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Library Commission

Dear Reader:

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

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

Sincerely,

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Table of Contents

Library Commission	3
Private Acts of 1913 Chapter 278	3

Library Commission

Private Acts of 1913 Chapter 278

COMPILER'S NOTE: Portions of this act are in conflict with the general statutes regulating libraries in counties, cities and towns, found in Tennessee Code Annotated Title 10, Chapter 3.

SECTION 1. That any county having a population of not less than 31,000 nor more than 31,100 according to the Federal census of 1910 or any subsequent Federal census, alone or in conjunction with any municipal corporation existing in such county, and which includes the county seat of such county, shall have the power to establish and maintain a free public library and rest rooms for the use and benefit of the inhabitants of such county, and for this purpose may levy a tax of not more than five cents annually on each one hundred dollars of taxable property of such county, such tax to be levied and collected in like manner with other general taxes of such county, and to be known as the "library fund."

SECTION 2. That at any quarterly session of the County Court in any county coming under the provisions of this Act, such court may by resolution adopted by a majority vote of the Justices composing said court and entered on the minutes of the court, provide for the establishment and maintenance of a library and rest rooms, either alone or in conjunction with any municipal corporation as provided in Section 1 of this Act. After such resolution shall have been adopted, such Quarterly Court shall select five Commissioners, who shall be resident citizens and freeholders of the county and who shall be designated as "Library Commissioners." One shall be elected for five years, one for four years, one for three years, one for two years, and one for one year, and annually thereafter one shall be elected to serve for five years. All vacancies caused by death, resignation, removal, or otherwise shall be filled by the Quarterly County Court. Said Library Commissioners shall serve without compensation, and be subject to removal by the court.

SECTION 3. That said Library Commissioners shall, immediately after their election or appointment, meet and organize by electing one of their number President, and such other officers as they may deem necessary. They shall have complete and final power to appoint a suitable librarian and assistants, fix their compensation, and remove their appointees at pleasure.

SECTION 4. That the said Library Commissioners shall have power to make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and rest room as they may deem expedient, not inconsistent with this Act, and shall provide penalties for the violation of the same; provided, the Quarterly County Court shall have power to set aside any by-law, rule, or regulation so adopted.

SECTION 5. That said Library Commissioners shall have power to purchase, hold or lease grounds; to occupy, lease, or erect an appropriate building or buildings for the use of such library; also to accept any gift or money or property thereto; and all property purchased or otherwise obtained by such Board, and the title thereto, shall vest in such Board and their successors as a body corporate to be held by it in trust for the uses of said library; and said Commissioners shall have the exclusive possession, care, and custody of the grounds, rooms, or buildings constructed, purchased, leased set, apart, or occupied for the purpose of the said library and rest rooms. The said Board shall also have the exclusive control of the expenditure of all moneys collected or donated to the credit of the library fund; provided, all taxes levied or collected for said library fund, or funds donated thereto, shall be kept for the use of said library separate and apart from the other funds of the said county, and shall be disbursed only when drawn upon by the proper officer of said county upon the properly authenticated vouchers of the said Commissioners.

SECTION 6. That every library and rest room established and maintained under this Act shall be forever free to the use of the inhabitants of the county where located, subject to such restrictions, rules, and regulations as the Commissioners may adopt in order to render the use of said library and rest rooms of the greatest benefit to the greatest number. Said Board may extend the privileges and use of such library and rest room to persons residing outside of said county upon such terms and conditions as they may deem proper. Said Board may exclude from said library and rest rooms any and all persons who shall willfully violate the rules prescribed for its government and control.

SECTION 7. That the said Commissioners shall report to the Quarterly County Court at its January term of each year, showing the condition of their trust with itemized statement of the moneys received and expended by them since their last annual report, together with such statistics, information, and suggestions as they may deem proper to so report or as the said Quarterly Court may require, which report shall be verified by the affidavit of the proper officer of said Library Commissioners.

SECTION 8. That if any county coming under the provisions of this Act shall, by resolution adopted as

hereinbefore provided, decide to establish and maintain a library and rest rooms jointly with any municipal corporation, then the Library Commissioners selected by said court as hereinbefore provided are authorized to enter into written agreement with the board of directors, or proper officers of such municipal corporation, for the joint establishment and maintenance of such library, not inconsistent with the provisions of this Act; provided, that such agreement shall be submitted to the County Court in quarterly session and be by it approved before the same shall become effective.

SECTION 9. That at any quarterly session of the County Court in any county coming under the provisions of this Act, such court may, by resolution adopted by a majority vote of the Justices composing said court and entered on the minutes of the court, aid any free public library association and rest rooms established in such county, and for that purpose may levy, from year to year in the manner herein provided for, the tax authorized in Section 1 of this Act, and for the same purpose may expend the tax so collected; provided, it shall be shown to the satisfaction of such Quarterly County Court (1) that said library association is legally incorporated under the laws of Tennessee; (2) that it is already in regular and useful operation under its charter with a lawfully constituted board of officers and directors; (3) that it has available for public use, and in such use, books of the value of not less than three thousand dollars; and provided, further, it shall be shown to the satisfaction of said court that such aid is needed in order to the continued useful public operation of such library and rest rooms.

SECTION 10. That any free library association and rest rooms receiving county aid as provided for in the foregoing Section 9, may continue to select its own directors and control its own management as authorized in its charter; provided, that said Quarterly County Court shall have power at any time while such library association is receiving such aid to appoint three directors on said library board; and provided, further, that the said County Court shall have the same power at any time while such library association is receiving such aid of setting aside by-laws, rules, and regulations of said library association as is granted in the foregoing Section 4 in regard to the libraries to be originally established under this Act; no director of any library association receiving such aid shall receive any pay or compensation for services rendered as such, and the officers and employees of such association shall give such bond as the said County Court shall require.

SECTION 11. That any free public library association receiving county aid as provided for in the foregoing Section 9, shall be subject to the provisions of and vested with the power granted in the foregoing Sections, 6 and 7, and shall have power to receive the aid provided for in this Act and at any time to accept donations of money or property of any kind from any lawful source whatsoever.

SECTION 12. That the moneys collected for the benefit of such library association as provided for in the foregoing Section, 1 and 9, shall be kept separate and apart from the other funds as required in Section 5 of this Act, and disbursed in the manner required in said Section 5.

SECTION 13. That the property and grounds of the libraries established or aided under this Act be exempt from taxation and execution.

SECTION 14. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 11, 1913.

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