigned by the county court clerk, and said one thousand dollars shall be in full for all fees, compensation, and emoluments connected with said office.

As amended by: Private Acts of 1909, Chapter 40

**SECTION 5.** That nothing in this Act shall interfere with the holding of the office of chairman of the county court of said county by the present incumbent until the expiration of his term, on the first Monday in January, 1894.

**SECTION 6.** That it shall be made the duty of the governor to appoint a competent person to hold the office of county executive of said county from the first Monday in January, 1894, to the first Monday in September, 1894, and until his successor is elected and qualified.

**SECTION 7.** That the county executive provided for in this act shall be required to enter into bond, with sufficient security, as the county court, at its quarterly term, may require as the financial agent of the county.

Passed: March 16, 1893.

## Private Acts of 1973 Chapter 158

**COMPILER'S NOTE:** Section one of this act amends Private Acts of 1893 Chapter 77 and those changes are included in full in the preceding pages.

**SECTION 2.** Each and every executive, administrative and other non-judicial duty, function, authority and responsibility vested in the office of County Judge of Giles County, including service as presiding officer of the Quarterly County Court of said county, shall continue to be vested in the said officer and office, and the incumbent in the said office shall continue to bear the title of County Judge of said county, it being the legislative intent that the County Judge of Giles County be and constitute exclusively an executive and administrative office and officer and not a judicial officer and office.

**SECTION 3.** The incumbent County Judge of Giles County shall remain in that office for the remainder of such judge's elected term, and after that time shall be eligible to run and serve for a four (4) year term and as many successive four (4) year terms as such incumbent or succeeding incumbent, as the case may be, shall desire. Any incumbent shall hold the office until his successor is duly elected and qualified.

**SECTION 4.** As compensation for all of the duties of the County Judge of Giles County, such judge shall receive the compensation authorized for County Judges by the general law of the state of Tennessee, the

same to be payable in equal monthly installments by warrant drawn on the general funds of the county.

**SECTION 5.** There is hereby transferred all of the judicial duties formerly vested with the County Judge of Giles County to the General Sessions Court of Giles County created by Chapter 186 of the Private Acts of 1943 and such General Sessions Court shall assume all of the judicial functions formerly exercised by the County Judge of Giles County beginning on the date of final approval of this act, including but not limited to all of the jurisdiction and authority conferred by Tennessee Code Annotated, Title 37, Chapter 2, upon the county judge or chairman of the county court as a juvenile court, and all of the jurisdiction and authority conferred by Tennessee Code Annotated, Title 16, Chapter 7, upon the county judge or chairman or the county court as a judicial officer in probate.

With respect to the judicial jurisdiction transferred by this section from the County Judge to the Court of General Sessions, the books, records, accounts, papers and documents pertaining to such judicial matters formerly under the jurisdiction of the County Judge shall remain in the custody and shall be the responsibility of the County Court Clerk and such clerk shall continue to have and perform the clerical functions with respect to such judicial matters.

As amended by: Private Acts of 1974, Chapter 309

**SECTION 6.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Giles County voting in an election on the question of whether or not the Act should be approved. Within sixty (60) days after this act becomes a law, the County election commissioners of Giles County shall call an election for Giles County, to be held not less than thirty (30) days, nor more than one-hundred eighty days from the date of the call. The ballots used in the election shall have printed on them the substance of this Act and voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the questions shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The cost of the election shall be paid by Giles County.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: May 3, 1973

**COMPILER'S NOTE:** Our research indicates that although the Private Acts of 1973, Chapter 158 was never certified to the Secretary of State's office, it has been acted upon by local government and is therefore operative.

## County Executive Title Redesignated

### Private Acts of 2005 Chapter 71

**SECTION 1.** Pursuant to Tennessee Code Annotated, Section 5-6-101(d)(2), the title of "county mayor" in Giles County is hereby redesignated as "county executive".

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

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

Passed: May 27, 2005.

## County Farm, Courthouse, and Jail Fund

### Private Acts of 1931 Chapter 730

**SECTION 1.** That there hereby be created in Giles County another Fund in addition to those now existing to be known as the County Farm, Court House, and County Jail Fund.

**SECTION 2.** That the above created County Farm, Court House, and County Jail Fund shall take care of all of the expenses of operating, maintaining, and running the County Farm of Giles County, including and any and all salaries paid to anyone in connection with said farm and telephone expenses; and expense in connection with Giles County Court House to include all fuel and heating purposes, all lights used in the

Court House, all water used therein, all expenses in connection with cleaning the Court House and its grounds, including janitor's hire, any and all repair work of whatever kind and character and telephone expenses; and expense in connection with the County Jail to include the County board bill of all county prisoners, all fuel for heating purposes, all lights and water expenses, all repair expense of every kind and character, jail physician's salary and telephone expense.

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

Passed: July 2, 1931.

## County Register

### Private Acts of 1949 Chapter 78

**SECTION 1.** That when any grantee or lessee of real estate in Giles County presents his deed or lease to the County Register for registration and it appears from said instrument or otherwise that the grantee or lessee is chargeable for the payment of the tax thereafter to accrue on said real estate, that said County Register shall be required before accepting said instrument for registration, to ascertain from the grantee or lessee whether he purchased or leased all or a portion of the property of his grantor or lessor; the true consideration given or promised therefor and if the entire tract of the grantor has not been conveyed or leased, what portion has been retained by the grantor or lessor. Said County Register shall also ascertain the nature or character of improvements located on the real estate purchased or leased.

**SECTION 2.** That the County Register be and he is hereby required to record the information to be ascertained in the foregoing section in a well bound book to be furnished by Giles County. Said Record Book shall be kept in duplicate form and shall show the names of the grantors or lessors; the names of the grantees or lessees, the kind of instrument (whether a deed or lease); the number of acres or town lots; the district where located and under the title "Remarks" show such other information as will enable the County Tax Assessor to keep current the 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 payment of the taxes.

**SECTION 3.** That it shall be the duty of the County Register to deliver to the County Tax Assessor the original slip taken from his Record Book showing the information required by this Act and it shall be the duty of the County Tax Assessor to keep said slip so furnished by same and to note the changes in owners as shown thereby on his records to the end that his records will at all times show the names of the true owners of the real estate or the persons responsible for the payment of the Tax Assessable against said real estate.

**SECTION 4.** That a fee of twenty-five cents be charged by the County Register and paid by the grantee or lessee for the services of the County Register rendered in procuring the information required by this Act and for keeping the record thereof and delivering same to the County Tax Assessor.

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

Passed: January 28, 1949.

## County Trustee

### Private Acts of 1925 Chapter 267

**SECTION 1.** That the County Trustees in all counties having a population of over 30,940 and under 30,960 according to the Federal Census, shall give one bond to the State of Tennessee for its own use for the same amount of the taxes collected for the State during the year prior to which such bonds shall be executed and one to the State of Tennessee for the use and benefit of such county in the amount of 30% of the taxes collected for the county during the year prior to which such bonds shall be executed, as the same may be shown by the report of the Trustee of such county make to the State Comptroller and to the County Court of such county in September next preceding the execution of such bonds.

**SECTION 2.** That any and all bonds now in effect shall, within thirty days after this Act shall take effect, be readjusted upon the above basis.

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

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



Passed: March 18, 1925.

## Private Acts of 1933 Chapter 391

**SECTION 1.** That in counties of this State having a population of not less than 28,000 nor more than 28,100 by the Federal Census of 1930 nor any subsequent Federal Census, the bond executed by the County Trustee for county taxes shall be in the penalty of one hundred thousand (\$100,000) Dollars, provided however, that said bond shall be conditioned and approved as now provided by law.

**SECTION 2.** That this Act shall take effect from and after September 1, 1934, the public welfare requiring the same.

Passed: April 6, 1933.

## Southern Water Authority

### Private Acts of 2001 Chapter 60

**SECTION 1.** Purpose and creation of Authority.

(a) A governmental authority to be known as the "Southern Water Authority" is hereby created and established for the purpose of planning, acquiring, constructing, improving, extending, furnishing, equipping, financing, owning, operating, and maintaining a water and wastewater system, including treatment, storage, distribution and collection facilities, properties, and services, as hereinafter provided; the selling, donating, conveying, or otherwise disposing of water and wastewater; and undertaking any project or work related thereto or connected therewith. The Authority shall be a public and governmental body acting as an instrumentality and agency of the county and districts, which are or become participants in the Authority, and the powers granted are for public and governmental purposes and matters of public necessity.

(b) The purpose of the Authority is also to plan and develop the water resources of the geographic region and to provide necessary wastewater collection and treatment attendant thereto. The further purpose of the Authority is to provide environmental services and to secure economic benefits to the geographic region that it encompasses and may serve.

**SECTION 2.** Definitions.

Whenever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

- (1) "Authority" means the Southern Water Authority created by this act;
- (2) "Board" means the Board of Directors of the Authority;
- (3) "Bonds" means bonds, interim certificates or other obligations of the Authority issued pursuant to this act including joint obligations of the Authority and the county, districts or municipalities;
- (4) "County" means Giles County, Tennessee;
- (5) "Districts" refers to the South Giles Utility District, the Minor Hill Utility District, Fairview Utility District, and Tarpley Shop Utility District, provided the governing body of such utility district enters into an agreement with the Authority as provided in Section 18;
- (6) "Governing Body" means the Chief Legislative Body of a municipality, as hereinafter defined;
- (7) "Municipality" means any county, incorporated city or town, utility district, or other municipal, or governmental body or subdivision in this State, thereof now or hereafter authorized by law to be created, subject to appropriate action being taken by such incorporated city or town, utility district, or other municipal or governmental body or subdivision in this State;
- (8) "Notes" means notes or interim certificates of the Authority issued pursuant to this act, including joint obligations of the Authority and the county and/or districts;
- (9) "Person" means any individual, firm, partnership, association, corporation, or any combination thereof;
- (10) "Refunding Bonds" means refunding bonds, issued pursuant to this act, including joint obligations of the Authority and the county issued pursuant to this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1 and 9, to refund bonds of the Authority or bonds issued to refund bonds or notes of the county, the districts or a municipality issued by such county, district or municipality, the proceeds of which were used to construct, acquire, extend, improve or equip all or

a portion of a system acquired by the Authority or to refund bonds, the proceeds of which were used for such purposes;

(11) "State" means the State of Tennessee; and

(12) "System" means a water and wastewater system, which shall include, but not be limited to, all devices and systems used in the storage, treatment, recycling and reclamation of sewage of residential, commercial and industrial wastes of a liquid nature to restore and maintain the chemical, physical and biological integrity of the State's waters; or any devices and systems used in the treatment and distribution of water, including intercepting sewers, outfall sewers, sewage collection systems, water storage facilities, water transmission lines, pumping, power and other equipment, and other appurtenances, extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities, and any works.

**SECTION 3.** Board of Directors.

(a) The Authority shall have a Board of Directors in which all powers of the Authority shall be vested. Each Director shall have an equal vote in the affairs of the Authority.

(b) Provided appropriate action is taken by the governing body of the districts in accordance with Section 18, the initial membership of the Board of Directors shall consist of the following Directors designated as follows:

(1) The County Executive of Giles County or the designee of the County Executive who is named in a revocable written instrument executed by the County Executive.

(2) One (1) Director to be selected by each of the governing bodies of the South Giles Utility District, Minor Hill Utility District, Fairview Utility District and Tarpley Shop Utility District. The governing body of each utility district is hereby authorized to appoint one (1) person as Director.

(3) Upon adoption of a resolution by a two-thirds (2/3) vote of the municipal governing body of the City of Pulaski, the governing body of such municipality is authorized to appoint one (1) person to serve as an additional Director on the Board of Directors.

(4) Upon execution of an agreement between any other municipality and the authority as provided for in Section 18 of this act, the governing body of any such municipality is authorized to appoint one (1) person to serve as an additional Director on the Board of Directors.

(c) All vacancies on the Board shall be filled as follows:

(1) For the Director selected pursuant to subdivision (b)(1) above, vacancies shall be filled by the County Executive of Giles County or his designee.

(2) For the Directors selected pursuant to subdivision (b)(2) above, vacancies shall be filled by the governing body of the utility district which was represented by the departing Director.

(3) For the Directors selected pursuant to subdivision (b)(3) or (b)(4) above, vacancies shall be filled by the governing body of the municipality which was represented by the departing Director.

(d) The term of a Director service pursuant to subdivision (b)(1) shall be concurrent with the term of office of the County Executive of Giles County. The term of a Director serving pursuant to subdivision (b)(2), or the term of a Director representing a utility district pursuant to subdivision (b)(3) shall be four (4) years. The term of a Director serving pursuant to subdivision (b)(3) representing a municipality other than a utility district shall be concurrent with the term of office of the chief executive of such municipality.

(e) A majority of the Board constitutes a quorum, and the Board shall act by a vote of a majority present at any meeting attended by a quorum. Vacancies among the Directors shall not affect their power and authority, so long as a quorum remains. Within thirty (30) days after selection of the Board, as herein provided, the Board shall hold a meeting to elect a Chairman, a Vice-Chairman, a Secretary and a Treasurer, and such other officers as shall from time to time be deemed advisable by the Board. The Secretary shall keep minutes of all regular and special meetings of the Authority. Such minutes shall be available for inspection by the public at the office of the Authority at all reasonable times.

(f) The Board shall hold meetings at such times and places as the Board may determine and all such meetings shall be open to the public. Special meetings may be called and held upon such notice and in such manner as the Board may, by resolution, determine. Except as otherwise expressly provided herein, the Board shall establish its own rules of procedure. Any action taken by the Board exercising its powers and authority under the provisions of this act may be exercised by vote or resolution at any regular or special meeting.

(g) All Directors shall serve with compensation as the Board may determine by resolution. The Board,

upon a majority vote, may set compensation up to but not exceeding one hundred dollars (\$100) per Director per meeting of the Authority; provided, however, that the Directors shall not be compensated for more than twelve (12) meetings in one calendar year.

**SECTION 4.** Powers of the Authority.

The Authority shall have the following powers in addition to those specified in other sections of this act, together with powers incidental thereto or necessary for the performance of those hereinafter stated.

- (1) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (2) To have a seal and to alter the same at pleasure; provided, however, the absence thereof shall have no effect on the validity of any document, instrument or other writing;
- (3) To plan, establish, acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain to the extent authorized pursuant to general law, or otherwise, and to construct, equip, furnish, improve, repair, extend, maintain, and operate one (1) or more systems within or without the geographic boundary and service areas of the county or districts as such boundaries now or may hereafter exist, including all real and personal property, facilities, and appurtenances which the Board of the Authority may deem necessary in connection therewith and regardless of whether or not such system shall then be in existence;
- (4) To enter into agreements with the county, the districts and any municipality for the orderly transfer of all or any part of the system of the county, the districts or such municipality, and to the extent permitted by law and contract, to assume, to reimburse or to otherwise agree to pay outstanding obligations or liabilities of the county, the districts or such municipality incurred to acquire, extend or equip the system;
- (5) To enter into agreements with the county, the districts and any other municipality, to acquire by lease, gift, purchase or otherwise any system or property related thereto, of the county, the districts or such municipality and operate such system separately or as a part of its systems; or enter into agreements with the county, the districts or any municipality providing for the operation by the Authority of the system, or any portion thereof, owned by the county, the districts or municipality;
- (6) To acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise, any and all types of property, franchises, assets, and liabilities, whether real, personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges or other encumbrances and to hold, sell, lease, exchange, donate, or convey its properties, facilities, and services, but only for the purpose of continuing operation of any system by the Authority, whenever the Board of the Authority shall find such action to be in furtherance of the purposes for which the Authority is hereby created; provided, however, revenues of any system of the Authority shall be accounted for in such manner as not to impair the obligations of contract with reference to bond issues or other legal obligations of the transferor and shall fully protect and preserve the contract rights vested in the owners of outstanding bonds, obligations, or contractual interests; provided, further, any income from the sale of such properties, facilities, and services shall be dedicated to the continued operation of any system by the Authority;
- (7) To buy, sell, store, treat and distribute water; to collect and provide treatment for wastewater from, with or to any municipality or other governmental unit of the State or any agency thereof or the United States or any agency thereof, or any persons whether public or private, and to enter into contracts, agreements, or other arrangements with the county, districts, any municipality or other persons in connection therewith;
- (8) To make and enter into all contract, trust instruments, agreements, and other instruments with the county, districts, any municipality, the State or agency thereof, the United States or any agency thereof, or any person, including without limitation, bonds, notes, loan agreements with the Tennessee Local Development Authority or the Tennessee Department of Environment and Conservation and other forms of indebtedness as if it were a local government, as such term is defined in applicable statutes governing grants and loans to construct, equip or extend the system, and to enter into contracts for the management and operation of a system or any facilities or service of the Authority for the treatment, processing, collection, distribution, storage, transfer, or disposal of water and wastewater;
- (9) To incur debts, to borrow money, to issue bonds, and to provide for the rights of the holders thereof;
- (10) To apply for, accept and pledge donations, contributions, loans, guarantees, financial

assistance, capital grants, or gifts from the county, districts, any municipality, the State or any agency thereof, the United States or any agency thereof, or any person, whether public or private, for or in aid of the purposes of the Authority, to enter into agreements in connection therewith and to accept the same;

(11) To pledge all or any part of the revenues, receipts, donations, contributions, loans, guarantees, financial assistance, capital grants, or gifts of the Authority, to mortgage and pledge one (1) or more of its systems or any part or parts thereof, whether then owned or thereafter acquired, and to assign and pledge all or any part of its interest in and rights under contracts and other instruments relating thereto as security for the payments of the principal, premium, if any, and interest on bonds, refunding bonds, loan agreements or notes issued by the Authority;

(12) To have control of its systems, facilities, and services with the right and duty to establish and charge rates, fees, rental, tolls, deposits and other charges for the use of the facilities and services of the Authority and of the sale of materials or commodities by the Authority and to collect revenues and receipts therefrom, not inconsistent with the right of holders of its bonds, refunding bonds, and notes;

(13) To enter onto any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in and for the furtherance of the purposes authorized by this act;

(14) To use any right-of-way, easement, or other similar property right necessary or convenient in connection with a system, held by the State or any political subdivision thereof, provided the governing body of such political subdivision consents to such use;

(15) To employ and pay compensation to such agents, including attorneys, accountants, engineers, architects, and financial advisors, as the Board shall deem necessary for the business of the Authority;

(16) To employ and pay compensation to such employees, including a general manager, who shall have such authority, duties, and responsibilities as the Board deems necessary;

(17) To procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any act of any member, officer, or employee of the Authority in the performance of the duties of the office or employment, or any other insurable risk, including the payment of its bonds, refunding bonds or notes, as the Board in its discretion may deem necessary;

(18) To enter into, by contract with the county and/or the districts, or otherwise, a plan for pension, disability, hospitalization and death benefits for the officers and employees of the Authority;

(19) To exercise all powers expressly given to it and necessarily implied therefrom, to make and execute contracts and all other instruments necessary or convenient to do any and all things for the exercise of its powers hereunder, and to establish and make rules and regulations not inconsistent with the provision of this act, deemed expedient for the management of the Authority's affairs;

(20) To adopt by majority vote of the Board the purchasing procedures for utility districts as defined in Tennessee Code Annotated, Title 7, Chapter 82, Part 8; and

(21) To make all necessary investments, in the discretion of the Board, consistent with the powers of local governments to make such investments as provided in Tennessee Code Annotated, Section 9-1-107.

**SECTION 5.** Condemnation and eminent domain.

The Authority may condemn in its own name any land, rights-in-land, easements, or rights-of-way which in the judgment of the Board, are necessary for carrying out the purposes for which the Authority is created, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by persons having the power of eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by the use to which such property will be put by the Authority; provided further, the exercise of eminent domain power shall be approved by a majority of those present and voting of the Board of the Authority. Such power of condemnation may be exercised in the manner prescribed by any applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain to the extent such Authority is authorized by general law to exercise such power.

**SECTION 6.** Rates sufficient to pay costs and retire bonds.

The Board shall prescribe and collect reasonable rates, fees, tolls, or charges for the services, facilities, and commodities of any system, shall prescribe penalties for the nonpayment thereof, and shall revise such rates, fees, tolls or charges from time to time whenever necessary to ensure that any system shall

be and always remain self-supporting. The rates, fees, tolls, or charges prescribed shall be such as will always produce revenue at least sufficient:

- (1) To provide for all expenses of operation and maintenance of the system, including reserves therefor;
- (2) To pay when due all bonds, notes and interest and premiums thereon for the payment of which such revenues are or shall have been pledged, charged, or otherwise encumbered, including reserves therefor; and
- (3) To provide for the extension or improvement of the system; provided, however, that the Authority shall charge equal rates to the county, the districts, and any municipality hereinafter entering into such an agreement with the Authority as provided in Section 18 of this act. This provision shall apply to the rates charged for the provision of services as outlined in Section 4 (7) of this act.

**SECTION 7.** Notes of the Authority.

(a) The Authority may issue, by resolution adopted by the Board, interest-bearing bond anticipation notes for all purposes for which bonds can be legally authorized and issued by the Authority. Such notes shall be secured by the proceeds from the sale of the bonds in anticipation of which the notes are issued and additionally secured by a lien upon the revenues of the system on a parity with the bonds in anticipation of which such notes are issued. In no event shall the amount of outstanding bonds anticipation notes exceed the principal amount of the bonds to be issued by the Authority. The notes shall mature not later than two (2) years from their date of issuance and may be extended or renewed for not more than two (2) additional periods of two (2) years each by resolution of the Board and the issuance of renewal or extension notes.

(b) Notes shall be sold at public or private sale for not less than ninety-seven percent (97%) of the par value thereof and accrued interest as the Board may direct. Notes may be sold in one (1) or more series, may bear such date or dates, may bear interest at such rate or rates (which may vary from time to time), may be payable at such time or times, may be in such denomination or denominations, may be in such form, either coupon or registered, may be payable at such place or places, may be executed in such manner, may be payable in such medium of payment, may be subject to such terms of redemption, without a premium or, for notes sold for not less than the par value thereof and accrued interest, without or with a premium, all as may be provided by resolution of the Board.

(c) Notes shall be executed in the name of the Authority by the proper officials authorized to execute the same, together with the seal of the Authority attached thereto.

(d) The proceeds arising from the sale of such notes shall be disbursed as provided by the resolution authorizing the issuance of the notes. The term "bond anticipation notes" includes interim certificates or other temporary obligations which may be issued by the Authority to the purchaser of such notes upon the terms and conditions herein provided. When the bonds shall be issued and sold a sufficient amount of the proceeds of the bonds shall be applied to the payment of the notes at their maturity or upon their earlier redemption as directed by the Board by resolution.

(e) The Authority herein granted to issue "bond anticipation notes" also includes the issuance of "grant anticipation notes," to be secured by the grant in anticipation of which such notes are issued, with all provisions of this section being applicable to such grant anticipation notes.

**SECTION 8.** Bonds of the Authority.

(a) The Authority shall have the power to issue bonds from time to time to finance the construction, purchase, acquisition, extension, improvements and equipping of one (1) or more systems. All bonds issued shall be payable solely out of the revenues and receipts derived from the system for which such bonds are issued or as may be designated in the proceedings under which such bonds are issued or as may be designated in the proceedings under which the bonds shall be authorized to be issued. Such bonds may be issued in one (1) or more series, may be executed and delivered at any time and from time to time, may be in such form and denomination and of such terms and maturities, may be subject to redemption prior to maturity either with or without premium, may be in fully registered form, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the State of Tennessee, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings whereunder the bonds shall be authorized to be issued.

(b) Bonds may be sold at public or private sale for such price and in such manner and from time to time as may be determined by the Board of Directors to be most advantageous, and the Authority may pay any

and all expenses, premiums, and commissions which its Board of Directors may deem necessary or advantageous in connection with the issuance thereof.

(c) All bonds and the interest applicable thereto are hereby made and shall be construed to be negotiable instruments.

(d) Interim certificates or notes or other temporary obligations pending the issuance of revenue bonds shall be payable out of proceeds of bonds or other funds of the Authority available for such purpose.

(e) Proceeds of bonds may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending a system, including the payment of interest on the bonds during construction of any project for which bonds are issued and for two (2) years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance, and legal expenses incurred in connection therewith and the issuance of bonds, and the establishment of a reasonable reserve fund for the payment of principal of, and interest on, such bonds if a deficiency occurs in the revenues and receipts available for such payment.

**SECTION 9.** Refunding bonds of the Authority.

(a) Any bonds at any time outstanding may at any time and from time to time be funded by the issuance of refunding bonds in such amount as the Board may deem necessary, but not exceeding the sum of the following:

- (1) The principal amount of the bonds being refinanced;
- (2) Applicable redemption premiums thereon;
- (3) Unpaid interest on such bonds to the date of delivery or exchange of the refunding bonds;
- (4) If the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates elected, in its discretion, by the Board, or to the date or dates of maturity, whichever shall be determined by the Board to be the most advantageous or necessary to the Authority;
- (5) A reasonable reserve for the payment of principal of, and interest on, such bonds and/or a renewal and replacement reserve;
- (6) If the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced); and
- (7) Expenses, premiums, and commissions of the Authority, including bond discount deemed by the Board to be necessary for the issuance of the refunding bonds. A determination by the Board that any refinancing is advantageous or necessary to the Authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption on the first or any subsequent available redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

(b) Any such refunding may be effective may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the bonds to be refunded thereby with the consent of the holders of the bonds so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds refunded thereby, and regardless of whether or not the bonds to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

(c) At the time of delivery of the refunding bonds, if the bonds to be refunded will not be retired or a valid and timely notice of redemption of the outstanding bonds is not given in accordance with the resolution, indenture or other instrument governing the redemption of the outstanding bonds, then, prior to the issuance of the refunding bonds, the Board shall cause to be given adequate notice of its intention to issue the refunding bonds. The notice shall be given either by mail to the owners of all the outstanding bonds to be refunded at their addresses shown on the bond registration records for the outstanding bonds, or given by publication, or by such other means which may be deemed sufficient pursuant to the laws of this State. The notice shall set forth the estimated date of delivery of the bonds, refunding bonds and identify the bonds, or the individual maturities thereof, proposed to be refunded; provided, that if portions of individual maturities are proposed to be refunded the notice shall identify the maturities subject to partial refunding and the aggregate principal amount to be refunded within each maturity. If the issuance of the

refunding bonds does not occur as provided in the notice, the governing body shall cause notice thereof to be given as provided above. Except as otherwise set forth in this section, the notice required pursuant to this section shall be given whether or not any of the bonds to be refunded are to be called for redemption.

(d) If any of the obligations to be refunded are to be called for redemption, notice of redemption shall be given in a manner required by the proceedings authorizing such outstanding obligations.

(e) The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

(1) To the immediate payment and retirement of the bonds being refunded; or

(2) To the extent not required for immediate payment of the bonds being refunded, such proceeds shall be deposited in trust to provide for the payment and retirement of the bonds being refunded and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including, without limitation, provisions for the pledging of any such surplus to the payment of the principal of, premium, if any, and interest or any issue or series of refunding bonds. Money in any such trust fund may be invested in the discretion of the Board.

(f) Nothing herein shall be construed as a limitation on the duration of any deposit trust for the retirement of obligations being refunded, but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption.

**SECTION 10.** Security for payment of bonds and notes.

(a) The principal of, premium, if any, and interest on any bonds, refunding bonds and notes may be secured by a pledge of revenues and receipts of a system. The proceedings under which the bonds, refunding bonds or notes are authorized to be issued may contain any agreements, provisions and covenants respecting the maintenance of such system or other facilities covered thereby, the fixing and collection of rents, fees or payments with respect to any system or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, refunding bonds and notes and the rights and remedies available in the event of default, all as the Board shall deem advisable and not in conflict with the provisions of this act. To the extent provided in the proceedings authorizing any bonds, refunding bonds or notes, each pledge and agreement made for the benefit of security of any of the bonds, refunding bonds or notes shall continue in effect until the principal of, and interest on, the bonds, refunding bonds or notes for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made by the Authority. In the event of a default in such payment or in any agreements of the Authority made as part of the proceedings under which the bonds, refunding bonds or notes were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or the proceedings under which the bonds, refunding bonds or notes are issued.

(b) The Board may designate the appropriate officials to execute all documents necessary to guarantee or in any other manner to secure the payment of the bonds or notes of the Authority; provided, however, the approval of the governing body of the county or district to such guarantee or security shall have been obtained before the execution of such documents. Provided, further, prior to any meeting where such authorization will be considered by the governing body of the county or district, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the county or district of such authorization is given.

(c) Bonds, notes or refunding bonds may constitute a joint obligation of the Authority and the county or district. Any such bond, note or refunding bond upon which the county is jointly obligated with the Authority may be secured by the full faith and credit and unlimited ad valorem taxing power of the county. Bond, notes or refunding bonds issued as a joint obligation of the Authority and the county shall be issued in the form and manner of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9, where applicable, and in the event of a conflict between this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9, then the provisions of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9 shall prevail. Notes issued as a joint obligation of the Authority and the county shall be issued in the form and manner of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4, and 5, where applicable and in the event of a conflict between this act and the provisions of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4 and 5, then the Tennessee Code Annotated provisions shall prevail.

(d) Any bond, note or refunding bond issued under this act may be secured by a mortgage or deed of trust covering any or all parts of the property, real or personal, of the Authority. Any pledge, or lien, on revenues, fees, rents, tolls or other charges received or receivable by any local government to secure the payment of any bonds, notes or refunding bonds issued pursuant to the act and the interest thereon, shall be valid and binding from the time that the pledge or lien is created and granted and shall inure to the

benefit of the holder or holders of any such bonds, notes or refunding bonds until payment in full of the principal and premium and interest thereon. Neither the resolution nor any other instrument granting, creating or giving notice of the pledge or lien, or other such security interest, need be filed or recorded to preserve or protect the validity or priority of such pledge or lien.

**SECTION 11.** Exemption from taxation and State regulation.

(a) In accordance with the provisions of general law, the Authority, its properties at any time owned by it and the income and revenues therefrom shall be exempt from State, county and municipal taxation. To the extent authorized by a municipality, a county or the general law, bonds, notes and refunding bonds issued by the Authority and the income therefrom shall be exempt from all State, county, and municipal taxation, except inheritance, transfer and estate taxes, or except as otherwise provided by state law. For purposes of Tennessee Code Annotated, Title 48, Chapter 2, and any amendments thereto or substitution therefor, bonds issued by the Authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the State.

(b) Neither the Tennessee Regulatory Authority nor any other Board or commission of like character hereafter created shall have jurisdiction over the Authority in the management and control of a system, including the regulation of its rates, fees, tolls, or charges, except to the extent provided by this act; provided, however, the Authority is subject to regulation by the Department of health and the Department of Environment and Conservation as a public water supply and public sewerage system.

**SECTION 12.** Liability and indebtedness of political subdivisions.

(a) Neither the county, the districts, the State, nor any municipality other than the Authority shall, except as may otherwise be authorized by the Board of Directors of the Authority and the governing body of the particular governmental entity, in any event be liable for the payment of the principal of, premium, if any, or interest on any bonds, notes or refunding bonds of the Authority or for the performance of any pledge, obligation, or agreement of any kind whatsoever which may be undertaken by the Authority, and none of the bonds, notes or refunding bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the State, or any municipality within the meaning of any constitutional or statutory provision whatsoever.

(b) Bonds, notes or refunding bonds of the Authority shall not constitute a debt or a pledge of the faith and credit of the State or any municipality, except as may otherwise be authorized by the governing body of the county, district or municipality, and the holders or owners of such bonds shall have no right to have taxes levied by any municipality, the State or any other taxing authority within the State for the payment of principal of, premium, if any, and interest on such bonds, but shall be payable solely from revenues and monies pledged for their payment.

(c) Except as may otherwise be authorized by the governing body of the county or district(s) as specified hereinabove, all such bonds shall contain on the face thereof a statement to the effect that the bonds, refunding bonds or notes are not a debt of the State or any municipality or any other taxing authority within the State, but are payable solely from revenues and monies pledged to the payment thereof.

**SECTION 13.** Disposition of Funds.

No part of the net earnings of the Authority remaining after payment of its expenses shall inure to the benefit of any persons except that, at such times as no bonds, note or refunding bonds of the Authority are outstanding and unpaid and adequate provision has been made for the full payment of all liabilities, obligations and contracts of the Authority, and the Authority shall have, by operation of law, been terminated, any assets of the Authority, to the extent not necessarily for such purposes, shall be paid to the county, to the districts, and to any other municipality represented on the Board, in equal proportions. To the extent allowed by this act, nothing herein contained shall prevent the Board from transferring its properties in accordance with the terms of any contract, agreement, or covenant entered into or undertaken by the Authority.

**SECTION 14.** Budget; annual audits; contracting procedures; personnel procedures.

(a) The Board shall annually establish and adopt a budget for the Authority.

(b) The Board shall cause to be prepared each fiscal year an annual audit of the books and records of the Authority. The audits shall comply with generally accepted governmental auditing standards as established by the Comptroller of the Treasury, Department of Audit, pursuant to Tennessee Code Annotated, Section 4-3-304. A copy of such annual audit shall be filed with the office of the County Executive of Giles County, and with the governing bodies of the districts.

The Board shall establish employment procedures, compensation levels and benefits for the employees of the Authority.



**SECTION 15.** Powers of the districts.

(a) The districts may take all actions hereunder by resolution of its governing body. The districts shall have all powers necessary in order to further the purposes of this act, including without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, or grant easements, licenses, or other rights or privileges therein to the Authority and to contract with the Authority.

(b) The districts may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreement for the Authority to assume, to pay or to refund bonds, refunding bonds and notes issued by the districts or loan agreements entered into by the districts to acquire, construct or equip all or any part of a system.

(c) The districts are authorized to advance, donate or lend money to the Authority and to provide that funds available to it for a system shall be paid to the Authority.

(d) A utility district shall have the same right to enter into any agreement with the Authority that the Board deems necessary to carry out the purposes of this act, as the utility district has to enter into similar agreements with water and wastewater treatment authorities as provided by Tennessee Code Annotated, Title 68, Chapter 221, Part 6, and as provided by the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 16.** Powers of the County.

(a) The county may take all actions hereunder by resolution of its governing body. The county shall have all powers necessary to further the purposes of this act, including, without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances or grant easements, licenses or other rights or privileges therein to the Authority and to contract with the Authority.

(b) The county, through its governing body is authorized to issue joint obligations with the Authority and to pledge its full faith and credit and unlimited taxing power to such bonds, notes or refunding bonds and to guarantee the bonds, notes or refunding bonds as set forth in Section 10.

(c) The county may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreements with the Authority for the Authority to assume, to pay or to refund bonds, refunding bonds and notes issued by the county or loan agreements entered into by the county to acquire, construct or equip all or any part of a system.

(d) The county may advance, donate or lend money to the Authority and to provide that funds available to it for a system shall be paid to the Authority.

(e) The county has the power to enter into any other agreement with the Authority that the Board deems necessary to carry out the provisions of this act.

**SECTION 17.** Powers not restricted.

Neither this act nor anything herein contained shall be construed as a restriction or a limitation upon any powers which a county, city or utility district might otherwise have under any laws of this State, but shall be construed as cumulative of, and supplemental to, any such powers. Nothing herein shall be construed to deprive the State of Tennessee and its governmental subdivisions of their respective police powers, or to impair any power of any official or agency of said State and its governmental subdivisions which may be otherwise provided by law.

**SECTION 18.** Agreements with the Authority.

The Authority is hereby authorized, whenever the same shall be found desirable by its Board, to enter into contracts, agreements or other arrangements with any municipality regarding a system, any facility, or any service of the Authority. Any such contract or agreement may extend for any period not exceeding forty (40) years from the date thereof.

Upon execution of such agreement, the governing body of each municipality shall appoint one (1) person to serve as an additional Director on the Board of Directors of the Authority, pursuant to the terms set forth in Section 3 of this act.

Any utility district seeking to enter into such agreement with the Authority shall have the same rights and liabilities as it would otherwise have in entering into a similar agreement with a water and wastewater

treatment authority as provided by Tennessee Code Annotated, Title 68, Chapter 221, Part 6, and as provided by the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

Nothing in this act shall be construed to apply to nor affect the City of Pulaski, or any other incorporated city or town, unless and until appropriate action is taken by the legislative body of such incorporated city or town, including making necessary revisions to its charter as required by law.

**SECTION 19.** Liberal construction.

This act is remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of distributing and encouraging the best utilization and conservation of water resources and wastewater service and the powers herein granted may be exercised without regard to requirements, restrictions or procedural provisions contained in any other law or charter except as herein expressly provided. Provided, that nothing in this act shall be deemed to supersede any general law. Provided further, however, that the continued operation of any utility district entering into an agreement with the Authority, including the districts, as provided in Section 18 of this act, shall be in compliance with the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 20.** Severability.

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

**SECTION 21.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Giles County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the Secretary of State.

**SECTION 22.** 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 as provided in Section 21.

Passed: June 14, 2001.

## Administration - Historical Notes

### County Clerk

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

1. Private Acts of 1837-38, Chapter 294, provided that the county court clerk of Giles County be paid \$1.00 as a fee for recording the proceedings of a person applying to the county court to build a grist mill on any stream in the county. The court would appoint three commissioners to look at the site of the proposed mill to determine that it would not interfere with the navigation of the stream and, if not, the permit to build would be issued.

### County Mayor

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

1. Private Acts of 1856, Chapter 253, created an office of county executive in every county who would be elected by the people for four year terms and be a person learned in the law; who would hold court on the first Monday of every month. The court was organized and its jurisdictional powers enumerated. This Act was repealed by Acts of 1857-58, Chapter 5, and all the quorum courts restored.
2. Private Acts of 1857-58, Chapter 20, authorized and requested the Governor to appoint a suitable person to act as county executive of Giles County during the December term of the court, who would have all the rights, powers, privileges, and obligations as any other county executive.
3. Private Acts of 1867-68, Chapter 47, created the office of county executive for Lincoln, Hamilton, Franklin, Lawrence, and Giles Counties for a term of eight years and who was not required to be learned in the law. The Executive was also made the accounting officer and financial agent of the county under this Act which abolished the existing powers of the County Court and promulgated new ones. The administrative portions of the act with the exceptions mentioned are similar to preceding legislation in this regard.
4. Private Acts of 1909, Chapter 40, amended Acts of 1883, Chapter 77, Section 4, published herein,

by making the salary of the County Executive payable monthly instead of quarterly as provided in that act.

5. Private Acts of 1909, Chapter 348, set the salary of the County Executive at \$100 per month to be paid out of the revenue of the county upon the executive's own warrant countersigned by the County Court Clerk, to be in full compensation for his services in that office.
6. Private Acts of 1917, Chapter 346, raises the executive's salary to \$1,800 yearly for his services as County Executive to be paid monthly out of the revenue of the county on the executive's own warrant countersigned by the County Court Clerk. This amount would be in full payment for all services rendered in connection with that office.
7. Private Acts of 1925, Chapter 390, elevates the county executive's compensation to \$2,000 annually under the same terms and conditions as those written in the 1917 Act above. This act contains a general repealer.
8. Private Acts of 1939, Chapter 256, permitted the County Executive to employ a secretary to assist him in his work at a salary to be fixed by him but not to exceed \$600 yearly, payable in equal monthly payments out of regular county funds. This position apparently was merged into the 1951 Act since no further legislation appears concerning it.
9. Private Acts of 1947, Chapter 847, repeals Acts of 1925, Chapter 390, and there fixes the salary of the County Executive at \$2,400 annually, to be paid in monthly installments as required in the previous acts.
10. Private Acts of 1951, Chapter 408, authorized and empowered county executives in counties having a population of not less than 29,230 nor more than 29,250 according to the Federal Census of 1940, to employ clerical help to assist him in performing the duties of his office at a salary not to exceed \$300 per month. This act was amended by Private Acts of 1957, Chapter 36, Private Acts of 1961, Chapter 65, and Private Acts of 1965, Chapter 44.
11. Private Acts of 1951, Chapter 409, fixed the compensation of the County Executive for his services as accounting officer and financial agent of Giles County at \$1,800 annually payable as before on his own warrant countersigned by the County Court Clerk. This Act was repealed specifically by Private Acts of 1963, Chapter 89.
12. Private Acts of 1963, Chapter 89, repealed Private Acts of 1951, Chapter 409, which set salary of the County Executive for his services as accounting officer and financial agent at \$1,800 annually.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Giles County and are included herein for historical purposes.

1. Private Acts of 1809, Chapter 93, set the times for holding the court of Pleas and Quarter Sessions in Giles on the third Monday in February, May, August and November. This Act also gave the court authority to appoint 13 jurors for each court.
2. Private Acts of 1813, Chapter 134, among other things changed the times for meeting of the County Court to the first Mondays in March, June, September and December.
3. Private Acts of 1817, Chapter 138, also changed the meeting dates for the court of Pleas and Quarter Sessions in Giles County to the third Monday in February, May, August and November. This court could hold for two weeks, if necessary, to complete its business but other courts would hold for only one week.
4. Private Acts of 1821, Chapter 77, conferred the power of eminent domain, the right to condemn property for a public purpose, upon the Giles County Quarterly Court for obtaining land for cemeteries.
5. Private Acts of 1830, Chapter 102, authorized the County Court of Pleas and Quarter Sessions, if they should so desire, a majority of the justices being present and concurring, to elect three of their number at the January term to hold court for the remainder of the year.
6. Private Acts of 1857-58, Chapter 20, authorized and requested the Governor to appoint a suitable person to act as County Executive of Giles County during the December term of the court, who would have the same rights, powers, privileges, and obligations of any other County Executive.
7. Private Acts of 1923, Chapter 35, changed the times of holding the sessions of the county court of Giles County to the second Monday in January, April, July and October of each year.
8. Private Acts of 1955, Chapter 148, sets the per diem of the Quarterly County Court at \$10 per day without any additional allowance for mileage or travel expense.

9. Private Acts of 1964, Chapter 44, amend Private Acts of 1955, Chapter 148 by increasing the per diem of the Quarterly County Court to \$25 per day.

### **Purchasing**

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

1. Private Acts of 1949, Chapter 89, created the office of purchasing agent for the county and named the County Executive to fill it. The Agent was given sole power and authority to purchase everything except standard office supplies used in each department and except in the school system, and, further, to lease or rent anything. If the amount was over \$500, certain requirements had to be made respecting advertising, specifications, bids, and acceptance of bids; all items less than \$500 could be purchased directly without bids. The salary was \$1,800 annually paid from county funds.
2. Private Acts of 1951, Chapter 127, repeals Private Acts of 1949, Chapter 89, above, which created the position of Purchasing Agent.

### **General Reference**

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

1. Private Acts of 1811, Chapter 44, authorized Maury and Giles County to appoint surveyors for the county who would first give bond and then begin plotting all the land in each county. The Quarterly County Court would appoint.
2. Private Acts of 1815, Chapter 26, permitted anyone to build a warehouse on Richland Creek when goods could be stored until inspected either at Pulaski or Elkton. The initiating procedure was a petition to the County Court for that purpose.
3. Private Acts of 1815, Chapter 44, authorized a warehouse for several locations where tobacco, hemp, flour, lard, butter, and other articles would be stored for inspection purposes. The one for Giles County would be located on the Elk River at Elkton.
4. Private Acts of 1815, Chapter 173, appointed Tyre Rodes, Gabriel Bumpass, Nathaniel Moody, Samuel Jones, and Maximillian H. Buchanan as Commissioners to let contracts to build offices for the use of the Circuit Court Clerk and the County Court Clerk which would be located on the public square at Pulaski as they considered best.
5. Private Acts of 1815, Chapter 193, appointed Tyre Rodes, Ralph Graves, and John Hicks, Commissioners, to select a site and let a contract to build a bridge over the shoals of Richland Creek in Pulaski, to improve the navigation of it all the way to the Elk River and to ask for money from the fund derived from the sale of lots in Pulaski by the Commissioners laying out the city.
6. Private Acts of 1817, Chapter 18, added Hardy Hightower to the Commission in Pulaski, who were to finish the court house, beautify it, and the public square, with trees and other decorations by contract with other but all to be under the supervision of the Commission.
7. Private Acts of 1819, Chapter 70, authorized the County Court of Giles County to appoint a Commission of two fit and suitable people to settle accounts with the Commission formerly organized to lay out the town of Pulaski. In the event the old Commission refused to settle accounts, they would be subject to a fine of \$4,000 recoverable by petition filed for that purpose.
8. Private Acts of 1820 (Ex. Sess.), Chapter 63, directed the Sheriff to hold an election in Pulaski to choose seven aldermen and, further, repealed the act which ordered the surplus money from laying out the town to be paid to the County Trustee, and instead made the same payable to the Mayor and Aldermen of that city.
9. Private Acts of 1824 (Ex. Sess.), Chapter 80, was intended to correct an error in the issuance of a certificate of Notary Public to William Woods when it should have been issued to William W. Woods, and to ratify and confirm all acts performed by the said William Woods while the error was in effect.
10. Private Acts of 1831, Chapter 129, authorized the Giles County Court to appoint three discreet and impartial commissioners to examine that part of Richland Creek on which Elijah Anthony proposed to build a mill and, if they should report that the mill can be built without interfering with the navigation of the stream, to issue him a permit to proceed with the construction of it.
11. Private Acts of 1837-38, Chapter 294, permitted any person to build a grist mill in Giles County

- provided they posted a ten day notice of their intention to build at the courthouse so the court could appoint a Committee to view the site. If the location and construction did not hinder the flow of navigation on the stream, the mill could be built with the courts approval.
12. Private Acts of 1837-38, Chapter 157, assigned Giles and Lincoln Counties to the 10th Brigade of the state militia and set their annual drills on the second Friday and Saturday in September.
  13. Private Acts of 1837-38, Chapter 263, authorized the Quarterly County Court of Giles County to appoint an Entry Taker who may reside, if need be, in a place other than the county seat and the Court was likewise given the power and authority to pay for a general plan for the county.
  14. Private Acts of 1843-44, Chapter 194, authorized the officers of the several regiments of the State Militia in Giles County to reorganize the same into 4 Regiments, the fourth one to be called the 162nd Regiment of the Tennessee State Militia. The sheriff was directed to give public notice of the time and place when the popular election of officers for those regiments would take place.
  15. Private Acts of 1843-44, Chapter 89, amended Public Acts of 1842, Chapter 34, which was a public law seeking to perfect title to certain roads in Tennessee for the state which involved action by the Entry-Taker so that it became the duty of the Circuit Court Clerks of Lawrence, Hickman, Wayne, Giles, and Maury counties to examine the books of their respective Entry-Takers on the first Monday in September, each year, to report to the State Comptroller on or before the 15th of the month and the Entry-Takers must account to the Comptroller for their funds by the 20th of September.
  16. Private Acts of 1853-54, Chapter 317, permitted the President and Directors of the Bank of Tennessee to appoint an additional director of the Bank's branch at Columbia, Tennessee, who would be a citizen and resident of Giles County.
  17. Private Acts of 1868-69, Chapter 42, incorporated George T. Allman, Solon E. Rose, Elihu Edmondson, Joseph B. Story, George W. Gordon, A. J. McKinnon, William G. Lewis, and John C. Brown, as the Giles County Blood Horse Association for the development and improvement of blooded horse stock with authority to build and operate tracks and to conduct speed and other tests.
  18. Private Acts of 1868-69, Chapter 25, established a Board of County Commissioners for Hickman and Van Buren counties but its provisions were expressly extended to Giles County in Sections 16 and 17 in the same manner as the act was written for Van Buren county. In Giles, the commission was composed of the County Executive and two associate commissioners who would hold the Quarterly County Court and perform all of its functions; associates would be elected every two years as all Justices were relieved from the duty of holding Quarterly Courts and all those powers were vested in this Board. The commissioners must give bond of \$500 and would be paid a salary of \$100 monthly in Giles County. This Act was repealed by the act below.
  19. Private Acts of 1869-70, Chapter 6, abolished the Board of County Commissioners as it was so constituted in Giles County and Private Acts of 1869-70, Chapter 49, repealed all those Acts which had been repealed or superseded by them, thus again placing the former Acts in full force.
  20. Private Acts of 1875, Chapter 48, empowered the County Court of Giles County at its meeting in April, of 1875, or any term thereafter, to elect a Notary Public for the 15th Civil District of the county with an office to be opened and kept in Lynnville.
  21. Private Acts of 1917, Chapter 56, made women who were over 21 years of age eligible to hold the office of Deputy Clerk and Master of the Chancery Court with all the duties and responsibilities now conferred by law upon said office.
  22. Private Acts of 1919, Chapter 274, permitted women, 21 years old or more, married or single, and residents of the county in which they serve, to be Deputy to the Clerk and Master, the Circuit Court Clerk, the County Court Clerk, the Register, and the Trustee, with all rights, powers, duties and obligations as others similarly situated. Acceptance of the job is a waiver of all defenses and disabilities pleadable by virtue of coverture and she is estopped to deny any job related legal liability.
  23. Private Acts of 1921, Chapter 587, abolished the position of Poor House Commissioner with a general repealer. Private Acts of 1921, Chapter 601, is identical with this act and the reason for the duplication of the statute is unknown.
  24. Private Acts of 1921, Chapter 610, authorized the Quarterly County Court to elect a Superintendent of the County Poor House and Farm for a period of two years and to set his salary therefor. The appointee must make a bond of \$300 and pay over to and account to the Trustee for all the funds coming into his hands.

25. Private Acts of 1927, Chapter 22, amended the constitution and By-Laws of the Farmer's Mutual Insurance Company of Giles County in three areas but primarily in the manner of setting the salaries of the company's directors at the annual meeting of the stockholder.
26. Private Acts of 1929, Chapter 919, again amends the Constitution and By-Laws of the Farmer's Mutual Insurance Company in that each member will have one vote, (2) regulates the placing of stove pipes in walls and (3) dwellings cannot be vacant over ten days and not over thirty with a certificate from the Director. Hail and windstorm provisions would not apply to old roofs.
27. Private Acts of 1933, Chapter 264, removed the disabilities of infancy from Allen Aymett, Jr. who was about to begin his 21st year and is a graduate of Lebanon Law School.
28. Private Acts of 1933, Chapter 350, removed the minority of Jesse Bryant Pigg of Giles County who could henceforth act as an adult in all respects.
29. Private Acts of 1935, Chapter 342, and Private Acts of 1935, Chapter 341, removed the disabilities of infancy from Gilmer Townsend and Thomas McCown, respectively, both of Giles County. Private Acts of 1935, Chapter 638, also removed the minority of one Oliver R. Powell, of Giles County.

### **Auditor**

1. Private Acts of 1917, Chapter 807, gave the County Court the authority to make appropriations out of the general funds of the county to pay for any auditing services rendered to the county.
2. Private Acts of 1951, Chapter 128, creates the position of County Auditor and appoints Thomas B. Carter to the post until the next general election when his successor would be elected for a four year term at a \$300 annual salary. The Act fixes the qualifications of the job, names some of the offices which would be audited and who would see that the balances reported by the County Executive and County Superintendent of Schools was correct and, as reported by them, according to the Trustee's books.
3. Private Acts of 1953, Chapter 124, amends Acts of 1951, Chapter 128, Section 3, requiring the County Auditor and assistants to keep books and accounts of the Highway Commissioners, said books to be kept at the Auditor's office in the courthouse in Pulaski. He shall be furnished with a special assistant to be named and employed by the Auditor at a salary not to exceed \$150 monthly from the highway funds to assist him, or by Section 5, to appoint a regular assistant in his office to the post at the same salary and with the same duties mentioned.
4. Private Acts of 1953, Chapter 125, amends Private Acts of 1937, Chapter 90, Section 4, which is the Road Law for Giles County by providing that the books of the County Highway Department shall be kept by the County Auditor, and the Highway Department shall provide a special assistant to do so whose salary shall not exceed \$150 monthly payable from highway funds. The books also would be housed in the office of the County Auditor at courthouse in Pulaski.
5. Private Acts of 1957, Chapter 87, amends Acts of 1953, Chapter 125, Section 1, above, by repealing it and amends Section 2, same Act, by increasing the maximum salary of the Assistant Auditor from \$150 to \$175 monthly.
6. Private Acts of 1963, Chapter 71, repeals entirely and specifically Private Acts of 1951, Chapter 128, which created the position of County Auditor for Giles County, and the amendments would also be carried along with it.

### **Internal Improvement Board**

1. Private Acts of 1831, Chapter 45, appointed Alexander Black, Thomas Martin, Lewis G. Upshaw, Gillion Harwell, Spencer Clark, James Patterson, Robert McLaurine, Earley Benson, Pinckney Wilson, Joab Campbell, and Ralph Graves, Jr., as a Board of Internal Improvement for Giles County. They would elect a President, a Secretary, and a Vice-President from among their number and were authorized to receive subscription for clearing Richland Creek of obstructions to navigation below Pulaski and to clear Elk River also as it flows through the county. As a Board, they can apply for and get Giles County's pro rata share of the funds allotted to Middle Tennessee Counties for internal improvement projects.
2. Private Acts of 1832 (Ex. Sess.), Chapter 10, made it possible for all persons who wanted to build mills on Richland creek to do so provided the work did not interfere with navigation on the stream and provided also, a permit was obtained from the Internal Improvement Board.
3. Private Acts of 1835-36, Chapter 136, actually amended the Giles County Internal Improvement Board Act but applied the changes only to Lincoln County.
4. Private Acts of 1845-46, Chapter 150, Section 18, empowered the Giles County Internal Improvement Board, two-thirds of the members concurring to invest the improvement fund in a

bridge company which was building a bridge across the Elk River at that time.

5. Private Acts of 1847-48, Chapter 213, Section 8, authorized the Board to invest the internal improvement fund in the Elkton Bridge Company which was engaged in building a bridge across the Elk River where the Columbia, Pulaski, Elkton, and Alabama Turnpike crossed.
6. Private Acts of 1859-60, Chapter 145, Section 2, cited the fact that the Internal Improvement Board had power to fill vacancies on the Board but had failed to do so. While the remaining members do not constitute a majority, the power to fill vacancies is conferred upon them regardless.

**Livestock Inspector**

1. Private Acts of 1921, Chapter 76, repeals the law creating the position of livestock inspector in Giles County as the same was applied to it. This was evidently a public law concerning several counties and not just Giles County alone.

**Zoning**

1. Private Acts of 1992, Chapter 195, direct that all changes to county zoning and regulations must be put to referendum before any changes to zoning would become operative. This act, however, was not approved by local government as confirmed by the Secretary of State and the County Clerk of Giles County.

## Chapter II - Animals and Fish

### Canine Licensing

#### Private Acts of 1927 Chapter 477

**SECTION 1.** That this Act shall be known and may be cited as an Act to promote and protect live stock industries in counties having a population of not less than 30,490 nor more than 30,950, according to the Federal Census of 1920, or any subsequent Federal Census.

**SECTION 2.** That for the purpose of this Act the following terms shall have the following meanings, respectively designated by each:

The term "livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, jennets, burros, goats, kids and swine and any and all other live stock.

The term "poultry" shall include all domestic fowl.

The word "person" shall include State and local officers or employees, individuals, corporations, co-partnerships and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

The word "owner" when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dogs or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

**SECTION 3.** The term "kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale or sporting purposes.

The term "officer" shall mean any Sheriff, or his Deputies, or Constables, or anyone appointed by the Sheriff in counties having a population of not less than 30,940 nor more than 30,950, according to the Federal Census of 1920, or any subsequent Federal Census, whose duty it is to enforce this law.

**SECTION 4.** That on or before the first day of June, One Thousand Nine Hundred and Twenty-seven, and on or before the first day of January of each year thereafter, the owner of any dog shall apply to the county court clerk, or deputy county court clerk of the county in which said owner resides, either orally or in writing, for a license for each such dog owned or kept by him. Such application shall state the breed, sex, age, color and marking on such dog, and the name and address of the last previous owner; and shall be accompanied by a fee of \$1.00 for each male dog for which license is applied by the owner, and by a fee of \$2.00 for each female dog for which license if applied by the owner. And it shall be the duty of every person owning, keeping or harboring on the premises where he resides any dog over four months of age to pay on or before the first day of June. One Thousand Nine Hundred and Twenty-seven, and on or before the first day of January of each year thereafter, said fees as hereinabove provided, and in any case where such dog or dogs shall become four months old between June 1, 1927, and January 1, 1928, the license fee shall forthwith become due and payable and hereafter every year following January 1st.

**SECTION 5.** Such license shall be issued on a form prepared and supplied by the County Court of the county, to said County Clerk of said county. Such license shall be dated and numbered, and a description of the dog licensed, and all licenses shall be void on the first day of January of the following year. The County Court of said counties shall furnish the County Court Clerk with each license, a metal tag. Such tag shall be affixed to a substantial collar. The collar shall be furnished by the owner, and the tag attached shall at all times be kept on the dog for which the license is issued.

**SECTION 6.** That the County Court of said counties shall prepare and furnish to the County Court Clerk annually metal tags to be given by the County Court Clerk to the owners of dogs when such owners shall pay the license fee for such dogs. Such tags shall be of metal, and shall bear the name of the county issuing it, and a serial number corresponding with the number of the license issued to said owner, as provided in the preceding section of this Act. Such tags shall also have impressed thereon the calendar year for which such tag is issued, and shall be equipped with a substantial metal fastening device. The general shape of such tag may be changed from year to year. Said blank license and said metal tags shall be paid for by the county for which the license and tags are issued. In case of loss of such tag or license the County Court Clerk shall issue a duplicate tag or license. The duplicate tag shall be forthwith attached to the dog collar, and shall at all times be worn thereon, as herein provided.

**SECTION 7.** That it shall be the duty of the County Court Clerk to collect the license fee under this Act. In a well bound book to be furnished him by the county he shall keep the name of each person paying a license fee on any dog or dogs, the date and amount of such payment, and whether the same is a kennel license fee or a dog license fee; a description and sex of each dog on which said license fee is paid, and license tag number issued him for said dog. Any deputy County Court Clerk within the county applying to the County Court Clerk, and having received and receipted for necessary blanks and tags, may issue such dog license and tags in like manner as prescribed for the issuance of licenses by the County Court Clerk, and for so doing shall receive the same fee in the same manner as is provided for the County Court Clerk in Section 14 hereof.

**SECTION 8.** That any person becoming the owner after the first day of January in any year, of any dog which has not already been licensed, shall forthwith apply for and secure a license for such dog in the same manner as the annual license is obtained under the provision of this Act.

**SECTION 9.** That no license or license tag issued for one dog shall be transferable to another dog, except as provided in Section 11 of this Act. Whenever the ownership or possession of any dog is permanently transferred, upon notice given to the County Court Clerk. This Act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, trial or show.

**SECTION 10.** That any person who keeps or operates a kennel may, in lieu of the license for each dog required by this Act, apply to the County Court Clerk for a kennel license, entitling him to keep or operate such kennel. Such license shall be issued by the County Court Clerk on a form prepared and supplied by the County Court to the County Court Clerk, and shall entitle the license to keep any number of dogs not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be \$5.00 for five dogs or less, and \$10.00 for more than five dogs permitted to be kept under the kennel license. With each kennel license the County Court Clerk shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual tags for the same year.

**SECTION 11.** That the license of a kennel shall at all times keep one of such tags attached to a collar on each dog kept by him under kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside of the limits of the kennel.

This Section does not prohibit the taking of dogs having a kennel license outside of the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

**SECTION 12.** That any person may bring or cause to be brought into the country, for a period of thirty days, one or more dogs for show, trial, or breeding purposes.

**SECTION 13.** That the County Court Clerk shall keep a record of all dog licenses, and all kennel licenses, and all permits issued during the year. Such record shall contain the name and address of the person to whom such license is issued; it shall also state the breed, sex, age, color and markings of the dog licensed; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to persons interested during business hours. And in addition thereto it shall be the duty of the county court clerk to cause to be published, by districts in one of the



newspapers published in his county, if such there be by February 15th, of each year, the owner's name, post office and number of dogs for which he has obtained a license.

Whenever the ownership or possession of any dog licensed under the provisions of this Act is transferred from one person to another, except the temporary transfer of dogs for hunting purposes, or for breeding, trial or show, as provided in Section 11 of this Act, such transfer shall be noted on the record of the County Court Clerk.

**SECTION 14.** That an accurate record of all license fees collected by the County Court Clerk, or paid over to him by any deputy clerk, shall be kept in a book furnished by the county as aforesaid as a matter of information; and all such funds shall be turned into the county funds for the payment of live stock or poultry killed or damaged by dogs, which said fund shall be known as the "dog license fund," derived from the taxation of dogs under the provision of this Act. All bills incurred under this Act shall be paid out of said fund. The County Court Clerk or deputy shall receive fifteen (15) cents for each and every license issued by them respectively, to be paid out of said fund, and shall be retained by the County Court Clerk, or deputy, as his fee for issuing such license.

**SECTION 15.** That the Tax Assessors in each county coming within the provisions of this Act, shall annually, at the time of assessing property as required by law, make diligent inquiry as to the number of dogs owned, harbored or kept by any person and shall list them, and said assessor shall receive five cents for each dog listed by him, the same to be paid out of said fund.

The assessor shall annually, on or before the 31st day of December following make a complete report to the County Court Clerk on a blank form to be furnished by the county, setting forth the name of every owner of any dog or dogs, whether licensed or unlicensed, the licensed number of each licensed dog, how many of each sex, licensed or unlicensed, and if a licensed or unlicensed kennel is maintained by any person such fact shall also be stated. It shall be the duty of the tax assessor, at the time of taking the list, to notify the owner of such dog or dogs that he must obtain a license for same as provided for in this Act; but the neglect or failure to so notify such owner shall not relieve the owner from his duty to obtain such license.

**SECTION 16.** That on or after the first day of June, One Thousand Nine Hundred and Twenty-seven, it shall be unlawful for any person to own or keep any dog unless such dog is licensed by the County Court Clerk or deputy in which the dog is kept; and unless such dog at all times wears a collar and tag provided for by this Act, except such dogs as are temporarily brought into the county for breeding, trial or show purposes.

**SECTION 17.** That it shall be the duty of the Sheriff of the county to seize and impound any dog or dogs which are found running at large unaccompanied by its owner or keeper, which does not bear proper license tag. The Sheriff, or deputy, or constable, shall cause any dog bearing a proper license tag and so seized and impounded, to be properly kept and fed, and shall cause immediate notice, either personally or by registered mail, to be given to the person from whom or from whose premise the dog was taken, or in whose name the license was procured, or his agent, to claim such dog, within ten days. It shall also be the duty of the Sheriff, deputies or constables of said counties, to go upon the premises of any person for the purpose of ascertaining if such person is the owner of or harboring any unlicensed dog or dogs, and if such officer finds any unlicensed dog or dogs, he shall seize and impound each dog or dogs as above provided, and he shall give notice as above provided.

If after ten days from the giving of such notice such dog has not been claimed, such officer whose duty it is to enforce this Act shall dispose of such dog by sale or by destruction in some humane manner. All money received from the sale of such dog, after deducting the expense of its detention, shall be paid to the County Court Clerk, and by him placed in said "dog license fund." For fees for his services such officer shall be paid the sum of \$2.00 for impounding and detaining a licensed dog, and the sum of \$1.00 for killing of the dog.

All expenses incurred under this Act, and under these sections, and not otherwise provided for, shall be paid by the county.

**SECTION 18.** That failure to perform any duty under the provisions of this Act, any officer shall be liable to a penalty of not less than \$10.00 nor more than \$25.00 for each offense, which amount shall be deducted from any amount due such officer from the county at any settlement between such officer and the governing authorities, or if it appears that nothing be due, then to be collected as any other find, and as provided by law.

**SECTION 19.** That any person may kill any dog which he sees in the act of pursuing, worrying or wounding any live stock or poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of the Act. There shall be no liability on such person in damages or otherwise for such killing.

However, licensed dogs, when accompanied by their owner or handler shall not be included under the provisions of this section unless caught in the act of worrying, wounding or killing any live stock on such person in damages or otherwise for such killing.

**SECTION 20.** That it shall be unlawful for any person, except the owner or authorized agent, to remove any license tag from a dog collar, or to remove any collar with a license tag attached thereto from any dog.

It shall be unlawful for any person to harbor or permit to remain about his premises, any dog not having a license.

**SECTION 21.** That it is unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner at any time she is in heat, unless such female dog is held properly in leash.

**SECTION 22.** That whenever any person sustains any loss or damage to any live stock or poultry by dogs, or any livestock of any person is necessarily destroyed because of having been bitten by a dog, such person, or his agent or attorney, may complain to the County Executive of the County, or to any of the Justices of the Peace. Such complaint shall be in writing, and shall be signed by the person making such complaint, and shall state when, where and how much damage was done, and by whose dog or dogs, if known. Such County Executive or Justice of the Peace shall appoint two appraisers, whose duty it shall be to investigate and ascertain the amount of damage sustained. Each appraiser shall be a resident land owner of the county, and not related to claimant by either blood or marriage. Such appraisers shall examine the place where the alleged loss or damage was sustained and the live stock or poultry injured or killed, and shall also examine, under oath or affirmation, any witnesses called before them. But such loss or damage sustained, or live stock or poultry injured or killed, or the cost, market value or purchase price of the same, but damages on sheep shall not exceed \$10.00 for each common or grade sheep, or \$25.00 each for registered sheep. After making diligent inquiry in relation to such claim, said appraisers shall determine whether any damage has been sustained, the amount thereof, and, if possible, who was the owner of the dog or dogs by which such damage was done, and shall forthwith make a written report of the findings to the County Executive or Justice of the Peace appointing them.

Any owner or keeper of such dog or dogs shall be liable to the county in which the damages occurred to such live stock or poultry in a civil action for all damages and costs, and the owner who suffers the loss shall be reimbursed out of said funds in which said damage occurred.

Upon making examination required as aforesaid, in this Section of this Act, the county executive or magistrate shall immediately make a certificate thereto, signed and sealed by him, that such appraisement was regularly and duly made. If, by such examination, it appears that any damage has been sustained by the claimant, the county executive of Justice of the Peace, shall deliver the report of such examination, and all papers relating to the same, to the claimant, his agent or attorney, upon payment of the cost up to that time. Such report shall be delivered to the County Court to be filed in his office. The County Court Clerk receiving such report, if it appears thereby that a certain amount of damage has been sustained by the claimant, shall immediately file the same, and on the first day of June and the first day of January of each year following, shall total the claims so filed, and if sufficient money is on hand in said "dog license fund" to pay all of said claims in full, so filed, he will immediately draw his order on the Trustee of the County, in favor of the claimants for the amount of loss or damage such claimants have sustained, according to said report, together with necessary and proper cost incurred. But if said fund on hand is insufficient to pay said claims so filed in full then he will pro rate the same on said claimed so filed. No person shall receive any order for any claim until the county executive, or Justice of Peace, before whom the claim was made has certified that due diligence was made to ascertain whose dog or dogs did the damage, and where the carcasses of the live stock or poultry killed, and for which damages have been assessed, were located within twenty-four hours after the assessment of damages.

**SECTION 23.** That any valid claims or parts thereof for loss of damage to sheep, horses, mules, cattle or swine which have accrued under any general or local laws at any time, prior to the passage of this Act shall not abate by reason of the repeal of such general or local laws.

**SECTION 24.** That it is unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

**SECTION 25.** That in any proceeding under this Act the burden of proof of the facts that a dog has been licensed, or has been imported for breeding, trial or show purposes, shall be on the owner of such dog, or the party who has possession of such dog. Any dog not bearing a license tag shall prima facie be deemed to be unlicensed.

**SECTION 26.** That any person, other than an officer, violating or failing or refusing to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be adjudged

to pay a fine of not less than \$10.00 nor more than \$40.00.

All fines collected under the provision of this Act shall be forthwith paid to the Trustee of the County, and credited, after payment of such commission as officers may be entitled to under this Act, to said "dog license fund."

**SECTION 27.** That this Act is intended as a complete and uniform system in all counties having a population of not less than 30,940 nor more than 30,950 according to the Federal Census of 1920 or any subsequent Federal Census, for the licensing of dogs, and the protecting of live stock and poultry from injury by dogs; but nothing in this Act shall interfere with any law for the protection and preservation of game, except where such Act or parts of Act are specifically repealed this Act does not repeal or affect any Act or parts of Acts relating to mad dogs affected with any disease.

**SECTION 28.** That nothing in this Act shall be construed to prevent the owner of a licensed dog from recovery, by action at law, the value of any dog, which dog has been illegally killed by any officer, farmer, stockman or other person in said County, from said officer, farmer, or other person. In case such officer or other person fails to pay the value of such dogs so killed, the same shall be paid by the proper officials of said county, said value of said dog to be ascertained in the same manner and form as provided hereinabove in this Act for assessing the damages done to live stock or poultry by dogs, but the amount so paid for such dog or dogs shall not exceed \$25.00 per dog.

Nothing in this Act shall be construed to prevent the killing of a dog by any officer empowered to enforce the game laws of this State when said dogs are pursuing game during the closed season for the training of dogs and game, providing said dogs are not under the immediate control or accompanied by their owner or keepers, and also providing that legal notice has previously been given said owner or keeper as required by the existing game laws of this State.

**SECTION 29.** That the County Court Clerk shall quarterly make a report to the County Trustee of all licenses issued, amounts collected, number, kind and breed of live stock and poultry injured or killed, amounts paid out, and for what, and in fact a general report covering the enforcement of this Act, and also pay over all fees collected under the provisions of this Act to the County Trustee quarterly; and for the collection of said licenses as herein provided said County Court Clerk is hereby allowed the sum of 5% of the amounts so collected by him, which is hereby allowed as his compensation for the performance of the duties required of him under this Act; and the residue thereof shall be turned over by the County Court Clerk to the County Trustee in a separate fund known as the "dog license fund," and so kept by said County Trustee; and for his compensation for handling said fund the County Trustee shall be allowed 2% of the amount so handled and disbursed by him under the provisions of this Act.

The Sheriff, his deputies, and constables, whose duty it is to enforce the provisions of this Act, are hereby allowed, in addition to the fees herein provided for, 10% of the amount of the license fee collected by them from any persons owning, keeping or harboring any dog or dogs, when the same becomes delinquent, and is placed in the hands of said officer or officers for collection, it being hereby declared the duty of the County Court Clerk, after said license fees as herein provided for said dogs become delinquent, to issue distress warrants for said license fees against any person owning, keeping or harboring any dog or dogs, and this compensation to said officers is in addition to the legal statutory cost for serving distress warrants.

**SECTION 30.** That the Magistrates in said counties shall have jurisdiction for the trial of all criminal offenses herein provided, and authority to impose said fines herein provided, for any violations under the provisions of this Act.

**SECTION 31.** That in any event that any one or more of the provisions of this Act shall be decided to be unconstitutional, the Court's decision holding same unconstitutional shall not affect the validity of the remaining provisions of this Act, it being the intention of the Legislature that the provisions of this Act are severable.

**SECTION 32.** That all moneys collected by said County Court Clerks under the provisions of this Act shall, after deducting the amounts paid out for loss necessary for the enforcement of this Act, damages, compensations and other expenses, revert to the school fund of the County.

**SECTION 33.** That all laws or parts of laws in conflict with this Act are hereby repealed, and that this Act shall become effective upon its passage and approval, the public welfare requiring it.

Passed: April 14th, 1927.

**COMPILER'S NOTE:** This act was mentioned in a dissenting opinion by Justice Cook in Darnell v. Shapard, 156 Tennessee 568, 3 S.W.2d 668 (1928). This was also the subject of litigation in Birdsong v. Wilkinson, 13 Tenn. App. 276 (1931).

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

1. Private Acts of 1889, Chapter 128, actually amends an 1887 general act to the extent of prohibiting any person from fishing in Giles County with a seine or net whose meshes are less than 1½" and subjected violators to a fine of not less than \$2.00 per offense.
2. Private Acts of 1893, Chapter 15, made it unlawful for any person to trap, kill, net, or capture quail or partridges for pleasure or for profit, on his land or elsewhere in Gibson, Montgomery, Lincoln, and Giles County, at any season other than from November 1 to March 1 of the following year, fines for violation ranging from \$5 to \$25.
3. Private Acts of 1897, Chapter 285, made it lawful for any resident of Giles County to fish in these ways, by hands or grabbing, by baskets by slat trap where slats are 1½" apart, and by seining when meshes of the seine are 1½" or larger. This Act amended Chapter 127, Acts of 1895, which was a general state law forbidding the things which this act permits in Giles County.
4. Private Acts of 1899, Chapter 72, repealed Acts of 1897, Chapter 285, and thus brought the county back under the provisions of Acts of 1895, Chapter 127, again.
5. Private Acts of 1903, Chapter 147, made it lawful to catch fish in any of the streams of Giles County in any way and at any time except by use of explosives and poison.
6. Private Acts of 1905, Chapter 294, repeals Acts of 1903, Chapter 169, Section 3, subsection 7, a general game law for the entire state, as the act applied to Giles County in this regard, by making it lawful to kill squirrels in the county at any time during all seasons of the year.
7. Private Acts of 1905, Chapter 306, prohibited one from grabbling, seining, or trapping fish in any stream, lake, or pond in Giles County without written permission of the person through whose lands the lake or pond is located, but this was not to apply to seining for minnows for bait. Fines for violation ranged from \$5.00 to \$50.00.
8. Private Acts of 1917, Chapter 527, permitted any resident of the county to catch fish by rod and line, trot line, snatch hook, basket with slats 1½" apart, and nets with meshes 1½" wide, or larger, provided permission were granted from abutting property owners. It was also lawful to grabble and seine for fish in any stream from July 1 to August 31 of each year. Violations were classified as misdemeanors, punished by fines upon conviction.
9. Private Acts of 1919, Chapter 375, declared it a misdemeanor to shoot, take, kill, hunt, capture, destroy or injure by any means or method, any quail, partridge, dove, or squirrel except during the following open seasons; quail and partridge from December to February 1; doves, from September 1 to March 1; and squirrel, from October 15 to July 1.
10. Private Acts of 1929, Chapter 460, again legalized fishing with hook and line, or troutline in any month of the year and in all county streams.
11. Private Acts of 1933, Chapter 871, made it unlawful for any person, firm, or corporation, to engage in market fishing in any water or stream in Giles County; no fish taken in such manner shall be sold or offered for sale. Further, it was unlawful to fish by net, basket, hoop net, gill net, seine, grabhooks, or grabbling, or by any device other than hook or line. The fines for violations started at \$25.
12. Private Acts of 1939, Chapter 243, by population figures for Giles County declared it to be unlawful to catch or transport within the boundaries of said county or counties, minnows intended for transportation or sale beyond the borders of Tennessee, or to have more than 1000 minnows in one's possession at one time. Maximum fine in these cases was set at \$100.
13. Private Acts of 1963, Chapter 244, allowed the County Court of Giles County to appropriate \$2,000 to pay a bounty of \$2.00 each to everyone killing a grey fox in Giles County who claimed it. The offer expired in two years or when the funds were exhausted, whichever came first. Red foxes were excluded from the bounty payments.
14. Public Acts of 1974, Chapter 703, amended Tennessee Code Annotated, Section 51-4107, by adding a provision immediately preceding the last paragraph which said that the words at the end of the paragraph "while having in his possession or under his control any firearm or bow and arrow," and the prohibitions contained in the next two paragraphs following that would not be applied to deer hunting in several counties listed in the Act and identified by population groupings of the 1970 Federal Census. Giles County was included in their number.

**Fences**

1. Private Acts of 1909, Chapter 377, amended a general law on legal fences, Acts of 1887, Chapter 35, and Acts of 1883, Chapter 46, but made the amendment applicable only to Giles County which permitted fence posts in that county to be 16 feet apart instead of 9 feet as specified by the state act.
2. Private Acts of 1915, Chapter 104, made it a misdemeanor for the owner, or the one in possession of, cattle, horses, mules, jacks, jennets, hogs, sheep and goats to permit them to run at large, at the risk of being fined \$2.00 to \$5.00 therefor and becoming liable in a civil suit for damages done. The damaged person was given a lien on said stock for his damages, could take them up and keep them, and charge compensation therefor, but nothing in this Act is intended to relieve railroads in any way from their responsibilities in this respect.
3. Private Acts of 1921, Chapter 271, described a lawful partition fence in Giles County as one made of wire, 39 inches in height, with a strand of barbed wire ten inches above all to be fastened to posts with staples, said posts being no more than 12 feet apart. If the fence is of rails only, there shall be nine rails to the panel.

**Dogs: General**

1. Private Acts of 1923, Chapter 481, was a special dog law for Giles County. The Act provided for payment of certain license fees for dogs, and certain records to be kept on each dog by both owner and County Assessor. A Dog was declared to be a public nuisance in some circumstances when running at large. Funds were to be kept in an account which would be subject to claims from owners of sheep which had been injured or killed by dogs at large and, when paid out of this fund, it was the duty of the Tax Assessor to recover the same in a suit if need be, against the true and lawful owner or custodian of said dogs. All surpluses in this account at the end of the fiscal year went to the schools. The Tennessee Court of Appeals in Birdsong v. Wilkinson, 13 Tenn. App. 276 (1931), held that this act was impliedly repealed by Private Acts of 1927, Chapter 472.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Giles 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

**Asylum**

1. Private Acts of 1917, Chapter 599, authorized the Quarterly County Court to issue negotiable warrants not to exceed \$15,000, at 6%, or less, and from one to five years to mature, in order to build and equip an asylum for the insane, and for the poor and afflicted on the county farm. The Court could levy a special tax to repay the bonds but the rate was limited to five cents on the \$100 property valuation.

**Bridge and Drainage**

1. Private Acts of 1945, Chapter 71, permitted the Quarterly County Court by resolution to issue \$100,000 in 4%, 20 year bonds for bridge and drainage purposes in the County. The bonds could be sold at public or private sale and the County Trustee would handle the money. The resolution would fix the details of the issue and levy a tax for the sinking fund.

**Building**

1. Private Acts of 1935, (Ex. Sess.), Chapter 41, was the legislative authority to the County Court to issue \$37,500, at 6%, or less to mature in 30 years, by resolution fixing the details of the issue and levying a tax to amortize. The money was to be used to purchase grounds and construct a public building in or near the town of Pulaski which would contribute half the cost and be a joint owner of the same. Authority to lease all or parts of the building was also granted in the Act.
2. Private Acts of 1945, Chapter 70, was also permitted to occur under a resolution of the County Court in an amount not to exceed \$30,000, at 4%, or less, maturity in ten years for the purchase of land and the erection of a public building thereon. The bonds were declared tax exempt and all other details of the issue were contained in the Act.
3. Private Acts of 1945, Chapter 419, authorized Giles County through its Quarterly County Court to issue and sell \$300,000 in negotiable interest-bearing coupon bonds, in order to provide funds for

the purchase of land and the cost of erecting a memorial to those killed in all wars.

### **Courthouse**

1. Private Acts of 1909, Chapter 39, avers in the preamble that the courthouse for Giles County had been destroyed by fire in 1907, that there was a pressing urgency to rebuild which had induced contracts to be negotiated and executed and these had not been paid, therefore, the Court could issue \$100,000, in 6%, 20 year bonds, to pay the debts on the Courthouse which were still owing and to complete the building. The customary details of the issue and tax levy were contained in the Act.
2. Private Acts of 1947, Chapter 66, permitted the Quarterly County Court of Giles County to issue \$30,000 in 4%, 10 year bonds, to improve, remodel, or repair the County Courthouse. If there should be an unused balance when the project was completed, it would be paid into the sinking fund.

### **Debts**

1. Private Acts of 1921, Chapter 778, authorized the County Court to sell \$125,000 in bonds, at interest not be exceed 6%, at maturity schedules from 5 to 30 years to pay the indebtedness of the County except bonded debts and to pay current operating expenses if need be, and the general details and tax levy authority were set out in the Act.
2. Private Acts of 1927, Chapter 822, was authority for the County Court to issue \$60,000, at maximum 6% interest and at schedules of maturity no earlier than two years from date of issuance. The money would be borrowed under the supervision of the Finance Committee of the Court and used to pay the debts of the County, excepting bonded debts, and to pay current operating expenses, if occasion demanded.
3. Private Acts of 1931, Chapter 63, permitted a \$100,000 bond issue by the Court, at 6% interest or less, with no specified maturity dates, this being left to the discretion of the Court, for the same purpose of liquidating debts and paying for current operating expenses.
4. Private Acts of 1931, Chapter 229, validated the prior action of the County Court taken under Chapter 63, above, which left the maturity schedules of the bonds to the discretion of the Court who decided to pay \$5,000 per year for twenty years. All actions taken were ratified and approved by the General Assembly.
5. Private Acts of 1941, Chapter 445, allowed the Court to sell \$50,000 in 4%, 17 year bonds, to pay on the outstanding floating indebtedness of the County. The County Trustee would handle the money and keep the necessary records of all disbursements.

### **Hospitals**

1. Private Acts of 1947, Chapter 108, allowed the Court to sell \$250,000 in 4%, 40 year bonds to buy a location, erect and equip a county hospital or to participate jointly in the same with the U. S. Government, the State Government, or the city of Pulaski. The usual details plus a tax exemption clause for the bonds were present in the Act.

### **Roads**

1. Private Acts of 1901, Chapter 448, authorized Giles, Lincoln, Maury, Williamson, and Davidson Counties to buy on any terms deemed acceptable any turnpike road or roads which would then become free public roads. They could provide funds by taxation or issue up to \$250,000 in bonds at interest rates not to exceed 6% and maturity schedules under 30 years which power would be exercised through the respective county courts without the necessity of a referendum.
2. Private Acts of 1913, Chapter 191, allowed Giles County through its Quarterly Court to sell \$100,000 in 5%, 10 to 20 year bonds, to secure stone crushing machinery and for purchasing toll roads in the County for all of which the Court could levy a tax for the sinking fund.
3. Private Acts of 1921, Chapter 779, allowed the County Court to buy all turnpike roads and could issue \$35,000 in bonds, at no more than 6% interest to mature in five years to apply to the purchase price. The Act urges that bonds be issued and the road acquired to complete a system of free public roads in the county.
4. Private Acts of 1935, Chapter 551, permitted the County Court to issue \$50,000 in 4½%, 10 year bonds under the supervision of the Finance Committee of the Court to pay outstanding debts and to acquire some rights-of-way for public roads. This Act seemed to favor rights of way over the payment of debts so it is listed here and not under debts although a dual purpose was clearly indicated.
5. Private Acts of 1937, Chapter 371, was for the sum of \$70,000 in 4½%, 40 year bonds, to be

issued by the Quarterly Court to purchase rights-of-way for public roads. The Trustee would handle the proceeds under the authority of the general details.

6. Private Acts of 1939, Chapter 41, permitted the Court to issue \$45,000 in 4½%, 40 year bonds, to apply the proceeds thereof to the cost of cooperating with the Public Works Administration of the federal government in the construction of roads in the County. These bonds were exempt from taxation and would be handled by the Trustee who would keep appropriate records.
7. Private Acts of 1943, Chapter 184, was for issuance of \$20,000 in 4½%, 40 year bonds for maintaining and repairing County Road equipment, roads, and bridges in Giles County. The bonds could be sold at public or private sale after which the County Trustee would handle the details.
8. Private Acts of 1947, Chapter 107, permitted the Quarterly Court to issue \$75,000 in 4%, 40 year bonds to purchase rights-of-way for road and highway purposes in the County. The court could sell all or part of the authorized issue as need dictated.

### **Schools**

1. Private Acts of 1931 (Ex. Sess.), Chapter 7, allowed the Quarterly Court to sell \$100,000 in 6%, 5 year bonds, to secure money to operate the public schools and for paying the outstanding debts of the school system. Taxes have not been collected in the County and all County funds are in banks which have been closed under presidential order.
2. Private Acts of 1937, Chapter 156, validated and ratified all the proceedings had by the County Court on December 4, 1936 relative to the issuance by the Court of \$60,500 in 3½% bonds to be liquidated by July 1, 1953, for the construction of a high school.
3. Private Acts of 1937, Chapter 194, amends Chapter 156, same year, above relative to a high school in the County by making the last bond payable on July 1, 1953, instead of July 1, 1954, as stated in the Act. Remainder of the Act was left as written.
4. Private Acts of 1937, Chapter 370, allowed the Mayor and Aldermen of Pulaski to sell \$25,000 in 6%, 25 year bonds, to build and equip an auditorium for school and municipal purposes.
5. Private Acts of 1937, Chapter 372, permitted the Quarterly Court of Giles County by resolution to sell \$25,000 worth of 4½%, 30 year bonds for constructing additions to a high school building in the 7th Civil District of the County for which the Court could levy an additional county wide tax.
6. Private Acts of 1939, Chapter 44, authorized the Quarterly County Court in Giles to sell \$100,000 in negotiable interest bearing coupon bonds in order to provide funds for the purchase of lands and constructing school buildings. An additional tax on all taxable property was to be levied to pay the principle and interest on the bonds.
7. Private Acts of 1943, Chapter 408, authorized the Quarterly County Court of Giles County to issue and sell bonds not to exceed \$75,000 for the purpose of purchasing school buses.

## Chapter IV - Boundaries

### Creation of the County

#### Private Acts of 1809 Chapter 55

**SECTION 1.** That there be a new county established within the following described bounds, to wit: Beginning at the south east corner of Maury county, thence due south to the southern boundary of the state; thence west, so far as to form a constitutional county; thence north to the line of Maury county, and with said line to the beginning, which could shall be known by the name of Giles county.

**SECTION 2.** That James Ross, Nathaniel Moody, Tyree Rhodes, Gabriel Bumpass, and Thomas Whitson, be, and they are hereby appointed commissioners who, or a majority of them shall (as soon as the nature of the case will admit) proceed to fix on a place on Richland creek, as near the centre of the county as an eligible site can be procured, at which site the said commissioners shall procure at least one hundred acres of land, for which they shall cause a deed or deeds to be made, to themselves and their successors in office, by a general warrantee, on which they shall cause a town to be laid off, with the necessary streets, at least eighty feet wide, reserving at least two acres, for a public square, on which shall be built a court-house and stocks, also reserving a public lot, sufficient to contain a jail in a convenient part of the town, which town shall be known by the name of Pulaski.

**SECTION 3.** That when the town shall have been thus laid off, the aforesaid commissioners are further required to advertise for sale, in one of the Gazettes, in Nashville, to the highest bidder, giving sixty days previous notice, and allowing twelve months credit, such portion of the lots so laid off, as they may think will be for the benefit of the county, and that they shall take bonds with sufficient security, to themselves and their successors in office, and shall make titles to the purchasers in fee simple.

**SECTION 4.** That it shall be the duty of said commissioners to contract with suitable workmen to build a court-house, prison and stocks; and the money arising from the sale of such lots, after paying for the land purchased, and the necessary expense of laying off said town, shall be applied to the payment of such court-house, prison and stocks.

**SECTION 5.** That should the money arising from the sale of said lots, be insufficient to pay for each court-house, prison and stocks, in that case a majority of the justices of said county, shall in term time, have power, and are hereby authorized to lay a county tax, not exceeding the state tax, which tax shall be continued from year to year, until a sufficient sum be collected to pay for such public buildings, and shall be collected in the same manner as the state tax, and when collected, the sheriff shall pay the same over to the commissioners, and be by them applied to the payment of the said public buildings, and the commissioners receipt shall be allowed in the settlement of the sheriff's accounts.

**SECTION 6.** That before the said commissioners enter on the duties of their appointment, they shall enter into bond with sufficient security, payable to the Governor, for the time being, in the sum of six thousand dollars, for the faithful discharge of their duty as herein expressed, which bond shall be lodged in the office of the clerk of the said county of Giles.

**SECTION 7.** That so soon as the public buildings shall be completed, the said commissioners shall lay before the court of Giles county a just and fair statement of all the monies by them received, as well as those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable compensation for their services, PROVIDED, there shall be a majority of the justices of the peace of said county present, when such allowance is made.

**SECTION 8.** That for the due administration of justice, the court of pleas and quarter sessions shall be held in and for the county of Giles, on the third Monday in February, May, August and November, in each and every year; and the justices for said county shall hold the first court at the house of Lewis Kirk, and they may adjourn their courts from time to time, to such place as they may think most convenient, until a courthouse be built in and for said county, and then all causes, matters and things, depending in said court, and all manner of process, returnable to the same, shall be adjourned to such court-house, and all courts of pleas and quarter sessions, held in and for said county, shall be held by the justices of the peace, in the same manner, and under the same rules and regulations, and shall have and exercise the same powers and jurisdictions as are or shall be prescribed, by and for the several counties in this state.

**SECTION 9.** That nothing herein contained, shall be so construed as to prevent the sheriff or collector of Maury county for collecting the taxes within the said county of Giles, which are at this time due, in the same manner as if this act had not been passed.

**SECTION 10.** That the said county of Giles be a part of the district, for electing an elector to elect a President and Vice-President of the United States, for electing a governor, representative or representatives to Congress, Senator or Senators and representatives in the General Assembly, and field officers; and be annexed to the brigade to which it has heretofore been attached, and the elections be held at the place for holding court in said county, and shall be conducted under the same rules and regulations as are established by law; and that the sheriff or deputy sheriff of said county of Giles, shall, on the second Thursday of March next, hold an election at the place above stated, for the purpose of electing the field officers of militia for the said county of Giles, which election shall be conducted pursuant to the laws now in force and use for the election of field officers, and the sheriff or returning officer shall make a return in all cases of elections agreeably to the laws now in force and use in this state, and shall observe the same rules and regulations in making returns and comparing votes, as are now observed in the electoral district, to which the said county is attached.

**SECTION 11.** That the militia of said county of Giles shall constitute the thirty-seventh regiment, and shall hold regimental matters on the fourth Thursday in October in each year, and the colonel or commanding officer of each regiment, shall lay off the county line into companies, and shall use his writ, and appoint the place where elections shall be held for company officers.

**SECTION 12.** That this act shall be in force from and after the first day of January next.

Passed: November 14, 1809.

## Change of Boundary Lines



## Private Acts of 1870 Chapter 34

**SECTION 1.** That the territory of Giles County lying north and east of the line beginning on the top of the ridge in Giles and Marshall County line, at the west end of Enoch Smith's farm, not far from Wesley Griffs; running thence, in a southern direction with a lane, to the Bear Creek Church road; thence with said road to the mouth of the land in the Cornersville and Lynnville road that divides the farm of P. T. Cox and Richard Wilkes; thence south with the Cornersville and Lynnville road to a large poplar in the road where the Cornersville and Lynnville road turns east; thence with the old Huntsville and Columbia road to the Christian Church near D. G. Ussey's, the same being the line of the seventeenth district of Giles County; thence with the said Huntsville and Columbia road and the civil district line, to what is known as the G. W. Day farm and Easlick's mills; then east, so as to strike the line that divides the lands of S. G. Marsh and W. W. Simmons, near the Cornersville and Pulaski turnpike; thence east with said Marsh and Simmons' line to the southeast corner of said Marsh's farm; thence north to the middle of Richland Creek; thence east up Richland Creek, meandering the same to the point where the Giles and Marshall County line crosses the creek near James Moore's, shall be, and the same is hereby attached to and constitute a part of Marshall County.

**SECTION 2.** That the territorial fractions, taken from Giles and added to Marshall County by this Act, shall continue liable for its pro rata of all debts contracted by Giles County before the passage of this act, and the said fraction shall be entitled to its proportion of any stocks or credits belonging to Giles County.

**SECTION 3.** That the State and County taxes of said fraction for the year 1870, shall be collected by the Tax Collector of Giles County, and when collected in said fraction, the county tax shall be paid to the County Trustee of Giles County, and constitute a part of the county revenue of Giles County.

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

Passed: June 30, 1870.

## Private Acts of 1887 Chapter 205

**SECTION 1.** That the county line between the counties of Giles and Maury be so changed, as follows: Beginning at an oak tree, the corner of the said counties, about four hundred (400) yards south of W. J. Henson's house, running thence south 6 degrees 5' west 380 poles to black oak, thence north 45 degrees west 260 poles to old line, containing in all about eight hundred and forty-two (842) acres of land.

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

Passed: March 26, 1887.

## Public Acts of 1973 Chapter 156

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in [Tennessee Code Annotated](#).

**SECTION 1.** The boundary line between Maury and Giles Counties is changed by detaching from Giles County and attaching to Maury County the following described tract of land:

Beginning at a point where the southern boundary of the W. A. Richardson property intersects the eastern right-of-way of U. S. Highway 31, south of the present county boundary line; thence easterly along the southern boundary of the Richardson property and the northern boundary of the Underwood property to its intersection with the Armstrong property; thence northerly along the eastern boundary of the Richardson property and the western boundary of the Armstrong property to the intersection of the present County boundary with the Richardson-Armstrong property line, the land so described lying south of the present Maury-Giles County line and being part of lands owned by W. A. Richardson.

**SECTION 2.** This act shall take effect on becoming a law, the public welfare requiring it.

Passed: April 30, 1973.

## Public Acts of 1974 Chapter 518

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in [Tennessee Code Annotated](#).

**SECTION 1.** The boundary line between Maury and Giles Counties is changed by detaching from Giles County and attaching to Maury County the following described tract of land:

Beginning at a point in the west margin of the Mt. Pleasant - Campbellsville Road (Campbellsville Pike) where the present Maury & Giles County line crosses said road, thence in a southerly direction with the west margin of said road (pike) to the southeast corner of the fifteen (15) acre trace (sic) of land conveyed to Orville Mangrum and wife, Bertha Mae Mangrum, by deed of record in Book 533, page 195 of the Register's Office of Maury County, Tennessee; thence with the south boundary line of said Orville Mangrum's and Bertha Mae Mangrum's said 15 acre tract to Waldrop's east boundary line; thence with said Waldrop's line to the original county line, between Maury and Giles Counties so as to include all of said 15 acre tract in Maury County. Said County line being changed to whatever extent is necessary to place all of said 15 acre tract in Maury County.

**SECTION 2.** This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: March 11, 1974.

## Boundaries - Historical Notes

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

1. Private Acts of 1811, Chapter 13, stated that whereas some doubt exists about the boundary line run between Giles and Lincoln Counties as authorized by the 1809 Act creating Giles County, the line run and marked by the Commissioners appointed in that act is declared to be the boundary between the two Counties.
2. Private Acts of 1827, Chapter 201, changed the line between Maury and Giles Counties so as to include all the lands belonging to John Andrews in Giles.
3. Private Acts of 1836, Chapter 35 created Marshall County which included part of Giles County. It was provided in the act that nothing should be construed as preventing the Giles County Court from rendering judgements. It was also provided that should the citizens in the fraction of land that was to be taken from Giles County to make up part of Marshall County vote to become part of Marshall County prior to the holding of elections in other counties, then the territory that comes to Marshall county from Giles county should be stricken from the south part of the Lincoln fraction.
4. Private Acts of 1840-41, Chapter 179, change the county line between Knox and Grainger Counties, a provision is included in the act that Giles County not be reduced by more than 625 square miles.
5. Private Acts of 1849-50, Chapter 110, Section 2, altered the line between Lincoln and Giles Counties so that the land and residence of Thomas Collins would be included all in Giles County and the County surveyor would run and mark the line accordingly.
6. Private Acts of 1853-54, Chapter 130, transferred the tract of land granted to Felix Carroll from Giles County to Lawrence County.
7. Private Acts of 1867-68, Chapter 20, detached all the lands belonging to C. J. Dugger from Giles County and attached them to Maury County.
8. Private Acts of 1868-69, Chapter 39, moved all the lands of W. H. Hagen, James W. Hagan, William Hagan, and Sinia Garner (all names spelled as the Act had them) from Giles County into Lawrence County.
9. Private Acts of 1870 (3rd Ex. Sess.), Chapter 18, Section 5, changed the boundary between Lawrence and Giles so that the 90 acres belonging to Emery Hughes would be included in Lawrence County.
10. Private Acts of 1877, Chapter 155, altered the boundary between Giles and Lawrence Counties so as to include all the lands of James Harwell, Thomas M. Kelley, Katherine Hughes, Elsia Scott, John M. Berry, and about 100 acres of A. J. Hannah from the 18th Civil District of Giles County in the 4th Civil District of Lawrence County.
11. Private Acts of 1879, Chapter 21, moved the house and farms of James Perry, Mr. Pollis and D. W. Kincaid from Marshall County into Giles County. This Act was cited in the case of Wilson v. State, 143 Tenn. 68, 224 S.W. 172 (1920), relative to the procedures of enactment rather than the contents of the Bill.
12. Private Acts of 1879, Chapter 57, amended the June 30, 1870 Act by changing the boundary line so as to throw all the lands of W. T. Marsh into Marshall County, the boundary line for Marshall County, the boundary line for Marshall being run on the south border of this land instead of the north.
13. Private Acts of 1879, Chapter 137, transferred all the lands of Berry Brashears from Giles County

into the 9th Civil District of Lawrence County.

14. Private Acts of 1901, Chapter 256, moved the lands of J. L. Ball, as described in the Act, from Lawrence County into Giles County.
15. Private Acts of 1901, Chapter 308, detached the properties of T. M. Burgess, N. M. Smith, M. L. Burgess, W. N. Poarch, T. L. Poarch, James Gosnell, Mrs. S. J. Harris, and Mrs. Emma Moore from Giles County and attached all of them to Marshall County.
16. Private Acts of 1905, Chapter 28, changed the lines between Giles and Marshall so as to place the lands of J. D. Cainer, and J. B. Smithson in Marshall County.
17. Private Acts of 1909, Chapter 101, transferred the land of Howard Fox from the 17th Civil District of Giles County to the 4th Civil District of Marshall County.
18. Private Acts of 1915, Chapter 384, attempted to add a strip of Giles County to Marshall County. This act, however, was declared unconstitutional in the case of Giles County v. Marshall County, 133 Tenn. 415, 181 S.W. 308 (1915), because the Marshall County line would then be within the eleven mile limit of the Giles County Seat, which is prohibited by the Constitution.
19. Private Acts of 1925, Chapter 640, moved ten acres of land belonging to G. W. Stallings from the 4th Civil District of Marshall County to the 15th Civil District of Giles County.

## Chapter V - Court System

### Board of Jury Commissioners - Jurors

### Grand Jury Clerk

### Private Acs of 1997 Chapter 80

**SECTION 1.** (a) The Legislative Body of Giles County may by resolution authorize the foreman of the Grand Jury to appoint a part-time Clerk of the Giles County Grand Jury to handle the administrative duties for such Grand Jury. The County Legislative Body is further authorized to compensate such Clerk at a rate which is equal to the compensation paid to the guard of the Grand Jury.

(b) The Clerk shall be appointed by and serve at the pleasure of the Foreman of the Grand Jury. The duties of the Clerk shall be established by the foreman and approved by the County Legislative Body. Provided, however, at no time shall the Clerk be a part of nor be involved in the deliberations of the Grand Jury.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Giles County. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the County Legislative Body and certified to the Secretary of State.

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

Passed: May 29, 1997.

### Chancery Court (Probate Jurisdiction)

### Private Acts of 2004 Chapter 123

AN ACT relative to transferring duties of the Probate Court in Giles County to the Chancery Court.

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

**SECTION 1.** The Chancery Court for Giles County is hereby designated Probate Court of Giles County. The Clerk and Master for Giles County is hereby granted all statutory powers when Chancery Court is exercising probate jurisdiction. Effective July 1, 2004, the books, records, accounts, papers and documents pertaining to probate matters shall be filed with the Clerk and Master who shall have and perform the statutory functions with respect to probate jurisdiction from that date forward.

The General Sessions Court shall retain probate jurisdiction over all probate matters pending in that court on June 30, 2004, until their conclusion.

**SECTION 2.** All laws or parts of laws in conflict herewith are hereby deleted in their entirety.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Giles County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified 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 on July 1, 2004, provided that it is approved as required by Section 3.

PASSED: May 13, 2004

## Court System - Historical Notes

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

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

1. Private Acts of 1809, Chapter 93, sets the date for holding the Court of Pleas and Quarter Sessions in Giles County and grants the authority to the court to appoint 13 jurors for each operating court in the county.
2. Private Acts of 1817, Chapter 128, gave several counties the authority, including Giles County, to levy a tax for the purpose of raising money to pay jurors additional pay which was not to exceed fifty cents per day.
3. Private Acts of 1819, Chapter 62, made it lawful for the county courts of Davidson, Sumner, Williamson, Giles, Rutherford, and Maury counties to appoint 37 jurors for each county for the circuit and county courts who would be paid at the same rate as was allowed by law for other jurors.
4. Private Acts of 1911, Chapter 376, created a Board of Jury Commissioners for Giles County, defined the qualifications, the method of appointment and the duties of the commissioners; provided for jury lists, jury boxes, and the selection of juries; prescribed the duties of the Judges involved in the process; provided for a Clerk for the Board and the compensation of the clerk and members of the Board; prescribed the manner of drawing and impaneling the juries and the penalties to punish those in violation of this Act. This Act was repealed by a general repealing clause contained in Private Acts of 1927, Chapter 667, which established another Board of Jury Commissioners for Giles County.
5. Private Acts of 1927, Chapter 667, Chapter 2158, provided for a Board of Jury Commissioners consisting of 3 freeholders, not attorneys, state or county officers, Justices of the Peace, Constables, Deputy Sheriffs, or have litigation pending, appointed by the Judges of the Circuit or Criminal Courts; Circuit Court Clerk would act as Clerk for the Board. The Board would select from the tax rolls a list of names numbering one-third of the total votes cast in the last general election. They must not have served for one year preceding. All jurors and juries would be drawn from this list and the circumstances under which they might be excused are written down. Provisions for renewing the lists and for the punishment of those who violate the Act are set out therein. This Act was superseded and impliedly repealed by Private Acts of 1951, Chapter 445, .
6. Private Acts of 1937, Chapter 209, provided judges having criminal court jurisdiction in the 11th Judicial Circuit, which included Giles County, with authority to appoint Minute Clerks of the Grand Juries in the respective counties of their jurisdictions, the same to serve for a period of two years and be appointed at the same time as the foreman of the Grand Jury was appointed.
7. Private Acts of 1945, Chapter 598, authorized regular and tales jurymen to receive \$3.00 daily for each day served as a juror, the tales jurymen to be paid likewise even if they served only one day, all to come out of the general county funds.
8. Private Acts of 1951, Chapter 445, created a board of jury commissioners for Giles County. This act defined the method of appointment, qualifications, and duties of said commissioners. Private Acts of 1951, Chapter 445, also provided for the selection of juries, the jury list, and jury boxes which were to be kept in the county. This Act and its amendments have both been repealed and superseded by state law.
9. Private Acts of 1953, Chapter 135, amended Chapter 445, Private Acts of 1951, in Section 21 by raising the daily pay of the foreman and clerk of the Grand Jury to \$8.00 per day. The 1951 Act and this amendment have both been repealed and superseded by state law.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Giles 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 (Ex. Sess.), Chapter 13, specifies that the justice of the Supreme Court will hold Chancery Court at least once a year in the places designated in the act. It is believed that equity cases from Giles County would have been tried at the court in Columbia, in Maury County on the second Monday in December.
2. Public Acts of 1824 (Ex. Sess.), Chapter 14, added two more Justices to the Supreme Court to be appointed by the Legislature and directed that equity courts be held twice a year in all counties. The clerk of the Supreme Court would act as Clerk and Master. The court at Columbia for the counties of Maury, Bedford, Lincoln, Giles, Lawrence, Wayne and Hardin would be held as specified.
3. Public Acts of 1827, Chapter 79, repealed all prior legislation on chancery courts. Two chancellors would be appointed by the General Assembly and the state was divided into the Eastern and Western Divisions. Court would be held at Rogersville, Greenville, Kingston, Carthage, and McMinnville in the Eastern Division and at Franklin, Columbia, Charlotte, Jackson and Paris in the Western Division.
4. Private Acts of 1831, Chapter 57, organized a chancery court for Pulaski which included also Lincoln, Lawrence, Wayne and Hardin Counties in the division. Court would begin on the second Monday in April and October and continue until the business of the court was completed.
5. Public Acts of 1835, Chapter 4, divided Tennessee into three chancery divisions. Court terms for Giles and Lawrence Counties in the 9th District of the Middle Division would commence at Pulaski on the first Monday in March and September.
6. Private Acts of 1851-52, Chapter 178, sets the court times for the chancery court in the Middle Tennessee Division. Court would start in Pulaski on the third Monday in February and August.
7. Private Acts of 1853-54, Chapter 55, Section 7, changed the court terms for the chancery court in Pulaski to the fourth Monday in May and November.
8. Private Acts of 1855-56, Chapter 150, Section 6, changed the court days for Giles County chancery court to the first Monday in March and September.
9. Private Acts of 1857-58, Chapter 88, made some changes in the Middle Division of the Chancery Court but the court at Pulaski remained as it was on the first Monday in March and September.
10. Private Acts of 1867-68, Chapter 64, added Hickman and Lawrence counties to the Fourth Chancery Division along with Giles, Maury, Williamson, and Marshall Counties, court terms for Giles remaining as they were. Chapter 67, the same year, changed the starting dates of the Giles County Chancery Court to the first Monday in May and November.
11. Public Acts of 1870, Chapter 32, divided Tennessee into 12 Chancery Districts. The 8th District was composed of Williamson, Maury, Marshall and Giles counties.
12. Private Acts of 1870, Chapter 47, set the terms for the chancery court on the third Monday in February and September.
13. Private Acts of 1870, (3rd Ex. Sess.), Chapter 55, changed court days for the chancery court in Giles County to the third Monday in February and the first Monday in September.
14. Private Acts of 1885 (Ex. Sess.), Chapter 20, placed Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, and Benton in the Seventh Chancery Division of the state but did not change the court terms for Giles County.
15. Private Acts of 1887, Chapter 5, changed court times in the Seventh Chancery Division. Giles court terms would start on the first Monday in February and the second Monday in August.
16. Private Acts of 1891, Chapter 230, changed the time for chancery court in Giles County to the first Mondays in February and July by amending the 1887 Act, above.
17. Public Acts of 1899, Chapter 427, reorganized the judicial structure of the State into ten chancery divisions. Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Lewis and Wayne made up the Fifth Division. Court terms in Giles were on the first Mondays in May and November.
18. Private Acts of 1901, Chapter 494, changed the chancery court terms in the Fifth Chancery Division. Giles County terms would start on the fourth Monday in March and September.

19. Private Acts of 1915, Chapter 156, provided that the Circuit Judge who held the circuit court for Giles County would be vested with all the power and authority to discharge all the duties of a chancellor concurrently with the chancellor holding that court, and additional court terms would be held on the third Monday in January, the fourth Monday in April, and the second Monday in October, court to continue until the docket was finished.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, separated the state into 14 chancery divisions with Rutherford, Marshall, Bedford, Moore, Lincoln, Maury and Lawrence counties constituting the Fifth Division. Court days for Giles County were the fourth Mondays in March and September.
21. Public Acts of 1945, Chapter 12, Section 1, had Rutherford, Marshall, Bedford, Moore, Lincoln, Maury, Lawrence and Giles in the Fifth Chancery Division. Court terms begin on the third Monday in January and July for Giles.

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

The following act once applied to the clerk and master in Giles County.

1. Private Acts of 1943, Chapter 87, fixed the salary of the Clerk and Master of Giles County at \$3,600 annually if a sworn, itemized statement is filed with the County Judge on April 1, showing the amount of fees received, excluding those for transcripts of records and those received as Trustee, Receiver, Special Commissioner or such. If the fees were less than the salary the difference would be made up by the county which would also purchase all the supplies and materials needed by his office, but if the fees were over the salary, he could retain them. He could hire deputies but their salary must be paid out of his compensation.

### **Circuit Court**

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

1. Private Acts of 1809, Chapter 49, divides Tennessee into five judicial circuits. Giles, Davidson, Wilson, Rutherford, Williamson, Maury, Lincoln and Bedford counties compose the Fourth Judicial Circuit. This act also sets up some procedural rules for conducting the courts and to perfect appeals therefrom. Court terms for Giles would begin on the second Monday of June and December.
2. Private Acts of 1812, Chapter 71, Section 2, changed the starting dates for the terms of the circuit court in Giles County to the second Monday in April and October.
3. Private Acts of 1812 (Ex. Sess.), Chapter 58, changed circuit court terms in several counties but left Giles County's terms starting on the second Monday in April and October.
4. Private Acts of 1817, Chapter 65, created a new 6th Judicial Circuit composed of Lincoln, Giles, Maury, Bedford and Lawrence counties. The 9th Solicitorial District had Maury, Lawrence, Hickman and Giles in it. Chapter 138, same year, changed court times in the 6th Judicial Circuit with Giles County being held on the first Monday in March and September.
5. Private Acts of 1829 (Ex. Sess.), Chapter 89, provided that Circuit Court would be held at Pulaski for Giles County on the First Monday in February and August.
6. Public Acts of 1835, Chapter 5, created new judicial circuits for the state. The 8th was composed of Lincoln, Giles, Maury and Lawrence counties. Court terms would start on the third Monday in February and the fourth Mondays of June, and October, Circuit Court being held three times annually by virtue of this Act.
7. Private Acts of 1837-38, Chapter 116, Section 4, placed Giles County in the 8th Judicial Circuit and set court terms to begin on the third Monday in February, June and October. Chapter 296, Section 1, same year is identically the same legislation.
8. Private Acts of 1840-41, Chapter 119, Section 2, changed the times for holding the circuit court to the first Monday in April, August and December.
9. Private Acts of 1845-46, Chapter 21, Section 7, altered some of the court terms in the 8th Judicial Circuit but did not change Giles County. Chapter 39, same year, is identical legislation enacted and passed also for some unclear reason.
10. Private Acts of 1853-54, Chapter 55, Section 7, set the dates for circuit court terms in Giles County on the fourth Monday of February, June and October.
11. Private Acts of 1855-56, Chapter 150, Section 7, set the circuit court terms on the first Mondays in April, August and December.

12. Private Acts of 1857-58, Chapter 98, reorganized the judicial structure of the state into 16 judicial circuits. Maury, Marshall, Lewis and Giles constituted the Eleventh Circuit with no change in Giles' court terms.
13. Private Acts of 1859-60, Chapter 125, provided that there would only be two terms of the Circuit Court per year in Giles County and these would commence on the first Monday in May and November. All process issued 20 days before the term is returnable to that term.
14. Public Acts of 1861, Chapter 49, reduced all circuit court terms to twice a year when reorganizing the state judicial structure. Maury, Marshall, Lewis, and Giles counties were still in the Eleventh Circuit. Court terms began on the fourth Monday of March and September in Giles County.
15. Private Acts of 1865, Chapter 37, added Lawrence County to the Eleventh Judicial Circuit plus those four counties mentioned above.
16. Private Acts of 1870, Chapter 46, set the times for circuit court terms to begin in Giles on the fourth Monday in March, July and November, bringing the court sessions back to three annually.
17. Private Acts of 1879, Chapter 147, recited that John V. Wright, of Maury County, had acted as Judge of the 9th Judicial Circuit in place of Judge W. P. Martin who was ill, that Wright had not been paid for his services and ordered that the state pay him \$1,400 as compensation for his labors in that respect.
18. Private Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into 14 judicial circuits. Maury, Giles, Lawrence, Wayne, Hardin, Lewis and Hickman composed the 9th circuit. Court days in Giles were the fourth Mondays in March, July and November.
19. Private Acts of 1887, Chapter 54, changed court times for the circuit courts in the 9th Judicial Circuit. Giles County's fell on the first Monday in April, August and December in Pulaski.
20. Private Acts of 1893, Chapter 10, changed circuit court times in Giles County to the second Mondays in April, August and December.
21. Private Acts of 1897, Chapter 322, changed court times in the 9th Judicial Circuit thus moving Giles terms to the second Monday in January and October, and the third Monday in April each year.
22. Private Acts of 1899, Chapter 409, Section 12, reorganized the 9th Judicial Circuit by placing Maury, Lawrence, Wayne, Hardin, Lewis, Williamson and Giles counties into it and setting Giles court terms to start on the fourth Monday in March, July and November.
23. Public Acts of 1899, Chapter 427, also changed the judicial structure into 14 circuits. Maury, Giles, Lawrence, Wayne, Lewis, Perry and Hickman counties were assigned to the 11th Judicial Circuit. Giles court days were the second Monday in April, August and December.
24. Private Acts of 1901, Chapter 382, placed Lawrence, Giles, Lewis, Maury, Hardin and Wayne counties back into the 9th Judicial Circuit. Giles terms of circuit court started on the third Monday in January, the fourth Monday in April, and the second Monday in October.
25. Private Acts of 1903, Chapter 18, again assigned Lawrence, Lewis, Maury, Hickman, Wayne and Giles counties to the 11th Judicial Circuit. Court terms stayed as set in Item 24.
26. Public Acts of 1931, (2nd Ex. Sess.) Chapter 38, rezone the whole judicial structure again dividing the state into 20 circuits. Giles, Wayne, Lawrence and Maury composed the 11th Circuit. Only two terms of court for Giles on the third Monday in April and the second Monday in October. The circuit judge of the 11th Circuit was not required to hold any additional terms of the chancery court in Giles or Lawrence counties.
27. Public Acts of 1939, Chapter 119, appears in the Code as T.C.A. 16-223, the 11th Judicial Circuit, comprised of Giles, Lawrence, Maury and Wayne counties. Court terms in Giles are the fourth Monday in January, the first Monday in May, and the third Monday in October.
28. Public Acts of 1968, Chapter 467, amends T.C.A. 16-223, by stating that in addition to the regular terms of court, the first Monday of each month shall be a Rule Day of the court and the defendant shall plead or answer then as required by T.C.A. 20-902.
29. Public Acts of 1969, Chapter 265, amended T.C.A. 16-223 by defining who will be the Senior Judge of the 11th Judicial Circuit and further prescribes some of the duties of that Judge.
30. Public Acts of 1970, Chapter 513, amends T.C.A. 16-223 by giving the Senior Judge of the 11th Judicial Circuit sole power and authority to appoint court officers for all the courts in that circuit. The court officers shall serve at the Judge's pleasure and be paid according to the court officer's pay scale in other counties.
31. Public Acts of 1974, Chapter 711, Section One, rearranged the Circuit Court term schedules for

the counties of Lawrence, Maury, Wayne and Giles whose Court would begin its regular terms on the fourth Monday in January, the first Monday in May, and the third Monday in October. This act also applied to the Eleventh Judicial Circuit of which Giles was a part, but as of 1984 Judicial Circuits and Chancery Circuits are now referred to as Judicial Districts. Thus, this act has been superseded and repealed by state law.

### **Circuit Court - Clerk**

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

1. Private Acts of 1903, Chapter 255, was a salary statute which concerned circuit court clerks only but divided them according to the population of the county. According to our 1900 census figures for Giles County, the clerk would have been paid \$1,000 annually for his services.
2. Private Acts of 1921, Chapter 657, fixed the salary of the circuit court clerk in Giles County at \$1,500 annually but he shall file on January 1, of each year, with the County Judge, or chairman, a sworn statement of the amount of fees he has collected of the immediately preceding year. If the fees are less than this amount, the county makes up the difference, but, if the fees are more than that amount, the clerk may keep them for his salary.
3. Private Acts of 1927, Chapter 148, amends Private Acts of 1921, Chapter 657, by revising the salary of the Circuit Court Clerk upwards from \$1,500 to \$2,000 under the same conditions expressed in that Act.

### **Criminal Court**

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

1. Private Acts of 1871, Chapter 73, established a Criminal Court in Williamson, Maury, Giles and Marshall counties whose jurisdiction would be co-extensive with the boundaries of the respective county. The Circuit Court Clerk would be the Clerk of the court, the Sheriff would wait upon it in the same way as other courts of equal rank, the county court would furnish a venire, and the Attorney General of the circuit would prosecute as normally he did in other counties and jurisdictions. The Giles County Criminal Court would meet in Pulaski on the first Monday in January, May and September.
2. Private Acts of 1877, Chapter 143, repealed the 1871 Act, above, which created the Criminal Courts for these four counties and restored the criminal jurisdiction back to their respective Circuit Courts. The second Monday of each term of the Circuit Court would be the day for taking up the criminal docket in Williamson, Maury and Giles Counties.

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

The following act once affected Giles County but is no longer in effect.

1. Public Acts of 1935, Chapter 151, created the office of Assistant Attorney-General for the 11th Judicial Circuit consisting of Giles, Lawrence, Wayne and Maury counties. He would serve at the pleasure and direction of the Attorney-General of the circuit and be paid at the rate of \$175 per month.

### **General Sessions Court**

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

1. Private Acts of 1967-68, Chapter 275, would have amended Private Acts of 1943, Chapter 186, in the caption by adding a provision for an expense allowance for the Judge and in Section 14 by setting the amount of the expense allowance at \$2,000 per month but this act was not approved by the Quarterly County Court and therefore did not become a law.
2. Private Acts of 1967, Chapter 276, also amended the caption of Private Acts of 1949, Chapter 76, an amendment to the base act, by correcting the language to include provisions for the compensation of the Judge acting as Juvenile Judge. Since the caption of the Act was not included in the typing of it, mention is made here of the said amendment to the caption.

### **Secretarial Assistance**

The following acts are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1917, Chapter 56, made women, over the age of 21, in Giles County, eligible for the post of Deputy Clerk and Master, and as deputy in several other county offices, with all the



rights, duties, privileges, and obligations generally constituted with the same. Acceptance of employment constituted a waiver of all defenses of coverture, and also estoppel to deny liability for actions taken under this Act in those positions.

2. Private Acts of 1967, Chapter 57, provided that the salaries of the Deputy Tax Assessor, the bookkeeper for the County Highway Department, and the secretary to the County Judge would be fixed by the Quarterly County Court on an annual basis commencing at the April term, 1967, all to be paid out of the general funds of the county.
3. Private Acts of 1967, Chapter 490, repealed specifically Chapter 57, Private Acts of 1967, which is contained in Item Two, above.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1974 Chapter 217

**SECTION 1.** There is hereby created a seven member Board of Education for Giles County to be selected in the manner set forth in Section 3 from the districts as defined in Section 2.

**SECTION 2.** For purposes of electing the school board the county shall be divided into seven school districts as follows:

- School District 1 Magisterial District 1 and 2
- School District 2 Magisterial District 3 and 4
- School District 3 Magisterial District 5 and 6
- School District 4 Magisterial District 7 and 8
- School District 5 Magisterial District 9 and 10
- School District 6 Magisterial District 11 and 12
- School District 7 Magisterial District 13 and 14

It is the intent of the Act that changes in the boundary line of any magisterial district for purposes of reapportionment shall automatically redefine the school district boundary lines so that further action on the part of the General Assembly for this purpose is not required. In the event such reapportionment results in school board member no longer residing in the district he represents, he shall continue to hold his office until the expiration of his term but shall not be eligible for reelection.

**SECTION 3.** One member of the school board shall be elected from each school district as defined in Section 2 and he must be a resident of the district from which he seeks election. Each member of the board shall be elected by the voters of the school district in which he resides. Any member moving from the school district for which he was elected shall automatically vacate his office.

**SECTION 4.** The present board shall continue to serve until the expiration of their respective terms or until their successors are duly elected and qualified. Should there be two board members residing in a single school district the member with the longer remaining term in office shall be designated as the representative of the district without representation until the expiration of his term when that district shall then elect a resident to the board.

**SECTION 5.** The term of office shall be for six years beginning on September 1 of the year in which said members are elected and they shall serve until their successors shall be elected and qualified. In the event of any vacancy of any school board member, the Quarterly Court shall appoint a person from the district having the vacancy and such person shall serve until the first day of September following the next regular election held more than 30 days after the vacancy shall occur, at which election, there shall be elected a member to serve the unexpired term and the person elected shall hold office until the expiration of the term or until his successor is elected and qualified.

**SECTION 6.** The Board of Education established by this Act shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49 Tennessee Code Annotated, except as otherwise provided herein.

**SECTION 7.** Candidates for office as members of the Board of Education shall qualify at the same time

and in the same manner that other officers of the county qualify and that election shall be at the same time and subject to the same laws which govern the election of other county officials.

**SECTION 8.** Board members shall be paid per diem for attendance at each quarterly meeting of the board at the rate of thirty dollars (\$30.00) per diem and for each additional meeting during said quarter shall be paid at the rate of ten dollars (\$10.00) per diem.

As amended by: Private Acts of 1985, Chapter 46

**SECTION 9.** If any section, paragraph, sentence or any part thereof shall be held to be invalid or unconstitutional such invalidity or unconstitutionality shall not impair or affect other parts of this Act unless it clearly appears that such other parts are necessarily dependent on the effective portion. It is the intent of the General Assembly that each section, paragraph, sentence or part thereof of this Act be separately enacted and independent of each other and declared to be severable from all other portions of this Act.

**SECTION 10.** Chapter 222 of the Private Acts of 1967, Chapter 156 of the Private Acts of 1945, Chapter 85 of the Private Acts of 1943, Chapter 387 of the Private Acts of 1943 and all other Private Acts or portions thereof affecting Giles County and in conflict with the provisions of this Act are hereby repealed.

**SECTION 11.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Giles County within 120 days of its passage and approval by the Governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 12.** 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 11.

Passed: February 27, 1974.

## Prospect High School District

### Private Acts of 1929 (Ex. Sess.) Chapter 17

**COMPILER'S NOTE:** The Tennessee Department of Education has no record of this special school district. It is included in this compilation, however, because it has not been specifically repealed or superseded by law.

**SECTION 1.** That a special School Taxing District be, and the same is hereby created and established, embracing the Second Civil District of Giles County, Tennessee, to be known and designated as the Prospect High School Taxing district.

**SECTION 2.** That for the purpose of supporting and maintaining the Prospect High School which is located in said boundaries, as a four-year high school, by supplementing the available funds sufficiently, so that the annual term of said school may be extended, and continued for nine months, there is hereby assessed and levied for the year 1929, and for each subsequent year thereafter, a tax of five cents on every One Hundred Dollars (\$100.00) worth of taxable property, both real and personal, situated within said Prospect High School Taxing District; and there is also assessed for said purpose a One Dollar (\$1.00) poll tax on each white person residing within said district, between the ages of twenty-one (21) and fifty (50) years of age. The basis for the assessment of said tax upon said property shall be the assessed value as shown by the books of the County Trustee, and all taxes so assessed upon real estate are a lien upon such real estate. The taxes herein assessed and levied shall become due and be collected at the same time and in the same manner as taxes under the general laws of the State, by the County Trustee. The said taxes herein provided, when collected, shall be held by said County Trustee and constitute a special fund which shall be under the control of the County High School Board and the County Board of Education, to be paid out by warrants in the same manner as other Public High School funds and Elementary School funds are paid out, but for the sole purpose of extending and continuing the term of said Prospect High School for nine months each year, including both the High School and Elementary departments thereof, provided, any surplus remaining thereafter, at the end of each term may be expended for repairs or equipment for said schools.

**SECTION 3.** That all laws and parts of laws in conflict with this Act be hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Adopted: December 10, 1929.

## Superintendent or Director of Schools

### Private Acts of 1935 Chapter 393

**SECTION 1.** That hereafter the County Superintendent of Schools in all Counties having a population of more than 28,000 and less than 28,050, according to the Federal Census of 1930, or any subsequent Federal Census, shall be elected by the qualified voters of such Counties at the regular election to be held on the first Thursday in August, 1936, and every four years thereafter. The terms of office of the Superintendent elected in August 1936, shall begin on January 1 following his election and shall continue until September 1, 1940, it being the intent and purpose of this Act not to curtail the term of office of the present County Superintendent. At all future elections the term of office of the Superintendent shall begin on September 1 following his election and shall continue for four years and until his successor shall be elected and qualified.

**SECTION 2.** That the qualification of any person aspiring to said office shall be the same as provided under present or future laws governing the qualifications of County Superintendents generally, and the certificate of evidence of such qualifications of County Superintendents generally, and the certificate of evidence of such qualifications shall be filed with the Judge or Chairman of the County Court of such Counties at least sixty days before any such general election.

**SECTION 3.** [Repealed in its entirety by the Private Acts of 1947, Chapter 876.]

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

Passed: April 11, 1935.

### Private Acts of 1951 Chapter 196

**SECTION 1.** That the duties and compensation of the County Superintendent of Schools in Counties of Tennessee having a population of not less than 29,230 nor more than 29,250 according to the Federal Census of 1940, or any subsequent Federal Census, shall be those duties and that compensation as fixed under Chapter No. 8, Senate Bill No. 268 of the Public Acts of the State of Tennessee for the year of 1947.

**SECTION 2.** That said County Superintendent, be, and he is hereby required to keep a record of all funds, moneys, county and public funds received or collected by said County Superintendent from any source, or which ought to be collected by him during his term of office, and also to take the oath to support the Constitution of the State of Tennessee and the United States and an oath for the faithful performance of the duties of said office.

As amended by: Private Acts of 1957, Chapter 35

**SECTION 3.** That said County Superintendent of said County or Counties, be, and he is hereby required to make a report and settlement quarterly with the County Judge of said County or Counties and that the County Auditor is hereby directed and authorized to audit the books and records of the office of the County Superintendent, and shall report his findings to the County Judge or the County Clerk at each regular Quarterly Session of said Court.

**SECTION 4.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of said Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

**SECTION 5.** That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 8, 1951.

## Teacher Retirement

### Private Acts of 1927 Chapter 666

**SECTION 1.** That the County Boards of Education of Counties of this State having a population of not less than 30,940, nor more than 30,950, shall pay out of the County School Fund to any teacher who has taught in the public schools of said Counties for thirty (30) years and is seventy (70) years of age or over, and who was retired by the Board of Education on account of age and who has no other means of support, an annual pension equal to two-thirds of the salary received by said teacher in the last year of service in said public school.

**SECTION 2.** That the Board of Education shall have the authority to direct the retirement upon like pension, pensions required in the first section of this Act, of any teacher over seventy (70) years of age who has taught in said public schools for thirty (30) years or more school years.

**SECTION 3.** That in computing the period of teaching in said public schools under the terms of this Act said period need not be consecutive, provided, that the aggregate period of teaching by any teacher in said public schools equals the time provided in this Act.

**SECTION 4.** That this Act does not apply to teachers that have not been employed by the Board of Education as a teacher since July, 1925.

**SECTION 5.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 22, 1927.

## Education/Schools - Historical Notes

### School Districts

The following acts once affected the school districts in Giles County but no longer exist.

1. Private Acts of 1905, Chapter 386, created a new school district out of parts of the 13th, 14th and 19th School Districts, these being co-extensive with the civil districts of the same number, which would be called the 24th School District of Giles County, as its boundaries were described in the Act.
2. Private Acts of 1907, Chapter 76, created a new School District, to be called the 25th School District of Giles County, out of portions of the 10th and 17th School Districts, which were co-extensive with the civil districts of the same number. The new districts boundaries are delineated in the act and the general state law regarding school districts is invoked for it.
3. Private Acts of 1923, Chapter 491, created a Special School Taxing District, corresponding to the Fourth Civil District, embracing all farms therein for taxation to support the Minor Hill High School for a nine month term. The tax rate was ten cents per \$100.00 valuation, both real and personal, levied that year, and each year thereafter to be placed in a special fund for the sole purpose of supporting the Minor Hill High School. This Act was amended by Private Acts of 1937, Chapter 851, and repealed specifically by Private Acts of 1947, Chapter 693.
4. Private Acts of 1935, Chapter 545, provided for a Board of Education of seven members composed of one member from each of seven school districts of three or four civil districts together to be elected by the qualified voters of each district so described. Staggered terms of four years were provided for each district's member. This Act was specifically repealed by Private Acts of 1943, Chapter 86, .
5. Private Acts of 1935, Chapter 355, created a special school taxing district which embraced the 5th and 18th Civil Districts of Giles County to be called the Bodenham High School Taxing District. This Act also levied a ten cent tax per \$100.00 property valuation, for the support and maintenance of elementary and high school in the district for a nine month term. Money collected would be placed in a special fund for the sole purpose stated above and no other. This Act was specifically repealed by Private Acts of 1937, Chapter 834, .
6. Private Acts of 1937, Chapter 94, amended Acts of 1935, Chapter 545, above, Item 4, by providing that the expenditures authorized under the act will be paid one-half to the elementary school fund and one-half to the high school funds, and all expenditures for each would be bonded in that manner.
7. Private Acts of 1937, Chapter 834, specifically repealed Private Acts of 1935, Chapter 355, which created a special taxing district for schools called the Bodenham School District, Item 5, herein.
8. Private Acts of 1937, Chapter 851, amended Private Acts of 1923, Chapter 491, which created the Minor Hill High School District, Item 3 herein, by permitting the balance of the funds collected under that Act to be expended for any general high school purpose related to the Minor Hill District.
9. Private Acts of 1943, Chapter 86, repealed Private Acts of 1935, Chapter 545, Item 4 herein, specifically and entirely.
10. Private Acts of 1943, Chapter 85, created a Board of Education for Giles County of seven members, one from each of seven school districts, who would be selected by the county court, and for that purpose, the act divided the county into seven school districts made up of certain civil districts. The remainder of the act is virtually identical with prior acts of this nature, having

staggered terms for the members and setting up other administrative and salary guidelines, and it also repeals Private Acts of 1935, Chapter 545.

11. Private Acts of 1943, Chapter 387, amended Private Acts of 1943, Chapter 85, above, by transferring civil district #14 from School District 4 to School District 5.
12. Private Acts of 1945, Chapter 156, amended Private Acts of 1943, Chapter 85, by adding another school district, number eight, and rearranging the civil districts in each school district accordingly but being careful not to abridge the terms of the members already in office.
13. Private Acts of 1947, Chapter 693, repealed Private Acts of 1923, Chapter 491, wholly and specifically.
14. Private Acts of 1967, Chapter 222, established a School Board which would be elected by the voters in Giles County, set their term of office, and prescribed their duties, powers and privileges as such. This act was specifically repealed by Private Acts of 1974, Chapter 217, published herein.

#### PROSPECT HIGH AND ELEMENTARY DISTRICT.

1. Private Acts of 1921, Chapter 413, created a special school district out of a portion of the Second Civil District with the boundaries described in the act to be called the Prospect High School Taxing District. The tax rate on all taxable real and personal property was ten cents per \$100 valuation, plus a \$1.00 Poll Tax on all males over 21 years of age, said money to be used exclusively for these school purposes.
2. Private Acts of 1929, Chapter 514, repealed entirely Private Acts of 1921, Chapter 413, above, which created the Prospect High School District. Private Acts of 1974, Chapter 679, also repealed entirely Private Acts of 1921, Chapter 413.
3. Private Acts of 1929 (Ex. Sess.), Chapter 17, recreated the Prospect High School District embracing all the Second Civil District. The tax rate levied was changed to five cents per \$100 valuation and the \$1.00 Poll Tax limited to males between the ages of 21 and 50, otherwise the act was the same as before.

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

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

1. Private Acts of 1947, Chapter 876, repealed Private Acts of 1935, Chapter 393, Section 3, and substituted a new section making the duties and compensation of the County Superintendent of Schools those set out in Public Acts of 1947, Chapter 8. (See T.C.A. 49-220, and sections following.)
2. Private Acts of 1949, Chapter 77, also made the duties and compensation of the Superintendent of Schools in Giles County the same as those stated in Public Acts of 1947, Chapter 8, but this Act was specifically repealed by Private Acts of 1951, Chapter 126.

#### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Giles 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. Private Acts of 1809, Chapter 77, incorporated John Sappington, Nelson Patterson, Tyree Rhodes, Samuel Jones, Somerset Moore, Charles Buford, and Charles Neely as a body corporate and politic to be known as Trustees of Pulaski Academy in Giles County.
2. Private Acts of 1812 (Ex Session), Chapter 10, changed the name of Pulaskie Academy to Wirttemburgh Academy, and added William Purnell, David Woods, and Alfred M. Harris, as Trustees.
3. Private Acts of 1823, Chapter 235, required the Trustees of Wurtemburgh (Wertemberg) Academy to give a sworn report to the Giles County Quarterly Court at their next January meeting of the funds in their hands, and added G. D. Taylor, Thomas Wilkerson, H. Higgins, A. Black, Fountain Lester, John Mc Cracken, Samuel Y. Anderson, and Charles C. Abernatha (sic), as Trustees of the

Academy.

4. Private Acts of 1831, Chapter 16, Sections 16 and 17, gave the authority to the Giles County Court to invest school funds in any turnpike company which they deem to be the most profitable, once the amount of the school fund is determined. Records, books, payments, notes, and all moneys due Giles County for the use of the common school fund, and all other funds going to the schools were to be paid to Charles C. Abernathy, agent, who will manage said funds in an effort to double them. He will be governed by the same rules as a Bank Agent and render proper reports to the court.
5. Private Acts of 1833, Chapter 260, provided that, in Smith, Giles, and Lincoln Counties, when agents were appointed by the General Assembly to manage the common school fund, and a clerk, also, to be appointed by the Board of School Commissioners was furnished to the agent, all the duties of managing the school fund would be performed by the agent alone.
6. Private Acts of 1847-48, Chapter 23, established the Pulaski Female Academy, which was incorporated seven Trustees, namely, Thomas Martin, Andrew M. Ballentine, Dr. Benjamin Carter, Carson P. Reed, Charles C. Abernathy, Jacob Voorhies, and James Patterson, who would have complete control of the academy.
7. Private Acts of 1849-50, Chapter 174, names all the Trustees mentioned in Item 6 and several more as Trustees for a college to be called Giles College unless someone wanted to donate \$10,000 and have the name changed. Section 7 names the same board of Trustees for Wurtemberg Academy and in both cases authorizes the Trustees to elect a President, etc., of the Board from among their own number.
8. Private Acts of 1895, Chapter 155, forbids the Superintendent of Public Instruction, in all counties having one, to teach in any public school either as principal or assistant principal during their official terms of office, nor could they make any contract for building or repairing a building or become the owner of any school warrant except for their own salary.
9. Private Acts of 1907, Chapter 236, abolished the office of District Directors of Education and placed the school systems under the control of County Boards of Education and a District Board of Advisors as provided for in the act; the method of creating school districts and providing for the organization of the Boards of Education members is prescribed as well as an enumeration of powers specifically granted to the Boards. Giles County is specifically exempted from the provisions of this Act along with eight other counties in Section 17, but Private Acts of 1911, Chapter 564, removed the exemption and made the act applicable to Giles County. The act itself specified that it did not apply to city schools. A provision of this act was cited in the case of Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1947).
10. Private Acts of 1909, Chapter 312, amended the state law, Public Acts of 1873, Chapter 25, starting at Section 10, and making the amendments applicable to ten counties including Giles County. The county Board of Education was composed of one member from each civil district of the county, the county judge, and the Superintendent of Public Instruction, who was ex-officio chairman. The duties of the chairman, the Secretary, and the members of the Board are prescribed, and the powers granted are enumerated, including the taking of a scholastic census in each district.
11. Private Acts of 1911, Chapter 564, amended Acts of 1907, Chapter 236, in Section 17 by removing the exemption for Giles, and five other counties, thus making this act and its provisions for school systems applicable to Giles which would, in effect nullify the 1909 amendments to the Acts of 1873.
12. Private Acts of 1935, Chapter 545, provided for the election of the seven members of the Board of Education, one from each of seven districts composed of three or more civil districts. This Act was amended by Private Acts of 1937, Chapter 94, and specifically repealed by Private Acts of 1943, Chapter 86, .
13. Private Acts of 2018, Chapter 33, authorized an advisory referendum, at the regular August election of 2018, relative to a debt issue of \$53,000,000 to be used exclusively to fund the construction of a new Giles County High School and renovation of the existing Giles County High School building for use as Bridgeforth Middle School by the Giles County School System.

## Chapter VII - Elections

# Elections - Historical Notes

## **Districts - Reapportionment**

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

1. Private Acts of 1923, Chapter 559, altered the boundary line between the Second and Third Civil Districts of Giles County by including all the lands of A. W. Griffen and I. C. Griffen in the Third District and removing them from the second.
2. Private Acts of 1939, Chapter 254, created two new voting precincts in the Seventh Civil District within the corporate limits of Pulaski to be known as the City Hall Box and the Courthouse Box. A line between the two is described in the act by metes and bounds and the provision was made that all who lived south of this line would vote at the City Hall Box and all those living north of the said line would vote at the Courthouse Box.

## **Elections**

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

1. Private Acts of 1812 (Ex. Sess.), Chapter 27, divided the State into six U.S. Congressional Districts. The 6th was composed of Robertson, Montgomery, Dickson, Humphreys, Hickman, Stewart, Maury and Giles Counties.
2. Private Acts of 1812 (Ex. Sess.), Chapter 59, established twenty state senatorial districts with Giles and Lincoln Counties composing the 11th. The polls were to be at Fayetteville and Pulaski alternately, starting at Fayetteville.
3. Private Acts of 1813, Chapter 129, directed the Sheriff of Giles County to hold three separate elections on constitutional days at the homes of Martin Lane, John Dicky and William Phillips for Governor, President, Vice President, Members of Congress and the General Assembly.
4. Private Acts of 1817, Chapter 19, changed the polling place from the residence of William Phillips to some place in the upper town of Elkton.
5. Private Acts of 1819, Chapter 69, also organized 20 state senatorial districts with Giles and Lincoln Counties electing one. Giles would elect one representative to the General Assembly.
6. Private Acts of 1820 (Ex. Sess.), Chapter 63, required the sheriff of Giles County to hold an election on the third Saturday in August, 1820 to elect seven Aldermen for Pulaski and to repeal the law requiring the balance of the money from the sale of lots in Pulaski to be paid to the County Commissioners, and, instead, directed it to be paid to the Mayor and Aldermen of the city.
7. Private Acts of 1822 (Ex. Sess.), Chapter 1, separated the state into nine U.S. Congressional Districts with Bedford, Giles, Maury and Lincoln composing the 6th District.
8. Private Acts of 1826 (Ex. Sess.), Chapter 3, apportioned the state into twenty senatorial districts. Lincoln and Giles composed the 10th District. Out of 40 representatives in the General Assembly, Giles would elect one.
9. Private Acts of 1832 (Ex. Sess.), Chapter 4, out of the 13 U.S. Congressional Districts into which Tennessee was divided, Lincoln, Giles, Lawrence, Wayne and Hardin constituted the Tenth.
10. Private Acts of 1833, Chapter 71, assigned Giles and Lincoln Counties to the 11th State Senatorial District and Giles would still elect one Representative to the General Assembly. Returning officers would meet at the home of John Kennedy in Giles.
11. Private Acts of 1842 (Ex. Sess.), Chapter 1, placed Giles and Maury Counties in the 17th State Senatorial District. The state now had 25 Senatorial Districts instead of 20. Giles was given one Representative to the General Assembly and shared one with Lincoln County. Polls were to be turned in at Major Smith's home in Lincoln County. Chapter 7, same year, placed Giles in the 6th U.S. Congressional District with Hickman, Maury, Lawrence, Wayne and Hardin.
12. Private Acts of 1861, Chapter 48, divided the state into 25 Senatorial Districts. Giles, Maury and Lewis Counties were in the 15th. Giles elected one Representative and joined Bedford and Lincoln Counties in choosing a floater.
13. Private Acts of 1865, Chapter 34, apportioned Tennessee into 8 U.S. Congressional Districts. Rutherford, Cannon, Coffee, Franklin, Lincoln, Bedford, Marshall and Giles were in the 4th District. This apportionment after the Civil War reflects the decline in population in Tennessee due in all probability to a high casualty rate.

14. Private Acts of 1872 (Ex. Sess.), Chapter 7, added a Congressional District to the 8 former ones and reassigned some counties. Williamson, Maury, Giles, Lawrence, Wayne, Lewis, Hickman and Dickson Counties were all in the 6th District.
15. Private Acts of 1873, Chapter 27, changed the U.S. Congressional Districts according to the 1870 census. Wayne, Lawrence, Giles, Lewis, Maury, Hickman and Williamson constituted the 7th District.
16. Private Acts of 1891, Chapter 131, added Dickson County to the counties in Item 15 above and made them the 7th U.S. Congressional District to conform to the 1890 census. The remainder of the apportionment statutes are in the Tennessee Code.

## Chapter VIII - Health

### Health - Historical Notes

The following summary is included herein for reference purposes.

1. Private Acts of 1945, Chapter 300, directed that Floyd Vickers, of Minor Hill, in Giles County, be granted a license to practice veterinary medicine therein.

## Chapter IX - Highways and Roads

### Bookkeeper

#### Private Acts of 1957 Chapter 37

AN ACT to amend Chapter 125, House Bill 481, Private Acts of the General Assembly of Tennessee, for the year 1953, the caption of which Act is as follows: "AN ACT to amend Chapter No. 90 of the Private Acts of 1937, the caption of which is as follows: AN ACT to provide a system of public roads and bridges in counties having a population of more than 28,000 and less than 28,050, according to the Federal Census of 1930, or any subsequent census; to provide for the constructing, reconstructing and repairing of all public roads and bridges in said counties; to provide for the condemning of private property for public roads and bridges and building materials for same; to provide the levying of taxes for these purposes; to declare the violation of certain provisions of the Act to be misdemeanors; to create the office of County Highway Commissioner and define his duties; and to repeal Chapter 642 of the Private Acts of the Tennessee Legislature of 1917, and all laws in conflict with this Act.

**SECTION 1.** That Section 1 of said Act be, and the same is, hereby repealed.

**SECTION 2.** That the County Highway Commissioner be authorized and empowered to employ a bookkeeper to be selected by him at a salary not to exceed Three Hundred (\$300.00) Dollars per month to be paid from the funds of the County Highway Department in the same manner as the salaries of other employees of the County Highway Department are paid.

As amended by: Private Acts of 1961, Chapter 64  
Private Acts of 1965, Chapter 46

**SECTION 3.** That the books of the County Highway Department be kept at the office of the County Highway Department.

**SECTION 4.** That this Act take effect on the 8th day of July, 1957, the public welfare requiring it, but that this Act shall not become effective until the same has been approved by a two-thirds roll call vote of the members of the Quarterly County Court of Giles County, Tennessee.

Passed: February 7, 1957.

### Highway Commissioner

#### Private Acts of 1939 Chapter 415

**SECTION 1.** That in all counties having a population of more than 28,000 and less than 28,050, according to the Federal Census of 1930, or any subsequent Federal Census, all public roads and bridges not designated as State Highways and Bridges shall be considered the County Road System, and this Act shall apply to all such counties.



**SECTION 2.** A County Highway Commissioner shall be elected by the qualified voters of the County at the general election to be held in November, 1968, and shall take office August 1, 1969, and shall serve until September 1, 1972, or until his successor is elected and qualified.

A County Highway Commissioner shall be elected at the general election to be held in August, 1972, and every four (4) years thereafter to serve for a term of four (4) years. The Commissioner shall be a person skilled and experienced in road and bridge building, of good moral character, a freeholder of the County, and not a member of the County Court. Before entering upon his duties, he shall execute a bond in the sum of twenty thousand dollars (\$20,000.00) for the faithful performance of his duties and the proper accounting for all funds and properties coming to his hands, the cost of the premium of the bond to be paid out of the County road funds.

As amended by: Private Acts of 1967, Chapter 489

**SECTION 3.** The County Highway Commissioner shall devote all of his time to his office and shall receive as compensation an amount equal to that provided by general law for the County Court Clerk of the County, said amount to be paid in equal monthly installments out of the County road fund.

As amended by: Private Acts of 1967, Chapter 489

**SECTION 4.** That the said County Highway Commissioner shall have complete charge and supervision of laying out, building, reconstructing, repairing, maintaining, closing all County Roads and Bridges. And the said Commissioner is hereby authorized to employ and fix the compensation of such employees as, in his judgment are necessary to carry out the duties of his office.

**SECTION 5.** That all applications to open, change and close all county roads shall be made by written petition to the Commissioner, stating the Civil District or Districts in which the road is located giving complete description of the present road, desired change, and land owners to be affected thereby. The said Commissioner shall within ten days after the application has been filed with him notify, in writing, the first person named on the petition, and all land owners affected, of the day on which he will be present at the beginning point, which day shall be not less than five days after the petition is filed with him. If any land owner affected is a non-resident of the State, then a ten days written notice to his agent, tenant, or attorney, who is a resident of the county shall be a legal notice. The Commissioner shall attend at the appointed time and place, and act upon the application, assess the damages against the County, not to exceed double the assessed value for taxes, and report in writing his action to the County Judge, and shall file with the Judge all papers in connection with the case.

The County Judge shall consider the whole matter, and make such orders as he may deem best for the interest of the public, and if any money is assessed the County Judge shall draw a warrant upon the County Treasury for a sufficient amount to pay the same, but he shall not draw the said warrant until the time allowed, hereinafter, for appeal shall have expired. Any interested party may appeal to the next term of the Circuit Court and there the case shall be heard in the form and manner as is now prescribed by law in such cases.

**SECTION 6.** That said Commissioner shall have charge and control of the construction of all the County Bridges and shall make all necessary repairs thereon, and the cost therefor shall be paid out of the Bridge Fund, hereinafter provided for.

A bridge shall be considered a span of 12 feet and over.

**SECTION 7.** That all applications for the erection of a new bridge shall be made by written petition to said Commissioner, stating the district in which the bridge is to be located, over what stream the bridge is to be erected, and on what public road. Within ten days after the filing of said petition the Commissioner shall investigate and make a report in writing to the next term of the Quarterly Court as to the necessity of said bridge, exact location, size, kind, and the probable cost thereof and any other facts that might aid the Court, and the Court shall then determine the whole matter and make such appropriations, from the Bridge Fund, hereinafter provided for, as it may deem necessary.

**SECTION 8.** That the Quarterly Court is hereby authorized and empowered to levy a Bridge Tax on all taxable property, outside of incorporated towns in the County in any amount that it deems necessary up to \$1.20 on the \$100.00 worth of taxable property. Said tax to be levied, assessed and collected in the same manner as other taxes are now levied, assessed and collected by the County. The Trustee shall place all funds coming from this source in a separate fund designated as the Bridge Fund.

**SECTION 9.** That the Quarterly Court is hereby authorized and empowered to levy a road tax on all taxable property in the County, outside of incorporated towns, in any amount that it deems necessary up to \$0.30 on the \$100.00 worth of taxable property. Said tax to be levied, assessed, and collected in the same manner as other taxes are now levied, assessed, and collected by the County.

**SECTION 10.** That any and all moneys, taxes, fines, fees, or forfeitures, from whatever source derived, belonging to the Road or Highway Funds of the County together with the County's apportionment of the

Gasoline Tax from the State shall be paid in to the hands of the Trustee, and shall be kept separate and apart from other funds in a fund designated as the County Road Fund.

**SECTION 11.** That the Trustee shall receive the same compensation on such money collected under this Act as he is now allowed by law for the collection of like taxes, and the Trustee is hereby required to ascertain that each warrant paid out of the Bridge Fund shall read Bridge Fund, and each warrant paid out of the County Road Fund shall read County Road Fund.

**SECTION 12.** That the said Commissioner shall have control, management and custody over all road tools, machinery, and material and shall purchase all necessary implements, machinery, tools, and material, and provide for the proper storing and safe keeping of the same. All sums of money paid out by said Commissioner shall be paid by a warrant drawn on the County Trustee, stating for what purpose said warrant is drawn, and to whom payable, and shall be signed by the Commissioner and countersigned by the County Judge, and shall be payable out of the County Road Fund.

**SECTION 13.** That the said Commissioner shall make a complete, simple itemized report of the work done, the civil district in which the work was done, and the amount spent for each item, such as, gasoline, oil, labor, material, machinery, and any and all other expenditures, which report shall be made to each Quarterly meeting of the County Court.

**SECTION 14.** That it shall be a misdemeanor for any person to place any post, post-holes, gates opening into road, bushes overlapping ditches, glass, broken bottles, stoneware or any trash or any other obstruction in any public road, or in the ditches thereof, in said counties; and any person so doing upon conviction shall be punished by a fine of not less than \$5.00 nor more than \$25.00 and all costs, and the Road Commissioner shall have the power and authority to remove or cause to be removed any obstruction from the roads or ditches of the county, and the expense of such shall be paid by the person who has placed or caused to be placed upon the road or ditches such obstruction.

**SECTION 15.** That the Commissioner may place signs on or near the bridges in said counties, not on roads designated as state highways, showing the load capacity of said bridges, and it shall be a misdemeanor for anyone to cross said bridge with a greater load than as designated by said sign, or signs, and anyone guilty of violating the provisions of this section shall be punished by fine of not less than \$5.00 nor more than \$25.00, and shall be liable to the County for all damage done to said bridge, and it shall be the duty of the road Commissioner to institute civil proceedings for the collection of said damage and any amount so collected shall go into the Bridge Fund created by this Act.

**SECTION 16.** That if any Section or part of this Act for any reason be held unconstitutional or invalid, the same shall not affect the constitutionality or validity of the remaining parts or sections of this Act, but the same shall remain in full force and effect as if the unconstitutional or invalid part had been omitted.

**SECTION 17.** That all counties coming within the provisions of this Act shall be exempt from the provisions of Section 2778 and 2813 inclusive of the Code of Tennessee.

**SECTION 18.** That Chapter 90 of the Private Acts of Tennessee of the year 1937, and all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

**SECTION 19.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 1, 1939.

## Highways and Roads - Historical Notes

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

1. Acts of 1821, Chapter 6, Section 1, required the respective County Courts to classify all the roads of their counties into three classes, (1) the stage roads and those of equal importance, (2) roads at least 12 feet wide which would afford loaded wagons a secure passage, and (3) roads which would accommodate a horse and rider and for going to the mill. This was probably the first constructive legislation of a broad nature regarding roads.
2. Private Acts of 1839-40, Chapter 99, Section 5, allowed the directors of the Columbia, Pulaski, and Elkton Turnpike Company to abandon the completion of the road between Pulaski and the state line under certain terms and conditions set out in this Act.
3. Private Acts of 1840-41, Chapter 130, authorized the installation of 10 toll gates between Columbia and the Alabama state line, and houses for the attendants.
4. Private Acts of 1851-52, Chapter 315, provided that upon the application of the President of the Columbia, Pulaski, Elkton, and Alabama Turnpike Company, the Quarterly County Court may

- appoint 12 Commissioners to locate a toll gate at some convenient point no less than one and one-quarter and no more than two miles north and south of the courthouse in Pulaski.
5. Private Acts of 1855-56, Chapter 218, permits Giles County to subscribe a discretionary amount of stock, but only after the favorable referendum election, in the construction of a railroad from Shelbyville to the Alabama state line via Lewisburg, and Pulaski.
  6. Acts of 1901, Chapter 136, was a general road law applying to all counties under 70,000 population, providing for a road commissioner from each road, or civil district, prescribing their duties, authorizing a road tax and requiring the commissioners to appoint overseers for each section of road; specifying who was subject to road duty, how much they were compelled to do and under what circumstances they could commute. Prisoners could work the roads which the county court was again obligated to classify into 4 classes according to their width and function. Petitions to repair or change roads would be filled with the court who would determine the priorities of work.
  7. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, Item 6 herein, by exempting some counties from its operation but primarily by transferring the decision on the priorities of road alteration and repair and the agency for the reception of petitions for a change from the Quarterly County Court to the Road Commissioner of the district.
  8. Private Acts of 1907, Chapter 424, required the Road Commissioners in Giles County within twelve months from the Act's passage to remove roads of the first, second, and third class from stream beds except where there is a ford. If anyone is damaged thereby the Commissioner shall appoint two disinterested freeholders to assess the same and report the entire matter to the Quarterly County Court. All mail roads were to be considered as one of the first three classes and all gates removed from them. All males, 18 and 50 years old, were subject to road duty.
  9. Private Acts of 1913, Chapter 187, was a general road law for Giles County which required the Quarterly County Court to elect three competent people to be a Public Road Finance Auditing Committee whose broad powers were enumerated in the Act. The position of County Road Supervisor was created and his duties spelled out; fixed a privilege tax on different types of conveyances and levied a special road tax of 25 cents per \$100 property valuation on real and personal property. The Act repealed all those in conflict with it.
  10. Private Acts of 1913 (Ex. Sess.), Chapter 11, specifically repeals Private Acts of 1913, Chapter 187, Item 9, regular session, above, in its entirety.
  11. Private Acts of 1917, Chapter 642, was a road law for Giles County which required the Quarterly County Court to elect a road supervisor for each district, every two years, who would have charge of public roads, bridges, and the overseers of each road section. Each road district would include 3 or 4 Civil Districts. County Trustee would pay charges for materials and labor which must be itemized and presented to the County Judge for approval. The road tax levied could not exceed 20 cents per \$100 and be used only for road purposes. Roads would be classified, males from 21 to 50 must work on them or commute for \$5.00 daily and the methods for opening, closing, etc. in the act would be followed. This Act was specifically repealed by Private Acts of 1937, Chapter 90.
  12. Private Acts of 1919, Chapter 190, amends Private Acts of 1917, Chapter 642, above, by rewriting Section 1 to provide a road supervisor for each civil district instead of each road district; gives the road supervisors in the civil district the same authority as the other had; eliminated the \$5.00 per day commutation cost and left this matter to the discretion of the court.
  13. Private Acts of 1921, Chapter 252, made all gravel bars in the county subject to condemnation by the road commissioners and two other disinterested parties which condemnation shall last for a period of one year or longer but the compensation for the condemned gravel bars shall be confined to the agreed price of one year.
  14. Private Acts of 1921, Chapter 609, abolishes the office of Turnpike Superintendent without referring to any prior act which might have created this position.
  15. Private Acts of 1923, Chapter 605, amended Section 7, Private Acts of 1917, Chapter 642, the road laws for Giles County, by providing the Road Supervisors with authority, whenever a road is changed, to open and establish proper and necessary roadways and outlets along the most direct and practical route and over and across any lands, to enable land owners in the area to reach such new or altered roads.
  16. Private Acts of 1933, Chapter 874, granted the County Court the authority to apply one-half of the gasoline tax funds of the county to the payment of any bonded indebtedness of the county which was incurred for the construction of highways.

17. Private Acts of 1937, Chapter 90, establishes itself through its caption as the road law for Giles County, and specifically declares that Private Acts of 1917, Chapter 642, the prior road law, and all other conflicting laws were thereby repealed.
18. Private Acts of 1939, Chapter 415, also sets up to be the road law for the county and expressly repeals Private Acts of 1937, Chapter 90, above, and all conflicting laws. All the provisions of the 1937 Act are carried over into the 1939 Act except for Sections 12, 13, 14, and 15, which are all concerned with working roads with citizen labor, a condition which was later repealed by state law, and which the county could eliminate if it so desired. Then, the Sections of the 1939 Act were renumbered accordingly, and a new Section 15 added as shown in our published act herein.
19. Private Acts of 1953, Chapter 125, is an amendment to the road law but purports to amend Private Acts of 1937, Chapter 90, which as allegedly been repealed by Private Acts of 1939, Chapter 415, of which no mention is made in this Act. This Act amends Section 4 by permitting the books of the county highway department to be kept by the County Auditor at his office and a special assistant bookkeeper from the highway department would be furnished him for these books. This amendment might just as well have been made to Section 4, of Private Acts of 1939, Chapter 415. All of this was nullified by Private Acts of 1957, Chapter 37, Section 1, which was properly ratified by the local governing body.
20. Private Acts of 1953, Chapter 125 also amended Section 6 by adding some new language at the end which required the County Highway Commissioner to obtain the written approval of the magistrates in the civil districts affected before any new road, bridge, or reopening of roads could be started and, if the magistrates could not agree, then the matter must be submitted to the county court whose decision would be final.
21. Private Acts of 1955, Chapter 151, recites that it is to amend Section 3, Private Acts of 1953, Chapter 125, the amendatory act mentioned in the above paragraphs, but Private Acts of 1953, Chapter 125, does not have a Section 3 to be amended. It is obvious from the amending language in Section 1 that Section 3, Private Acts of 1937, Chapter 90, is the one intended to be amended, said section dealing with the compensation of the county highway commissioner, setting the limits thereof between \$2,400 and \$4,800 annually. This Act also was rendered obsolete by a later amendment, Private Acts of 1965, Chapter 47, which did not cite any prior legislation to be affected by it.
22. Private Acts of 1957, Chapter 37, permitted the employment of a bookkeeper and the return of the books to the highway department. This Act as amended, is published in this volume under a sub title and does not further affect the road law.
23. Since Private Acts of 1965, Chapter 47, did not specify the Act it was amending but simply states a minimum sum of \$6,000 per year for the compensation of the County Highway Commissioner.

## Chapter X - Law Enforcement

### Jails and Prisoners

#### Private Acts of 1868-69 (2nd Ex. Sess.) Chapter 40

**SECTION 14.** That the Board of County Commissioners of Giles County be and they are hereby authorized and empowered to appoint a Jailor for said county, who shall when so appointed, take an oath of office such as other county officers are required to take, to be administered by the County Judge of said county, and after being thus qualified, the Sheriff of said county shall upon demand, turn over the jails and prisoners together with all of the property belonging thereto, the Jailor thus appointed and qualified taking his receipt for the same.

**SECTION 15.** That said Jailor (sic) when appointed and qualified, shall be required to do and perform such duties as are now by law imposed upon the Sheriff of said county, and shall receive the same pay for said duties as the Sheriff now receives.

**SECTION 16.** That all laws conflicting with this Act be, and they are hereby repealed.

**COMPILER'S NOTE:** The rest of this act does not apply to Giles County.

## Law Enforcement - Historical Notes

### Jails and Prisoners

The following act once affected jails and prisoners in Giles County, but is no longer operative.

1. Private Acts of 1827, Chapter 97, Section 6, authorized the County Court of Pleas and Quarter Sessions of Giles County to have a smokehouse built on the jail lot in Pulaski for the use of the jailor.

### **Sheriff**

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

1. Private Acts of 1827, Chapter 4, granted the Sheriffs of Giles and Jefferson Counties the privilege of appointing one additional Deputy Sheriff to those then authorized by law.
2. Private Acts of 1921, Chapter 494, fixed the salary of the Giles County Sheriff at \$2,500 annually provided he would file as of January 1, each year, a sworn, itemized report showing all the fees collected, with the county judge or chairman, and when the total fees, excluding prisoner's board, and turnkeys, fail to equal that amount of salary, the county will supply the difference on a warrant drawn on the regular funds, however, if the fees exceed the amount of salary, the sheriff may retain them, but, in either event, he must pay the wages of his Chief Deputy from this salary herein.
3. Private Acts of 1921, Chapter 946, amended Private Acts of 1921, Chapter 494, by correcting the discrepancy in the figures of the sheriff's salary making all of them \$2,500 instead of \$2,250 as it appeared written in one part of the Bill.
4. Private Acts of 1933, Chapter 870, made the salary of the Sheriff in Giles County in the amount of \$2,500 by population figures. The Sheriff must file the sworn itemized statement on January 1, of each year, with the county court showing the amount of fees collected for the year, except those for prisoners, board, and turnkeys. He must pay his chief deputy and jailor from this salary. If the fees are less, the county makes up the difference, if more, the sheriff could retain the excess.

## Chapter XI - Taxation

### Assessor of Property

#### Private Acts of 1949 Chapter 78

**SECTION 1.** That when any grantee or lessee of real estate in Giles County presents his deed or lease to the County Register for registration and it appears from said instrument or otherwise that the grantee or lessee is chargeable for the payment of the tax thereafter to accrue on said real estate, that said County Register shall be required before accepting said instrument for registration, to ascertain from the grantee or lessee whether he purchased or leased all or a portion of the property of his grantor or lessor; the true consideration given or promised therefor and is the entire tract of the grantor has not been conveyed or leased, what portion has been retained by the grantor or lessor. Said County Register shall also ascertain the nature or character of improvements located on the real estate purchased or leased.

**SECTION 2.** That the County Register be and he us hereby required to record the information to be ascertained in the foregoing section in a well bound book to be furnished by Giles County. Said Record Book shall be kept in duplicate form and shall show the names of the grantors or lessors; the names of the grantees or lessees, the kind of instrument (whether a deed or lease); the number of acres or town lots; the district where located and under the title "Remarks" show such other information as will enable the County 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 payment of the taxes.

**SECTION 3.** That it shall be the duty of the County Register to deliver to the County Tax Assessor the original slip taken from his Record Book showing the information required by this Act and it shall be the duty of the County Tax Assessor to keep said slip so furnished by same and to note the changes in owners as shown thereby on his records to the end that his records will at all times show the names of the true owners of the real estate or the persons responsible for the payment of the Tax Assessable against said real estate.

**SECTION 4.** That a fee of twenty-five cents be charged by the County Register and paid by the grantee or lessee for the services of the County Register rendered in procuring the information required by this Act and for keeping the record thereof and delivering same to the County Tax Assessor.

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

Passed: January 28, 1949.

## Hotel/Motel Tax

### Private Acts of 1996 Chapter 133

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

- (1) "Clerk" means the County Clerk of Giles County, Tennessee.
- (2) "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.
- (3) "County" means Giles County, Tennessee.
- (4) "Hotel" means any structure or space, or any portion thereof, 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.
- (5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (8) "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 thirty (30) continuous days.

**SECTION 2.** The legislative body of Giles County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of five percent (5%) 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 in this act.

**SECTION 3.** The proceeds received by the County from the tax shall be designated and used for the maintenance and renovation for all County owned buildings, excluding schools.

As amended by: Private Acts of 2013, Chapter 22.

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the county clerk as provided in Section 5.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

**SECTION 5.**

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the county to the clerk or such other officer as may by resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such 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.

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the clerk in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

**SECTION 6.** The clerk, or other authorized collector of the tax, shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as

the clerk 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 clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

**SECTION 7.** 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 8.** Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional 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 unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

**SECTION 9.** It is 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 tax due and payable to the county. The clerk has the right to inspect such records at all reasonable times.

**SECTION 10.** The clerk in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law.

For services in administering and enforcing the provisions of this act, the clerk is entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67. It is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under authority of this act shall be refunded by the clerk.

Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 11.** The proceeds of the tax authorized by this act shall be allocated to the General Fund of Giles County to be used for the purposes stated in Section 3 of this act.

As Amended by: Private Act of 2013, Chapter 22

**SECTION 12.** The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 13.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 14.** This act shall have no effect unless it is approved by a two thirds (2/3) vote of the county legislative body of Giles County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by such presiding officer to the Secretary of State.

**SECTION 15.** 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 14.

Passed: February 15, 1996.

## Mineral Deposits

### Private Acts of 1984 Chapter 91

**SECTION 1.** Giles County by resolution of its county legislative body is authorized to levy a tax on all phosphate rock, ore, or other phosphate bearing minerals severed from the ground within its jurisdiction. The tax shall be levied for the use and benefit of Giles County only and all revenues collected from the tax, except deductions for administration and collection provided for herein, shall be allocated to Giles County.

Administration and collection of this tax shall be by the county clerk of Giles County who shall have the power to promulgate all rules and regulations necessary and reasonable for the administration of the provisions of this act.

**SECTION 2.** The rate of the tax shall be set by the county legislative body, but shall not exceed fifteen cents (\$.15) per ton of phosphate rock, ore, or other phosphate bearing material severed from the ground in the county. Every interested owner shall be liable for this tax to the extent of his interest in such products. The owner shall become liable at the time the phosphate rock, ore, or other phosphate bearing material is severed from the earth.

The tax is levied upon the entire production in the county regardless of the place of sale or the fact that delivery may be made outside the county. The tax shall accrue at the time the phosphate rock, ore, or other phosphate bearing material is severed from the earth and in its natural or unprocessed state. The tax levied shall be a lien upon all phosphate rock, ore, or other phosphate bearing material severed in the county and upon all property from which it is severed, including but not limited to mineral rights of the producer, and such lien shall be entitled to preference over all judgments, encumbrances or liens whatsoever created.

**SECTION 3.** The tax levied by this act shall be due and payable monthly on the first day of the month next succeeding the month in which the phosphate rock, ore, or other phosphate bearing material is severed from the soil, whether before processing or after processing or after processing as the case may be. For the purpose of ascertaining the amount of tax payable it shall be the duty of all operators in Giles County to transmit to the county clerk on or before the fifteenth (15th) day of the month next succeeding the month in which the tax accrues, a return upon forms provided by him. The return shall show the month or period covered, the total number of tons of phosphate rock, ore, or other phosphate bearing material severed from each production unit operated, owned or controlled by the taxpayer during the period covered, the amount of the tax and such other information as the county clerk may require. The return shall be accompanied by a remittance covering the amount of tax due as computed by the taxpayer.

**SECTION 4.** The tax levied by this act shall become delinquent on the sixteenth (16th) day of the month next succeeding the month in which such tax accrues. When any operator shall fail to make any return and pay the full amount of the tax levied on or before such date there shall be imposed, in addition to other penalties provided herein, a specific penalty in the amount of ten percent (10%) of the tax due. Whenever a penalty is imposed there shall also be added to the amount of tax and penalty due interest thereon at the rate of six percent (6%) per annum from the date due until paid. A further penalty of fifty percent (50%) of the amount due may be added if the nonpayment of the tax is due to an intent to evade payment. If the nonpayment of the tax is due to an intent to evade payment, the person liable for such payment may be restrained and enjoined from severing phosphate rock, ore, or other phosphate bearing material from a production unit from which such rock, ore, or material has been severed and sold and upon which the tax is due. Restraint proceedings shall be instituted in the name of the county by the District Attorney General for Giles County upon the request of the county clerk.

All such penalties and interest imposed by this act shall be payable to an collectible by the county clerk in the same manner as if they were a part of the tax imposed and shall be retained by the office of the county clerk to help defray the expenses of administration and collection.

Any person required by this act to make a return, pay a tax, keep records, or furnish information deemed necessary by the county clerk for the computation, assessment, or collection of the tax imposed by this act who fails to make the return, pay the tax, keep the records, or furnish the information at the time required by law or regulation is, in addition to other penalties provided by law, guilty of a misdemeanor and upon conviction is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one (1) year or both.

Any person who willfully or fraudulently makes and signs a return which he does not believe to be true and correct as to every material fact is guilty of a felony and subject to the penalties prescribed for perjury under the laws of this state. For the purposes of this section the word "person" also includes an officer or employee of a corporation or member or employee of a partnership who is under duty to perform the act in respect to which the violation occurs.

**SECTION 5.** When any person shall fail to file any form, statement, report or return required to be filed



with the county clerk, after being given written notice of same, the clerk is authorized to determine the tax liability of such person from whatever source of information may be available to him. An assessment made by the county clerk pursuant to this authority shall be binding as if made upon the sworn statement, report or return of the person liable for the payment of such tax; and any person against whom such an assessment is lawfully made shall thereafter be estopped to dispute the accuracy thereof except upon filing a true and accurate return together with such supporting evidence as the county clerk may require indicating precisely the amount of the alleged inaccuracy.

**SECTION 6.** All revenues collected from the severance of phosphate rock, ore, or other phosphate bearing material in Giles County less an amount of three percent (3%) of the tax and all of the penalties and interest collected, which shall be retained by the office of the county clerk and credited to its current service revenue to cover the expenses of administration and collection, shall be remitted by the county clerk to Giles County. These revenues shall become a part of the general funds of Giles County, subject to appropriation by the county legislative body.

Any adjustment of taxes, penalties or interest with Giles County which is deemed necessary in order to correct any error may be made on a subsequent disbursement to that county.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Giles County before September 1, 1985. Its approval or nonapproval shall be proclaimed by the presiding officer of the Giles County legislative body and certified by him to the Secretary of State.

**SECTION 8.** 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 7.

Passed: April 22, 1985.

## Ordinary Purpose Tax

### Private Acts of 1955 Chapter 216

**SECTION 1.** That the Quarterly County Court of Giles County, Tennessee, be and the same is, hereby authorized and empowered to levy for county ordinary purposes a tax not exceeding 50¢ on the \$100.00 on all property assessed for taxation in said County.

**SECTION 2.** That this Act shall not become effective unless and until the same has been ratified and approved by the Quarterly County Court of Giles County, Tennessee, by a two-thirds majority of the justices present and voting at any meeting at which this Act may be submitted for ratification and approval.

**SECTION 3.** That this Act insofar as the General Assembly of Tennessee is concerned, take effect from and after its passage, the public welfare requiring it.

Passed: March 1, 1955.

## Taxation - Historical Notes

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

1. Private Acts of 1917, Chapter 388, was intended to apply to Giles County but did not because of an error in the population figures in both the caption and body of the Bill. These figures were later corrected by an amendment in Private Acts of 1917, Chapter 583. The compensation for the Assessor was set at \$1,800 annually, as full salary, to be appropriated by the Quarterly County Court at its April term, the clerk of the court being required to issue a certificate reciting the same.
2. Private Acts of 1917, Chapter 583,, amends Private Acts of 1917, Chapter 388, so as to correct an error in the population figures recited in order to make that act applicable to Giles County. The former figures of 32,325 and 32,335, were changed to 32,625 as a minimum and 32,635 as a maximum.
3. Private Acts of 1921, Chapter 557, set the total compensation of the Tax Assessor at \$2,400

annually to be paid in monthly installments from the regular funds of the county. He was also authorized to appoint a Deputy Assessor to assist him at a wage of \$600 yearly which would also be paid by the county. The Assessor shall go upon the premises to be assessed and make a personal inspection as to fertility of the farms, waste lands, tillable lands, pasture lands, and timber lands, and note the number of acres in each and in the entire farmland.

4. Private Acts of 1957, Chapter 63, amended Private Acts of 1921, Chapter 557, Section 1, Item 3 above, by raising the salary of the Tax Assessor from \$2,400 to \$3,000 annually and Section 3 of the same Act by elevating the Deputy's wages from \$600 to \$1,800 annually, all property ratified and approved by the Quarterly County Court.
5. Private Acts of 1961, Chapter 63, amends Private Acts of 1921, Chapter 557, Section 2, as it was amended by Acts of 1957, Chapter 64, by increasing the annual salary of the Deputy Tax Assessor from \$1,800 to \$2,400.
6. Private Acts of 1965, Chapter 45, amends Section 1, of the Act in Item 5, above, by further increasing the salary of the Deputy Tax Assessor to \$3,000 from \$2,400 again being properly ratified by the Quarterly County Court.
7. Private Acts of 1973, Chapter 21, specifically repealed Private Acts of 1917, Chapters 388 and 583, Private Acts of 1921, Chapter 557, as the same was amended by Private Acts of 1957, Chapter 63, and also, Private Acts of 1961, Chapter 63, (which would presumably carry with it the 1965 Act in Item 6 which amended the repealed Act).

### **Motor Vehicle Tax**

The following is a listing of acts pertaining to motor vehicle taxation in Giles County which are no longer effective or failed to receive local ratification.

1. Private Acts of 1973, Chapter 122 was intended to levy a motor vehicle tax of \$10.00 upon motor vehicles that operated within the limits of the county, excluding farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, motorcycles, motor-driven vehicles owned by any governmental agency or governmental instrumentality. This act was rejected by the voters of Giles County by a vote of 447 For to 1545 Against in 1973.

### **Taxation**

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

1. Private Acts of 1861, Chapter 1, authorized the Giles County Court to levy and collect a tax for the manufacture of firearms, gunpowder, and other munitions which would be applied to all taxable property.
2. Private Acts of 1931, Chapter 223, created a position of Delinquent Poll Tax Collector for all counties between 22,193 and 30,000 population, 1930 Federal Census, or subsequent. He would be appointed by the county judge, or chairman for two years, would get the usual fee plus seventy cents, take an oath to perform the duties of the office and made a bond in the amount of \$1,000. The County Trustee would furnish him with a list of those who were delinquent in paying their poll tax.
3. Private Acts of 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, Section 2 by defining when the poll tax would be delinquent and amended Section 3 by making it the duty of the collector who knows of any male citizen, liable to pay but not assessed, to add him to the delinquent rolls and proceed against him as he does against other delinquents.
4. Private Acts of 1931, Chapter 757, repeals Chapter 223, as amended, specifically, and expressly restores all private acts on this subject which may have been repealed or superseded by it.

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