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Marion

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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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Marion	4
Chapter I - Administration	5
Boards and Commissions Voting	5
Private Acts of 1981 Chapter 19	5
County Attorney	5
Private Acts of 1927 Chapter 34	5
Additional Duties	5
Private Act of 1929 Chapter 14	5
Administration - Historical Notes	6
Chapter II - Animals and Fish	9
Lawful Fence Defined	9
Private Acts of 1933 Chapter 285	9
Sequatchie Valley Game Protective Association	10
Private Acts of 1929 Chapter 907	10
Animals and Fish - Historical Notes	10
Chapter III - Bond Issues	10
Bond Issues - Historical Notes	10
Chapter IV - Boundaries	12
Creation of the County	12
Acts of 1817 Chapter 109	12
Establish County Seat	13
Acts of 1829 Chapter 306	13
Change of Boundary Lines	13
Acts of 1821 Chapter 169	14
Private Acts of 1825 Chapter 188	14
Acts of 1829 Chapter 141	14
Acts of 1841-42 Chapter 179	14
Acts of 1853-54 Chapter 181	14
Public Acts of 1873 Chapter 105	15
Public Acts of 1877 Chapter 138	15
Public Acts of 1891 Chapter 143	16
Public Acts of 1897 Chapter 312	16
Acts of 1903 Chapter 448	16
Public Acts of 2014 Chapter 838	16
Boundaries - Historical Notes	17
Chapter V - Court System	17
Juvenile Court	17
Private Acts of 1982 Chapter 314	17
Court System - Historical Notes	19
Chapter VI - Education/Schools	21
Board of Education	21
Private Acts of 2002 Chapter 129	21
Interscholastic Sports	22
Private Acts of 1983 Chapter 51	22
Richard City - Deptford Independent Schools District	22
Acts of 1920 (Ex. Sess.) Chapter 93	22
Private Acts of 2004 Chapter 104	25
Private Acts of 2021 Chapter 35	27
Teachers	28
Tenure	28
Private Acts of 1937 Chapter 8	28
Education/Schools - Historical Notes	30
Chapter VII - Elections	31

Districts - Reapportionment31
Civil Districts31
Private Acts of 1933 Chapter 19832
Elections - Historical Notes33
Chapter VIII - Health34
Director of Health34
Private Acts of 1933 Chapter 80934
Indigent Hospital Care35
Private Acts of 1931 Chapter 44235
Health - Historical Notes35
Chapter IX - Highways and Roads35
Road Law35
Private Acts of 1933 Chapter 2436
Highways and Roads - Historical Notes38
Chapter X - Law Enforcement39
Law Enforcement - Historical Notes39
Chapter XI - Public Utilities41
Jasper Utility District41
Private Acts of 1951 Chapter 71941
Chapter XII - Taxation41
Assessor of Property41
Registration of Deeds41
Private Acts of 1959 Chapter 26641
Hotel/Motel Tax42
Private Acts of 1987 Chapter 10942
Litigation Tax44
Private Acts of 1961 Chapter 23944
Taxation - Historical Notes44

Marion



Marion County Courthouse

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Chapter I - Administration

Boards and Commissions Voting

Private Acts of 1981 Chapter 19

SECTION 1. Notwithstanding any provision of the law to the contrary, any person who is elected by the people to serve on any county board, commission or other entity shall be entitled to vote on any business which is put to a vote by such board, commission or entity if such person is elected or appointed to chair such board, commission or entity.

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

SECTION 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: February 25, 1981.

County Attorney

Private Acts of 1927 Chapter 34

COMPILER'S NOTE: See also Chapter 14, Private Acts of 1929.

SECTION 1. That in all counties of this State, having a population of not less than 17,400 and not more than 17,410 by the Federal Census of 1920 or any subsequent Federal census, there be created the office of County Attorney, whose salary shall be fixed at Twelve Hundred (\$1,200.00) Dollars per annum payable monthly by warrant of the County Judge issued on the 1st day of each month against the general fund.

As amended by: Private Acts of 1945, Chapter 413

SECTION 2. That it shall be the duty of said County Attorney to give legal aid and advice to the County Judge and other county officers, including the Board of Education and Road Commission, as well as the County Court in session and to represent the county in any litigation that the county may have for which the court may fix additional compensation.

SECTION 3. That the term of office of said county attorney shall be for two years, beginning the first Monday in January, 1927, and beginning on the first Monday in January, 1929, and every two years thereafter, the County Court shall elect a County Attorney to fill the office for the ensuing two years.

SECTION 4. That the Honorable A.R. Hall of Jasper, Tennessee, is hereby appointed to act as County Attorney for said county for the term beginning January 3rd, 1927, until the first Monday in January, 1929, when his successor shall be elected by the County Court as provided in Section 3 of this Act.

SECTION 5. That the provisions of this Act shall not conflict or interfere with the present engagement or employment of any attorney engaged in any present, pending litigation, where said county is interested or has been made a party.

SECTION 6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: January 31, 1927.

Additional Duties

Private Act of 1929 Chapter 14

SECTION 1. That Chapter No. 34 of the Private Acts of Tennessee, 1927, Volume 1, be, and the same is hereby amended, so as to provide that it shall be the duty of the County Attorney to represent the County in all litigation and matters in which the County is interested, or its officials in an official capacity, without compensation in addition to the salary provided. The said counties to which said Act is applicable shall not employ additional counsel at the expense of the county for any purpose.

As amended by: Private Acts of 1939, Chapter 62

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

Passed: January 22, 1929

Administration - Historical Notes

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Marion County. These acts are included for historical reference only. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. The first Private Act creating the office of County Attorney for Marion County was Chapter 182 of the Public Acts of 1901. Under this Act, the County Attorney, elected by the Quarterly County Court, was to transact all the legal business of the county. This was repealed by Chapter 22, Acts of 1903.
2. Private Acts of 1959, Chapter 267, attempted to amend the current act, Chapter 34, Private Acts of 1927, by providing that the County Attorney would be appointed by the County Judge, but this Act was rejected on a local level and is therefore not operative.

County Clerk

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

1. Private Acts of 1857-58, Chapter 124, required the County Court Clerks in Marion and Bledsoe Counties to hand over to the Tax Collector of Sequatchie County a list of taxes for the year 1858, levied in the portions of those counties out of which the new County of Sequatchie had been organized.

County Mayor

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

1. Public Acts of 1891, Chapter 199, created the office of County Judge for Marion County. The person was to be learned in the law, be thirty years old, and a resident citizen of Marion County. The County Court was to be held by the County Judge on the first Mondays of each month.
2. Public Acts of 1893, Chapter 48, amended Acts of 1891, Chapter 199, by setting the time for holding county court on the first Mondays in January and July of each year.
3. Public Acts of 1899, Chapter 73, amended the Public Acts of 1891, Chapter 199, by requiring the county judge to make an official bond in the penalty of twenty-five thousand dollars, and by taking away "all control of county roads, county convicts, and the workhouse of the county" that had been granted the county court and county judge in Acts of 1891, Chapter 199.
4. Acts of 1903, Chapter 112, amended Chapter 199, Public Acts of 1891, to set the compensation of the County Judge at \$500 per year. As financial agent to the county, the County Judge was given an additional \$500 per year.
5. Private Acts of 1911, Chapter 55, amended Public Acts of 1891, Chapter 199, by striking the provision that the county judge be learned in the law.
6. Private Acts of 1911, Chapter 140, amended Public Acts of 1891, Chapter 199, by changing the time for holding court to the first Mondays in January, July, and October and the third Monday in April of each year.
7. Private Acts of 1915, Chapter 328, specifically repealed the Private Acts of 1911, Chapter 140.
8. Private Acts of 1917, Chapter 32, abolished the office of Commissioner of the Poor and placed those duties in the County Judge's office. This Act was amended by Chapter 578 of the Private Acts of 1919.
9. Private Acts of 1919, Chapter 108, required the County Judge to countersign all warrants drawn on the county treasury from the high school fund, common school fund, road fund, bridge fund, pike fund or other special fund.
10. Private Acts of 1919, Chapter 144, repealed the Private Acts of 1915, Chapter 328.
11. Private Acts of 1919, Chapter 546, amended Public Acts of 1891, Chapter 199, by providing that the additional compensation received by the county judge not exceed \$200 dollars per year.

12. Private Acts of 1919, Chapter 547, amended Public Acts of 1891, Chapter 199, by taking out the provision that the county judge must reside at the county seat during the time he is acting as the county judge.
13. Private Acts of 1921, Chapter 199, amended Public Acts of 1891, Chapter 199, by authorizing the county judge to employ an attorney for the county, and retain the attorney to represent the county. The county judge's compensation for serving as financial agent for Marion County was also set at \$1,900 per year.
14. Private Acts of 1921, Chapter 215, was an exact duplicate of the Private Acts of 1921, Chapter 199.
15. Private Acts of 1923, Chapter 607, provided that the County Court was to meet semiannually on the first Monday in January and July, rather than quarterly.
16. Private Acts of 1923, Chapter 650, made it the duty of the County Judge to employ a licensed accountant to prepare an annual audit of all officials of the county who collect public revenue.
17. Private Acts of 1943, Chapter 183, provided that the County Court of Marion County meet quarterly instead of semi-annually, and to repeal all Acts in conflict therewith.
18. Private Acts of 1945, Chapter 600, increased the compensation received by the County Judge for his duties as fiscal agent to \$300 per month. Chapter 146, Private Acts of 1949, set the salary of the County Judge at \$3,600 per year, payable in equal monthly installments.
19. Private Acts of 1953, Chapter 341, empowered the county judge to assign offices and office space in the county courthouse, and to make rules and regulations for opening, closing and maintaining the county courthouse. The county judge could not expend more than \$100 out of the general funds of the county for repairs to the courthouse, except in case of emergency without the appropriation of the quarterly county court. Changes in office space required approval of the quarterly county court by a majority vote of the members present at a regular session.

County Legislative Body

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

1. Acts of 1817, Chapter 138, set the meeting days for the County Court on the first Mondays in March, June, September and December.
2. Acts of 1819, Chapter 160, provided that the County Court would meet on the third Mondays in February, May, August and November.
3. Acts of 1822, Chapter 93, authorized the Court of Pleas and Quarter Sessions to appoint three commissioners to lease school lands for not more than five years, in order to provide funds for the support of the common school system.
4. Acts of 1829-30, Chapter 228, authorized the Court of Pleas and Quarter Sessions to erect a poorhouse and to levy a tax for that purpose.
5. Acts of 1829-30, Chapter 264, allowed the nine members of the Quarterly County Court, by majority vote, to select three of their members to hold court for each term.
6. Private Acts of 1913, Chapter 212, set the salary of Justices of the Peace at \$2.50 for each day's attendance upon a regular or special session of the Quarterly County Court.
7. Private Acts of 1923, Chapter 174, authorized the County Courts in all Counties having a population of not less than 17,400 and not more than 17,410 according to the Federal Census of 1920, to levy certain taxes for certain county purposes, in addition to the maximum rate of taxation authorized to be levied in such counties by the provisions of Chapter 17 of the Acts of Tennessee (Ex. Sess.), 1920.
8. Private Acts of 1923, Chapter 209, prohibited the County Court from paying any exofficio fees to any county official.
9. Private Acts of 1923, Chapter 607, provided that the County Court was to meet semiannually on the first Monday in January and July, rather than quarterly.
10. Private Acts of 1943, Chapter 183, provided that the County Court of Marion County meet quarterly instead of semi-annually on the first Monday in January, April, and October.

County Register

The following acts once affected the office of county register in Marion 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 1927, Chapter 215, allowed the Register of Marion County a monthly salary in addition to the fees of his office and to provide for the payment of such salary.
2. Private Acts of 1939, Chapter 30, set the salary of the County Register at \$150 per month. This was amended by Private Acts of 1947, Chapter 605, to raise that salary to \$175 per month.
3. Private Acts of 1957, Chapter 316, authorized the employment of a clerk-typist to assist the Register of Deeds in Marion County. This was repealed by Chapter 128, Private Acts of 1967-68.

Purchasing

The following act once affected the purchasing procedures of Marion County, but is no longer operative.

1. Private Acts of 1919, Chapter 20, made it the duty of the county judge or chairman of the county court to buy all supplies, equipment, furniture, fuel and materials for all departments of the county including the poor house, jail, roads, bridges, and schools.

General Reference

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

1. Acts of 1820, Chapter 97, removed the office of Surveyor General of the Third District from Sparta to the courthouse in Marion County and required him to keep his office there for at least twelve months.
2. Public Acts of 1824, Chapter 97, legalized the official acts of Samuel N. Pryor as county surveyor of Marion County.
3. Acts of 1829-30, Chapter 196, allowed Burges Mathes, entrytaker of Marion County, to keep his office in his home.
4. Acts of 1833, Chapter 242, provided that the regimental court martial in Marion County was to be held on the fourth Saturday in November.
5. Acts of 1833, Chapter 305, declared Battle Creek in Marion County navigable from its mouth up to Jones and Shead's store.
6. Acts of 1837-38, Chapter 157, set the time of the annual county drill on the second Monday and Tuesday of September.
7. Private Acts of 1917, Chapter 139, abolished the office of county health officer and placed his duties in the county judge.
8. Private Acts of 1917, Chapter 172, created the office of Assistant District Attorney but this office was abolished and the Act was repealed by Private Acts of 1919, Chapter 155.
9. Private Acts of 1919, Chapter 1, authorized the County Judge to hire accountants at \$7.00 per day to audit the accounts of all public officers in Marion County who collected revenue.
10. Private Acts of 1921, Chapter 462, created the office of County Physician for Marion County. This Act was amended by Acts of 1931 (2nd Ex. Sess.), Chapter 33, which was repealed by Private Acts of 1945, Chapter 412. The office of County Physician was abolished and the 1921 Act repealed by Private Acts of 1933, Chapter 542.
11. Private Acts of 1923, Chapter 134, made it unlawful for any warrants to be drawn upon the County Treasury unless there was sufficient revenue to cover them.
12. Private Acts of 1931, Chapter 444, authorized counties with a population of not less than 17,545 and not more than 17,555 under the Federal Census of 1930 to borrow \$50,000 for the purpose of paying off their debts. Private Acts of 1935 (Ex. Sess.), Chapter 100, retired the indebtedness of Marion County.
13. Private Acts of 1933, Chapter 808, amended the general law to set the salaries of various Marion County offices.
14. Private Acts of 1935, Chapter 478, allowed Motion Pictures to be shown in Marion County on Sundays.
15. Private Acts of 1935, Chapter 570, authorized Marion County to issue promissory notes amounting to \$30,000, to provide funds for acquiring, equipping, stocking and improving a County Agricultural and Industrial Farm. This was repealed by Private Acts of 1935 (Ex. Sess.), Chapter 101.
16. Private Acts of 1937, Chapter 188, created a Board of County Commissioners for Marion County,

to be composed of three members with the county judge acting as the ex-officio secretary of the Commission. This Act was repealed by Private Acts of 1939 (Ex. Sess.), Chapter 4, which was a more comprehensive Act creating a Board of County Commissioners. The 1937 Act was repealed by Chapter 145, Private Acts of 1949.

17. Private Acts of 1937, (2nd Ex. Sess.) Chapter 14, authorized the issuance of a warrant to Dr. John A. Price for his services as County Physician from the date of his election to the date of the Supreme Court decision that the term of office had not yet begun.
18. Private Acts of 1939, Chapter 500, gave the board of county commissioners authority to regulate dance halls and beer parlors.
19. Private Acts of 1951, Chapter 140, provided that Marion County was to compensate Charles Thomas, who was injured in the operation of a ferry owned by Marion County, in the amount of \$1,500, payable out of the general county account.
20. Private Acts of 1959, Chapter 326, attempted to establish a County Governmental Library, but the Marion County Quarterly Court did not approve this Act, so its provisions never became effective.
21. Private Acts of 1965, Chapter 178, established a building permit system for Marion County, but it was repealed by Chapter 344, Private Acts of 1967-68.
22. Private Acts of 1967-68, Chapter 344, required any one wishing to erect, construct, reconstruct, or alternate any building or structure in Marion County, to gain a building permit from the County Tax Assessor of Marion County. This Act was repealed by Private Acts of 1994, Chapter 130.

Chapter II - Animals and Fish

Lawful Fence Defined

Private Acts of 1933 Chapter 285

COMPILER'S NOTE: Parts of this act may have been superseded by Tennessee Code Annotated Section 44-8-102, et seq.

SECTION 1. That in all counties in this State having a population of not less than Seventeen Thousand Five Hundred Forty-five (17,545), nor more that Seventeen Thousand Five Hundred Fifty-five (17,555) according to the Federal Census of 1930 or any subsequent Federal Census, the following shall be a lawful fence:

Any enclosure made by stretching not less than four strands of standard smooth or barbed wires tightly between posts set firmly in the ground not more than sixteen (16) feet apart, said wires to be securely fastened to the posts, the topmost wire to be not less than four and one-half feet (4 ½) feet, from the ground, and the bottom wire to be twenty inches (20) from the ground, the next wire from the bottom to be thirty inches (30) from the ground, and the Third wire to be forty inches (40) from the ground, such distances to be as nearly exact as practicable.

SECTION 2. That in such counties having a population as described in Section 1 of this Act it shall be unlawful for sheep, goats, swine, and geese to run at large.

SECTION 3. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$2.50 nor more than \$10.00.

SECTION 4. That any person or persons upon whose land such sheep, goats, swine, or geese shall be found running at large shall have the right to take up and confine them, giving the same reasonably good feed and attention, and shall be entitled to Fifty Cents (.50) per day for each as compensation for feeding and caring for the same, and shall have and is hereby given a lien upon said sheep, goats, swine, or geese to secure such compensation. Upon keeping said sheep, goats, swine or geese confined and caring for them as herein provided, after three (3) days, any person or persons upon whose lands they may have been found running at large may advertise and sell such sheep, goats, swine, or geese by posting five ten-day notices of the time, terms and place of sale, describing in such notice just what is to be sold and the fact that such sheep, goats, swine, or geese had been confined under authority of this act. One of the said notices shall be placed at the courthouse, one at the premises whereon such sheep, goats, swine or geese were found, the other three to be placed at conspicuous public places about the county. The person or persons making such sale may bid at the same and may credit himself with compensation herein provided.

SECTION 5. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

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

Passed: April 3, 1933.

Sequatchie Valley Game Protective Association

Private Acts of 1929 Chapter 907

SECTION 1. That the "Sequatchie Valley Game Protective Association," of Marion County, Tennessee, is hereby authorized and empowered to make and prescribe, through its officers and members, rules and regulations as to hunting and fishing on all lands held by it, now, or hereafter, by deed, grant or otherwise, and contained within the following general boundary, to wit:

Beginning at a point near T. H. Martin where the Dixie Highway starts up Cumberland Mountain, thence across Battle Creek Cove and Cumberland Mountain in a southwesterly direction to a point where the Sewanee-Sweeden's Cove old road reaches the top bluff of the mountain; thence with said road to the Sweeden's Cove Road to a curve in said road, about one-- fourth mile above J.C. Raulston's; thence with said road to the Dixie Highway at Ketchall; thence North with the Dixie Highway to the Battle Creek Institute; thence with the meanderings of Cumberland Mountain to a point near John Walker's home; thence with the Dixie Highway to the point of beginning.

Provided, that nothing herein shall be construed as affecting, diminishing or abridging any other provisions of any game and fish law now in effect, but shall only be in addition thereto.

SECTION 2. That any person violating any of the rules and regulations of said association, shall be punished in the same manner as for violation of the Game and Fish Law now in effect in this State.

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

Passed: April 11, 1929.

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 Marion County. They are included herein for reference purposes.

1. Public Acts of 1871, Chapter 9, exempted Marion County from the general fish law which prohibited seining, basketing, trapping or netting.
2. Public Acts of 1897, Chapter 240, allowed Marion County residents to catch fish in any manner except by poison, dynamite, or wing net, except from April 1st to June 1st.
3. Private Acts of 1917, Chapter 419, make it unlawful to allow any bull over seven months or any boar over three months to run at large or on unenclosed lands.
4. Private Acts of 1917, Chapter 686, set the open season on turkey, turkey gobbler, quail, deer and squirrel.
5. Private Acts of 1917, Chapter 696, amended general law to provide that all persons would be permitted to fish in Marion County without a license.
6. Private Acts of 1921, Chapter 405, exempted Marion County from the general dog law of the state.
7. Private Acts of 1929, Chapter 263, authorized an election to ascertain the will of the voters with regard to a stock law.
8. Private Acts of 1929, Chapter 825, made a four-wire fence a lawful fence in Marion County.
9. Private Acts of 1939, Chapter 339, regulated the selection of County Agricultural Extension Committees in counties having a population of note less than 17,500, nor more than 17,600 by the Federal Census of 1930.

Chapter III - Bond Issues

Bond Issues - Historical Notes

Buildings - Memorials

1. Private Acts of 1923, Chapter 660, authorized a bond issue of \$40,000 for building a courthouse in Jasper. This issue was conditional upon approval by Marion County voters and was to have a maximum interest rate of 6% per annum.
2. Private Acts of 1937, Chapter 736, authorized a bond issue of \$25,000 for the reconstruction, repair, and equipping of the county jail. The Quarterly County Court was to set the interest rate and maturity date, provided that the bonds matured within twenty years.

Debts

1. Private Acts of 1911, Chapter 43, was a \$20,000 bond issue, to mature within twenty years at a maximum annual interest rate of 5%, for the purpose of retiring county indebtedness.
2. Private Acts of 1929, Chapter 498, authorized Marion County to issue bonds of \$150,000 for the purpose of retiring indebtedness for schools and acquiring rights-of-way. These bonds were to have a maximum interest rate of 5% per year.
3. Private Acts of 1935 (Ex. Sess.), Chapter 100, was a bond issue of \$40,000 for the purpose of retiring county indebtedness. These bonds were to have a maximum interest of 6% per annum and were to mature annually, beginning in June, 1939, and ending in June, 1946.
4. Private Acts of 1937, Chapter 385, had provisions for a bond issue of \$50,000 to retire indebtedness. The bonds were exempt from taxation and their annual interest rate and maturity date were to be set by the Marion County Quarterly Court.
5. Private Acts of 1939, Chapter 71, was a bond issue of \$112,000 to be used for retiring indebtedness for various county purposes. These bonds were to have a 5% annual interest rate and were to mature in five year sequences.

Refunding

1. Private Acts of 1933, Chapter 452, authorized refunding bonds of \$135,000, which were tax exempt and had a maximum interest rate of 6% per annum.
2. Private Acts of 1941, Chapter 65, validated the issuance of \$962,000 of refunding bonds, with an interest rate of 3½% per annum. These bonds had been authorized by a resolution of the Marion County Quarterly Court on November 12, 1940, and were to mature annually from 1943 to 1968.

Roads - Bridges

1. Public Acts of 1901, Chapter 417, was a bond issue of \$100,000 for improving public roads in Marion County. These bonds were to mature within thirty years, but no interest rate provision was contained in the authorization act.
2. Acts of 1903, Chapter 290, authorized a bond issue of \$150,000 for improving county roads. These bonds were to mature serially within thirty years, with varying rates of interest, ranging from 5% to 4½% to 4%.
3. Private Acts of 1917, Chapter 794, authorized a bond issue of \$160,000 upon approval by the voters. These bonds were to mature within thirty years at a maximum interest rate of 5% per annum.
4. Private Acts of 1927, Chapter 383 of was a bond issue of \$145,000 for roads in Marion County. The maximum annual interest rate on these bonds was 5% and they were to mature in not more than thirty years. The Marion County Rural Road Commission was created to oversee the expenditure of these funds; but it was abolished by Chapter 5, Private Acts of 1929, which amended the original act by placing the rights, powers and duties of the Rural Road Commission in the Marion County Road Commission.

Schools

1. Private Acts of 1921, Chapter 178, amended the general law to provide that school bonds could be issued by majority vote of the Quarterly County Court of Marion County at any regular or special session, with the provision that these bonds not exceed 3% the value of taxable property in the county. This was amended by Chapter 606 of the Private Acts of 1921 to provide that a certain portion of the funds from one of these bond sales be paid to a commission for the purpose of purchasing a site and building a school in South Pittsburg.
2. Private Acts of 1929, Chapter 11, was a bond issue of \$225,000, subject to voter approval, for the purpose of building a new high school. These bonds were to have a maximum interest rate of 5% and were to mature in not more than thirty years.
3. Private Acts of 1929, Chapter 571, authorized the Marion County Board of Education to issue bonds of \$75,000 for the purpose of building a high school at Whitwell. These bonds were to have a maximum interest rate of 6% and were to mature within fifteen years.

4. Private Acts of 1931, Chapter 658, authorized the Marion County Quarterly Court to issue the "Marion County High School Bonds" in the amount of \$65,000. The Court was also to set the maturity date and interest rate of these bonds, but the interest rate was not to exceed 5½% per year.
5. Private Acts of 1937, Chapter 375, was a \$25,000 bond issue, to mature within twenty years, with a maximum interest rate of 5%. The proceeds from this bond sale were to be used for the purpose of building a school at Monteagle.
6. Private Acts of 1947, Chapter 678, provided for a \$700,000 bond issue, to be used for school buildings. These bonds were to mature by 1967 and their interest rate could not exceed 3% per year

Chapter IV - Boundaries

Creation of the County

Acts of 1817 Chapter 109

1. That the territory south west of Bledsoe, and south of Warren and Franklin counties, shall constitute a county by the name of Marion.
2. That said county of Marion shall be bounded as follows, to wit: Beginning on the North West mountain, at the fork of Brush creek, where the road leading from Bledsoe county to Warren county crosses the same; thence down the said creek to the mouth; thence up Sequatchee river to the mouth of Prigmor's Powder Mill creek; thence up the said creek to the top of Walden's ridge; thence down the top of said ridge, to the bluff on Tennessee river; thence south to the southern boundary line of this state; thence west to the top of the ridge that divides the waters of Crow creek and Mud Creek; thence up the said ridge to the top of the mountain that divides the waters of Tennessee from Elk River, and the Caney Fork of Cumberland river to the beginning.
3. That for the due administration of justice, the courts of pleas and quarter sessions, and the circuit court in said county, shall be holden at the house of John Shropshire, until otherwise provided for, under the same regulations and restrictions, and shall exercise and possess the same powers and jurisdiction, as is possessed by said courts in other counties in this State.
4. That the sheriff of Marion county, shall hold an election at the place of holding courts in said county, on the first Thursday and Friday in April next, for the purpose of electing field officers for said county of Marion, under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county of Marion shall constitute the regiment, and shall be attached to, and become a part of the seventh brigade.
5. That elections for company officers for the county of Marion, shall be at such places as the commandant of militia in said county may appoint, which said elections shall be held on the first Thursday in June next, under the same rules, regulations and restrictions as are prescribed in like cases.
6. That said county of Marion, shall be a part of the district for electing a Governor, representatives to congress, electors to elect a president and vice president of the United States, and members to the General Assembly, to which the county of Bledsoe now belongs, and that elections be held at the place of holding courts in said county, at the time, and in the manner by law directed; and the sheriff or returning officer of said county, shall make return of the polls of said elections, to the sheriff or returning officer of said county shall make return of the polls of said elections, to the sheriff of Bledsoe county, in the town of Pikeville, on the day next succeeding each election, and upon comparing the votes, they shall declare the candidate for the representative of said county of Bledsoe and Marion, who may have the highest number of votes, duly elected, and give certificate accordingly; and it shall be the duty of the sheriff of Bledsoe county, to make the return of votes in said counties of Marion and Bledsoe, for senator of said district, members of Congress, Governor, &c: as heretofore directed by law.
7. That it shall and may be lawful for any justice of the peace for Bledsoe county, to attend at the place appointed by law for holding court in Marion county, at the first court of pleas and quarter sessions, appointed to be holden for said county, for the purpose of administering to the justices of said county, the necessary oaths.
8. That so soon as the treaty lately made with the Cherokee Indians, shall be ratified by the government of the United States, this act shall take effect and be in force, and until that period the inhabitants therein shall still be attached to, and considered a part of Bledsoe county.

Passed: November 20, 1817.

Establish County Seat

Acts of 1829 Chapter 306

SECTION 1. That David Oats, Burgess Mathews, William Stephens, Alexander Kelly, David Miller, William Stone and William King, be, and they are hereby appointed commissioners, who, or a majority of them, shall as soon as may be, select and fix on a place as near the centre of the county of Marion, as an eligible site can be procured, for a court house, prison and stocks, for the use of said county of Marion, and after agreeing on the place, the said commissioners shall proceed to purchase, or otherwise procure, not less than forty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warranty, on which they shall cause a town to be laid off, with necessary streets and alleys, reserving not less than one acre of ground, as near the centre as may be, on which the court house, prison and stocks shall be erected, which town shall be known by the name of Jasper.

SECTION 2. That when the town shall be thus laid off, the aforesaid commissioners are further required to advertise for sale to the highest bidder, in some newspaper printed in Knoxville, and three of the most public places in said county of Marion, on a credit of twelve months, giving sixty days previous notice, and shall take bonds with sufficient security to themselves and their successors in office, for the purchase money arising from the sale of said lots, and shall make titles to the purchasers in fee simple.

SECTION 3. That it shall be the further duty of the said commissioners, to contract with suitable workmen to build a court house, prison and stocks, and the monies arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for said court house, prison and stocks.

SECTION 4. That should the money arising from the sale of said lots, prove insufficient to pay for said public buildings, then, and in that case, a majority of the acting Justices of the said county of Marion being present, shall in term time, have power, and are hereby authorized to lay an additional county tax, not exceeding twelve and one half cents on each hundred acres of land liable to taxation; twelve and one half cents on each white poll; twenty five cents on each black poll; one dollar on each stud horse kept for mares; twenty five cents on each town lot, and five dollars on each peddler, hawker, or merchant; the said tax shall be laid from year to year, until a sufficient sum shall be collected to pay for said public buildings, and shall be collected by the collector of public taxes, on the same per cent as other county taxes, and the said collector shall pay over the same, when collected to the aforesaid commissioners, and shall be, by them applied towards paying for the said public buildings, and whose receipts shall be allowed in the settlement of the said collectors accounts.

SECTION 5. That the said commissioners before entering on the duties of their appointment, shall enter into bond with sufficient security, payable to the Governor for the time being and his successors in office, in the sum of three thousand dollars, for the faithful discharge of their duty, as herein expressed; which bond shall be attested by, and lodged in the office of the clerk of the county court of said county of Marion.

SECTION 6. That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the county court of Marion 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, a majority of the acting justices of said county are present, when such allowance is made; and provided also, that the said county court of Marion, shall have power, and are hereby authorized to call on said commissioners for a statement of their proceedings, before the said public buildings are completed; but such call, by, and from the said court, shall not be oftener than once in each year.

SECTION 7. That when the court house hereby authorized to be erected, shall be finished, the said commissioners shall certify the same to the county court of Marion, who, thereupon, shall adjourn the several courts of said county to the town of Jasper, and all writs, subpoenas and other process made returnable to the present court house of Marion county, shall be returned to the said town of Jasper, and shall be a good and as available in law as if originally made returnable to the said town of Jasper.

SECTION 8. That the said commissioners before entering on the duties of their appointment, shall take an oath before some Justice of the Peace for Marion county, well and truly, faithfully and impartially to discharge all such duties as shall be incumbent on them to do and perform, and commissioners aforesaid.

Passed: October 30, 1819.

Change of Boundary Lines

Acts of 1821 Chapter 169

1. That the line running between the counties of Rhea and Hamilton, shall commence at a point one half mile below Blythe's ferry, and run across the Valley to the Mountain, so as to run between the lands of Benjamin Jones and John Russell, thence up the foot of the said mountain to the line of said counties as now run and marked.

2. That the dividing line between the counties of Hamilton and Marion shall be as follows, (to wit:) Beginning on the south east corner of Bledsoe county, thence along the extreme height of the mountain to the head of Suck creek, thence down said creek to the mouth thereof, thence due south to the southern boundary of the state.

Passed: November 10, 1821.

Private Acts of 1825 Chapter 188

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

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

Passed: November 18, 1825.

Acts of 1829 Chapter 141

SECTION 1. That the dividing line between the counties of Hamilton and Bledsoe, shall be as follows, to wit: beginning on the north west corner of Hamilton county, on Walden's ridge near Keedy's road, running thence in a direction with Hamilton county line towards [sic] Tennessee river to the middle of Walden's ridge, thence running a direct line on the centre of said ridge, in a direction towards the mouth of Suck creek, to a point opposite the mouth of Brush creek, the dividing line between Bledsoe and Marion counties; thence to the south east corner of Bledsoe county, near the head of Kelly's mill creek.

SECTION 2. That the dividing line between the counties of Marion and Hamilton, shall be as follows, to wit: beginning on the line between Hamilton and Bledsoe counties, at a point opposite the mouth of Brush creek, on the centre of Walden's ridge, and thence with the centre of said ridge, or as nearly so as a direct line will admit, to Suck creek, and down said creek to its mouth, and with the line as now established by law between the said counties of Marion and Hamilton.

Passed: December 31, 1829.

Acts of 1841-42 Chapter 179

COMPILER'S NOTE: The first two sections of this act did not relate to Marion County. Therefore, they were omitted.

SECTION 3. That the first and second sections of "an act, Chap. 135, entitled an act to alter the dividing line between the counties of Marion and Hamilton," passed February 17th, 1836, be, and the same are hereby repealed.

SECTION 4. That the dividing line between the counties of Marion and Hamilton, on the south side of the Tennessee River, as run and marked by the surveyor General of the Hiwassee District, in pursuance of an act of the General Assembly, entitled "an act to extend the laws and jurisdiction of this State, to her Southern limits;" Chap. 16, passed November 8, 1833, shall hereafter be and remain the dividing line between said counties.

Passed: February 4, 1842.

Acts of 1853-54 Chapter 181

SECTION 1. That the county line between Grundy and Marion counties be so changed: Beginning on the south-east corner of Grundy County, running a north-eastwardly course to the Carlton place where John Lockheart now lives, and thence to the north-east line of Grundy county, so as to include as much territory now of Grundy county as is intended to be stricken off of Marion county.

SECTION 2. That the county courts of Grundy and Marion counties may appoint a surveyor of each county, with the necessary chain carriers and markers to run and mark said line; and when done, the county court of Grundy County shall appropriate the sum of two dollars and fifty cents each, per day, to the surveyors, and one dollar per day to the chain carriers and markers who may be necessarily employed in said duty.

SECTION 3. That the citizens of Grundy County be authorized to file bills and commence other proceedings in the Chancery Court at Jasper, as they are permitted to do at McMinnville or Manchester.

COMPILER'S NOTE: Sections 4-9 do not relate to Marion County. Therefore, they have been omitted.

Passed: March 3, 1854.

Public Acts of 1873 Chapter 105

SECTION 1. That the lines between the counties of Sequatchie and Marion be changed and included within the limits of the county of Sequatchie that portion of the Third Civil District of Marion County, described as follows: Beginning at a point in the line between Hamilton and Marion Counties on Walden's Ridge, so as to run a straight line by the Big Point, where the two suck creeks come together, to the headwaters of Looney's Creek, as it meanders to where it strikes the lands of George S. Smith; then with said George S. Smith's line around to where it comes to said Looney's Creek, so as to include the lands of said George S. Smith in Sequatchie County; then down said Looney's Creek to the mouth where it empties into Sequatchie River; then from the mouth of said Looney's Creek a straight line by the residence of James A. Smith, and on to where it will strike the Grundy County line.

SECTION 2. That the County Court of Marion County shall order an election to be held in that portion of Marion County which this Act seeks to attach to the County of Sequatchie, and if two-thirds of the qualified voters of said portion of Marion County, say by their ballots that they desire to be attached to Sequatchie County, then, and in that event, the said portion shall be attached to said county of Sequatchie, and not otherwise. The voters shall have written or printed on their ballots as follows: Those in favor of being attached to Sequatchie County shall have the word "Sequatchie" printed or written on their tickets, and those opposed to being attached to Sequatchie County shall have written or printed on their tickets the word "Marion."

SECTION 3. That said change shall not bring the line of Sequatchie nearer than eleven miles of the county seat of Marion County, nor reduce said county of Marion below its constitutional number of square miles.

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

Passed: March 22, 1873.

Public Acts of 1877 Chapter 138

SECTION 1. That the following described portion of the third civil district of Marion county be detached from the county of Marion and attached to the county of Sequatchie, viz: beginning at the southeast corner of Sequatchie county and running up the northeast fork of Suck Creek to where the road leading from the McEntire farm to George W. Bridges crosses the same, thence westwardly a direct line to the south corner of Russell Bias' field, thence westwardly a direct line to the southeast corner of Josiah Burnett's land, thence with the southern boundary of said Burnett's land to the east main valley road, thence down the center of said road southwestwardly to a point in the center of the same near W.M. Roberts' and opposite the center of a lane leading westwardly; thence leaving said main valley road and running with the center of said lane westwardly to the west end of the same; thence a northwestwardly direction to the mouth of the Goose Pond Branch at Sequatchie River; thence down the center of Sequatchie River as it meanders to the southeast corner of David S. and LaFayette Condra's land; thence with the southern boundary line of said David S. and LaFayette Condra's lands westwardly to the southeast corner of the same near the west main valley road; thence a direct line to where the Nancy Williams or James Griffith Spring branch crosses said road; thence northwardly at the center of the main west valley road to where Joel Griffith's southern boundary land line crosses the same; thence westwardly with said line between Joel and James Griffith's lands to Joel Griffith's southwest corner; thence northwardly with said Joel Griffith's line to Joseph Golston's line; thence with the southern boundary of said Golston's lands, and around the same to his northwest corner, so as to include said Golston in

Sequatchie county; thence north 50° west to the Grundy county line; thence with the Grundy county line to the southwest corner of Sequatchie county; thence with the southern boundary line of Sequatchie county to the beginning. Provided, the fraction above taken from Marion and attached to Sequatchie county shall be liable for its pro rata of all debts contracted by said Marion county prior to the separation, and shall be entitled to its proportion of any stocks or credits belonging to said county; and provided further, two-thirds of the qualified voters of said fraction shall vote in favor of the change.

SECTION 2. That it shall be the duty of the sheriff of Marion county, on the first Thursday in April next, at M.E. Deakins' store, to open and hold an election, at which election he shall receive the ballots of persons living within the boundary above described who are qualified to vote for members of the General Assembly. Those who favor the detachment of said territory from Marion and the attachment of it to Sequatchie county, shall have written or printed on their ballots "For the detachment," and those opposed to the proposition shall have written or printed on their ballots the words, "Against the Detachment." If it shall appear that two-thirds of the votes cast at said election are in favor of the proposition, then said portion of said district shall be detached from Marion county and attached to Sequatchie county, without further form or ceremony.

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

Passed: March 24, 1877

Public Acts of 1891 Chapter 143

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

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

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

Passed: March 13, 1891.

Public Acts of 1897 Chapter 312

SECTION 1. That the line between Marion and Grundy Counties, at Monteagle be changed so as to make the present railroad the line from the old depot in a westerly direction to where the present county line crosses said railroad at the water tank.

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

Passed: April 8, 1897

Acts of 1903 Chapter 448

SECTION 1. That the line between the counties of Grundy and Marion be changed so as to run as follows: Beginning on the Franklin County line at a point twenty-five (25) feet south of where the Tracy City branch of the Nashville, Chattanooga & St. Louis Railroad crosses same, and running thence parallel with said railroad to a point opposite the water tank; thence to the center of said railroad; thence with the center of said railroad to the freight depot; thence south twenty-five (25) feet; thence along and parallel with said railroad to a point where said railroad leaves the Marion County line.

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

Passed: April 13, 1903.

Public Acts of 2014 Chapter 838

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

Beginning at a concrete monument set in the Tennessee/Alabama State line, the NAD 83 State Plane coordinates for said monument are N 238417.707, E 2006538.893, said point also being located South 89 degrees 13 minutes 00 seconds East, 491.46 feet from an old rock corner found; Thence from the POINT OF BEGINNING proceeding along the agreed boundary line between Franklin and Marion Counties North 00 degrees 00 minutes 47 seconds West, 26,212.27 feet to a concrete monument set in the South boundary of the Franklin State Forest (N 264629.974, E 2006532.886), said point being located South 84

degrees 57 minutes 35 seconds East, 1145.05 feet from a concrete monument found; Thence with the Franklin State Forest line South 84 degrees 57 minutes 35 seconds East, passing through a rock corner found at 421.06 feet for a total distance of 2500.66 feet to a concrete monument set (N 264410.272, E 2009023.885); Thence North 00 degrees 35 minutes 30 seconds West, 58,772.59 feet to a concrete monument set (N 323179.730, E 2008417.090); Thence North 89 degrees 15 minutes 24 seconds West, 1876.54 feet to a point in a settling pond at the sand plant (N 323204.073, E 2006540.705); Thence North 00 degrees 00 minutes 00 seconds East, passing through a concrete monument set as a witness corner at 337.22 feet in all a total distance of 913.41 feet to the centerline intersection of US Highway 64/41-A and the old abandoned railroad bed (N 324117.486, E 2006540.705), said point being located North 00 degrees 00 minutes 00 seconds East, 64.76 feet from a concrete monument set as a witness corner.

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

Boundaries - Historical Notes

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

1. Acts of 1829-30, Chapter 191, directed the Secretary of State to certify for printing the Private Act establishing the town of Jasper as the seat of justice for Marion County. This Act had been passed on October 30, 1819, but through error, had never been printed.
2. Acts of 1831, Chapter 222, made William Gibson a citizen of Franklin County, presumably by attaching his land to that county. The Act itself contained language which made him "subject to perform all the duties enjoined by law upon the citizens of Franklin County, and to enjoy the same privileges, etc," but did not specifically transfer his land.
3. Acts of 1833, Chapter 15, established the boundary line between the counties of Marion and Hamilton, running southwardly to the state of Georgia. This was repealed by Chapter 135, Acts of 1835-36, which defined another boundary line across the top of Raccoon Mountain, and was later repealed by Chapter 179, Acts of 1841-42.
4. Acts of 1853-54, Chapter 181, empowered the Marion County Court to appoint a surveyor with necessary chain carriers and markers to run and mark a new boundary line between Marion and Grundy Counties; to be paid by the Grundy County Court.
5. Acts of 1855-56, Chapter 162, attached the First and Second Civil Districts of Marion County to Hamilton County.
6. Private Acts of 1917, Chapters 366 and Chapter 477, changed the Marion Hamilton County line, and both were repealed by Private Acts of 1919, Chapter 44.

Chapter V - Court System

Juvenile Court

Private Acts of 1982 Chapter 314

SECTION 1. There is hereby created and established in and for the County of Marion, Tennessee, a Court with the title and style of Juvenile Court of Marion County, Tennessee. Such Court shall be a Court of Record, presided over by a Judge who shall have the qualifications and salary as hereinafter provided.

SECTION 2. When used in this act, unless the context otherwise requires:

- (a) "The Court" shall mean the Juvenile Court of Marion County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said County.
- (c) "The Clerk" shall mean the Clerk of the County Court of said County, or Deputy Clerk.

SECTION 3. The Judge and the Clerk shall have all of the powers, duties, and authority of a Juvenile Court Judge and Clerk as stated in Tennessee Code Annotated, Title 37, and any other general laws of the State of Tennessee now in force and effect, or hereinafter to become of force and effect.

SECTION 4. At the next regular election of County officers to be held in August, 1982, a person duly qualified shall be elected for a term of eight (8) years as will all other Judges of the State.

SECTION 5. Effective September 1, 1990, the salary of the Judge of the Juvenile Court shall be at all times sixty percent (60%) of the salary authorized for the General Sessions Judge of Marion County.

As amended by: Private Acts of 1990, Chapter 157

SECTION 6. The Judge is authorized and empowered to make and promulgate rules and regulations for the administration of the Court, and to fix the times and places at which all persons in the jurisdiction of the Court shall have their causes set for trial.

SECTION 7. In the event the office of the Judge shall become vacant by reason of death, resignation, retirement, or other causes before the expiration of the term of office, the vacancy shall be filled as provided by law.

SECTION 8. The Judge shall appoint, pursuant to the laws and regulations of Marion County, such personnel as may be necessary to carry on efficiently the business of said Court within the limit of the total appropriation therefore for each fiscal year.

SECTION 9. The Sheriff of Marion County shall furnish the necessary deputies and special deputies to attend and dispense with the business of the Court.

SECTION 10. The County legislative body shall provide adequate facilities to meet the needs of the Court in performance of its function as contemplated in Tennessee Code Annotated, Title 37.

SECTION 11. All unfinished and pending matters in the Court or Courts exercising Juvenile Court Jurisdiction prior to the date the act takes effect shall be transferred to the Court hereby created at the close of business on the day preceding the day this act becomes effective, and all official books, records, and all other documents whatsoever pertaining thereto shall be delivered forthwith to the Court hereby created.

SECTION 12. The Judge of the Juvenile Court of Marion County created by this act shall in addition to the other powers conferred on such Court have the same authority and concurrent jurisdiction of the Judges of Circuit and Chancery Courts of Marion County to issue Injunctions, Restraining Orders, and Fiats for extraordinary process directed to the Clerk of the Circuit and Chancery Courts of Marion County.

SECTION 13. The Juvenile Court and Youth Service Officer for the Juvenile Court of Marion County, Tennessee created by this act shall have power to serve all process issued by the Juvenile Court and to make arrest in all matters in which the Juvenile Court has jurisdiction.

SECTION 14. If the Judge of the Court herein created shall fail to attend or cannot preside in any pending case or for any other reason shall not be able to hold Court, he may designate in writing some person otherwise to hold such Court in his place and stead, or in default thereof a majority of Attorneys there present may elect one (1) of their number who has the qualifications of such Judge; and when such person shall have been appointed or elected he shall take the same oath and have the same authority as the regular Judge of such Court to hold Court and perform all of the duties thereof for such occasion.

SECTION 15. The Juvenile Court of Marion County, Tennessee shall at all times be treated and considered as a Court of Record. As such Court shall be in continuous Session without the intervention of any term or terms being provided herein that such Court shall be held by the Judge thereof at such time and such period that shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

SECTION 16. The County Commission of Marion County, Tennessee, shall annually appropriate from the general fund of Marion County such funds that are necessary and appropriate for the orderly operation and administration of the Court herein created.

SECTION 17. The Judge of the Court herein created shall have all jurisdiction to punish for contempt and to issue extraordinary writs and processes as now or shall hereafter be exercised by any Judge or Chancellor or any Circuit or Chancery Court of the State of Tennessee.

SECTION 18. Appeals from the Court herein created, or any contests of any will being probated therein, or the demand for a jury trial upon any issue therein provided shall be to the Circuit Court of Marion County, Tennessee or such other Court as may by the general laws of the State be from time to time provided, or to such appellate Court of the State of Tennessee as may be from time to time provided by law, all according to the General Laws of the State of Tennessee.

SECTION 19. The Compensation of the Juvenile Judge of the Court herein created shall be payable in equal monthly installments out of the general fund of Marion County, Tennessee, and the County Commission of Marion County, Tennessee shall annually appropriate from the general fund of Marion County such funds as are necessary and appropriate for the orderly operation and administration of the Court herein created.

SECTION 20. Notwithstanding any provision of Tennessee Code Annotated, Title 2, Chapter 5, Part 1 or any other provisions of the law to the contrary, for the 1982 election only, if this act is approved pursuant to Section 22 after the final date for filing nominating petitions for the 1982 regular August election, the County Election Commission of Marion County shall establish a time for filing such nominating petitions for

the office of Judge of the Juvenile Court of Marion County.

SECTION 21. Every provision of this act is declared to be severable and should any portion of the same be held unconstitutional or invalid for any reason the same shall not affect the remainder of this act, it being the intent herein that such unconstitutionally declared portions shall be elided, and that the General Assembly declare that it would have thus enacted this act with such unconstitutional or invalid portions elided therefrom.

SECTION 22. This act shall not take effect unless it shall have been approved by a twothirds (2/3) vote of the County Commission of Marion County, Tennessee and such approval being certified and proclaimed by the presiding officer thereof.

SECTION 23. This act shall take effect, provided it shall have been approved as hereinbefore provided, the public welfare requiring it:

- (a) September 1, 1982, provided that for the purpose of filling the office of Judge herein created by election of the people it shall be effective for purposes of candidates qualifying for election thereto as of the first day for qualifying as provided by the General Election Laws of the State of Tennessee.

Passed: April 8, 1982

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1905, Chapter 338, established a Board of Jury Commissioners for Marion County. The Board was to be appointed by the Circuit and Criminal Judges. The act prescribed the members oath, duties and procedure for making jury list.
2. Private Acts of 1915, Chapter 487, repealed Private Acts of 1905, Chapter 338, and authorized the County Court to appoint venire of at least 42 jurors.
3. Private Acts of 1917, Chapter 28, amended the 1905 Act so as to include counties which had not less than 18,800 and not more than 18,900 inhabitants according to the Federal Census of 1910.
4. Private Acts of 1947, Chapter 233, raised the compensation of Board Members to \$10 for each day of service.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Marion 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. Acts of 1823, Chapter 259, placed Marion County in the Eighth Solicitorial District.
2. Acts of 1826, Chapter 1, annexed Marion County to the Eleventh Solicitorial District.
3. Public Acts of 1835-36, Chapter 4, established Chancery Courts throughout the State. Marion County was placed in the Eighth Chancery District, times which were held on the second Mondays of June and December at Pikeville.
4. Acts of 1851-52, Chapter 308, gave the citizens of Marion County the privilege of filing Bills of Chancery in either Pikeville or Winchester.
5. Acts of 1851-52, Chapter 329, established a Chancery Court at Jasper as part of the Fourth Chancery Division, and set the days for holding court.
6. Acts of 1853-54, Chapter 38, provided that Chancery Court would be held on the first Monday in March.
7. Acts of 1885 (Ex. Sess.), Chapter 20, placed Marion County in the Third Chancery Division along with Bradley, Polk, Rhea, McMinn, Hamilton, James, Monroe Meigs, Bledsoe, Sequatchie, Van Buren, Coffee and Grundy Counties.
8. Private Acts of 1911, Chapter 435, created the Twelfth Chancery Division out of a part of the Third Division. The new Division consisted of Franklin, Rhea, Bradley, James, Marion, McMinn, Bledsoe, Sequatchie, Warren, Polk, Meigs, Grundy, Coffee, Monroe and Van Buren, leaving Hamilton County alone in the Third Division.

Chancery Court - Clerk and Master

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

1. Private Acts of 1921, Chapter 454, provided that the Clerk and Master of the Chancery Court was to be paid \$1,500 per annum, payable monthly from the fees collected from that office with any deficiency to be paid out of the County Treasury. Private Acts of 1927, Chapter 473, amended this to provide that this salary was to be in addition to the fees of the office.
2. Acts of 1931 (2nd Ex. Sess.), Chapter 38, provided that the Clerk and Master was to receive an allowance of not more than 7% of the amount collected for his services in receiving and collecting delinquent taxes.
3. Private Acts of 1939, Chapter 28, set the salary of the Clerk and Master at \$150 per month.
4. Private Acts of 1947, Chapter 844, provided that the Clerk and Master, in addition to the salary provided by law, was also entitled to receive fees accruing in delinquent tax suits.

Circuit Court

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

1. Acts of 1817, Chapter 138, changed the time for holding Circuit Court.
2. Private Acts of 1825, Chapter 139, authorized a special term of the Seventh Circuit Court for Marion County, to be held in Jasper beginning on the second Monday of July, 1826 and continuing every day except Sunday until all causes of a civil nature had been heard.
3. Acts of 1827, Chapter 5, changed the time for holding Circuit Court in Marion County.
4. Acts of 1829-30, Chapter 5, provided that appeals from Circuit Court of Marion County were to be taken to the Court of Errors and Appeals in Sparta.
5. Public Acts of 1835-36, Chapter 5, established a Circuit Court in Marion County and placed in the Third Circuit. The Circuit Court was held on the third Monday, July and November.
6. Private Acts of 1859-60, Chapter 59, attached Marion county to the Fourth Judicial Circuit and changed the time for holding court to the fourth Mondays in March, July, and November.
7. Private Acts of 1859-60, Chapter 187, set the time for holding court to the second Monday in March, July, and November.
8. Acts of 1885 (Ex. Sess.), Chapter 20, placed Marion County in the Fourth Judicial Circuit. The times of which were set on the fourth Mondays in March, July and November.
9. Public Acts of 1887, Chapter 13, changed the time for holding court to the fourth Monday in March and July and the third Monday in November.
10. Public Acts of 1899, Chapter 102, set the time for holding court to the first Monday in April, August, and December.
11. Acts of 1903, Chapter 110, detached Marion and Sequatchie Counties from the Eastern Division of the state, placing them in the Middle Division so that all appeals from their courts could be heard in the Supreme Court for the Middle Division, sitting in Nashville.
12. Acts of 1903, Chapter 131, set the time for holding court to the first Monday in April, August and December.
13. Acts of 1903, Chapter 361, created a Criminal Court Circuit for the Sixth Judicial Circuit which included Marion, Sequatchie, Franklin and Hamilton Counties. In 1915, under the provisions of Public Acts of 1915, Chapter 18, the three smaller counties were removed from the Sixth Judicial Circuit, leaving only Hamilton. In Chapter 19, Public Acts of 1915, Marion County, along with Franklin, Sequatchie, Grundy, Bledsoe, Rhea, Meigs and James, was placed in the newly-created Eighteenth Judicial Circuit which had only a Circuit Court, with no separate Criminal Court. T.C.A. 16-502 specified that the Circuit Courts in this state have exclusive original jurisdiction of all crimes and misdemeanors.
14. Public Acts of 1963, Chapter 248, created an additional Judge for the Eighteenth Judicial Circuit. Furthermore, the act designated the Judges of the Eighteenth Judicial Circuit as Part I and Part II and provided the prerogatives, powers, and duties of such Judges

Circuit Court - Clerk

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

1. Private Acts of 1923, Chapter 652, set the salary of the Circuit Court Clerk at \$1,200 per year. This was amended by Private Acts of 1925, Chapter 766, which raised the salary of the Circuit

Court Clerk to \$1,500 per year and by Private Acts of 1927, Chapter 214, which provided that the salary would be in addition to the fees of the office.

2. Private Acts of 1939, Chapter 27, set the salary of Circuit Court Clerk at \$150 per month, plus certain fees from the office. This was amended by Private Acts of 1947, Chapter 596, to provide that criminal and misdemeanor fees would also be included.
3. Private Acts of 1957, Chapter 364, authorized the Circuit Court Clerk to hire a deputy at a salary of \$50 per month. This was repealed by Private Acts of 1967-68, Chapter 129.

District Attorney General - Assistants and Criminal Investigators

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

1. Public Acts of 1967, Chapter 82, created the office of an additional Assistant District Attorney General for the Eighteenth Judicial Circuit.
2. Public Acts of 1971, Chapter 192, created two Criminal Investigators for the Eighteenth Judicial Circuit.
3. Public Acts of 1976, Chapter 561, created an additional office of full-time Assistant District Attorney General for the Eighteenth Judicial Circuit.

General Sessions

The following acts once affected the general sessions court of Marion County, but are no longer in effect and are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1833, Chapter 16, extended the laws and jurisdiction of Tennessee to its southern limits, the tract of land that at the time was occupied by the Cherokee Indians. Marion County's jurisdiction was extended to the dividing line between the Tennessee, Alabama and Georgia which consisted of lands occupied by the Cherokee Indians.
2. Private Acts of 1980, Chapter 177, provided that the General Sessions Court for Marion County would be the Juvenile and Probate Court and would have all the juvenile and probate jurisdiction and all the powers, authority, and duties incidental to the same, and all such jurisdiction which might have rested in the County Judge, or County Court, was divested and transferred. The salary of the General Sessions Court Judge was increased by \$2,000 annually for these added duties. This Act was not acted on by the Marion County Legislative Body as of August 1, 1980.
3. Private Acts of 1982, Chapter 345, provided that in addition to any compensation received pursuant to the provisions of Tennessee Code Annotated, Section 16-15-205, the Judge of the General Sessions Court shall receive four thousand dollars (\$4,000) per annum.
4. Private Acts of 1990, Chapter 156, repealed Chapter 345 of the Private Acts of 1982.
5. Private Acts of 1998, Chapter 106, attempted to amend Private Acts of 1980, Chapter 177, which never received local ratification.

Juvenile Court

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

1. Private Acts of 1980, Chapter 177, provided that the General Sessions Court for Marion County would be the Juvenile and Probate Court and would have all the juvenile and probate jurisdiction and all the powers, authority, and duties incidental to the same, and all such jurisdiction which might have rested in the County Judge, or County Court, was divested and transferred. The salary of the General Sessions Court Judge was increased by \$2,000 annually for these added duties. This Act was not ratified by the Marion County Legislative Body.
2. Private Acts of 1982, Chapter 275, created a Juvenile Court in Marion County. This act was superseded by Chapter 314 of the Private Acts of 1982.

Chapter VI - Education/Schools

Board of Education

Private Acts of 2002 Chapter 129

SECTION 1. Chapter 4 of the Private Acts of 1975, as amended by Chapter 74 of the Private Acts of 1981, and all other acts amendatory thereto, are hereby repealed.

SECTION 2. Marion County shall be divided into five (5) school districts of substantially equal population, which shall be coextensive with the county legislative body districts established by resolution of the county legislative body from time to time.

SECTION 3. The Marion County Board of Education (the "board") shall consist of five (5) members, with one (1) member of the board being elected by the qualified voters in each school district, on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half (½) of the members of the board shall expire. Persons elected in the regular August general election shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified. No board member's term shall be cut short as a result of the enactment of this act.

SECTION 4. The Marion County Board of Education shall have the same powers, duties, privileges, and qualification as a board of education established pursuant to Tennessee Code Annotated, Title 49.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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

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

Passed: April 17, 2002.

Interscholastic Sports

Private Acts of 1983 Chapter 51

SECTION 1. No regulation which prohibits or does not permit interscholastic sports in grades K -- 6 shall be adopted, approved or implemented unless such regulation is approved by the Marion County School Board.

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

SECTION 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: March 17, 1983.

Richard City - Deptford Independent Schools District

Acts of 1920 (Ex. Sess.) Chapter 93

SECTION 1. That an Independent School District be, and the same is hereby created out of a part of the Sixth Civil District of Marion County, Tennessee, including the towns of Richard City and Deptford, to be known as the Richard City and Deptford Independent School District, with the following boundaries:

Beginning at the intersection of the Alabama and Tennessee State line with the Tennessee River, on the west bank thereof and running thence westwardly with the east brow of Cumberland Mountain; thence northwardly with the east brow of Cumberland Mountain to the intersection of the same with an extension of the north right of way of 12th Street of the City of South Pittsburg; and thence eastwardly with an extension of said north right of way of the said 12th Street to the north right of way of the said 12th Street; thence eastwardly with the north right of way of 12th Street and with an extension thereof to the intersection of the same with the Tennessee River; thence with the west bank of the Tennessee, southwardly to the point of beginning.

As amended by: Private Acts of 1959, Chapter 91

SECTION 2. That the officers of the said school district shall consist of a Board of Trustees, consisting of three (3) members, who, with their successors, shall be a body politic and corporate, under the name and style of "Board of Trustees of Richard City and Deptford Independent School District.

It shall be the duty of the Board of Trustees to elect one of their number President, who shall preside over all meetings of the Board, countersign all checks or warrants, and perform such other duties as may be assigned to him by the provisions of this Act, or by the Board.

It shall be the duty of the Board of Trustees to elect a Secretary, who shall keep the minutes of all meetings of the Board, and perform such other duties as may be assigned to him by the provisions of this Act, or by the Board.

It shall be the duty of the Board of Trustees to elect a Treasurer, who shall have custody of all funds belonging to the school district; to disburse the same upon order of the Board, upon warrants countersigned by the President. The Board will require the Treasurer to enter into a good and solvent bond in the sum of not less than the greatest amount of funds that may at any time be in the hands of such Treasurer and not less than the sum of Ten Thousand (\$10,000.00) Dollars in any event, which said bond shall be executed by a reputable bonding company and shall be payable to the State of Tennessee, for the use and benefit of the said Richard City and Deptford Independent School District, and conditioned upon the said Treasurer well and truly keeping and faithfully accounting for all monies belonging to the said district, and coming into his hands, and which said bond shall be approved by the Chairman of the Board of Trustees and filed with him, and the premium on the said bond shall be paid out of funds belonging to the district.

The above mentioned officers of the Board will be elected by the Board at their first meeting, and biennially thereafter, but removable at the pleasure of the Board.

No member of the Board of Trustees shall draw a salary as such, but the Board may pay the Secretary and Treasurer such amount as will be reasonable compensation for the work required, not to exceed One Hundred Dollars (\$100.00) per annum, in the discretion of the Board, the offices of Secretary and Treasurer may be combined, and one person elected to both of said offices.

No person shall be eligible to the office of member of the Board of Trustees who has not, for a period of one year prior to his election, been a householder, or freeholder, in the said district, and who has not had the equivalent of a primary education.

The term of office of the Board of Trustees shall be six years, one member of which shall be elected at the regular August election in 1922; another at the regular August election in 1924; and another at the regular August election in 1926, and one member elected biennially thereafter.

J. C. Kirkpatrick is hereby named and appointed a member of the Board of Trustees, to serve until the regular August election of 1922.

Elwood Shaw is hereby named and appointed a member of the Board of Trustees, to serve until the regular August election of 1924.

W. H. Klein is hereby named and appointed a member of the Board of Trustees, to serve until the regular August election of 1926.

The Board of Trustees herein named and appointed will meet and organize as soon after the passage of this Act as can conveniently be done; and such regular meetings of the Board held thereafter as may be provided for by the Board; and such special meetings as may be called by the President. In case of a vacancy in the Board of Trustees, it shall be the duty of the remaining members of the Board to fill the vacancy for the unexpired term by election.

SECTION 3. That the powers and duties of the said Board of Trustees shall be:

- (1) To establish and maintain such schools within the said district as the Board of Trustees shall deem necessary to care for the scholastic population; and to prescribe a course of study which shall, in all respects, conform to the provisions and requirements of the State Board of Education for elementary schools, and to provide for such additional instructional programs for elementary schools. Provided, further, that the Board of Trustees is hereby empowered to purchase and furnish free of charge to its pupils all textbooks and other materials necessary to promote the program of study set forth by the Board of Trustees for said schools; and
- (2) To establish and maintain a high school if deemed necessary by the Board of Trustees and to provide a course of study for same which shall, in all respects, conform to the requirements of the State Board of Education for high schools; and
- (3) To employ teachers having the qualifications required by the general law and the State Board of Education for the schools of said district and to fix their compensation and, for cause, to discharge

them; and

(4) To open and close the schools of the district at such times as to the Board may deem advisable and to determine the length of the school term for each year; and

(5) In keeping with all state laws, to suspend or expel students when it is necessary to maintain discipline within the schools; and

(6) To employ, if deemed necessary, an attendance officer who shall have the powers and duties conferred on such officer by general law, and to fix the compensation for such position; and

(7) To employ janitors, and all such other classified employees as may be necessary for the operation of the school system, and to fix their compensation; and

(8) To require all such reports from teachers and the system administration as required by general law including such other reports as the Board may require relative to the progress of the schools; and

(9) to (sic) borrow money from lending institutions qualified to transact business in the State of Tennessee, to pledge as collateral for such loans the full faith and credit of the Richard City Special School District, and to repay the principal and interest on such loans from tax receipts and/or state or federal revenues appropriated for such purposes; and

(10) To build, repair and maintain the school buildings and such incidental buildings as may be necessary; and

(11) To hold in trust all school property, both real and personal, within the bounds of the district and to sell and convey the same by deed or title, and to acquire by purchase all such real estate or other property as the Board may deem necessary for school purposes; and

(12) To take a census of the scholastic population residing within the district as soon possible after the passage of this Act, and to report same to the County Superintendent and the County Trustee, and take such scholastic population census annually thereafter and report same to the above-referenced officials; and

(13) To have and to exercise all the powers and duties conferred by general law upon County Boards of Education with respect to schools within the district

As amended by: Private Acts of 1999, Chapter 36

SECTION 4. That the title to all public school property, real and personal, situated within the said district, be and is hereby vested in the said Board of Trustees, and their successors in office, in trust for public school purposes, with the power and control over the same herein conferred; and the said Board of Trustees of the said district shall not be liable to Marion County, or any taxpayer thereof, on account of this transfer.

SECTION 5. That the power is hereby conferred upon the Board of Trustees of said school district to execute, issue, advertise and sell coupon bonds for the school district, and otherwise to incur debt including the power to borrow funds from financial institutions qualified to transact business in the State of Tennessee, both long-term and short-term, payable from the receipts of the established tax rate for the district, as may be amended, and from state or federal revenue receipts designated for such purposes. The Board shall determine the most favorable method for financing any indebtedness as well as the repayment of such indebtedness. Such proceeds shall be used for the construction, maintenance or repair of school buildings including additions thereto. Said indebtedness shall constitute the general obligations of the school district, shall be executed by the Board of Trustees, and shall be payable at such places and at such times as the Board of Trustees may, by resolution, determine. Provided, however, that the term of any indebtedness shall not exceed twenty (20) years. It shall be the duty of the Board to set apart a sufficient amount of all monies received by the district as a sinking fund to be used solely for the payment of principal and interest for the retirement of debt authorized herein.

As amended by: Private Acts of 1999, Chapter 36

SECTION 6. That it shall be the duty of the County Trustee, upon the Board of Trustees of the said district reporting to him the scholastic population of the said district as herein provided, to apportion to the said district that proportion of all public school monies in his hands, or afterwards coming into his hands, which the scholastic population of the said district bears to the scholastic population of the whole county, and annually thereafter, upon the reporting to the Trustee of the scholastic population of the said district, and as often as an apportionment, or pro rata, of the school funds is made, the Trustee will set apart to the said district its pro rata share of all such school funds. All monies thus apportioned and set apart to the said district shall be paid by the Trustee to the Treasurer of the Board of Trustees of the said district.

SECTION 7. That for the purpose of supporting and maintaining the schools and school property of this

district, and supplementing the school funds of said district there is hereby assessed upon all taxable property within the said district a tax for each and every year hereafter at the rate of thirty-five (\$0.35) cents upon each one hundred dollars assessed valuation.

The basis for the assessment of the said taxes shall be the assessed valuation as shown by the books of the County Trustee. The taxes herein assessed shall be collected by the County Trustee, and shall become due and payable, and collectable at the same time and in the same manner as taxes under the general laws of the State. Taxes herein assessed shall constitute a lien on the real estate on which it is assessed, and in default of payment, shall be subject to the same penalties and forfeitures provided by the general laws of the State. The taxes herein assessed, when collected by the Trustee, will be paid to the Treasurer of the said Independent School District.

As amended by: Private Acts of 1939, Chapter 540
Private Acts of 1949, Chapter 136

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

Passed: September 3, 1920.

Private Acts of 2004 Chapter 104

SECTION 1. The Richard City and Deptford Independent School District, located in Marion County, Tennessee (the "District"), created by Chapter 93 of the Private Acts of 1920 (Extraordinary Session) of the State of Tennessee, as amended by Chapter 740 of the Private Acts of 1925, Chapter 540 of the Private Acts of 1939, Chapter 136 of the Private Acts of 1949, Chapter 91 of the Private Acts of 1959, Chapter 36 of the Private Acts of 1999, and Chapter 148 of the Private Acts of 2000, and all other Acts amendatory thereto, if any, (the "Act of Incorporation") is hereby authorized and empowered to issue and sell to the United States of America, acting through Rural Development, by resolution of the Board of Trustees of the District, an installment bond in the principal amount of not to exceed Eight Hundred Thousand Dollars (\$800,000) for the purpose of providing funds for the (i) construction, improvement, renovation, expansion, furnishing, fixturing and equipping of school buildings and facilities, and additions thereto, in and for the District, including the purchase of all property, real and personal, or interests therein, necessary in connection with said work, and the purchase of school buses and school transportation equipment, (ii) funding of all accounts and funds necessary and proper in connection with the issuance and sale of the bond as the Board of Trustees of the District shall determine, (iii) payment of capitalized interest during the period of construction and for six (6) months thereafter, and (iv) payment of all legal, fiscal, administrative, architectural, engineering, accounting and similar professional and other costs incident thereto and to the issuance and sale of the bond.

As amended by: Private Acts of 2005, Chapter 201

SECTION 2. The bond will be sold to the United States of America, acting through Rural Development, as a fully registered installment bond, without coupons, at a rate not to exceed five percent (5.0%) per annum and payable in thirty-eight (38) consecutive annual installments of principal and interest.

As amended by: Private Acts of 2005, Chapter 201

SECTION 3. The bond shall be issued in fully registered form and shall be signed and sealed as provided in the Tennessee Public Obligations Registration Act and in the resolution adopted by the District's Board of Trustees authorizing the bond.

SECTION 4. The property tax currently being levied within the boundaries of the District for the benefit of the District pursuant to Chapter 136 of the Private Acts of 1949 for supporting and maintaining schools and school property of the District shall continue to be levied for the additional purpose of paying principal and interest on the bond herein authorized and any other indebtedness of the District. The Board of Trustees is hereby authorized to pledge such taxes levied on taxable property located within the boundaries of the District as necessary to pay the principal of and interest on the bond and any other indebtedness of the District, being a portion of the existing taxes, and not an increase therein. The taxes shall be annually extended and collected by the county trustee of Marion County, Tennessee in the manner provided by general law for the extension and collection of county taxes and shall constitute a lien on the property against which they are levied with the like force and effect as do county taxes. The rate established pursuant to Chapter 136 of the Private Acts of 1949 as continued hereunder may be adjusted from time to time in accordance with the procedure set forth in Section 67-5-1704, Tennessee Code Annotated, relating to countywide reappraisal. In addition, in the event the total assessed value of all

property subject to the tax hereinabove described declines by more than 10% from January 1 of any year to January 1 of the next succeeding year or declines by more than 15% from January 1 of any year to January 1 of the second succeeding year thereafter, at the request of the Board of Trustees, the county assessor of property shall certify to the county trustee and the Board of Trustees the total assessed value of taxable property within the District and furnish the county trustee and the Board of Trustees an estimate of the total assessed value of all new construction and improvements not included on the assessment roll of the base year and all deletions from the assessment roll of the base year. Upon receipt of said information and certifications, the county trustee shall adjust the tax rate established herein to an adjusted rate which is estimated to provide to the District the same tax revenue as was provided by said tax in the base year, exclusive of such new construction, improvements and deletions, in accordance with the policies established by the state board of equalization pursuant to Section 67-5-1701(b), Tennessee Code Annotated, or any successor thereto. Said taxes shall be used exclusively to pay principal and interest on the bond authorized herein and any other indebtedness of the District as they become due, to maintain debt service fund balances and to pay costs of operating and maintaining schools of the District. In the event the property taxes and such other funds as shall be pledged to the payment of the indebtedness of the District are not sufficient to pay principal thereof and interest thereon when due, the District shall apply funds from operations or other available funds of the District to the payment thereof. Any surplus arising from the tax hereinabove described and not required for the payment of debt service on outstanding obligations of the District may be used, at the discretion of the Board of Trustees of the District, for the construction, improvement, renovation, expansion, furnishing, fixturing and equipping of school building and facilities, and additions thereto, in and for the District, including the purchase of all property, real and personal, or interests therein, necessary in connection with said work, and the purchase of school buses and school transportation equipment, and all other operations and maintenance of schools in the District.

SECTION 5. The Board of Trustees is authorized to pledge to the payment of the bond all or a portion of (i) any funds received by the District under the Tennessee Basic Education Program available to be used for capital outlay expenditures, as set forth in Section 49-3-351 et seq., Tennessee Code Annotated, and related sections, (ii) its share of the Local Option Sales and Use Tax now or hereafter levied and collected in Marion County, Tennessee, pursuant to Section 67-6-712, Tennessee Code Annotated, and (iii) any other funds received from the State of Tennessee, or any of its authorities, agencies or instrumentalities, for school purposes and available to be used for capital outlay expenditures.

SECTION 6. The bond, and all income therefrom, shall be exempt from all state, county and municipal taxation in the State of Tennessee, except inheritance, transfer and estate taxes and except as otherwise provided by applicable law.

SECTION 7. The District is further authorized, by resolution of the Board of Trustees, to borrow money and issue its bond(s) for the purpose of refunding the bond authorized herein, at or prior to maturity, in whole or in part, at any time, in accordance with the terms hereof.

SECTION 8. The District is further authorized, by resolution of the Board of Trustees, to issue and sell notes of the District in anticipation of the issuance of the bond authorized herein. The notes may bear such date or dates, shall mature at such time or times, not exceeding three (3) years from their respective dated 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 denominations, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption, with or without premium, and may provide for the replacement of mutilated, destroyed or lost notes, all as may be provided by resolution of the Board of Trustees. The notes shall be sold as a whole or in part from time to time in such manner as shall be provided by resolution of the Board of Trustees. The Board of Trustees of the District is authorized and empowered to do and perform all acts and enter into all agreements which may be necessary or desirable in connection with the issuance and sale of the notes and delegate the power to consummate all such acts and execute and implement all such agreements on its behalf as the Board of Trustees shall deem necessary or desirable.

SECTION 9. If any provision(s) of this Act or the application thereof shall be held by any court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Act and the application of such provisions shall not be affected thereby, shall be enforced to the greatest extent permitted by law and are declared to be severable.

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

Passed: April 5, 2004.

Private Acts of 2021 Chapter 35

SECTION 1. The Richard City and Deptford Independent School District, located in Marion County, Tennessee (the "District"), created by Chapter 93 of the Private Acts of 1920(Extraordinary Session) of the State of Tennessee, as amended by Chapter 740 of the Private Acts of 1925, Chapter 540 of the Private Acts of 1939, Chapter 136 of the Private Acts of 1949,Chapter 91 of the Private Acts of 1959, Chapter 36 of the Private Acts of 1999, Chapter 148 of the Private Acts of 2000, Chapter 104 of the Private Acts of 2004, Chapter 21 of the Private Acts of 2005, and all other Acts amendatory thereto, if any, (the "Act of Incorporation") is hereby authorized and empowered to issue and sell, by resolution of the Board of Trustees (the "Board") of the District, bonds and/or notes in the aggregate principal amount of not to exceed two million three hundred fifty thousand dollars (\$2,350,000) in the manner provided below:

(a) The District is hereby authorized and empowered to issue and sell, by resolution of its Board, school bonds and notes for the purpose of providing funds for (i) the construction, improvement, renovation, expansion, furnishing, and equipping of school buildings and facilities, and additions thereto, in and for the District, including the purchase of all property, real and personal, or interests therein, necessary in connection therewith, (ii) the funding of all accounts and funds necessary and proper in connection with the issuance and sale of the bonds and notes as the Board shall determine, (iii) the payment of interest on the bonds and notes during the period of construction and for six (6) months thereafter and (iv) the payment of all legal, fiscal, administrative, architectural, engineering, accounting, and similar professional and other costs incident thereto and to the issuance and sale of the bonds and notes. The maximum aggregate principal amount of school bonds and notes authorized to be issued shall be limited to two million three hundred fifty thousand dollars (\$2,350,000). No public referendum or election of the voters of the District shall be necessary in order for the District to issue and sell the bonds and/or notes authorized pursuant to this subsection.

(b) The bonds and notes may be sold at competitive or negotiated sale at such times, in such amounts, and with such terms as may be approved by resolution of the Board; provided, that the maximum maturity of any bond or note issued shall not exceed twenty-two (22) years from issuance and the rate or rates of the bonds and notes shall not exceed the maximum rate permitted by Tennessee law.

(c) The District is further authorized, by resolution of its Board, to issue and sell notes of the District in anticipation of the issuance of the bonds authorized herein. The notes shall mature at such time or times, not exceeding five (5) years from their respective dated dates, and shall be sold in such manner and upon such terms as shall be provided by resolution of the Board. Bond anticipation notes shall also be payable from and secured by the proceeds of the bonds in anticipation of which they are issued. Notwithstanding anything herein to the contrary, bond anticipation notes may be issued in an amount not to exceed two million three hundred fifty thousand dollars (\$2,350,000) in addition to the issuance of not to exceed two million three hundred fifty thousand dollars (\$2,350,000) of school bonds, provided that such notes are to be retired by the bonds.

(d) The District is further authorized, by resolution of its Board, to borrow money and issue its bonds for the purpose of refunding the bonds and notes authorized hereinor that may have been previously issued by the District. The refunding bonds shall be sold at such times, in such manner, and upon such terms as shall be provided by resolution of the Board, and notwithstanding anything herein to the contrary shall be in an amount necessary to refund such bonds or notes.

(e) The Board of the District is authorized and empowered to do and perform all acts and enter into all agreements which may be necessary or desirable in connection with the issuance and sale of any and all bonds and notes authorized herein, and to delegate the power to consummate all such acts and execute and implement all such agreements on its behalf as the Board shall deem necessary or desirable.

(f) The bonds and notes authorized hereunder shall be issued in fully registered form and shall be executed as provided in the Tennessee Public Obligations Registration Act and in the resolution adopted by the Board.

(g) Any bonds or notes issued hereunder shall be paid from the taxes levied by authority of the Act of Incorporation. Notwithstanding any provision of the Act of Incorporation to the contrary, all taxes levied pursuant thereto are specifically authorized to be used to pay the principal of and interest on any bonds and notes issued pursuant to this subsection. The Board of the District is hereby authorized to pledge such taxes as necessary to pay the principal of and interest on the bonds and notes authorized herein. The taxes shall constitute a lien on the property against which they are levied with the like force and effect as due county taxes.

(h) The Board is also authorized, but not required, to pledge to the payment of the bonds and notes all or

a portion of (i) any funds received by the District under the Tennessee Basic Education Program available to be used for capital outlay expenditures, as set forth in Tennessee Code Annotated, Section 49-3-351, and related sections, (ii) its share of the Local Option Sales and Use Tax now or hereafter levied and collected in Marion County, Tennessee, pursuant to Tennessee Code Annotated, Section 67-6-712, and (iii) any other funds received from the State of Tennessee, or any of its authorities, agencies, or instrumentalities, for school purposes and available to be used for capital outlay expenditures.

(i) The bonds and notes and all income therefrom, shall be exempt from all state, county and municipal taxation in the State of Tennessee, except excise and franchise taxes and except as otherwise provided by applicable law.

SECTION 2. No additional tax levies are levied hereby. The property taxes heretofore levied by the Act of Incorporation are hereby affirmed at the rates set forth therein, subject to the procedures set forth in Tennessee Code Annotated, Section 67-5-1704, relating to countywide reappraisal. In addition, in the event the total assessed value of all property subject to the tax hereinabove described declines by more than ten percent (10%) from January 1 of any year to January 1 of the next succeeding year, or declines by more than fifteen percent (15%) from January 1 of any year to January 1 of the second succeeding year thereafter, at the request of the Board of the District, the county assessor of property shall certify to the county trustee and the Board of the District the total assessed value of taxable property within the District and furnish the county trustee and the Board of the District an estimate of the total assessed value of all new construction and improvements not included on the assessment roll of the base year and all deletions from the assessment roll of the base year. Upon receipt of said information and certifications, the county trustee shall adjust the tax rate to an adjusted rate which is estimated to provide to the District the same tax revenue as was provided by said tax in the base year, exclusive of such new construction, improvements, and deletions, in accordance with policies established by the state board of equalization pursuant to Tennessee Code Annotated, Section 67-5-1701(b), or any successor thereto. Taxes levied for debt service shall be pledged and applied first to pay principal of and interest on indebtedness issued by the District, including the bonds and notes authorized herein. Any amounts in excess thereof may be used, at the discretion of the Board of the District, for any and all capital and/or operating expenses of the District.

SECTION 3. In the event that the laws creating the District are repealed or the District is abolished, that portion of such laws levying a tax, the proceeds of which are pledged to the payment of outstanding bonds and indebtedness of the District, shall remain in full force and effect with respect to the real and personal property within the District to the extent necessary to satisfy the District's debt service requirements with respect to said bonds, notes, and indebtedness, and the outstanding bonds, notes, and indebtedness of the District shall remain binding and valid obligations of the District the same to be paid out of funds collected in respect of the tax herein authorized. In such event, the said remaining tax shall continue to be collected by the county trustee and funds collected in respect thereof shall be paid in respect of the District's outstanding bonds, notes, and indebtedness by the District until such bonds, notes, and indebtedness have been paid in full.

SECTION 4. The provisions of this Act are intended to supersede any contrary provisions of the Act of Incorporation heretofore adopted.

SECTION 5. If any provision(s) of this Act or the application thereof shall be held by any court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Act and the application of such provisions shall not be affected thereby, shall be enforced to the greatest extent permitted by law and are declared to be severable.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

Passed: May 25, 2021

Teachers

Tenure

Private Acts of 1937 Chapter 8

SECTION 1. That all counties in the State of Tennessee, having a population of not less than 17,545 and not more than 17,555, according to the Federal Census of 1930, or any subsequent census, the teachers and principals of schools of such counties shall have certain qualifications and tenure of office as herein set forth.

SECTION 2. That teachers employed by the school authorities of said counties shall meet the certification

requirements and regulations of the State Board of Education, and other requirements provided.

SECTION 3. That all teachers hereafter employed by the school authorities of said counties to teach in the elementary schools shall have completed not less than two years' work in an accredited college, and that all teachers employed to teach in the high schools of said counties shall have completed not less than four years work in an accredited college, provided that this section shall not apply to any teacher now employed.

SECTION 4. That all teachers and principals employed by the school authorities of said counties during the first two years of employment shall be considered as probationary teachers and principals, during which time they shall be employed on annual contract which may or may not be renewed at the discretion of the employing authorities, provided that in the event of dismissal during the period covered by contract the teacher or principal shall have the same right of hearing as provided for teachers and principals on permanent tenure.

SECTION 5. That all teachers and principals employed by the school authorities of said counties who have served for two years or those who have not served for two years upon completion of two years of satisfactory service, and all teachers and principals hereafter employed, upon the completion of two years of satisfactory service, shall be employed on permanent tenure of office and shall not be demoted or dismissed except for inefficiency or immorality or on account of discontinuance of position, in which latter case the teacher or principal shall receive the first appointment of any position for which qualified.

SECTION 6. That a transfer of a teacher or principal from one position to another for which he or she is qualified, or from one school to another at the same salary, or the same comparative salary, if there has been a general salary increase or reduction, shall not be considered as a demotion.

SECTION 7. That no teacher or principal employed by the school authorities of said counties shall be preemptorily or arbitrarily demoted or dismissed but shall receive a written notice that demotion or termination of service is contemplated on a specific date and the notified teacher or principal may thereupon request that a written statement as to the grounds for demotion or dismissal shall be made, and following the delivery of such written statement the teacher or principal shall have fifteen days in which to request a hearing of said grounds as hereinafter provided.

SECTION 8. That the Chairman of the County Board of Education of said counties upon request for hearing being delivered to him or her in writing shall set a date for such hearing which date shall not be less than seven days nor more than twenty-one days after the request for such hearing has been made, and the Chairman and the County Board of Education of said counties shall hold such hearing at which time that teacher or principal shall have the right to be represented by counsel.

SECTION 9. That said County Board of Education of said counties shall issue writs of subpoena on request of either party to compel attendance of witnesses to testify at the hearing of such investigation, such subpoenas shall be signed by the Chairman of the County Board of Education of said counties and be served and obeyed in the same manner as subpoenas issued by Justices of the Peace under the general statutes of Tennessee, and any failure to obey such subpoenas may be enforced or punished in the same manner and to the same extent as is now provided by law for enforcing or punishing failure to obey subpoena issued by Justices of the Peace. The Chairman of the County Board of Education of said counties is hereby authorized to administer oath to witnesses at such hearing. Such hearing shall be held at the Courthouse in said counties and shall be public unless a private hearing is agreeable to parties filing the complaint and to the teacher or principal.

SECTION 10. That the Chairman of the County Board of Education of said counties shall preside at such hearing and the decision shall be rendered by a majority of the members of the County Board of Education of said counties unless there is a tie, in which case the deciding vote shall be cast by the Chairman. Upon the hearing said Chairman and County Board of Education shall consider the charges as preferred and the evidence thereon and upon rendering their decision shall immediately notify the teacher or principal involved, or their attorney of record. Notice mailed to the address, which must be furnished said Chairman by the parties, will be sufficient notification. If the decision is rendered in the presence of the teacher or principal against whom the charges have been made, no other notification will be necessary. Either party upon execution of cost bond or taking the pauper's oath will have seven days, from time notice is given of its decision by the County Board of Education, in which to perfect an appeal by certiorari or otherwise to the Chancery Court of said counties for review of questions of law and fact.

SECTION 11. That if on final disposition of the case the employment of said teacher or principal is not terminated any unpaid salary during his or her suspension shall be paid in full.

SECTION 12. That if any sentence, clause or section of this Act be held unconstitutional, or the application of said Act be held unconstitutional, with respect to any person or circumstance, such holding shall not affect any other sentence, clause or section or application to any other person or circumstance.

SECTION 13. 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 shall take effect from and after its passage, the public welfare requiring it.

Passed: January 11, 1937.

Education/Schools - Historical Notes

Board of Education

The following act once affected the board of education in Marion County but is no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1949, Chapter 365, as amended by Private Acts of 1953, Chapter 18, divided counties having a population of not less than 19,100, nor more than 19,200, by the Federal Census of 1940 into three school districts and a School Board which consisted of three members, one for each School District. This act was repealed by Private Acts of 1975, Chapter 4.
2. Private Acts of 1975, Chapter 4, was repealed by Private Acts of 2002, Chapter 129.

Superintendent or Director of Schools

The act referenced below once affected the office of superintendent of education in Marion County.

1. Private Acts of 1931, Chapter 729, provided that the county superintendent of schools in Marion County be elected by popular vote for a term of four years. Eligibility requirements for election, compensation, and duties were provided by the general school laws of the state.

General Reference

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

1. Acts of 1826, Chapter 15, established the Samuel Houston Academy as the county academy in Marion, to be located on a site near Jasper.
2. Acts of 1829-30, Chapter 156, authorized a lottery for the benefit of the Samuel Houston Academy.
3. Acts of 1832, Chapter 76, authorized the Treasurer of the School Board to perform the duties of bank agent in Marion County.
4. Acts of 1833, Chapter 303, authorized the Trustees of Samuel Houston Academy to place the academy funds in the stock of the Planters Bank.
5. Acts of 1839-40, Chapter 138, gave the Clerk of the common school district the authority to rent the school land for the purpose of cultivation to improve those lands.
6. Acts of 1855-56, Chapter 118, established the Sequatchie Valley Academy, naming a Board of Trustees to govern it. This Act was amended by Chapter 437, Acts of 1909, to change the school's name and to create the New Hope Independent School District, but this was repealed by Chapter 380 of the Private Acts of 1911.
7. Private Acts of 1859-60, Chapter 139, named Harvey Richards, William Pryor and R.E. Davis of Marion County to survey the second school township.
8. Acts of 1907, Chapter 264, created an independent school district out of parts of the counties of Marion and Sequatchie.
9. Acts of 1907, Chapter 273, created an independent school district in the Seventh Civil District of Marion County, to be controlled by three elected school directors. This was superseded by the creation of a county board of education in Chapter 729, Private Acts of 1931.
10. Acts of 1907, Chapter 233, also created the New Hope School District, but its provisions were superseded by Chapter 437, Acts of 1909, cited above.
11. Acts of 1909, Chapter 241, was a compulsory education law for Marion County, applying to all children between the ages of 8 and 16. This law required sixteen weeks or eighty days of school attendance each year and made parents of children who did not obey guilty of a misdemeanor. Chapter 95, Private Acts of 1911, amended the census figures in Section 11 of the original act.
12. Private Acts of 1915, Chapter 46, created the Monteagle Special School District out of parts of the Fourth and Eighth Civil Districts of Marion and Grundy Counties. Chapter 15, Acts of 1920 (Ex. Sess.), amended this Act to set the rate of taxation at 10¢ per \$100 of assessed valuation on

- property in the school district. These Acts were repealed by Chapter 311, Private Acts of 1929, which abolished the Monteagle Special School District.
13. Private Acts of 1915, Chapter 537, established the Whitwell Special School District out of part of the Second Civil District and including the town of Whitwell. Acts of 1920 (Ex. Sess.) Chapter 18, amended the original Act to set a new rate of taxation on property in that school district, but this amendatory Act was repealed by the Private Acts of 1925, Chapter 715, which also contained provisions for the election of new school commissioners for the Whitwell School District. Private Acts of 1927, Chapter 778, amended the original boundaries, excluding the Red Hill School from the district. The Whitwell Special School District was abolished and all of these Acts repealed by Chapter 16 of the Private Acts of 1929.
 14. Private Acts of 1917, Chapters 96 and 136, provided for the election of a County Superintendent of Public Instruction in Marion County.
 15. Private Acts of 1917, Chapter 132, abolished the County High School Board of Education and placed its powers and duties in the County Board of Education.
 16. Private Acts of 1917, Chapter 373, authorized the County Board of Education to prorate and disburse the elementary school fund to insure that all elementary schools in Marion County could operate for the same number of days each year. This was amended by Private Acts of 1919, Chapter 19, which instructed the Marion County Trustee to prorate and distribute those school funds if the County Board of Education had not done so by the second Monday in September, 1919. Both of these Acts were repealed by Acts of 1920 (Ex. Sess.), Chapter 20.
 17. Private Acts of 1917, Chapter 407, vested all authority to control, manage, collect and disburse special school funds in the County Board of Education, with the proviso that they could be used only for school purposes.
 18. Private Acts of 1923, Chapter 184, was the first Act creating a general Board of Education for Marion County.
 19. Private Acts of 1923, Chapter 651, placed the enforcement of the compulsory school attendance laws in the County Superintendent of Public Instruction; thereby abolishing the office of Marion County Attendance Officer.
 20. Private Acts of 1925, Chapter 134, authorized the Board of Education to sell the property in Jasper known as the Samuel Houston Academy. This Academy had been the first public school established for Marion County.
 21. Private Acts of 1929, Chapter 247, set the pay of members of the Marion County Board of Education at \$150 per year.
 22. Private Acts of 1935, Chapter 122, authorized the Board of Education, the County Judge and the County Superintendent of Public Instruction, acting jointly, to borrow \$7,000 and to execute notes with an annual interest rate of 5% for the purpose of building and repairing school buildings in Marion County.
 23. Private Acts of 1935, Chapter 275, directed that all special school funds for the old Fifth, Eighth, and Thirteenth Civil Districts be placed in the General Elementary School Fund of Marion County.
 24. Private Acts of 1937, Chapter 8, set the qualifications and tenure of teachers and principals in the Marion County school system.
 25. Private Acts of 1937, Chapter 760, renewed and validated the certificate of qualification issued by the State Board of Education to D.A. Tate. This was done so that Mr. Tate would be eligible for election as County Superintendent of Education, without any further examination.
 26. Private Acts of 1947, Chapter 64, amended a section of Private Acts of 1931, Chapter 729, (found in this Chapter) which has not been superseded by Private Acts of 1949, Chapter 365 (also found in this Chapter). This amendment raised the salaries of members of the County Board of Education

Chapter VII - Elections

Districts - Reapportionment

Civil Districts

Private Acts of 1933 Chapter 198

SECTION 1. That Marion County shall be redistricted and laid into five (5) Civil Districts, bounded and described as follows:

FIRST CIVIL DISTRICT: Beginning at the extreme south end of Anderson Point on Cumberland Mountain at the bluff, thence running southwardly and eastwardly with the various meanders of the bluff and top of mountain to a point on the top bluff of Cumberland Mountain west of what is known as "the old poorhouse place" at the foot of Glover Hill; thence southeastwardly to "the old poorhouse place" at the foot of the mountain at Glover's Spring Branch; thence down said branch as it meanders to the Tennessee River' thence northwardly up said river to what is known as the narrows above Shellmound; thence crossing the river and southwardly up the point of the mountain to the Georgia state line; thence westwardly with the Georgia state line to the Alabama line; thence with the Alabama line to the Franklin County line; thence northwardly with the Franklin County line to a point due west of the head of Gourneck Cove; thence east to a point on the bluff at the head of Gourneck Cove, this point being north of geodetic marker WKJ 4-1731; thence northwardly and eastwardly with the various meanders of the bluff and top of mountain to a point on the west bluff of Gizzard Cove and which is due west of the extreme south end of Anderson Point; thence due east to the point of beginning.

SECOND CIVIL DISTRICT: Beginning at a point in the north boundary line of the First Civil District on the bluff of Cumberland Mountain, west of what is known as "the old poorhouse place" at the foot of Glover's Hill; thence southeastwardly to "the old poorhouse place" at the foot of the mountain at Glover's Spring Branch; thence down said branch as it meanders to the Tennessee River; thence northwardly up said river to what is known as the narrows above Shellmound; thence continuing up said river to a point directly north of the former location of the Southern Railway piers in said river; thence north to the top bluff of Walden's Ridge; thence eastwardly with the meanders of the bluff and top of Walden's Ridge to the extreme eastern end of Pot Point; thence east to the center of the Tennessee River; thence up the River with the meanders thereof, to the Hamilton County line; thence northwardly with the Hamilton County line to a point due east of the point where Sulphur Branch flows over the bluff of Walden's Ridge; thence west to the point where Sulphur Branch flows over the bluff of Walden's Ridge; thence continuing westwardly to a point on the bluff of Walden's Ridge overlooking Sequatchie Valley and which is due east of the intersection of Ketner Mill road and East Valley road; thence west to the intersection of the Ketner Mill road and the East Valley road; thence with the meanders of Ketner's Mill road to the bridge across Big Sequatchie River just below Ketner's Mill; thence down Big Sequatchie River to the mouth of Little Sequatchie River; thence up Little Sequatchie River to the point where the L & N Railroad crosses said river; thence in a direct line to the extreme southern end of Jones point on the top of Cumberland Mountain; thence northwardly with the meanders of the bluff and top of the mountain to a point on the bluff on Davis Point and which is due east of the point where Long Branch flows into Indian Cove; thence due west crossing Little Sequatchie Cove and Indian Cove to the point on the bluff where Long Branch flows into Indian Cove; thence with the various meanders of the bluff and top of the mountain to the point of beginning.

THIRD CIVIL DISTRICT: Beginning at the intersection of the Big Fiery Gizzard Creek and the Grundy County line; thence in a straight line southeastwardly to the top bluff of the mountain at the extreme south end of Anderson point; thence eastwardly with the various meanders of the bluff and top of the mountain to the point where Long Branch flows into Indian Cove; thence due west to the top bluff of the mountain on Davis point; thence southwardly with the meanders of the bluff and top of the mountain to the extreme southern end of Jones point; thence in a straight line southwardly to the point where Little Sequatchie River flows under the L & N Railroad; thence southwardly with the various meanders of the Little Sequatchie River to Big Sequatchie River; thence up Big Sequatchie River to the bridge crossing said river just below Ketner's Mill; thence along the public road leading by Ketner's Mill to the East Valley road; thence due east to the top bluff of Walden's Ridge; thence eastwardly in a straight line to the point where Sulphur Branch flows over the top bluff of Walden's Ridge; thence in a straight line due east to the Marion-Hamilton County line; thence northwardly with the Hamilton County line to the Sequatchie County line; thence with the various meanders of the Sequatchie County line and Grundy County line northwardly and westwardly to the point of beginning.

FOURTH CIVIL DISTRICT: Beginning at the point where the Hamilton County line and the Marion County line intersect the line of the State of Georgia; running thence westwardly with the Tennessee-Georgia state line to the southeast corner of the First Civil District; running thence northwardly with the said District line to the Tennessee River; thence northeastwardly with the various meanders of the river to a point directly south of the former location of the Southern Railway piers in the said river; thence north crossing the river to the top bluff of Walden's Ridge; thence with the meanders of the said bluff to the extreme eastern end of Pot Point; thence in a straight line east to the center of the Tennessee River;

thence up the river and the meanders thereof, to the Hamilton County line; thence southwardly with the meanders of the Hamilton County line to the point of beginning.

FIFTH CIVIL DISTRICT: Beginning at the intersection of the Big Fiery Gizzard Creek and the Grundy County line; thence in a straight line southeastwardly to the top bluff of the mountain at the extreme south end of Anderson point; thence due west crossing Gizzard Cove to the top bluff of the mountain on the west edge of Gizzard Cove; thence with the various meanders of the bluff and top of the mountain to a point at the head of the Gourneck Cove; which is due north of WKJ 4-1731; thence due west in a straight line to the Franklin County line; thence northwardly and eastwardly with the Franklin County line and the Grundy County line to the point of beginning.

As amended by: Private Acts of 1935, Chapter 519
Private Acts of 1961, Chapter 285
Private Acts of 1967-68, Chapter 341
Private Acts of 1969, Chapter 29
Private Acts of 1978, Chapter 319

SECTION 2. That all Acts and parts of Acts that conflict with this Act be and the same are hereby repealed.

SECTION 3. That the Commissioners of Elections for Marion County shall within thirty days after the final passage of this Act, call and hold elections in and for the five districts herein created, for the purpose of electing justices of the peace and constables. Justices of the peace and constables elected at said election to hold office until the next regular August election. All voters who were qualified to vote in the November election in 1932 in Marion County and still residents of Marion County, may vote in this election.

SECTION 4. That the districts of Marion County as herein created and defined shall remain unchanged except by acts of the Legislature of Tennessee.

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

Passed: March 27, 1933.

Elections - Historical Notes

The following is a listing of acts for Marion County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1832, Chapter 4, divided Tennessee into districts for the election of Representatives to Congress. Marion County was placed in the Fourth Congressional District.
2. Public Acts of 1832, Chapter 9, prescribed the methods of choosing Electors to vote for President and Vice President of the United States. The act divided the state into fifteen districts; Marion County was placed in the Fifth District along with M'Minn, Rhea, Bledsoe and Hamilton Counties.
3. Public Acts of 1833, Chapter 71, divided the state into Representative and Senatorial Districts. The counties of Roane, Rhea, Marion, Hamilton and Bledsoe composed one election district, and elected one senator.
4. Public Acts of 1835-36, Chapter 39, prescribed the mode of choosing Electors to vote for President and Vice President of the United States. Marion County, along with M'Minn, Rhea, Bledsoe and Hamilton Counties composed the Fifth District.
5. Acts of 1842 (2nd Sess.), Chapter 1, apportioned the Representation in the General Assembly of Tennessee. Marion County, along with Hamilton, Bledsoe, Rhea and Meigs Counties, composed one Senatorial District and elected one Senator.
6. Acts of 1842 (2nd Sess.), Chapter 7, divided Tennessee into districts for the election of Representatives to Congress. Marion County, along with Knox, Roane, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley and Hamilton Counties were placed in the Third Congressional District.
7. Public Acts of 1889, Chapter 196, amended the general law to detach Marion County from the Third Congressional District and place it in the Fifth.
8. Public Acts of 1899, Chapter 414, redistricted Marion County, reducing the number of civil districts from sixteen to four. This was amended by the Public Acts of 1901, Chapter 380, to allow the County Court to increase the number of civil districts, at their discretion. Public Acts of 1901, Chapter 474, repealed these Acts, restoring the sixteen original districts.
9. Public Acts of 1901, Chapter 122, placed Marion County in the Eleventh Senatorial District and the Thirteenth Representative District. Acts of 1907, Chapter 178, amended this Act to give Marion County a representative in the General Assembly and abolished the joint district between Marion

and Franklin Counties.

10. Acts of 1905, Chapter 237, was another redistricting act for Marion County. It abolished the 1st, 2nd, 3rd, 4th, 6th, 8th, 9th, 11th, and 14th Civil Districts, and attached their territory to the remaining civil districts, creating seven in all. This was amended two years later, by Chapter 479, Acts of 1907, to create the Eighth Civil District. Private Acts of 1913, Chapter 89, also amended the original act, by creating the 9th, 10th, and 11th Civil Districts.
11. Acts of 1907, Chapter 148, changed the boundary between the 5th and 7th Civil Districts of Marion County.
12. Private Acts of 1911, Chapter 262, provided that no registration of voters would be necessary in Marion County.
13. Private Acts of 1915, Chapter 445, was an act setting general election regulations for Marion County. It provided that elections were to be held in the same manner as elections held in other counties, towns, municipalities, and districts where the registration and "Dortch" laws did not apply.
14. Private Acts of 1923, Chapter 182, was a redistricting act, which abolished the eleven existing civil districts and created five.
15. Private Acts of 1925, Chapter 695, authorized an election for the purpose of ascertaining the will of the voters with reference to a stock law.
16. Private Acts of 1929, Chapter 499, created the 6th and 7th Civil Districts, authorized elections within sixty days to fill new district offices.
17. Private Acts of 1929, Chapter 803, created the 8th Civil District, with its officials to be elected within sixty days.
18. Private Acts of 1931, Chapter 21, created the 9th Civil District and provided for an election within sixty days.
19. Private Acts of 1935, Chapter 519, created the 4th and 5th Civil Districts of Marion County.
20. Private Acts of 1953, Chapter 512, set the salary of Justices of the Peace at \$6.00 for each day's attendance in the Quarterly County Court.
21. Private Acts of 1957, Chapter 407, set the salary of Justices of the Peace at \$15.00 per day, but this Act was repealed by Chapter 343, Private Acts of 1967-68.
22. Private Acts of 1961, Chapter 285, which was an amendatory Act to Chapter 198, Private Acts of 1933, changed the boundaries of the 2nd Civil District of Marion County.
23. Private Acts of 1967-68, Chapter 343, set the salary of Justices of the Peace at \$25.00 per day for each day's attendance upon court.
24. Public Acts of 1978, Chapter 597, repealed Chapter 1 of the Acts of 1842 (2nd Sess.), being the law apportioning Representatives and Senators to the State General Assembly

Chapter VIII - Health

Director of Health

Private Acts of 1933 Chapter 809

SECTION 1. That the office of Director of Health of Marion County is hereby created. The Director of Health shall be elected by the people at the August election when other county officers are selected and shall hold office for a term of four years, beginning on September 1 following his election. The person selected as Director of Health shall be a resident of the County, the graduate of a reputable medical school and a person licensed to practice medicine in the State of Tennessee.

Until the election of a Director of Health at the regular August election in 1934, Dr. S.N. Anderson, who possesses the qualifications prescribed by this Act, is hereby designated to serve and act as Director of Health of Marion County.

In the event of a vacancy in the said office of Director of Health, the Quarterly County Court is authorized to select some person to fill the said office until the next regular county election for such officers.

It shall be the duty of the Director of Health to furnish medical and surgical attention to persons confined in the county jail, the county workhouse and the county poorhouse, whenever such persons require

attention.

It shall be the duty of the Director of Health to co-operate with the State Department of Health and to carry into effect such rules and regulations as may be prescribed by the said State Department of Health.

It shall be the duty of the Director of Health to investigate any case or suspected case of a communicable disease and on discovering that such disease exists, to isolate and quarantine the diseased person.

It shall be the duty of the Director of Health to investigate the purity and potability of any public water supply used in the county, and to take such steps under the laws of the State as any public health officer might take to prevent the using of contaminated water.

It shall be the duty of the Director of Health to enforce any and all health statutes of the State and to exercise such rights and powers as are by law vested in a county health officer or county physician.

It shall be the duty of the Director of Health to supervise the health and to exercise his powers and authority in municipalities of the county.

SECTION 2. That the Director of Health shall receive as compensation for his services a salary of \$480.00 per annum, payable monthly, out of the general funds of the county.

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

Passed: April 20, 1933.

Indigent Hospital Care

Private Acts of 1931 Chapter 442

SECTION 1. That any county in this State having a population of not less than 17,545 nor more than 17,555, by the Federal Census of the year 1930, or any subsequent Census, is hereby authorized to appropriate and donate, to any hospital for the sick, located within or without said county, which engages wholly, or in part, in the work of caring for the indigent sick inhabitants of such county, free of cost, an amount not be exceed Five Thousand (\$5,000.00) Dollars per annum.

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

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

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

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

Passed: June 18, 1931.

Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1921, Chapter 462, created the office of county physician, to be elected by the County Court for a four year term and to be paid \$75 per month for his services. This was repealed by Chapter 542 of the Private Acts of 1933.
2. Private Acts of 1927, Chapter 766, stated that the County Physicians of all counties, with a population of not more than 17,410 nor less than 17,400 inhabitants according to the Federal Census of 1920, were to inspect ice manufacturers monthly for sanitary conditions.
3. Acts of 1931 (2nd Ex. Sess.), Chapter 33, provided that a successor to the then current Marion County physician should be elected at the regular July term of the County Court in 1932 and every four years thereafter. This Act was amendatory to the original county physician act (Chapter 462 of 1921) listed above.

Chapter IX - Highways and Roads

Road Law

Private Acts of 1933 Chapter 24

SECTION 1. That in all counties of the State of Tennessee having a population of not less than 17,545 and not more than 17,555 according to the Federal Census of 1930 or any subsequent Federal Census, there shall be a Road Supervisor, who shall have charge of all county roads in counties coming under the provisions of this Act.

SECTION 2. That said Road Supervisor shall have the following powers, duties and authority, among others set out in this Act and under the limitations and conditions thereof, to wit:

1. General supervision, control and management, directly of all public roads and bridges of the County (not supervised and maintained by the State) and all the working of roads and construction of bridges, culverts or other work and construction necessary.
2. To make all contracts necessary for working roads, building bridges or other construction and as to any and all requirements necessary in maintaining such roads, bridges, or other construction including the authority to contract with any municipal corporation in said county or counties for building, repairing, and maintaining streets of such municipality and monies derived from such contracts shall be paid over to the County Trustee in said county or counties and treated as other county road funds.
3. To make or cause to be made all plans and specifications necessary to be made for work on construction. Also to make or cause to be made any surveys necessary.
4. To take any action necessary to prevent the obstruction of roads or injury thereto, to bridges or other construction, or to other property of the county.
5. To work inmates of the County Workhouse on the roads as hereinafter provided.
6. To hire labor and purchase materials necessary to be used in the construction and maintenance of said roads.
7. To do and perform each, other and further act necessary in maintaining roads which conforms to the spirit and intent of this Act, not inconsistent with the purpose and intent thereof.

As amended by: Private Acts of 1963, Chapter 191

SECTION 3. That in the event Marion County comes within the provisions of this Act that J.H. Moore of Jasper, Tennessee, shall be, and is hereby named, the Road Commissioner. Said J.H. Moore shall serve as such Supervisor until the first day of September, 1934. The term of said Road Supervisor is fixed at two years and his successor shall be elected at the regular August election of 1934 to hold for two years from September 1, 1934. The Supervisor shall be a free holder and resident of the county in which he is elected or appointed. Beginning on September 1, 1968, the term of this office is four (4) years.

As amended by: Private Acts of 1967-68, Chapter 409

SECTION 4. That all monies received from the county, or the State of Tennessee through the Department of Highways and Public Works or from the Federal Government or from any other source, the Trustee of said county shall deposit the same in a separate fund to be known and designated as Marion County's Rural Road Fund.

SECTION 5. The County Road Supervisor shall receive an annual salary in the same amount as the annual compensation provided for the Marion County Trustee, such salary to be paid in equal monthly installments out of the road funds of the county, in the same manner as other county officials are paid. The Road Supervisor shall be paid \$1200.00 per annum for expenses in addition to his salary, payable at the rate of \$100.00 per month and to be drawn by check upon the Trustee of the county in the same manner as his salary.

The Supervisor shall pay by check upon said Trustee against said fund for all labor, material, machinery, salaries and all other things necessary to carry out the work provided for by this Act.

As amended by: Private Acts of 1949, Chapter 138
Private Acts of 1953, Chapter 340
Private Acts of 1959, Chapter 106
Private Acts of 1963, Chapter 191
Private Acts of 1967-68, Chapter 117

SECTION 6. That the Road Supervisor shall have general supervision, control and management of the construction, maintenance and repair of all county roads and county bridges in the county. And there is hereby conferred upon him all the authority and power necessary for the proper exercise and discharge of his duties. And to this end, except as hereinafter limited, the Supervisor is hereby given authority to purchase new machinery or trade in old for new, when in his judgment it is to the best interest of the county. But the Road Supervisor and the County Judge or Chairman shall act as joint purchasers in buying

machinery or in trading machinery, necessary to carry on the work of construction and maintenance of all roads and bridges coming under the management and control of said Supervisor. The County Judge or Chairman and the County Road Supervisor acting jointly are clothed with authority to sell and dispose of equipment which has become old and obsolete or for other reasons no longer useful for building, repairing, and maintaining roads in such counties.

As amended by: Private Acts of 1963, Chapter 191

SECTION 7. That the Supervisor in the actual management and execution of his work be empowered to appoint working overseers or foremen, and hire such labor as may in his judgement be necessary in the maintenance and construction of said roads. Said overseers or foremen and employees to be designated and discharged in the discretion of the Supervisor.

SECTION 8. That before the Supervisor enters upon his duties he shall enter into a solvent bond, payable to the State for the use of the county in the penal sum of \$5,000.00, conditioned upon the faithful performance of his duties set out in this Act.

SECTION 9. That the county court may in its discretion levy a Road Tax of a sufficient rate to provide funds for the carrying out of the provisions of this Act.

SECTION 10. That upon the passage of this Act and the qualification of the Supervisor herein named, the present Road Commission is hereby directed to immediately deliver to the said Supervisor all road equipment, machinery of every kind and character on hand, all tools, gas and oil, and other property belonging to the county and used in said road work. They are also further directed to deliver to the Trustee of the county or the Supervisor named herein for the Trustee, all monies on hand that have come to the said Road Commission either from the State, Federal or County Governments.

SECTION 11. That the Supervisor shall have charge of any and all prisoners confined in the county jail or workhouse under workhouse sentences as provided by law. And must work them or cause them to be worked on the county roads at his discretion, for such credit on their sentences, fines and costs in time or money as now or hereafter may be provided by law for such work. Provided that nothing herein shall be construed to relieve the Sheriff or Jailer of any responsibility for such, prisoners now or hereafter imposed by law.

SECTION 12. That the county shall have the right of eminent domain for public road purposes to be exercised as provided by law for condemnation of private property for railroad purposes, except that the county shall not be required to make bond for damages as required of railroad companies.

SECTION 13. That all rights of way accepted or condemned shall be of the width as classified by statute for the particular classes of roads for which such rights of way are accepted or condemned. That all gravel, stone, dirt or other road building material may be condemned in the same manner as rights of way as herein provided and charges assessed shall not be in excess of the actual cash value of the material.

SECTION 14. That the Road Supervisor shall order the payment by the County Trustee by written order of all money collected by taxation or otherwise, belonging to the road or bridge fund for the construction, improvement, working or repairing of roads and bridges. Said orders to be drawn and signed by the Road Supervisor. Such orders shall plainly specify (1) the amount to be paid, (2) to whom, (3) for what purpose the expenditure is made; and such orders when so signed and drawn shall be the authority to the Trustee to make payments out of the Road or Bridge Fund.

The Supervisor shall make, swear to and file with the semi-annual County Court of Marion County showing a list of checks issued by him, to whom issued and for what purpose. The County Chairman or Judge shall preserve said reports as public records of the County. The Road Supervisor shall have an office in the county courthouse, wherein he shall keep all the records of his office, which shall be open to public inspection.

SECTION 15. That in case of a vacancy in the office of Road Supervisor by death, resignation or otherwise, that the County Judge or Chairman of the County Court shall have the power to fill said vacancy until the next regular August election for county offices.

SECTION 16. That Chapter 144 of the Private Acts of 1917 be and the same is hereby repealed. And all Acts amendatory thereto be and the same are hereby repealed.

SECTION 17. That all Acts and parts of Acts that conflict with this Act be and the same are hereby repealed.

SECTION 18. That the sections of this Act and parts thereof are declared to be independent sections or parts of sections and the holding of any section or any part thereof unconstitutional, void or ineffective for any cause, shall not effect any other section or part thereof.

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

Passed: January 19, 1933.

Highways and Roads - Historical Notes

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

1. Acts of 1819, Chapter 169, authorized John Rogers and Charles Sullivan to open a turnpike road from McMinnville to the county seat of Marion County.
2. Acts of 1829-30, Chapter 29, authorized Robert Cozby, John W. Hill, Peter Brown, and Josiah Anderson to open a turnpike road, "commencing in the neighborhood of Ephriam Hixen, Jr. in Sequachy Valley, Marion County" and crossing Walden's Ridge to the west side of Chickamauga Creek.
3. Acts of 1831, Chapter 185, authorized George Wood to open a turnpike across Cumberland Mountain in Marion County.
4. Acts of 1833, Chapter 36, authorized James J. Hornback to build a mill dam across the "Sequatchee" River, provided that he did not obstruct navigation of the River.
5. Acts of 1833, Chapter 52, authorized John C. Haley to open a turnpike road across Walden's Ridge in Marion County.
6. Acts of 1835-36, Chapter 27, named a Board of Turnpike Commissioners for a turnpike to be opened between Marion and Hamilton Counties, to be 18 feet wide, clear of all stumps, trees and other obstructions with bridges 12 feet wide.
7. Acts of 1837-38, Chapter 191, appropriated \$3,000 to Marion County under the supervision of Absalom Dickens, John Mitchell and William Rice, for the improvement of rivers in East Tennessee.
8. Acts of 1841-42, Chapter 130, gave Josiah M. Anderson of Marion County and George W. Williams of Hamilton County two more years in which to complete their turnpike.
9. Acts of 1841-42, Chapter 145, authorized Andrew K. Parker, John Gillentine and Nicholas M. Gillentine to open a turnpike road across Cumberland Mountain from Van Buren County into Marion County.
10. Acts of 1847-48, Chapter 103, gave the Marion County Court authority to build one or more free bridges across Battle Creek.
11. Acts of 1849-50, Chapter 134, empowered the County Court to erect a free bridge across the "Sequatchee" River, but the bridge was not to be an obstruction to navigation, except when the river was unusually high.
12. Acts of 1849-50, Chapter 166, authorized David Wallings to build a turnpike road across Wallings' Ridge in Marion County, into Hamilton County.
13. Acts of 1849-50, Chapter 168, authorized Andrew Stone to open a turnpike road, within two years, from the south bank of the Tennessee River to the Georgia line.
14. Acts of 1851-52, Chapter 251, authorized Henry Long and Henry M. Long of Marion County to open a turnpike from Jasper to Chattanooga, to be opened by April, 1854.
15. Acts of 1909, Chapter 379, created the Pike Road Commission and authorized a tax levy by the Marion County Court for pike roads.
16. Private Acts of 1915, Chapter 682, was a \$100,000 bond issue for the public roads, which was amended by Chapter 5, Private Acts of 1917, to authorize the Pike Commission to pay over to the contractors working on the Marion County roads, up to 90% of the amount earned from this bond sale, as the work progressed on road improvements.
17. Private Acts of 1917, Chapter 144, was a general road law for Marion County. It set up a three member Road Commission, to be elected by the County Court for three year terms. Its members were to be "practical men of business." This Act also had provisions for road duty and for a district road tax as well as a wagon and team tax. This was amended by Chapter 6, Private Acts of 1929, to provide that members of the Road Commission were entitled to receive expenses for the discharge of their duties. This was repealed by Private Acts of 1933, Chapter 24, the current road law, found in this volume.
18. Private Acts of 1917, Chapter 191, placed all authority to locate, repair and build bridges, and to disburse road funds in the Road Commission.
19. Private Acts of 1919, Chapter 71, was a general road law for Marion County, providing for a

three-member road commission to be elected by the County Court. The Road Commission was to employ a Supervisor of Roads, and there were provisions in the Act for a road tax, road duty, and an auto tax and license. The method of collection of the road tax was changed by Private Acts of 1919, Chapter 70. Private Acts of 1919, Chapter 391, amended the road law to provide that the County Judge should have the power to make all purchases for the highway department, except for machinery. In 1920, the requirement of road duty and the tax on pleasure automobiles was dropped in the Acts of 1920 (Ex. Sess.), Chapter 19. The memberships of the Road Commission was increased to seven by Private Acts of 1921, Chapter 82, but Private Acts of 1923, Chapter 183, again reduced the number to three, who were to be elected by the voters. Private Acts of 1925, Chapter 147, was an amendment requiring payment of an auto tax only by automobiles and trucks with a capacity of more than one ton. All of these Acts were repealed by Private Acts of 1927, Chapter 524.

20. Private Acts of 1929, Chapter 247, set the salary of the Road Commissioners at \$150 per year, plus expenses.
21. Private Acts of 1931, Chapter 674, authorized the County Judge to purchase and establish a free ferry at South Pittsburg, Tennessee.
22. Private Acts of 1941, Chapter 495, amended Private Acts of 1931, Chapter 674 by substituting Board of County Commissioners for County Judge and by giving the Board additional authority to collect tolls. The Board of County Commissioners was abolished in 1949, but this amendatory act was never repealed.
23. Private Acts of 1959, Chapter 268, was an attempted amendment to the current road law changing the duties of the Road Superintendent, but it was tabled by the Quarterly County Court and never became effective.

Chapter X - Law Enforcement

Law Enforcement - Historical Notes

Jails and Prisoners

The following acts once affected jails and prisoners in Marion County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1939, Chapter 58, abolished the Work House in Marion County.
2. Private Acts of 1949, Chapter 137, repealed Chapter 58 of the Private Acts of 1939 above.

Militia

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

1. Acts of 1822, Chapter 205, provided that the different militia regiments of Rhea, Bledsoe, Hamilton, Marion and McMinn Counties were to constitute a brigade of Tennessee militia.
2. Acts of 1823, Chapter 310, authorized the field officers of Marion County to exempt Captain Sergeant's and Elliott's companies from attending regimental and battalion musters.
3. Acts of 1831, Chapter 141, exempted the Marion County troop of cavalry from attending regimental musters but in lieu of those, required the troop to attend battalion musters in Marion County.
4. Acts of 1835-36, Chapter 21, divided the state militia into companies, regiments, brigades and divisions, and prescribed the times and modes of electing officers. Marion County composed the 38th Regiment of Tennessee.
5. Acts of 1837-38, Chapter 157, amended the Militia Laws of Tennessee. Marion County, which was part of the seventh brigade, was to hold county drills on the second Monday and Tuesday of every year.
6. Acts of 1839-40, Chapter 56, amended the Militia Laws of Tennessee. The act placed Marion County was the 38th Regiment and in the seventh brigade. Marion County was to hold drills on the first Saturday in October of every year.

Sheriff

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

providing new substantive provisions.

1. Acts of 1820, Chapter 117, allowed the Sheriffs of Warren, Jackson, Bledsoe, and Marion Counties to advertise all lands sold by them, by execution or for taxes, in the Sparta Gazette, and also allowed the rangers of those counties to advertise all strays in the Sparta Gazette. This was repealed by Acts of 1821, Chapter 180, which contained the same provisions as to advertising, but dropped the mandatory requirement that it be in the Sparta Gazette.
2. Acts of 1821, Chapter 134, required the Commissioners of the City of Jasper to build the public jail upon some "eligible" lot rather than building it upon the public square.
3. Acts of 1831, Chapter 161, authorized the Trustee of Bledsoe County to pay Daniel Riggle, jailor of Marion County, the sum of \$125.50 for upkeep of a prisoner who had been convicted of manslaughter in the Circuit Court of Bledsoe County.
4. Private Acts of 1917, Chapter 389, provided that in all counties having a population of not more than 18,850 and not less than 18,800, according to the Federal Census of 1910, it was the duty of the Sheriff to, when it came to his knowledge that a fire had occurred of the character contemplated by section two of Chapter 397 of the Acts of 1907, to make a full investigation of all the facts pertaining to the said fire and procure the attendance of all witnesses having knowledge of such fires to the next grand jury for the purpose of indicting persons guilty of unlawful burning. And that the sheriffs of counties under the provision of this act were empowered and directed to summon all male inhabitants of such counties between the ages of 15 and 45 and require them to assist in the extinguishing of forest fires, and that all parties summoned by the Sheriff who refused to obey the summons were deemed guilty of a misdemeanor and subject to a fine not less than \$5 nor more than \$25.
5. Private Acts of 1919, Chapter 74, general state law provided that sheriffs were responsible for collecting delinquent taxes.
6. Private Acts of 1923, Chapter 701, provided additional compensation for the Sheriff of Marion County of not more than \$800 per year and not less than \$10 per year, until September, 1923.
7. Private Acts of 1925, Chapter 4, authorized the quarterly county court of Marion County to appropriate to the sheriff, annually, an amount for ex-officio services not to exceed \$600 per annum.
8. Private Acts of 1927, Chapter 216, set the compensation of the Sheriff at \$100 per month, plus the fees of the office.
9. Private Acts of 1929, Chapter 799, authorized the quarterly county courts of all counties in the State of Tennessee having a population of not more than 17,410 nor less than 17,400 according to the Federal Census of 1920, to pay all necessary medical and hospital expenses of any sheriff, deputy sheriff or constable injured or wounded while engaged in the performance of any duty imposed by law upon such officer.
10. Private Acts of 1939, Chapter 29, authorized the purchase of a patrol wagon for the sheriff's office.
11. Private Acts of 1939, Chapter 31, was an act organizing the Sheriff's office, setting his salary, authorizing him to hire five deputies and setting their compensation. This was amended by Private Acts of 1939, Chapter 314, to provide that these salaries would be paid by warrants issued by the Chairman of the Board of County Commissioners rather than by the Chairman of the County Court. It was further amended by Private Acts of 1945, Chapter 535, to increase the salaries of the deputies.
12. Private Acts of 1939, Chapter 58, abolished the Marion County Workhouse. This Act was repealed by Private Acts of 1949, Chapter 137.
13. Private Acts of 1949, Chapter 782, as amended by Private Acts of 1957, Chapter 284, Private Acts of 1959, Chapter 90, provided that in all counties of the state having a population of not more than 19,200 and not less than 19,100, according to the Federal Census of 1940, sheriffs receive a salary of \$5,000 a year, and empowered them to appoint six deputies at a salary of \$150 per month plus an additional allowance of \$100 per month for expenses.
14. Private Acts of 1949, Chapter 783, as amended by Private Acts of 1959, Chapter 107, gave the county judge of Marion County the authority to purchase and pay for out of the general fund of the county an automobile to be used by the sheriff and his deputies. The county contributed \$100 per month to the sheriff for maintenance and operating expenses.
15. Private Acts of 1967-68, Chapter 136, was an attempt to specifically repeal a number of Private Acts dealing with the Sheriff's office in Marion County, but the Quarterly County Court did not

ratify this act.

16. Private Acts of 1970, Chapter 294, attempted to create a Department of Law Enforcement for Marion County, but its provisions were rejected at the local level.

Chapter XI - Public Utilities

Jasper Utility District

Private Acts of 1951 Chapter 719

SECTION 1. That all Acts and proceedings heretofore taken in connection with the organization of The Jasper Utility District of Marion County, Tennessee, are hereby legalized and validated and said District is hereby constituted a valid Utility District under the provisions of Chapter 248 of the 1937 Public Acts of Tennessee and shall have all of the powers and duties granted and imposed upon utility districts under said Chapter 248 as now or hereafter amended, including with out limitation of the foregoing, the power to carry out all of the purposes for which utility districts may be created thereunder.

SECTION 2. That the boundaries of The Jasper Utility District of Marion County, Tennessee, shall consist as follows:

Beginning on Town Creek where the Standefer's Branch empties into said creek and running up the said creek to the bridge on U.S. Highway No. 41; thence due west to Fullerton bluff at the top of the mountain; thence due north to the Dry Creek in Pryor's Cove; thence following said Dry Creek and Standefer's Branch as they meander to the point of beginning.

SECTION 3. That all Acts and proceedings heretofore had or taken in connection with the selection of the members of the Board of Commissioners of said District, including the order entered on October 3, 1950, by the Honorable J.V. Barker, County Judge of Marion County, appointing Tom C. Kelly, Hershel Phillips, and Sam R. Henderson as Commissioners to serve for terms of two, three, and four years, respectively, together with all proceedings by said Board relative to the selection of officers thereof, are hereby legalized and validated.

SECTION 4. That all Acts and proceedings heretofore had or taken by the Board of Commissioners of said District in connection with the letting of contracts in connection with the purposes for which said District was organized are hereby legalized and validated.

SECTION 5. That an emergency exists requiring this law to become effective because of the loss of the court records covering the creation of said Utility District under the provisions of said Chapter 248 of the 1937 Public Acts, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1951.

Chapter XII - Taxation

Assessor of Property

Registration of Deeds

Private Acts of 1959 Chapter 266

SECTION 1. That the County Register of the County of Marion, State of Tennessee, shall not record any deed conveying real estate in said county unless same bears the stamp of the Tax Assessor of said county, certifying that said Tax Assessor has copied the names of the vendor and vendee, and ascertained the consideration in said deed of conveyance for the purpose of making proper corrections on his roll of assessments.

SECTION 2. That it shall be the duty of the Tax Assessor of Marion County to be present in person, or to have a deputy present, at his office in the Courthouse during office hours. It shall be the further duty of the Tax Assessor to stamp or to cause to be stamped all deeds presented at his office, with a stamp showing that he has copied the name of the vendor and vendee and ascertained the consideration in said deed of conveyance for the purpose of making proper corrections on his roll of assessments. It shall be the duty of the Tax Assessor to correct his tax rolls in all such cases so that the tax rolls of Marion County will be kept up to date and will show the correct owners of real estate to the end that property may be

assessed in the name of the true owners thereof. Failure of the Tax Assessor of Marion County to comply with the provisions of this Act shall constitute misconduct in office.

SECTION 3. That it shall be the duty of the Tax Assessor of Marion County to collect a fee of One Dollar and Fifty Cents (\$1.50) for his services in placing a stamp upon each deed. Said fee shall be collected by the County Tax Assessor at the time the deed is stamped and shall be paid as a prerequisite to registration. The Tax Assessor shall pay over all said funds collected by him at the end of each month to the County Trustee for deposit in the general county funds of Marion County, accompanied by a written report listing the persons from whom each such fee was collected. The Tax Assessor shall keep a receipt book with numbered duplicate copies of each receipt and shall give a receipt to each person paying such a fee and keep a duplicate thereof in his office, which duplicate shall be a public record.

SECTION 4. That the County Tax Assessor may appoint a Deputy, and that the said Deputy may be compensated at a rate not to exceed \$150.00 per month. The Deputy's monthly compensation shall consist of the fees collected as provided in Section 3 hereof and any other remuneration that may be allowed by law. At the end of each calendar month, the County Judge will issue a warrant to the Deputy, based upon the ending month's fees. If the total amount of fees collected plus any other lawful compensation due the Deputy exceeds \$150.00, the excess is to remain in the County General Fund.

SECTION 5. 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 this 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 therein.

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

SECTION 7. That this Act shall have no effect unless the same shall be approved by two-thirds vote of the Quarterly County Court of the county or counties to which said Act applies, on or before the next regular meeting of said [sic] Quarterly County Court, occurring more than thirty days after the approval of this Act by the Governor of Tennessee. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer thereof and shall be certified by him to the Secretary of State.

Passed: March 20, 1959.

Hotel/Motel Tax

Private Acts of 1987 Chapter 109

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

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (c) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.
- (e) "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.
- (f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

SECTION 2. The legislative body of Marion County (hereinafter "legislative body") is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed 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 by this act.

SECTION 3. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the town. When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 4. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the county to the trustee or such other officer as may by resolution of the legislative body be charged with the duty of collection thereof; such tax shall be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient; then the obligation to the county entitled to such tax shall be that of the operator.

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

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

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

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

SECTION 9. The trustee in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the county clerks.

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

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

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

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

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Marion County, not more than ninety (90) days subsequent to its approval by the

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

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 12.

Passed: May 6, 1987.

Litigation Tax

Private Acts of 1961 Chapter 239

SECTION 1. A litigation tax of two dollars (\$2.00) shall be taxed as part of the costs in all civil and criminal actions in the General Sessions Court of Marion County, Tennessee and a litigation tax of three dollars (\$3.00) shall be taxed as part of the costs in all civil and criminal cases in the Circuit Court and Chancery Court of Marion County, Tennessee.

As amended by: Private Acts of 1963, Chapter 178
Private Acts of 1967-68, Chapter 342

SECTION 2. That the said Clerk of the said Courts will collect the said litigation tax and pay same into a separate fund, which is to be designated as the "Marion County Capital Improvement Fund", to be used exclusively for the purpose of improving the courthouse and constructing a new jail.

SECTION 3. That all expenditures made from the said Fund are to be made by the County Judge upon the authorization of the Quarterly County Court for the purpose specified herein.

SECTION 4. That the County Court is hereby authorized to issue notes and bonds for the purposes specified herein and pledge the income hereof for the exclusive payment of the bonds or notes.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the County Court of Marion County, Tennessee, on or before the next regular meeting of such County Court occurring more than thirty (30) days after its approval by the Chief Executive of the State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: March 9, 1961.

Taxation - Historical Notes

Assessor of Property

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Marion County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1965, Chapter 178, required the issuance of a building permit by the County Tax Assessor of Marion County to any person or persons undertaking the erection, construction, reconstruction, or alteration of any building in the county. This Act was superseded by Private Acts of 1967-68, Chapter 344.
2. Private Acts of 1967-68, Chapter 344, required any one wishing to erect, construct, reconstruct, or alternate any building or structure in Marion County, to gain a building permit from the County Tax Assessor of Marion County. This Act was repealed by Private Acts of 1994, Chapter 130.

Taxation

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

1. Acts of 1823, Chapter 259, authorized the County Court to levy a tax of not less than \$150 nor more than \$600 per annum for the purpose of completing payment for public buildings in Marion County.
2. Private Acts of 1825, Chapter 197, required the County Court to levy and collect a tax on all taxable property, for the purpose of paying Wallis Estill, Jr. for building the Marion County Courthouse.
3. Acts of 1826 Extra Session, Chapter 17, made it the duty of the Sheriff of Franklin County to

collect from the people residing in the territory recently annexed to Franklin County from Marion County all the taxes due to Marion County, up to January 1, 1826.

4. Public Acts of 1865-66, Chapter 74, gave David M. Ketchum, the tax collector of Marion County, until June 1, 1866, to collect and pay over the state and county taxes due for the year 1865.
5. Acts of 1909, Chapter 379, allowed the County Court to levy and collect a tax for pike roads.
6. Acts of 1920 (Ex. Sess.), Chapter 17, fixed the minimum rate of taxation which could be levied in Marion County for general county purposes. This was repealed by Private Acts of 1925, Chapter 27.
7. Private Acts of 1923, Chapter 174, set the tax rates for Marion County for general county purposes as well as school, road, and bridge purposes.
8. Private Acts of 1925, Chapter 238 set the salary of the County Tax Assessor at \$1,500 per year.
9. Private Acts of 1929, Chapter 355, authorized Marion County to levy a tax for high school purposes.
10. Private Acts of 1929, Chapter 359, authorized Marion County to levy a tax for general county purposes of not more than \$.35 per \$100 assessed valuation.
11. Private Act of 1939, Chapter 35, fixed the salary of the Tax Assessor at \$100 per month.
12. Private Acts of 1941, Chapter 172, fixed the salary of the Tax Assessor at \$150 per month.
13. Private Acts of 1949, Chapter 367, set the salary of the Tax Assessor at \$225 per month.
14. Private Acts of 1953, Chapter 384, set the salary of the Tax Assessor at \$275 per month.
15. Private Acts of 1957, Chapter 362, attempted to amend Private Acts of 1953, Chapter 384, to reimburse the Tax Assessor for assessing expenses, but this Act was never presented to the Marion County Quarterly Court and did not become effective.
16. Private Acts of 1959, Chapter 93 amended Private Acts of 1953, Chapter 384, to provide that the Marion County Tax Assessor was to be reimbursed for all expenses incurred in assessing property, up to \$50 per month.

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