



December 22, 2024

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# Lewis

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Dear Reader:

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

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

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# Lewis



Lewis County Courthouse

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## Chapter I - Administration

### Auctioneer

#### Private Acts of 1931 Chapter 465

**SECTION 1.** That the County Court Clerks, Clerks and Master of Chancery Courts, Sheriffs, Deputy Sheriffs, Constables, Attorneys and Trustees of mortgages and trust deeds, and Administrators for all counties in the State of Tennessee having a population of not more than 5,250 and not less than 5,625, according to the Federal Census of 1930, or any subsequent Federal Census, may employ a professional auctioneer for all sales made at public outcry coming under their jurisdiction.

**SECTION 2.** That all persons to qualify for said position as auctioneer shall be required to file a certificate with the County Court Clerks, signed by as many as five reputable citizens who will certify that they know the said applicant and that he has been a citizen of the county for a period of two years or more and that said applicant has been recognized by the general public as an experienced auctioneer at least two years.

**SECTION 3.** That the compensation of said auctioneer shall be \$1.00 (One Dollar) for calling each sale, and 5% on the first \$100.00 (One Hundred Dollars) and 2% on the remainder of the sale price of the property sold, provided that the fees of the auctioneer shall not exceed \$25.00 in no one sale, and the fees of the auctioneer shall be charged as cost in the case. Provided, further, that, when a qualified auctioneer cannot be obtained, the official that is in charge of said sale be empowered to proceed with sale.

**SECTION 4.** That all laws and parts of laws in conflict with this Act are hereby repealed.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 19, 1931.

### County Legislative Body

#### Private Acts of 1974 Chapter 264

**SECTION 1.** Justices of the Peace of Lewis County shall be paid twenty dollars (\$20.00) per day for attending sessions of the quarterly county court and twenty dollars (\$20.00) per day for attending meetings of committees of the quarterly county court, plus the mileage now allowed by law for their official travel.

**SECTION 2.** Chapter 132 of the Private Acts of 1921, Chapter 283 of the Private Acts of 1955, and Chapter 129 of the Private Acts of 1961 are repealed.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds vote of the quarterly county court of Lewis County before September 1, 1974. Its approval or non-approval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the secretary of state.

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

Passed: March 13, 1974.

### Landfills

#### Private Acts of 1990 Chapter 169

**SECTION 1.** No landfill for the disposal of solid or hazardous wastes shall be located within four and one-half (4½) miles from the center of the Buffalo River on each side in Lewis County.

As amended by: Private Acts of 2017, Chapter 6.

**SECTION 2.** No permit to construct or operate a landfill for the disposal of solid or hazardous waste shall be granted if the location of such landfill would violate the provisions of this act.

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

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

Passed: March 22, 1990.

## Private Acts of 1990 Chapter 210

**SECTION 1.** No permit or registration shall be granted for any new solid waste processing facilities or disposal facilities or sites in Lewis County if the permit or registration application has been submitted by a county or municipality located outside the boundaries of Lewis County unless the county legislative body of Lewis County approves such solid waste processing facility or disposal facility or site in accordance with Section 2.

### **SECTION 2.**

(a) The county legislative body of Lewis County shall approve or disapprove such solid waste processing facility or disposal facility or site in accordance with the following criteria:

- (1) The type of waste to be disposed of at the facility or site;
- (2) The method of disposal to be used at the facility or site;
- (3) The projected impact on surrounding areas from noise and odor created by the proposed facility or site;
- (4) The projected impact on property values on surrounding areas created by the proposed facility or site;
- (5) The adequacy of existing roads and bridges to carry the increased traffic projected to result from the proposed facility or site;
- (6) The economic impact on the county;
- (7) The compatibility with existing development or zoning plans; and
- (8) Any other factor which may affect the public health, safety or welfare.

(b) Judicial review of the legislative body's determination shall be a de novo review before the chancery court for Lewis County.

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

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

Passed: April 12, 1990.

## Administration - Historical Notes

### **County Clerk**

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

1. Private Acts of 1931, Chapter 465, allowed the County Court Clerk, and several other county officials, to employ a professional auctioneer for all sales to be made at public outcry coming under the Clerk's jurisdiction and to pay him according to the rates specified in the Act

### **County Executive**

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

1. Acts of 1856, Chapter 253, established the office of County Judge in every county in the State who would be elected by the people for a four year term, the first election to take place on the first Saturday in May, 1856. The County Judge would be sworn and commissioned as other Judges. Quorum Courts and the post of County Chairman were abolished, all their duties being given to the County Judge. The jurisdiction of the Judge was stipulated in the Act as well as his responsibilities of acting as accounting officer and general agent of the County. The Judge would

- be paid \$5.00 per day for every day spent in the discharge of his duties hereunder. County Court Clerks would be the Clerks of the Court, and the Judge was not precluded from practicing law in any court except his own. This Act was repealed by Acts of 1857-58, Chapter 5, Page 3.
2. Private Acts of 1895, Chapter 214, established the office of County Judge in Lewis County. This act provided for a term of eight years, an annual salary of \$100 and the jurisdiction of the Chairman of the County Courts to issue extraordinary process.
  3. Private Acts of 1905, Chapter 380, amended Private Acts of 1895, Chapter 214, Section 5, by increasing the annual salary of the County Judge from \$100 to \$200.
  4. Private Acts of 1921, Chapter 130, amended Private Acts of 1895, Chapter 214, so as to set the annual salary of the County Judge of Lewis County at \$400 instead of \$200.
  5. Private Acts of 1925, Chapter 731, provided for the office of County Chairman, popular election, a two year term of office and an annual salary of \$250. County Chairman was to chair meetings of the County Court.
  6. Private Acts of 1931, Chapter 354, amended Private Acts of 1895, Chapter 214, Section 5, by raising the amount of the annual salary of the County Judge from \$400 to \$750.
  7. Private Acts of 1935, Chapter 528, amended Private Acts of 1895, Chapter 214, by adding the last paragraph in Section 4 as it now appears.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Lewis County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1843-44, Chapter 38, Section 15, which created Lewis County, provided that the Court of Pleas and Quarter Sessions would meet at the home of John Blackburn until the public buildings were completed which would house the court at a later date.
2. Acts of 1852, Chapter 366, provided for the return of all judicial records from Lewis County to Maury County which concerned the residents of the area which the Courts ordered returned to Maury County. Acts of 1852, Chapter 367, Section 8, stated that in the event jurisdiction was returned to Lewis County, the Quarterly and County Courts would meet at Jo Smith's old place.
3. Private Acts of 1921, Chapter 132, fixed the compensation of the Justices of the Peace in Lewis County (identified by the use of the 1920 Federal Census figures) at \$2.50 per day for each day spent in regular attendance at the meetings of the Quarterly Court, which was applicable to all called meetings. The Justices also would be paid 5 cents per mile for each mile traveled between their residences and the Court House but would only be paid for one trip at each session of the Court. This Act was repealed by Private Acts of 1974, Chapter 264, published herein.
4. Private Acts of 1929, Chapter 621, changed the dates for the opening of the terms of the Quarterly County Court in Lewis County to the second Monday in January, April, July and October, on which dates the Court still meets. The former meeting schedule was on the first Monday in the same months.
5. Private Acts of 1929, Chapter 625, was the authority for the Quarterly Court of Lewis County to designate and employ counsel to render legal aid and services to, and advise whenever necessary, the said Court and the County Judge. The counsel must institute and prosecute suits for the county and attend to such specific business matters as the Court might direct. The Court had the further authority to appropriate funds with which to compensate counsel.
6. Private Acts of 1947, Chapter 802, allowed the Quarterly Court of Lewis County to increase the amount of compensation above the sum now authorized under the law of all county officials and to appropriate sums of money sufficient to pay the raises.
7. Private Acts of 1955, Chapter 283, set the per diem payments of the Lewis County Justices of the Peace at \$5.00 for each day of attendance at a regular, or called, meeting of the Quarterly County Court, plus the mileage which was allowed by law to be paid. This Act was properly ratified by the Quarterly Court to become effective but was specifically repealed by Private Acts of 1974, Chapter 264.
8. Private Acts of 1961, Chapter 129, amended Private Acts of 1955, Chapter 283, above, by adding a provision which paid the Justices of the Peace \$10.00 a day for attending the sessions of the Quarterly Court, and \$5.00 per day for attending the committee meetings of the Court, plus the mileage then allowed to them under existing law. This Act was repealed by Private Acts of 1974, Chapter 264, published herein.

9. Private Acts of 1965, Chapter 129, authorized the City of Hohenwald to have five more Justices of the Peace in addition to those permitted under the general law. This act was superseded by Chapter 934 of the Public Acts of 1978.

### **County Register**

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

1. Acts of 1851-52, Chapter 119, consolidated the Register's office with the Entry Taker's Office in all the counties south and west of the Congressional Reservation Line except those counties expressly exempting themselves in Section 6 of this Act, which list did not include Lewis County. The Register's Office assumed all the duties of the Entry Taker's Office, plus a few more which were specified in this statute. The Entry Taker was directed to turn over all the documents and records in his office to the County Register.
2. Private Acts of 1943, Chapter 343, set the compensation of the Register in Lewis County at \$900 per year, payable in equal monthly installments out of the regular county funds in the Treasury, but all the fees accruing to the office of the County Register would become the property of the County. The Register was required to file a sworn, itemized statement with the County Judge, or Chairman, which would show the total amount of fees collected.

### **General References**

The following private or local acts constitute part of the administrative and political history of Lewis 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 1847-48, Chapter 135, appointed J. Nelson Patterson of Giles County, Jacob McCaig, of Perry County, and Robert C. Hemphill, of Hardin County, as Commissioners to locate the seat of justice in Lewis County, all of whom would be paid \$5 per day by Lewis County while in the process of doing so. The Commissioners were obligated to locate the county seat at the most suitable place within two miles of the center of the county. Once located, it was the duty of the County Court to appoint Commissioners in the county with the same duties and authority as these. The entry-taker's and surveyor's office must be located within three miles of the present county seat at Gordon until six months after the county site is in operation. The Act also appropriates \$500 out of the Treasury to preserve the place of interment of the remains of General Merriwether Lewis, naming Robert A. Smith, of Lewis County, Edmund Dillahunt and Barclay Martin, both of Maury County, and Dr. Samuel B. Moore, of Hickman County, to carry into execution the provisions of this Act relative thereto.
2. Acts of 1851-52, Chapter 366, was enacted to clarify some of the administrative and judicial confusion when the Tennessee Supreme Court ordered part of Lewis County turned back to Maury County because Maury County would be reduced below its constitutional size of 625 square miles if this were not done. This Act is referred to in several different places in this Volume.
3. Acts of 1853-54, Chapter 11, recited in the preamble that a portion of the people residing in the area of Maury County which would be attached to and become a part of Lewis County were prevented from voting in the election for that purpose because of heavy rain and inclement weather. To remedy this situation, this Act directs the Sheriff to hold the election to permit these people to vote and assumes their vote will be favorable to the extent that all acts are ratified, legalized, and confirmed and must not be construed as repealing any acts organizing Lewis County heretofore enacted.
4. Acts of 1897, Chapter 124, was a salary Act which fixed the annual pay of county officials according to the population of the county in which they served. The Act deprived the officials of all the fees of their offices, requiring them to file sworn, itemized reports showing all the fees collected and obligating them to pay the same over to the County Trustee. Although this Act was declared unconstitutional when Weaver, a Clerk and Master in Davidson County, sued the County in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900), yet it, together with some others enacted subsequently, eventually evolved into the law regulating compensation under which the State now operates.
5. Acts of 1903, Chapter 416, stated in the preamble that if the State of Tennessee owned any lands which should not be given away, but could be sold and the proceeds of the sale placed in the school funds, and, if the State did not own any lands in that class, the State should not be a party to any fraudulent conveyances, therefore, this Act repealed all acts which authorized land grants.
6. Private Acts of 1935, Chapter 805, amended Acts of 1903, Chapter 416, Item 5, above, in the caption and in the body of the law so as to exempt Lewis County from the effects of that Act



which repealed all acts authorizing land grants in the State. This would apparently leave such an act in effect in Lewis County. This Act was repealed by the one below.

7. Private Acts of 1939, Chapter 257, page 751 expressly repealed Private Acts of 1935, Chapter 805, in its entirety, which would have the effect of repealing all acts authorizing land grants in Lewis County.

## Chapter II - Animals and Fish

### Private Wildlife Preserves

#### Private Acts of 1965 Chapter 132

**SECTION 1.** That all persons desiring to operate a private preserve for the propagation, breeding, raising and/or hunting of quail, turkey, pheasants, and/or all other forms of wildlife raised in captivity in Lewis County for a noncommercial purpose shall be entitled to operate such preserve and hunt pen-raised or farm-raised animals on such preserve upon complying with the provisions of this Act.

**SECTION 2.** That operators of private wildlife preserves in said county may raise in captivity quail, turkey, pheasants, and/or all other forms of wildlife and that all wildlife so raised in captivity shall be and remain the property of the operator of said private preserve but may only be hunted on said private preserve during the months of January, February, March, October, November and December of each year by the operator thereof and the operator's nonpaying guests provided each hunter holds a valid Tennessee hunting license.

**SECTION 3.** That an operator (which may be an individual, partnership, corporation or combination thereof) of a private wildlife preserve in said county for purposes other than commercial purposes (for which no charge is made to the persons hunting thereon) complying with the requirements hereinafter set out, need only secure an original license therefor from the Game and Fish Commission which shall set forth the approximate number of acres of land on which the preserve shall be operated plus the civil district of location in said county, and pay one fee of \$10.00 therefor, which license shall be good as long as the operator and the use of the land comply with the requirements hereinafter set out. The requirements for the operation of a private wildlife preserve as set out in this paragraph shall be:

- (a) Said preserve shall cover an area of at least 1,000 acres and not more than 10,000 acres of land.
- (b) That said land must be owned, leased, or the use thereof otherwise controlled by the operator.
- (c) That said land shall be devoted to the propagation, breeding, raising and feeding of wildlife raised thereon, the hunting thereof thereon, and other incidental use which encourages the aforementioned purposes and sustaining of said wildlife.
- (d) That all persons hunting on said wildlife preserve shall hold a valid Tennessee hunting license.
- (e) That no charge be made to any hunter for the privilege of hunting but all hunters thereon must have permission of the operator to hunt.
- (f) That an annual fee of \$10.00 shall be paid to the Game and Fish Commission which shall be due each July 1.
- (g) That said operator shall, within the first twelve months of operation, release a minimum of one hundred (100) quail per one hundred (100) acres contained in said wildlife preserve.
- (h) That said operator shall, after the first year, maintain on said preserve provisions for the raising of, and shall raise, quail with which to stock said preserve adequately.

**SECTION 3.** That if any provision of this Act or the application thereof to any person or circumstance is held unconstitutional, the remainder of the Act shall not be affected thereby, and it shall be conclusively presumed that the Legislature would have enacted the remainder of this Act without such unconstitutional provision.

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

Passed: March 17, 1965.

### 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 Lewis County. They are included herein for reference purposes.

1. Act of 1873, Chapter 54, provided that no person could hunt, or kill, any deer between March 1 and September 1 of each year in the counties of Lewis, Lawrence and Wayne. Anyone doing so could be prosecuted before any Magistrate and fined \$10 for each deer unlawfully killed. All prosecution would be conducted in the name of the County and all fines collected would pass into the county treasury.
2. Acts of 1875, Chapter 47, repealed so much of Section 4 of the above 1873 Act, which prohibited the slaying of deer between certain dates each year insofar as the same applied to Wayne County and Franklin County, which, after the Act above was enacted, made it applicable to itself.
3. Acts of 1889, Chapter 171, was a general game law for the State which declared it illegal to hunt, kill, or trap, deer for profit but authorized the same to be done lawfully for one's own consumption. One was allowed to kill for profit but only on one's own land, and then only between August 1 and January 1 each year. It was further unlawful to hunt, kill, trap or capture quail, or partridges, for profit except on one's own land and between November 1 and the following March 1. Fines from \$5 to \$25 were established for the first offense and from \$25 to \$50 for the second, and subsequent, acts. Constables and Justices of the Peace were declared to be Game Wardens also for the enforcement of this Act. Lewis County was among the 65 counties which exempted themselves from the provisions, terms and conditions of this Act.
4. Acts of 1895, Chapter 127, was a general State law prohibiting any person to catch, kill or wound any fish in any of the streams, lakes, ponds, or rivers in Tennessee by seine, trap, gun, grabbing with the hands, gig, poison, dynamite, or by any other method or contrivance, other than rod or line, or trot line. Private ponds, Reelfoot Lake, and minnows under 42 inches were excepted. Fines went from \$10 to \$50 and jail sentences could not exceed six months. All fines were to be placed into the school fund.
5. Acts of 1901, Chapter 261, amended the general law of the State so as to permit the taking of fish in Lewis County by any means other than by poison or explosives but it was illegal for any person to kill fish aimlessly, or needlessly, or to cause the same to be done. Violators of this Act would be punished in accordance with the general laws of the State.
6. Private Acts of 1905, Chapter 212, declared it to be a misdemeanor for any person who was a non-resident of the Counties of Lawrence, Wayne, or Lewis, to hunt, take, or kill, game and fish, in these said counties without the written permission of the owner of the land, or the person having control over it, on which the hunting, or fishing, took place.
7. Private Acts of 1917, Chapter 168, made it lawful for any resident of Lewis County to take and catch fish from any of the streams in the said county by gig, hands, nets, and seines, (if the mesh were no smaller than 12 inches). It was further made unlawful to fish in Lewis County between April 1 and May 15 in any fashion or by any means. Anyone failing to heed the above could be fined as in misdemeanor cases.
8. Private Acts of 1917, Chapter 323, was a cattle registration law for Lewis County (identified by the 1910 Federal Census figures). The law required the County Court Clerk to keep a registration book in which all cattle growers and dealers having herds of five, or more, head were compelled to register the same. Milk cows were expressly exempted from the registration for which the Clerk could charge ten cents per head for entering on the books. Six cattle inspection lots were established at the locations specified in the Act. Failure to comply could result in the imposition of fines ranging from \$1 up to \$50 for each offense.
9. Private Acts of 1917, Chapter 394, declared it to be contrary to the law for any owner of Jersey bulls, or scrub bulls, to allow them to run at large, or on the range in Lewis County, but all thoroughbred bulls could do so. Fines for infractions of this Act were set from \$5 to \$10.
10. Private Acts of 1917, Chapter 437,, amended Public Acts of 1915, Chapter 152, Section 54, by making that Act inapplicable to Lewis County and its terms and conditions of no effect therein. (Public Acts of 1915, Chapter 152, which this act purports to modify, does not concern itself with game and fish, but the 1917 Act herein stated that it did, creating a discrepancy.)
11. Private Acts of 1931, Chapter 478, provided that within 15 to 30 days from the passage of this Act, it would be the responsibility of the Election Commissioners of Lewis County to order, open, and hold an election therein in all ten Civil Districts to ascertain the will of the people upon the question of a stock law or a no fence law. Ballots would simply be marked "For" or "Against" such a law The Election Commission would further canvass the results of the election and certify the same to the Senator and Representative for Lewis County in the General Assembly.
12. Private Acts of 1933, Chapter 275, stated that in Lewis County, it would be unlawful to kill,

wound, hunt, chase, or knowingly to permit a dog to chase deer, or otherwise to destroy deer, or to have deer in one's possession. The above was further applicable to wild turkeys. Fines for violators ranged from \$100 to \$250 and one could be imprisoned from 30 days minimum to six months maximum. Any person permitting the same to be done on their lands were likewise guilty and could be imprisoned from 30 days minimum to six months maximum. Any person permitting the same to be done on their lands were likewise guilty and could be fined from \$50 to \$100. The Grand Jury was given inquisitorial powers and the District Attorney must prosecute vigorously any violations of the law hereunder. Any civil officer apprehending any violator of this law would upon conviction be paid \$50 which would be taxed as part of the costs in the case.

13. Private Acts of 1945, Chapter 273, made it illegal for any person, or owner, having charge of horses, mules, asses, cattle, sheep, swine, or goats, to allow them wilfully and knowingly, to run at large in Lewis County. The owner of such animals would be liable for any damage done for which a lien would lie upon the same for the damages inflicted by them which lien could be enforced by execution as any other lien could be. The person damaged could take up these beasts and care for them, giving notice to their owner, if known, and add the cost of their care and keeping to the amount of damages for all of which execution could issue.
14. Private Acts of 1965, Chapter 132, is published in full herein.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Lewis County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

#### **Bridges**

1. Private Acts of 1931, Chapter 773, was the enabling legislation for the Quarterly Court of Lewis County to issue bonds up to \$25,000, at an interest rate which could not exceed 6%, and which would mature over a schedule covering from 5 to 25 years, as the Court might determine, to locate and build bridges in Lewis County and for no other purpose. Interest coupons must be attached to the bonds. All the essential details of valid bond legislation were present including the mandatory tax levy for the sinking fund account. The Trustee was directed to keep these funds in a separate account.

#### **Buildings**

1. Private Acts of 1935, Chapter 53, was the legal authority for the County Court of Lewis County at any regular, or called session, a majority of the Justices being present, to issue the interest bearing coupon bonds of the county in an amount not to exceed \$15,000, at an interest rate of 6%, or less, and to mature not longer than 30 years from the date of issue to purchase real estate and to erect a building in conjunction with the city of Hohenwald to be used as a Public Storage Building. All details were to be fixed into a Resolution for the Court. These bonds were declared to be the general obligations of the county for which a tax levy was mandatory to amortize them during the maturity period. The bonds were also exempt from taxation. The county could contract with Hohenwald for the completion and use of the project. All prior proceedings were legitimated and ratified with the final approval coming from the people in a referendum election to be held on August 9, 1934.
2. Private Acts of 1935, Chapter 532, conferred the same authority as contained in Private Acts of 1935, Chapter 531, Item 1, above, on the Mayor and Board of Aldermen of Hohenwald to issue up to \$15,000 of the City's bonds for the same purpose and for the same terms and conditions.
3. Private Acts of 1953, Chapter 8, allowed the Quarterly Court of Lewis County to issue and sell up to \$120,000 in 6%, 30 year, bonds, to acquire land and to erect, construct, and maintain a building for public purposes. The building could be built in conjunction with the City of Hohenwald, if desired and practical. All the details would be incorporated in a Resolution for the action of the Quarterly Court. A special property tax levy must be made to produce the funds to amortize the bonds over the stated maturity period. A public purpose for which the building could be built was defined in the Act. All of the above was contingent upon the approval by the people in a referendum.

#### **Debts**

1. Private Acts of 1929, Chapter 138, ratified, confirmed, and validated all the prior actions of the

Lewis County Quarterly Court held and done in connection with the issuance of \$40,000 in Funding Bonds, dated January 1, 1929, at a called meeting of the Court on February 2, 1929. The bonds bore a rate of 52% interest, and matured in increments of \$4,000 annually beginning on July 1, 1949. The bonds were made the general and uncontestable obligations of the county to be paid off and discharged by a special tax levy imposed as long as any bonds were outstanding and unpaid.

2. Private Acts of 1931, Chapter 792, permitted the Quarterly Court of Lewis County to issue and sell up to \$10,000 in interest bearing notes to pay off a deficit in the general fund of the county. Before the said notes could be issued, the court must, by adopting the appropriate Resolution, a majority of the Justices being present, specifically provide for the issuance of the same, the Resolution to be spread upon the minutes of the Court. The bonds' interest rate could not exceed 6%, nor the maturity period extend beyond five years from issue. The Court must levy the required tax for the sinking fund.
3. Private Acts of 1935, Chapter 533, was the enabling Act which allowed the Lewis County Quarterly Court to issue up to \$40,000 in bonds, at 52% interest, or less, maturing over a schedule from two years to fifteen years from date of issue to be used to pay off outstanding and floating debts of the county which were outstanding at the time. All valid details were present and the mandatory tax levy was established.
4. Private Acts of 1949, Chapter 375, ratified, confirmed legalized, and validated, notwithstanding the lack of statutory authority at the time, all the prior procedures and actions of the Quarterly Court of Lewis County held in connection with the issue and sale of \$15,000 in bonds dated January 1, 1949, at 32% interest which were to become due and payable beginning on April 1, 1950 and ending April 1, 1957. The bonds were made general obligation bonds for which the full faith and credit of the county were pledged. A tax levy sufficient to pay off the bonds and interest was required to be levied during the maturity period.

### **Honenwald**

1. Private Acts of 1921, Chapter 612, allowed the Board of Commissioners of the City of Hohenwald, to issue up to \$10,000 in bonds, at an interest rate of 6%, or less, and to mature from ten to twenty years after date, to erect, enlarge, and equip a new school building, or, by ordinance of the Commission to acquire land for playgrounds in the city. The bonds could not be issued until approved in a referendum vote of the people. The Commission was required to canvass the vote and to certify the results. If approved, and the bonds were issued and sold, the Commission must then levy a tax each year calculated to produce at least one-twentieth of the amount of bonds issued.
2. Private Acts of 1927, Chapter 281, amended the 1923 City Charter of Hohenwald to authorize the construction of a sewer system for the city but also was the enabling legislation for the city to issue bonds with which to construct the sewer system. The Act included the customary requirements for valid bond legislation.
3. Private Acts of 1935, Chapter 532, was the legal authority for the Mayor and the Board of Aldermen of Hohenwald to issue and sell up to \$15,000 in bonds, at an interest rate not to exceed 6%, and to mature no longer than 30 years from the date of issue, the proceeds to be used to defray one-half of all the expense to purchase real estate and to erect a public building thereon for storage in conjunction with Lewis County. All the essential details could be embodied in a Resolution to be adopted. A condition precedent to the bond issue and sale was approval from the people evidenced by an affirmative referendum vote. If approved, and the bonds were issued, the Mayor and Council must levy a special annual property tax to amortize the bonds.
4. Private Acts of 1937 (Ex. Sess.), Chapter 9, amended the Charter of Hohenwald to allow the Mayor and Aldermen to purchase, or otherwise acquire, land and to build and maintain thereon monuments, buildings, libraries, or any other evidence of the appreciation the people had for the soldiers, sailors, and marines who had fought in any war in which the United States was a participant. The authority to sell bonds for this purpose was likewise granted, which bonds must mature no later than 30 years from date of issue and to bear an interest rate which could not exceed 6%. All the details of the issue, subject to an affirmative vote in a referendum, would be incorporated into a Resolution for the Council's action. The City could cooperate with Lewis County in this program if it so desired. The amount of the bonds could not exceed \$20,000 and were declared to be the general obligations of the city.
5. Private Acts of 1937 (Ex. Sess.), Chapter 18, seems to be an exact duplicate of Private Acts of 1937 (Ex. Sess.), Chapter 9, above, and is not repeated.
6. Private Acts of 1945, Chapter 179, stated that all prior proceedings taken by the Mayor and

Aldermen of the City of Hohenwald in connection with the issue and sale of \$16,000 in War Memorial Notes of the City, at 3% interest and maturing as the Council has directed, were hereby confirmed, ratified, and validated in all respects notwithstanding any irregularities or lack of statutory authority to do so at the time the actions were taken. The Mayor and Council must levy a tax for the sinking fund so long as any of these bonds were outstanding and unpaid.

7. Private Acts of 1953, Chapter 7, amended the Hohenwald Charter to allow the Mayor and City Council to purchase, or otherwise acquire, land located in either the City or the County on which to construct a building, or buildings for public purposes. The City could cooperate with Lewis County in this endeavor if it so desired. Bonds to accomplish the same could be issued and sold at 6% or less interest, to mature no longer than 30 years after issue, which would be the general obligation bonds of the City, if all the above were approved in a referendum vote held for that purpose. A citizens committee of three would be appointed to supervise the program. The bonds, if and when issued, could not exceed \$80,000 in amount.

### **Memorial - Monument**

1. Private Acts of 1937 (2nd Ex. Sess.), Chapter 17, allowed the Quarterly Court in regular, or called, session to issue bonds at a maturity schedule not to exceed thirty years and at an interest rate of no more than 6%, up to \$30,000, the details of which must be incorporated into a Resolution, to acquire land by gift from an individual, city, or corporation, and to build, construct, erect, purchase, and maintain monuments, buildings, or libraries, to be in commemoration of the valor, bravery, and heroic deeds of soldiers, sailors, and marines in any of the wars in which the United States had been engaged. The authority was granted to cooperate with and work in conjunction along these lines with Hohenwald. All of the above was conditioned upon the people approving the proposition in a referendum election.
2. Private Acts of 1937 (3rd Ex. Sess.), Chapter 10, empowered the Quarterly Court of Lewis County to acquire land by gift, or otherwise for which the Court could issue bonds at an interest rate not to exceed 6%, and to mature no longer than 30 years from the date of issue, and up to \$30,000 in amount, to be used further to construct, erect, and build, or purchase, and maintain monuments, buildings, libraries, or other evidence of the appreciation for the bravery, valor, or heroic deeds of soldiers, sailors, and marines. The remainder of the Act was in language strongly similar to that of the preceding Act.
3. Private Acts of 1945, Chapter 119, ratified, validated, confirmed, and legalized all the prior actions of the Quarterly Court of Lewis County taken in connection with the issuance of \$24,000 in War Memorial Bonds, dated February 1, 1945, at 3% interest, and which would mature serially between the years 1946 and 1965. When said bonds were issued and sold as provided herein they would become uncontestable obligations of the county to be amortized by a general tax levy until all were paid.

### **Roads**

1. Private Acts of 1947, Chapter 829, was the legal authority for the Quarterly Court of Lewis County to issue and sell not over \$20,000 in bonds, at a maximum interest rate of 4%, which bonds would mature no later than 20 years from issue, which money would be used to purchase and acquire rights of way for Federal, State, and County highways. All the details essential to valid bond legislation were present.
2. Private Acts of 1953, Chapter 348, was a duplicate of the 1947 act above, authorizing the issuance of bonds in the amount of \$20,000, or less, at an interest rate not to exceed 4%, and to mature no later than 20 years from date of issue. They were to be general obligation bonds for which a special tax would be levied until their principal and interest were liquidated.
3. Private Acts of 1955, Chapter 281, permitted the Lewis County Quarterly Court to issue and sell up to \$25,000 in 4%, 20 year bonds, to acquire rights of way for Federal, State, and County Highways. The bonds would be general obligation bonds to be amortized by a special general tax levy. The Trustee would handle all the funds and keep all the records.

### **Schools**

1. Private Acts of 1927, Chapter 652, authorized a referendum to be held in Lewis County on July 1, 1927, to determine the will of the people on the question of the issue and sale of \$50,000 in bonds to provide for the erection of a central four year High School and for elementary school buildings. Ballots would be marked simply "For" or "Against." If approved, the interest rate on the bonds would be no less than 5%, nor more than 5.75%, and the maturity schedule could range from 12 to 20 years. The Trustee would handle the funds to be used to build schools as specified. The bonds must be amortized by a special general tax levy.

2. Private Acts of 1935 (Ex. Sess.), Chapter 25, stated that all the prior proceedings of the Lewis County Quarterly Court held in connection with the issue and sale of \$16,500 in school bonds, dated July 8, 1935, at an interest rate of 5%, payable semi-annually were hereby ratified, confirmed, and validated notwithstanding any other law to the contrary and the lack of any statutory authority at the time of issue, or the approval by the people in a referendum. The full faith and credit of the county were pledged to the payment of the maturity schedule.
3. Private Acts of 1935 (1st Ex. Sess.), Chapter 162, amended Private Acts of 1935 (Ex. Sess.), Chapter 25, above by correcting an obvious error in the due date of the bonds which were ratified and confirmed in the amended Act by changing the due date from July 8, 1935 to July 8, 1955, thus setting up a maturity schedule of 20 years.
4. Private Acts of 1947, Chapter 253, was the legal authority for the Quarterly Court of Lewis County to issue and sell up to \$100,000 in bonds, at an interest rate of no more than 4%, and to be amortized over a period not to exceed 20 years from the date of issue, which would be used to erect, remodel, and repair school houses in the county, including the purchasing of sites for the same. The Quarterly Court had the authority to select the projects but the members of the Board of Education and the Superintendent of Schools were eligible to serve as the Committee. All the essential details of valid bond legislation were present in the Act.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1843 Chapter 38

**SECTION 1.** That a new county be, and the same is hereby established to be composed of fractions taken from the counties of Maury, Lawrence, Wayne and Hickman, and to be known and designated by the name of Lewis County, in honor of Captain Merriwether Lewis, who has rendered distinguished services to his country, and whose remains lie buried and neglected within its limits, and shall be bounded as follows:

**SECTION 2.** Beginning on the South bank of Duck River, at a point twelve miles on a straight line West from Columbia, and running in a South direction, leaving Columbia twelve miles to the East, to the Turnpike leading from Mount Pleasant to Tennessee river, thence with said turnpike road to the Wayne County line, running thence in a Northerly direction, leaving Waynesboro to the West twelve miles, thence in a North-East direction through Hickman county, leaving Centerville twelve miles to the West to Duck River, thence up said river to the beginning.

**SECTION 3.** That John Aiken and Albert G. Cooper of the county of Maury, Shadrick Morris and James Voss of the county of Lawrence, James Gullett and David Voorhies of the county of Wayne, Hugh B. Venable and John Clayton of the county of Hickman, shall be, and they are hereby appointed commissioners, with authority to employ a competent surveyor to run out and designate the boundaries of said county, and also to employ a competent surveyor to ascertain by actual survey of the several counties, from which the county of Lewis is to be composed, and if upon such survey there shall be territory and population sufficient to meet the requirements of the constitution, without infringing upon the constitutional territory or population of either of the counties, from which said county of Lewis is to be composed, then said county of Lewis is hereby established upon the following conditions.

**SECTION 4.** It shall be the duty of said commissioners, as soon as they ascertain that there is territory and population sufficient to constitute a new county under the requirements of the third section of this act, after first giving twenty days notice in two or more public places, of the time and place in each of the fractions proposed to be stricken off from the counties of Maury, Lawrence, Wayne, and Hickman, that they will open and hold an election in each of the fractions proposed to be taken off from the counties aforesaid, for the purpose of ascertaining whether a majority of the voters, residing in the several fractions, are in favor of, or opposed to the establishment of said county of Lewis; and all persons qualified to vote for members of the General Assembly, who have resided in the fractions aforesaid six months immediately preceding the day of election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county, shall have on his ticket the words New County, and those desirous to vote against the new county, shall have on their tickets the words Old County; and if upon counting the ballots, the judges of the several elections in said fractions, shall return that a majority of each of the fractions have voted for the new county, then the county of Lewis shall be, and the same is hereby established, with all the powers, privileges and advantages, and subject to all the liabilities of

other  
counties in this State.

**SECTION 5.** All officers, civil and military in said county, shall continue to hold their offices, and exercise all the powers and functions thereof, until others are elected according to law, and the said county of Lewis, shall elect her officers on the same day, and under the same rules and regulations as provided by law for the election of officers in other counties in this State.

**SECTION 6.** The commissioners appointed by the third section of this Act, shall appoint such persons as they may deem suitable to open and hold the elections for county officers for the said county of Lewis, and such persons so appointed shall be, and are hereby invested with full power and authority to appoint deputies, clerks, and judges, and by himself and deputies to administer all necessary oaths, and to do and perform all other duties as by law are required of Sheriffs or other officers holding similar elections.

**SECTION 7.** It shall be the duty of the commissioners aforesaid, as soon after the county of Lewis shall have been established as practicable, to select and procure by purchase or otherwise, a suitable site for the seat of justice in said county; and the said commissioners, having first caused a deed to be made to themselves, and their assigns with general warranty, to a sufficient quantity of land, including the site so selected, shall cause a town to be laid off thereon, with as many streets and alleys as they may deem sufficient, with a suitable square for the erection of public buildings; said commissioners may reserve such lots as they may deem advisable for the purpose of erecting a jail and such other purposes as they may think advisable; and said town so laid off shall be known by such name as a majority of said commissioners may give it.

**SECTION 8.** BE IT ENACTED, That the commissioners of said county shall sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in some newspaper published in this state, and shall take bond with security from the purchasers of said lots, payable to themselves and their successors in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

**SECTION 9.** The proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners, for the defraying the expense incurred in the purchase of said tract of land on which the said county seat shall be located, and also for defraying the expenses of erecting the public buildings for said county of Lewis.

**SECTION 10.** The commissioners shall superintend the building of such public buildings as the county court of said county shall order and direct to be built, and shall let the same out, and take bonds from the undertakers with ample penalties and sufficient securities, payable to themselves and their successors, conditioned for the faithful performance of his or their contracts.

**SECTION 11.** The said commissioners shall also appoint five commissioners, whose duty it shall be to divide and lay off said county of Lewis into civil districts, designate the place for holding elections, therein, and do and perform all the duties relative thereto, which by the laws of this state such commissioners are authorized and required to do.

**SECTION 12.** The county of Lewis shall be attached to the 8th Judicial Circuit, and the circuit courts in said county shall be held on the 4th Mondays in March, July, and November, in each year.

**SECTION 13.** The militia of the county of Lewis shall form one regiment which shall be known and designated as the 158th Regiment, and shall be attached to the 24th Brigade of Tennessee Militia.

**SECTION 14.** That the county court of Lewis County, when organized, shall be authorized to make such appropriations as they may think proper to the commissioners appointed under the provisions of this act, to compensate them for their necessary expenses and services.

**SECTION 15.** That for the convenience of the citizens and for the administration of Justice, the county and circuit courts of said county of Lewis, shall be held at the house of John Blackburn, until the public buildings for said county shall be completed, due notice of which shall be given to the clerks of the several courts in said county by the commissioners herein appointed, after which time they shall be held at the court house in the county aforesaid.

Passed: December 21, 1843.

## Change of Boundary Lines

### Acts of 1852 Chapter 367

**COMPILER'S NOTE:** Section One did not apply to Lewis County, but rather concerned a boundary change

between Hardin and Decatur counties.

**SECTION 2.** That the boundaries of Lewis County, be, and they are hereby established, as follows: Beginning at the north-west corner of Lawrence County, as run by Frierson and afterwards by Ross, and run with the line, dividing the second and third sections, north 842 east, 12 miles and 34 poles to a large post mark, on the old Lawrence county line, marked L.C.C. & E.C.F.; then north 78 poles; then east 160 poles; then to north 60 degrees east, leaving David Lindsey to the north, 400 poles to Patterson's line; then north 21 degrees west, with said line, 460 poles; then east 460 poles to the range line east of William B. Smith's; then north 115 poles to the north-west corner of entry no. 909, in the name of Elijah Ray; then east 320 poles; then north 12 degrees west, leaving James Beekman, Caleb S. Williams and William Ephland to the west 370 poles to the north-east corner of a 34 acre tract of land, entered in the name of Mark Grimes; then north, 54 degrees west, 395 poles to the north-east corner of entry No. 295, in the name of Wm. Williams; then west, crossing Patterson's line at two miles and 50 poles, in all 1445 poles to the line between George Vincent, sen., and Jesse Sims; then north 490 poles to a stake in Henry Mayfield's entry; then east 350 poles to George Vincent's, jr., southeast corner; then north 195 poles to his north-east corner; then west 250 poles; then north 345 poles to the north boundary line of West and Akin's large entry; then east 590 poles to John A. Johnston's east boundary line, 30 poles east of Patterson's line; then north, 35 east, 240 poles to the south-east corner of William Rickett's 15 acre tract; then north 50 poles to his north-east corner; then north, 32 west, 265 poles to Joseph Peyton's, sen., north-east corner; then west 60 poles to the Patterson line; then with said line north, 52 west, two miles and 50 poles to Thomas S. Patton's south boundary line; then east 100 poles to his south-east corner; then north 190 poles to his corner; then west 118 poles to Patterson's line; then north westwardly to the Hickman County line; then with the present boundaries of Lewis County to the beginning.

**SECTION 3.** That Albert G. Cooper, Robert O. Smith, W. H. Flannegan, John S. Hunter and George Nixon, be, and they are hereby appointed commissioners to run the unascertained boundary from the Patterson line, northwestwardly to the Hickman County line, and to designate and mark the line as set forth in the preceding section, wherever it may be necessary; and for this purpose, they are authorized to employ competent surveyors: they will see that the Lewis County line does not approach the county seat of Maury County nearer than twelve miles, and they are empowered to make any change in the boundaries above given, that may be necessary to ensure this object, and they will run the unascertained line, so as to leave to Maury County her constitutional area of territory.

**SECTION 4.** That it shall be the duty of the commissioners, as soon as the said line has been run according to the provisions of the foregoing section, after giving ten days notice, at two or more public places in said fraction, of the time and place to open and hold an election in the fraction of Maury County proposed to be taken from said county, for the purpose of ascertaining whether a majority of the voters residing in said fraction are in favor or opposed to said change, and all persons qualified to vote for members of the General Assembly, who have resided in the fraction aforesaid six months immediately preceding the day of voting, shall be entitled to vote, and each voter who desires to vote for the change, shall have on his ticket the words Lewis County, and those opposed to the change shall have on their tickets the words Maury County; and if upon counting the ballots the judges of the polls shall return that a majority have voted for the change, then the said fraction cut off by said line from Maury County, shall become a part of the county of Lewis, and the jurisdiction of said county is extended over said fraction.

**SECTION 5.** That all the provisions of the act, passed on the 21st of December, 1843, Chapter 38, entitled "an act to establish the county of Lewis," remain in full force and effect, except so far as its provisions may be altered or interfered with by this act, and that the commissioners hereby appointed, have all the power and authority conferred upon the commissioners appointed by said act, and that they proceed to do all other acts necessary and proper for the complete organization of said county of Lewis, in accordance this act shall be in force from and after its passage.

**SECTION 6.** That should the jurisdiction of Lewis County be lawfully extended over any portion of the territory embraced within the lines run by the commissioners under the act of 1843, no transfer, as herein before provided, of the official acts and judicial proceedings of said county of Lewis need be made to the counties whence such territory was taken, but such official acts and judicial proceedings shall be made to the counties whence such territory was taken, but such official acts and judicial proceedings shall be held valid to all intents and purposes, and the books, papers and proceedings of the several courts and officers of said territory so again embraced in Lewis County, shall be handed over to the corresponding duly elected officers of Lewis County, in said territory, to be proceeded with as if the original organization of said county had been good and valid.

**SECTION 7.** That so soon as the line between the counties of Maury and Lewis shall be established, agreeable to the provisions of this Act, the county seat of Lewis shall be, and is hereby established permanently at Newburg.



**SECTION 8.** That until the county seat is established as provided for in this Act, the county and circuit courts shall be held at the place known as Jo. Smith's old place.

**SECTION 9.** That the sheriff of Maury County, is hereby authorized to appoint one additional deputy.

Passed: February 4, 1852.

## Acts of 1853-54 Chapter 89

**COMPILER'S NOTE:** The Sections prior to Section 10 and subsequent to Section 15 did not concern Lewis County.

**SECTION 10.** That the dividing line between Lawrence and Lewis counties be so changed, that all of that part of the north-western portion of the county of Lawrence, lying immediately south of and adjoining the county of Lewis, which may be left after surveying out and setting apart to said county of Lawrence its constitutional territory, as hereinafter mentioned, shall be included in and attached to the county of Lewis. Provided, it shall not appear that the county of Lewis, as enlarged, is not a constitutional county.

**SECTION 11.** That before any such change shall take place, the county court of Lewis County, a majority of the acting justices of the peace being present and voting in the affirmative, shall pass on an order notifying the county court of Lawrence County, that they desire to have said county of Lawrence surveyed out, and its constitutional territory set apart to it, as hereinafter mentioned.

**SECTION 12.** That it shall be the duty of the county court of Lawrence County, on receiving the abovementioned notice to appoint some competent and suitable person to make said survey, who shall have power to employ at the expense of said county of Lewis, chain carriers, a marker, flag bearer, a pack horse man, and such other persons as may be necessary to assist him in making said survey, and who shall together with said chainers and marker before commencing said survey take and subscribe an oath before some justice of the peace in the county of Lawrence, faithfully, honestly, and correctly to perform the duties imposed upon them by this act, to the best of their knowledge and belief.

**SECTION 13.** That said survey shall begin at the south-east corner of the county of Lewis, on the north boundary of Lawrence, and run thence east-wardly with the north boundary of said county of Lawrence to the northeast corner of the same; thence southwardly with the west boundary of Giles County, to the Alabama State line; thence westwardly, with the same to the south-east corner of Wayne County; thence northwardly with the same so far, that by running east and north to the beginning, will include in the county of Lawrence six hundred and twenty-five square miles, its constitutional territory.

**SECTION 14.** That said survey when made shall be returned to the next quarterly term of the county court of Lawrence County, and the change in the dividing line between Lawrence and Lewis Counties as herein mentioned, shall take effect from and after the time said survey is received and approved by said county court of Lawrence County.

**SECTION 15.** That the county of Lewis shall pay all of the cost of making said survey.

Passed: March 2, 1854.

## Acts of 1856 Chapter 162

**SECTION 1.** that the line between the Counties of Maury and Lewis be so changed as to run as follows to wit: Beginning at a black ash corner near Mrs. Maxwell's spring, in Maury County; running thence east, three hundred and eight poles to the northeast corner of McDonald's one hundred and forty-nine acre tract; hence south, two hundred and twelve poles to Martin's corner; thence east, five hundred and eighty-nine poles along R. M. Cooper's north boundary line to the east Cooper's northeast corner, thence south, one hundred and seventeen poles to the present County line, near the head of Hunter's mill-pond; thence west, and with the present County line to the beginning.

**SECTION 2.** This Act shall take effect from and after its passage.

Passed: February 25, 1856.

## Acts of 1857-58 Chapter 136

**COMPILER'S NOTE:** The Sections preceding Section 4 did not concern Lewis County.

**SECTION 4.** That the county line between the counties of Lawrence and Lewis, be so changed as to make the Lewis County line, beginning on the south boundary of Lewis, at the northwest corner of Lawrence, run thence southwestwardly with the west boundary of the same far enough to include old man Brewer's premises, on the head of the west prong of Brush creek; thence in a northeasterly direction, running east and north so as to include all of the Brush creek settlers in the county of Lewis, to a point where the old

Natchez trace road crosses Little Buffalo, just above Wm. Pollock's; thence with said Natchez Trace road to the south boundary of Lewis.

Passed: March 17, 1858.

## Acts of 1868-69 Chapter 31

**SECTION 1.** That so much of the territory of the counties of Maury, Hickman, Lawrence, Wayne and Perry Counties as was taken from said counties respectively in the formation of Lewis County, be and the same are hereby attached to the respective counties from which the same was taken.

**COMPILER'S NOTE:** Section 2 does not pertain to Lewis County. Therefore, it has been omitted.

**SECTION 3.** That the County Court records of said Lewis County shall be deposited by the Clerk of said Lewis County with the County Court Clerk of Maury County. That the Register's Books of said Lewis County shall be deposited with the Register of Maury County for safekeeping, and for copying of any of said records. The Register of Maury County shall be entitled to charge similar fees as per copies from his own books.

**SECTION 4.** That all suits that may have been commenced in said county of Lewis in the Circuit Court, and undetermined, shall be transferred to the Circuit Court of the county from which the fraction was taken, and in which the defendants may reside, and the records of the Circuit Court of said Lewis County shall be deposited with the Clerk of the Circuit Court for Maury County.

**SECTION 5.** That John Hale and Samuel Whitesides be hereby authorized to settle with the Sheriff or Sheriffs of Lewis County, with the County Trustees, Circuit and County Court Clerks and all other persons owing said county of Lewis, and to pay off and discharge any debt or debts due from the county of Lewis, and they are further authorized to sell and dispose of any county property belonging to said county and apply the proceeds to the debts of said county, and they are further authorized to bring any suit or suits that may be necessary to enable said Hale and Whitesides to carry out the provisions of this bill.

**SECTION 6.** That the Act creating the County of Lewis, and all Acts conflicting with this Act be, and the same are hereby repealed, and this Act take effect from and after its passage.

Passed: February 19, 1869.

## Acts of 1897 Chapter 164

**SECTION 1.** That the line between the counties of Wayne and Lewis be and the same is hereby so changed as to detach all of that part of Wayne County with all its property and citizens embraced in the calls below, being a portion of the sixth civil district of Wayne County, and attach the same to Lewis County.

**SECTION 2.** That the following shall be the line between the counties of Wayne and Lewis by which said land above referred to shall be detached from Wayne County and attached to Lewis County, to-wit: Begins at a stake where Thos. Voorhies' line crosses the Wayne and Lewis County line; thence with his line north 87E, west 50 poles to his southern southwest corner; thence north 3E, east his line 90 poles to a white oak with chestnut and oak pointer his corner; thence north 87E, west his line 62 poles to a chestnut oak his corner; thence north his line 172 poles to a hickory, the Buffalo Iron Company's corner; thence north 87E, west their line passing corner in all 995 poles to a stake in Robinett creek, Jones Reeves' corner; thence north 3E, east his line 60 poles to a large poplar his corner; thence north 87E, west his line 160 poles to a gum stump his corner, thence north 70E, west 92 poles to a set stone; thence north 3E, east 480 poles to the county line between Wayne and Lewis Counties.

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

Passed: April 8, 1897.

## Acts of 1897 Chapter 270

**SECTION 1.** That the line now dividing the counties of Hickman and Lewis be so changed as to include within the county of Lewis, all of the lands, farms and homes embraced within the following metes and bounds, to-wit: Begins at the crossing of the Coon creek and Linden roads, the common corner of Perry and Hickman and Lewis Counties, running thence north 12 degrees, west five hundred (500) poles to a pile of stones; thence north 65 degrees, east four hundred and twenty-four (424) poles to a white oak; thence north 19 degrees, east one hundred and eighteen (118) poles to a spotted oak; thence

north 74 degrees east forty-two (42) poles to a stake; thence north 312 degrees, east one hundred and six (106) poles to a chestnut tree; thence south 63 degrees, east fifty-six (56) poles to a stake on steep point; thence north 4 degrees, east one hundred and four (104) poles to the center of Cane creek; thence with the meanderings of said creek about north 60 degrees, west about one hundred and sixty (160) poles to a point opposite the cross fence between John E. Sisco and A. J. Pace; thence north 15 degrees east, with Sisco's line, one hundred and thirty (130) poles to a hickory; thence north 83 degrees, east thirty-seven (37) poles to a hickory; thence south 45 degrees, east twenty-two (22) poles to a white oak; thence north 64 degrees, east thirty-eight (38) poles to a spotted oak; thence south 79 degrees, east fifty (50) poles to the pathway on top of ridge that divides the Deprust branch from Pace Branch; thence with the meanderings of said pathway, a course varying from north 45 degrees, east north four hundred and eighty (480) poles to a large stone on south side of road running from Kimmins to Pleasantville; thence with said road and the Beaverdam road, a course varying from north 85 degrees, east to south 50 degrees, east fifteen hundred and sixty (1,560) poles to the Lewis County line, westerly of Kimmins; surveyed January 21, 22, and 23, 1897. All bearings read from magnetic meridian with instrument that reads 3 degrees, 18 minutes easterly of true meridian.

Including in the said county of Lewis the lands, farms, and homes of the following, to-wit: G. W. Skelton, Sr., R. A. Mitchell, G. W. Hinson, G. W. Skelton, Jr., Thos. James, E. C. Bastian, L. W. Hinson, J. R. Duncan, P.K.J. Hensley, W. H. Crowe, Bryant Mathis, D. C. Anderson, S. J. Downing, Elisha Talley, S. H. Hinson, A. H. Whyllie, Budd Mathis, J. E. Sisco, E. M. Hinson, Richard Willis, W. W. Brown, D. D. Humphreys, C. W. Moody, A. T. Wylie, J. P. Talley, Ruben Mathis, W. H. Bastian, J. H. Brown, W. W. Quillin, J. A. Sisco, R. Lee Hinsley, William James, John Harper, D. L. Hinson, W. A. Pace, F. J. Cheatham, J. A. Goodman, C. A. Lancaster, "land" by Union Bank and Tr. Co., Executor; J. H. Sisco, W. A. James, J. M. Carson, Solomon Hinson, J. D. Brown, J. E. McCullom, W. T. Duncan, W. J. Garrette, Jonathan Duncan; and also all other farms and lands and homes embraced within said metes and bounds, as hereinbefore expressly set forth.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: March 12, 1897.

## Acts of 1899 Chapter 175

## Acts of 1899 Chapter 264

**SECTION 1.** Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Hickman and Lewis, be and the same is hereby, changed as follows: Beginning at a stake in the line as now established on the south side of Cane creek, at what is known as Jenkins' ford,

and on the south side of DePriest's branch and the public road, runs thence N. 82 degrees east 140 poles to

a stake; thence N. 75 degrees east 36 poles to A. J. DePriest's line; thence with his south boundary line to a black walnut stump near the south side of the road; thence with the south boundary of A. J. Brown's land to A. J. DePriest's other tract of land; thence with his south boundary line to his corner; thence with J. D. Brown's south boundary line to a black walnut on the south side of the Centerville road; thence N. 65 degrees east 32 poles, to a stooping black oak pointers; thence N. 41 degrees east 80 poles to a stake with hickory pointers; thence N. 31 degrees east 134 poles to a small black gum in the Hickman and Lewis County line, near Joseph Horner's house.

**SECTION 2.** Be it further enacted, that this act take effect from and after its passage, the public welfare requiring it.

Passed: April 15, 1899.

## Private Acts of 1909 Chapter 263

**SECTION 1.** That from and after the passage of this Act the boundary line between the county of Maury and the county of Lewis shall be as follows:

Beginning on the Lawrence County line where it crosses the east boundary line of Entry No. 888 for 195 acres in the name of John Stockard, 19 miles from Columbia and 19 7/8 miles from Hohenwald, and runs north with the east boundary said entry about 73 poles to northeast corner, same course with a new line dividing C. R. Craig, Entry No. 875 for 198 acres, in all 243 poles, a small stone with hickory pointer in

south boundary line of Entry No. ..., in the name of Samuel Stewart, for...acres; then east with his south boundary 66 poles, his corner and southwest corner of Entry No. 374, in the name of R. O. Smith, for 394 acres, then north with Smith's west boundary line 186 poles to his and Stewart's corner in Smith's boundary line of Entry No. 34, in the name of A.H. Buckner, for 715 acres; then east (with) Buckner's and Smith's line 150 poles to a stone in the north boundary line of Entry No. 808, in the name of Johnston Craig, for 200 acres; then north with Buckner's and Craig's line 60 poles, Craig's corner; thence south (with) Craig's and Buckner's line 20 poles to a small hickory; then north with Buckner's east boundary, crossing the Nashville, Florence and Sheffield Railroad at 150 poles, 16 poles east of the 18 milepost on said railroad, in all 188 poles to Buckner's corner, then east (with) Buckner's line 44 poles to a stake (17 miles from Columbia); then north (with) Buckner's line 154 poles to a rock, the southeast corner of Entry 823, in the name of John D. Williams, for 200 acres, and southwest corner of Entry 735, in the name of Jesse M. Gordon, for 164 acres, continuing same course with Williams' east boundary line 150 poles to corner of Entry No. 850, in the name of Johnathan Janes, for 200 acres; then west with Williams' and Janes' line 89 poles to corner of Entry No. 928, in the name of Stepord Gordon, then north (with) Janes' and Gordon's line 104 poles to corner of Entry No. 857, in the name of W.H. Barr, for 177 acres (put into Maury County by Act of 1893, Chapter 7, February 9); then north with Durham and Barr entries 176 poles to northeast corner of Durham's entry, a point 16 miles from Columbia; then west with the south boundary line of Entry No. 298 for 68 acres, in the name of Young Ball, and Durham's line 67 poles to the southeast corner of Entry No. 910, in the name of David Ray, for 200 acres; then north with Ray's and Ball's line 112 poles to their corner in Stephen Beckum's south boundary line (put into Maury County by Act of 1869, Chapter 30, December 7); then west with Beckum's and Ray's line 26 poles; then north with same 97 poles to their corner; then west with same 80 poles to Ray's corner in the east boundary line of Entry No. 909, in the name of Elijah Ray, for 145 acres; then north with Beckum and Ray 66 poles to northeast corner of Entry 909 (in a line run by Frierson in 1852), C. S. Williams' most southern southeast corner; then west with Williams; and Ray's line 94 poles to southwest corner of Entry No. 339, in the name of C.S. Williams, for 285 acres, and the southeast corner of Entry 882, in the name of A. Beckum, for 146 acres, and runs north (with) Williams' and Beckum's line 186 poles as per Act of 1869; then (with) Williams' and Beckum's line 20 poles; then north, passing Beckum's corner at 44 poles, the southeast corner of Entry No. 842, in the name of Richard Jennings, for 200 acres, and Jennings' east boundary line, passing Williams' at 56 poles, in all 186 poles; then west with Jennings' entry (Math. McClain) 34 poles to a point on bluff; then north, crossing West Fork of Bigby 8 poles and mouth of Holmes; land at 13 poles (182 miles from (Hohenwald), same course on the line between A. W. Goodman and Mort Cooper, in all 102 poles to their corner in Southworth's south boundary; then west (with) Goodman's and Southworth's line 30 poles to a set stone; then north, their line passing Goodman's corner at 33 poles, a stone, Cooper's corner, and passing his corner at 130 poles, M. E. Wheeler's southeast corner, same course in all 168 poles to Wheeler's and Southworth's corner; then west (with) their line 13 poles to a set stone, their corner; then north (with) their line 78 poles to a stone, Wheeler's corner, in Southworth's west boundary line, George Hogue's corner, then west (with) Wheeler's and Hogue's line 82 poles to a small hickory, their corner; then north (with) their line, crossing road at 82 poles in all 122 poles to a large chestnut stump 1 pole south of a road leading hill blackgum pointer (15 1-2 miles from Columbia); then west with Wheeler's line, crossing road at 22 poles, and crossing main ridge road at 102 1-2 poles, and the railroad from Mount Pleasant to Gordonsburg at 122 (poles), in all 126 poles to a white oak, Wheeler's corner, the northeast corner of Entry 881, in the name of Samuel Irvine, for 195 acres, and with the north boundary line of the same 294 poles, in all 420 poles to large black oak in Pogue's and Akin's line; then south 14 poles to their corner, Akin's and Brown's corner, a stake; then west (with) their line 84 poles to their corner; then north (with) their line, passing Akin's and Brown's corner at 67 poles, a black gum, same course with the west boundary line of Martin, Entry No. ..., passing his corner 155 poles, the southwest corner of Entry No. 127, in the name of J. D. Rains, for 200 acres, same course, passing southeast corner of Entry No. 177, in the name of T. Grimes, for 200 acres, at 253 poles, in all 403 poles to the northeast corner (10 3-4 miles to Columbia) of Entry No. 177; then west (with) the same 80 poles to the right of way of railroad; thence westwardly with railroad right of way 202 poles to the west boundary line of Entry 190 in the east boundary line of Entry No. 12, in the name of West and Akin, for 3,985 acres; then north (with) West's and Akin's line 83 poles to the southeast corner of Entry No. 837, in the name of A. H. Buckner, for 200 acres, West's and Akin's corner in Flowers' west boundary line; then west with Buckner's line 197 poles to his corner, his and West's and Akin's corner; then north (with) their line, passing Buckner's corner at 191 poles, Hugh Farris' corner in the south boundary of Entry No. 835 for 175 acres; then west with West's and Akin's line 100 poles to corner of Entry No. 835; then north 34 poles to corner of West's and Akin's most northern northeast corner and the southeast corner of Entry No. ...for 200 acres, in the name of A.J. Pugh; then west (with) their line 137 poles to his southwest corner in West's and Akin's north boundary (a point 14 3-4 miles from Hohenwald); then north (with) Pugh's west boundary line 110 poles to his corner, south boundary line of Entry No. 134, in the name of Porter, for 196 acres; then west (with) Porter's line 20 poles to corner of same; then north 105 to Porter's corner;

then north 18 degrees west 64 poles; then north, passing the southwest corner of Entry No. 898, in the name of P. A. Kirk, for 200 acres, at 35 poles, in all 290 poles, northwest corner of Entry 898; then east with the same 20 poles to southwest corner of Entry No. 879, in the name of Samuel Whiteside, for 96 acres; then north (with) his line 160 poles, his corner; then east (with) his line 20 poles to a stone; then north (with) his line 36 poles to his corner in south boundary line of Entry No. 858, in the name of A. Brown, for 64 acres; then east with the same, passing Brown's corner at 40 poles, and passing southwest corner of Entry No. 821 and with same 76 poles to southwest corner of Entry No. 820, in the name of S.J. Strayhorn, for 65 acres, and with same 40 poles to the southeast corner in west boundary line of Andrew Kennedy entry for 640 acres; then north with Strayhorn's east boundary line, passing his northeast corner at 190 poles to and passing William Scott's southeast corner, and with his west boundary to his corner, in all 545 poles to Brown's corner; then west with William Scott's line 15 poles to his corner; then north (with) his line and Z.W. Scott's east boundary line 200 poles to Z. W. Scott's northeast corner; then west (with) his line 134 poles to his corner in Whitesides' east boundary line; then north (with) Whiteside's line 49 poles to a white oak on south side of Natchez Road in Hickman County line. All lands added to either county by this Act shall be added to the civil district adjoining said lands.

**SECTION 2.** Be it further enacted, that all Acts of the Legislature heretofore passed establishing the boundary line between said counties of Maury and Lewis are hereby repealed.

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

Passed: April 23, 1909.

## Private Acts of 1925 Chapter 385

**SECTION 1.** That the county line between Lewis County and Wayne County, State of Tennessee, be and the same is hereby changed as lows; to wit:

"Beginning at pile of stones in Lewis and Wayne Counties' line, one hundred (180) poles west where said line crosses Nashville, Chattanooga & St. Louis Railway; running thence south crossing the road from Ruppertown to Ashland, at one hundred ninety and two-thirds (190 2-3) poles in all two hundred and nine and two-thirds (209 2-3) poles to two chestnut oaks, fifty (50) feet east of said road; thence south twenty-four (24) degrees thirty minutes (30') east one hundred forty-four poles to chestnut oak stump in Rockey Branch; thence south seventy-three (73) degrees east seventy-three (73) poles to a pile of stones at the Waynesboro and Ruppertown road; thence south twenty-eight (28) degrees east one hundred sixty-nine (169) poles to stake two white oak pointers on side of hill; thence south eighty-seven degrees (87) east crossing Allen's Creek at thirty-six (36) poles and the road at fifty-four (54) poles, in all one hundred thirteen (113) poles to two (2) white oaks at the edge of an old field; thence north seventy-two (72) degrees east two hundred thirty-six (236) poles to small hickory, C. H. Brewer's corner; thence east with the south boundary line of same forty-six (46) poles to chestnut stump in Lewis County and Wayne County line; thence north with Lewis County and Wayne County line four hundred forty-four (444) poles; and thence west with Lewis County and Wayne County line four hundred twenty-five (425) poles to the beginning, "so as to detach the lands between said new line and the former line from Wayne County and to attach them to Lewis County, and to annex them to the Tenth Civil District of Lewis County.

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

Passed: April 3, 1925.

## Acts of 1843-44 Chapter 38

**SECTION 1.** That a new county be, and the same is hereby established to be composed of fractions taken from the counties of Maury, Lawrence, Wayne and Hickman, and to be known and designated by the name of Lewis County, in honor of Captain Merriwether Lewis, who has rendered distinguished services to his country, and whose remains lie buried and neglected within its limits, and shall be bounded as follows:

**SECTION 2.** Beginning on the South bank of Duck River, at a point twelve miles on a straight line West from Columbia, and running in a South direction, leaving Columbia twelve miles to the East, to the Turnpike leading from Mount Pleasant to Tennessee river, thence with said turnpike road to the Wayne County line, running thence in a Northerly direction, leaving Waynesboro to the West twelve miles, thence in a North-East direction through Hickman county, leaving Centerville twelve miles to the West to Duck River, thence up said river to the beginning.

**SECTION 3.** That John Aiken and Albert G. Cooper of the county of Maury, Shadrick Morris and James Voss of the county of Lawrence, James Gullett and David Voorhies of the county of Wayne, Hugh B. Venable and John Clayton of the county of Hickman, shall be, and they are hereby appointed commissioners, with authority to employ a competent surveyor to run out and designate the boundaries of

said county, and also to employ a competent surveyor to ascertain by actual survey of the several counties, from which the county of Lewis is to be composed, and if upon such survey there shall be territory and population sufficient to meet the requirements of the constitution, without infringing upon the constitutional territory or population of either of the counties, from which said county of Lewis is to be composed, then said county of Lewis is hereby established upon the following conditions.

**SECTION 4.** It shall be the duty of said commissioners, as soon as they ascertain that there is territory and population sufficient to constitute a new county under the requirements of the third section of this act, after first giving twenty days notice in two or more public places, of the time and place in each of the fractions proposed to be stricken off from the counties of Maury, Lawrence, Wayne, and Hickman, that they will open and hold an election in each of the fractions proposed to be taken off from the counties aforesaid, for the purpose of ascertaining whether a majority of the voters, residing in the several fractions, are in favor of, or opposed to the establishment of said county of Lewis; and all persons qualified to vote for members of the General Assembly, who have resided in the fractions aforesaid six months immediately preceding the day of election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county, shall have on his ticket the words New County, and those desirous to vote against the new county, shall have on their tickets the words Old County; and if upon counting the ballots, the judges of the several elections in said fractions, shall return that a majority of each of the fractions have voted for the new county, then the county of Lewis shall be, and the same is hereby established, with all the powers, privileges and advantages, and subject to all the liabilities of other counties in this State.

**SECTION 5.** All officers, civil and military in said county, shall continue to hold their offices, and exercise all the powers and functions thereof, until others are elected according to law, and the said county of Lewis, shall elect her officers on the same day, and under the same rules and regulations as provided by law for the election of officers in other counties in this State.

**SECTION 6.** The commissioners appointed by the third section of this Act, shall appoint such persons as they may deem suitable to open and hold the elections for county officers for the said county of Lewis, and such persons so appointed shall be, and are hereby invested with full power and authority to appoint deputies, clerks, and judges, and by himself and deputies to administer all necessary oaths, and to do and perform all other duties as by law are required of Sheriffs or other officers holding similar elections.

**SECTION 7.** It shall be the duty of the commissioners aforesaid, as soon after the county of Lewis shall have been established as practicable, to select and procure by purchase or otherwise, a suitable site for the seat of justice in said county; and the said commissioners, having first caused a deed to be made to themselves, and their assigns with general warranty, to a sufficient quantity of land, including the site so selected, shall cause a town to be laid off thereon, with as many streets and alleys as they may deem sufficient, with a suitable square for the erection of public buildings; said commissioners may reserve such lots as they may deem advisable for the purpose of erecting a jail and such other purposes as they may think advisable; and said town so laid off shall be known by such name as a majority of said commissioners may give it.

**SECTION 8.** BE IT ENACTED, That the commissioners of said county shall sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in some newspaper published in this state, and shall take bond with security from the purchasers of said lots, payable to themselves and their successors in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

**SECTION 9.** The proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners, for the defraying the expense incurred in the purchase of said tract of land on which the said county seat shall be located, and also for defraying the expenses of erecting the public buildings for said county of Lewis.

**SECTION 10.** The commissioners shall superintend the building of such public buildings as the county court of said county shall order and direct to be built, and shall let the same out, and take bonds from the undertakers with ample penalties and sufficient securities, payable to themselves and their successors, conditioned for the faithful performance of his or their contracts.

**SECTION 11.** The said commissioners shall also appoint five commissioners, whose duty it shall be to divide and lay off said county of Lewis into civil districts, designate the place for holding elections, therein, and do and perform all the duties relative thereto, which by the laws of this state such commissioners are authorized and required to do.

**SECTION 12.** The county of Lewis shall be attached to the 8th Judicial Circuit, and the circuit courts in said county shall be held on the 4th Mondays in March, July, and November, in each year.

**SECTION 13.** The militia of the county of Lewis shall form one regiment which shall be known and

designated as the 158th Regiment, and shall be attached to the 24th Brigade of Tennessee Militia.

**SECTION 14.** That the county court of Lewis County, when organized, shall be authorized to make such appropriations as they may think proper to the commissioners appointed under the provisions of this act, to compensate them for their necessary expenses and services.

**SECTION 15.** That for the convenience of the citizens and for the administration of Justice, the county and circuit courts of said county of Lewis, shall be held at the house of John Blackburn, until the public buildings for said county shall be completed, due notice of which shall be given to the clerks of the several courts in said county by the commissioners herein appointed, after which time they shall be held at the court house in the county aforesaid.

Passed: December 21, 1843.

## Acts of 1855-56 Chapter 162

**SECTION 1.** that the line between the Counties of Maury and Lewis be so changed as to run as follows to wit: Beginning at a black ash corner near Mrs. Maxwell's spring, in Maury County; running thence east, three hundred and eight poles to the northeast corner of McDonald's one hundred and forty-nine acre tract; hence south, two hundred and twelve poles to Martin's corner; thence east, five hundred and eighty-nine poles along R. M. Cooper's north boundary line to the east Cooper's northeast corner, thence south, one hundred and seventeen poles to the present County line, near the head of Hunter's mill-pond; thence west, and with the present County line to the beginning.

**SECTION 2.** This Act shall take effect from and after its passage.

Passed: February 25, 1856.

## Boundaries - Historical Notes

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

1. Acts of 1855-56, Chapter 55, changed the lines between Lewis County and Hickman County so as to include the dwelling and lands belonging to Jesse G. Thompson wholly within Lewis County.
2. Acts of 1859-60, Chapter 100, moved the residence and lands belonging to A. J. Pugh out of Lewis County and into Maury County.
3. Acts of 1859-60, Chapter 210, detached the lands and homes of A. S. Strong, William Scott, and A. J. Pugh from Lewis County and attached them all to Maury County.
4. Acts of 1871, Chapter 103, transferred all the lands belonging to Jesse M. Grinnell, located near the mouth of Indian Creek out of Hickman County and into Lewis County, provided such action did not reduce Hickman County below its Constitutional limits.
5. Acts of 1889, Chapter 37, changed the lines between Lewis and Hickman County so that the lands of A. W. Weatherly were included wholly within Lewis County.
6. Acts of 1889, Chapter 217, detached the lands and facilities of the Laurel Hill Manufacturing Company and the Napier Iron and Mining Company from Lawrence County and attached them to Lewis County.
7. Acts of 1893, Chapter 7, rearranged the boundaries between Lewis County and Maury County so as to embrace in Maury County a tract of land known as the Barr Tract, owned by John Hildreth, containing 125 acres, more or less. The land was bounded on the north by George King, on the west by James F. Walker, on the south by J. G. Ingram, and on the east by the county line between the two counties.
8. Private Acts of 1911, Chapter 21, moved all the lands belonging to R. G. Oglesby and C. B. Oglesby out of Perry County and into Lewis County.
9. Private Acts of 1917, Chapter 763, amended the boundary lines heretofore established by Private Acts of 1885, Chapter 127, and by Private Acts of 1889, Chapter 217, between Lawrence County and Lewis County so as to more definitely locate the 146 acre tract known as the W. C. Napier lands. The description change began in the original south boundary line of Lewis County, thence ran south according to the degrees quoted in the Deed 128 poles east 17.5 poles south 34.5 poles west 237.5 poles north, 237.5 poles and east 120 poles to the beginning.
10. Private Acts of 1929, Chapter 342, transferred certain real estate in the 5th Civil District of Lewis County belonging to Mora B. Fariss, containing 76.14 acres more or less, and generally described

in the Act, out of Lewis County and into Maury County.

## Chapter V - Court System

### General Sessions Court

#### Private Acts of 1941 Chapter 509

**SECTION 1.** That there is hereby created and established a Court in and for Lewis County, Tennessee, which shall be designated Court of General Sessions of Lewis County, Tennessee. Said County shall provide a court room at Hohenwald, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for the same out of the ordinary funds of said County.

**SECTION 2.** That the Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in Civil and Criminal cases, suits and actions; and the Justices of the Peace of said county are hereby divested of all such jurisdiction and authority, but any Justice of the Peace elected for any district may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense committed in the district for which such Justice of the Peace was elected, and may issue civil process on any cause of action heretofore triable in his district, such warrants and process to be returnable to and triable by said Court of General Sessions. The authority of said Justices of the Peace in their capacity as members of the Quarterly court, or in the performance of the rites of matrimony is in nowise [sic] affected by this Act.

**SECTION 3.** That before the issuance of any warrant in a civil case, the plaintiff shall secure the costs by executing a cost bond with good security in the sum of \$25.00, or by making a cash cost deposit of not less than \$2.50 or more than \$25.00, or shall take the oath prescribed for poor persons, and on motion the Court may increase the amount of such bond or deposit.

**SECTION 4.** That the rules of pleading and practice, form of writs and process and stay of and appeals from judgments in Civil cases of said Court shall be the same as of Justices of the Peace. **SECTION 5.** That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Warden and State Highway Patrolmen for the execution of writs and process of said Court, and the attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk of said Court and by him accounted for as hereinafter provided. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

**SECTION 6.** That separate dockets shall be kept in said Court for Civil and Criminal cases. Upon the Civil docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance et cetera and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The Criminal Docket shall be kept in like manner.

**SECTION 7.** That the General Sessions Court of Lewis County shall be presided over by a judge to be known as the General Sessions Judge, whose compensation shall be \$5,000 per annum, payable in equal monthly installments from the County Treasury. At the July term 1953 of the Quarterly County Court of such County, that body shall elect a General Sessions Judge, who shall hold office until September 1, 1958, and at the August election, 1958, the voters shall elect a General Sessions Judge for the constitutional term of eight years. Effective September 1, 1990, the Clerk of the circuit court of Lewis County shall be Clerk of the General Sessions Court of such county. He shall pay into the County Treasury monthly all fees, commissions and emoluments of said county. Effective September 1, 1992, the duties of the County Clerk acting as the Juvenile Court Clerk shall be transferred to the Clerk of the Circuit Court of Lewis County.

As amended by:

Private Acts of 1949, Chapter 376  
Private Acts of 1953, Chapter 550



Private Acts of 1969, Chapter 168  
Private Acts of 1990, Chapter 164  
Private Acts of 1992, Chapter 249

**SECTION 8.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, a majority of the attorneys present in such Court may elect one of their number, who has the qualifications of such a Judge, and when elected shall have the same authority as the County Judge to hold the Court for the occasion.

The Clerk of said Court as hereinbefore designated shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer.

**SECTION 9.** That the Sheriff of said county, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts.

**SECTION 10.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said County to any unpaid fees or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause to be disposed of or pending when this Act becomes effective.

**SECTION 11.** That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of Justices of the Peace of said county at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said county in cases which have been completed shall be turned over to said county, as provided by law.

**SECTION 12.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of said county as if such cases had originated in said Court of General Sessions.

**SECTION 13.** That in addition to the jurisdiction hereinbefore vested in said Court, the Court of General Sessions for Lewis County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. The final judgment of such Court may be appealed to the Criminal Court of Lewis County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

**SECTION 14.** That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 13 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant \_\_\_\_\_ pleads \_\_\_\_\_ guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a jury of his peers.

**SECTION 15.** That the Legislature expressly declares that each section, subsection, paragraph and provision of this Act is several and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 16.** That all bail bonds, recognizance bonds and appearance bonds of persons charged with misdemeanors for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of the Criminal Court.

**SECTION 17.** That this Act shall take effect September 1, 1942, the public welfare requiring it.

Passed: February 13, 1941.

# Court System - Historical Notes

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

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

1. Private Acts of 1917, Chapter 427, set up a Board of Jury Commissioners for Williamson County. The act following amended this act so as to make it applicable to Lewis County. The Board would have four members appointed by the Circuit Judge to serve staggered terms initially and four year terms afterwards. The members must be householders, or freeholders of the county, not attorneys, nor state or county officials. They must be sworn by the oath in the Act and would then select a Chairman. The Circuit Court Clerk, also sworn, would be the Clerk. On the first Monday in June, 1917, and every two years afterwards, the Board would meet and select from public sources the names of no less than 250 nor more than 4,000 people to serve as jurors for the next two years, whose names would be listed in the book provided for that purpose and certified by all members of the Board. Grand Jurors were to be selected from this list and their names entered in a special book, and certified. Their names would likewise be written on cards, or scrolls, and placed in boxes which would be locked and sealed, all of these things being then reported to the Circuit Judge. Fifteen days before the term of Court the Judge would break the seal and draw out the number of names needed as jurors for petit juries and do the same to obtain the members of the Grand Jury. Both Jury boxes would then be relocked and resealed. These names were given to the Sheriff who would summon them to duty. Provisions were made to replenish exhausted panels and to obtain people for special juries when needed. Only the Judge could excuse a juror and penalties were provided for those who disobeyed the requirements of this Act.
2. Private Acts of 1919, Chapter 583, amended the 1917 Act, above, so as to make it applicable to Lewis County.
3. Private Acts of 1933, Chapter 683, also set up a Board of Jury Commissioners for Lewis County with only a general repealing clause. This Act provides for a three member Board of Jury Commissioners to be appointed by the Circuit Judge having criminal jurisdiction whose members must be residents of the county, of good reputation and habits, of sound mind and known intelligence, must not have a suit pending or have any interest in one and must not seek appointments to the position. The members shall appear before the Judge immediately to be sworn, anyone not doing so without good cause being subject to a fine. The Commissioners would serve for twelve months and be paid \$2 for each day spent in this service. The Board would retire to a room and be secured from intrusion so as to select from the tax rolls, or other public source a list of jurors sufficient to serve the next succeeding three terms of court after the one in progress, which names would be entered upon a book kept for that purpose and certified by the Board members. The lists for each term would be placed in an envelope, labeled, and presented to the Judge. Provisions were incorporated for exhausted panels and for those of a special nature. The Judge had the power to dismiss the Board members for adequate cause. The Judge could excuse anyone summoned under the terms of this Act for good cause supported by affidavit filed. Penalties were prescribed for those who saw fit to break this law.
4. Private Acts of 1951, Chapter 349, amended Private Acts of 1917, Chapter 427, Item One, above, so as to make the provisions of that Act applicable to Lewis County. The effect was to return Lewis County to the former system of jury selection used before the 1933 was passed

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Lewis 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 1843-44, Chapter 230, attached the newly formed county of Lewis to the Chancery District of Maury County but the citizens of the new county had the option of filing their Bills of complaint either in Columbia or at Lawrenceburg in Lawrence County.
2. Acts of 1847-48, Chapter 181, established a Chancery Court at Waynesborough in Wayne County which would convene on the third Monday in June and December. The citizens of the counties of Lawrence, Hardin and Lewis were given the privilege of filing Bills in this Court, or at the Courts in Lawrenceburg and Savannah.
3. Acts of 1857-58, Chapter 88, reorganized the Chancery Courts in the State of Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions, further breaking the larger Divisions down into Districts. The Chancery Court at Columbia in Maury County would hear cases

from Maury County and Lewis County on the third Monday in March and September. Other counties in their group were Marshall, Cheatham, Giles, Williamson, Stewart, Montgomery, Davidson, and Robertson.

4. Acts of 1857-58, Chapter 169, Section 2, provided that Bills in Chancery could be filed in the Chancery Court established at Centerville in Hickman County by or against the citizens of Lewis County, or at the Chancery Court in Columbia as had been formerly provided, the choice to be within the discretion of the complainant.
5. Acts of 1870, Chapter 32, completely revised the lower judicial system in Tennessee into twelve Chancery Divisions. The ninth Chancery Division included the counties of Benton, Hickman, Henderson, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Hardin and Wayne.
6. Acts of 1870, Chapter 47, scheduled the terms for the Chancery Court in every county of the State of Tennessee. This and the preceding Act were passed subsequent to the adoption of the 1870 Constitution. Chancery Court terms would commence in Lewis County on the first Monday in February and August.
7. Acts of 1870-71, Chapter 10, reset the terms of the Chancery Court in every county assigned to the Ninth Chancery Division. This Division was made up now of the counties of Dickson, Benton, Humphreys, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne, Lawrence and Lewis whose Chancery Court would start on the fourth Monday in April and October hereafter.
8. Acts of 1873, Chapter 5, rescheduled the Chancery Court terms for the counties of the 9th Chancery Division. The Division was still composed of the counties named in Item 7, above. The Lewis County Chancery Court would meet at Newburgh on the Thursday before the first Monday in March and September.
9. Acts of 1879, Chapter 88, set up new Chancery Court terms for most of the counties in the Ninth Chancery Division changing the Court meeting at Newburgh in Lewis County to the Wednesday before the third Monday in February and August. There was no change in the counties assigned to the Division.
10. Acts of 1881, Chapter 162, rearranged the terms of the Chancery Courts composing the Ninth Chancery Division which were Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne, Lawrence, Dickson, Humphreys, Benton and Lewis where the courts would begin their terms on the Thursday before the first Monday in March and September.
11. Acts of 1885 (Ex. Sess.), Chapter 20, formed eleven Chancery Divisions in this sweeping realignment of the Chancery Courts in Tennessee. The Seventh Chancery Division contained the counties of Maury, Giles, Lawrence, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, Benton and Lewis where the Court would meet on the first Thursday after the first Monday in March and September. For a good history of equity jurisprudence in Tennessee in which this Act was cited along with many others see Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
12. Acts of 1887, Chapter 5, amended the appropriate Section of Acts of 1885 (Ex. Sess.), Chapter 20, to make changes in the terms of the Chancery Court in the counties of the Seventh Chancery Division. The Lewis County Chancery Court would hereafter meet on the Thursday after the first Monday in May and November.
13. Acts of 1889, Chapter 184, amended Acts of 1885 (Ex. Sess.), Chapter 20, to set the terms of the Chancery Court in Lewis County to begin on the Tuesday after the fourth Monday in April and October of each year.
14. Acts of 1899, Chapter 427, was the next major reorganization of the lower court system of the State. Ten Chancery Divisions were formed of which the Fifth Chancery Division consisted of the counties of Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Wayne and Lewis where the Chancery Court terms would begin on the second Monday in June and December.
15. Acts of 1901, Chapter 494, rescheduled the terms of the Chancery Court in Lewis County to begin on the first Monday in June and December.
16. Private Acts of 1919, Chapter 761, reset the opening dates for the terms of the Chancery Courts in the counties of Williamson, Wayne, Perry and Lewis. Lewis County's Chancery Court would begin its terms on the second Monday in February and July at Hohenwald.
17. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, contained the last major changes of the lower Court operations to appear in the volumes of private acts. All subsequent changes would be public acts and therefore be printed in the State Code. This Act formed fourteen Chancery Divisions, setting up a Special Chancery Division in the 17th Judicial Circuit which was made up of the

counties of Williamson, Wayne, Perry and Lewis. Chancery Court terms would start in Lewis County on the second Monday in February and July.

18. Public Acts of 1949, Chapter 230, set up new terms in the Special Chancery Division within the 17th Judicial Circuit scheduling the Court terms to begin in Lewis County on the second Monday in February and July.
19. Public Acts of 1968, Chapter 561, changed the court terms for the other counties in the Special Chancery Division of the 17th Circuit but Lewis County remained on the second Monday in February and July. This Act rewrote Section 16-2-402, Tennessee Code Annotated.

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

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

1. Private Acts of 1907, Chapter 536, set the annual compensation of the Clerk and Master of Lewis County at \$300 provided the Clerk and Master submitted a sworn, annual statement showing the amount of fees collected in the office to the County Judge or Chairman. The salary would be payable on the warrant of the County Judge out of the regular county funds.
2. Private Acts of 1911, Chapter 572, amended Private Acts of 1907, Chapter 536, Item One, above, by increasing the annual salary of the Clerk and Master of Lewis County from \$300 to \$500 under the same terms and conditions expressed in that Act. This Act also applied to Moore County.
3. Private Acts of 1921, Chapter 640, set the annual salary of the Clerk and Master of Lewis County (identified by the use of the 1920 Federal Census figures) at \$750, provided a sworn, itemized statement was filed with the County Judge or Chairman, showing the amount of fees collected in the office. If the fees were less than the salary, the County would pay the difference but not until the report was filed. The State of Tennessee would not be liable for the payment of any money under any circumstances.

### **Circuit Court**

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

1. Acts of 1843, Chapter 38, Section 21, attached the new County of Lewis to the 8th Judicial Circuit, scheduling the terms of Court to begin on the fourth Monday in March, July and November. The Court would meet at the home of John Blackburn in Lewis County until public buildings could be built and more suitable accommodations were available.
2. Acts of 1845-46, Chapter 21, Section 7, changed the opening dates for the terms of the Circuit Court in the counties of the 8th Judicial Circuit to take effect after the next term of Court. The counties mentioned were Hickman, Giles, Maury, Marshall and Lewis whose Circuit Court would start its terms on the third Monday in March, July and November.
3. Acts of 1845-46, Chapter 39, was a duplicate of Acts of 1845-46, Chapter 21, above.
4. Acts of 1852, Chapter 367, provided for the Circuit Court of Lewis County to be held at the place known as Jo Smith' old place until the county seat, which this Act named as Newburgh, could be permanently laid off.
5. Acts of 1857-58, Chapter 98, established 15 Judicial Circuits in the State of Tennessee. The Eleventh Judicial Circuit contained the counties of Maury, Marshall, Giles and Lewis where the court would continue to meet on the third Monday in March, July and November.
6. Acts of 1865, Chapter 37, seemed to be the first attempt at judicial organization in the State after the Civil War. The 11th Judicial Circuit was made up of the counties of Lawrence, Giles, Maury, Marshall and Lewis.
7. Acts of 1867-68, Chapter 64, Section 2, reset the terms of the Circuit Courts in the 11th Judicial Circuit for the counties of Hickman, Lawrence and Lewis whose Circuit Court would meet on the second Monday in February, July and November in Newburg.
8. Acts of 1868-69, Chapter 15, Section 6, added the counties of Hickman and Lewis to the 12th Judicial Circuit. The Court of Lewis County was scheduled to begin its terms on the fourth Monday in March, July and November at Newburg. The other counties in the Circuit were Hickman, Perry, Decatur and McNairy.
9. Acts of 1870, Chapter 31, formed fifteen regular, and one special, judicial circuits in Tennessee in a complete revision of the lower court system subsequent to the adoption of the 1870 Constitution. The 11th Judicial Circuit included the counties of Hardin, Wayne, Lewis, Hickman, Perry, Decatur, Henderson and McNairy.

10. Acts of 1870, Chapter 46, scheduled the opening dates for the terms of the Circuit Court of every county in Tennessee. Lewis County would begin the terms of the Circuit Court on the third Monday in January, May and September.
11. Acts of 1871, Chapter 17, rearranged the opening dates for the Circuit Court terms for some of the counties in the 11th Judicial Circuit. The terms of Lewis County's Circuit Court would start on the second Monday in January, May and September.
12. Acts of 1871, Chapter 70, rescheduled the opening dates for the terms of the Circuit Courts of those counties in the 11th Judicial Circuit which were Hardin, Wayne, Hickman, Perry, Decatur, Henderson, McNairy and Lewis where the court would begin its terms on the fourth Monday in January, May and September.
13. Acts of 1875, Chapter 18, wrought several changes in the judicial operations of the 11th Judicial Circuit none of which had any effect in Lewis County.
14. Acts of 1881, Chapter 183, rearranged the opening dates for the Circuit Court terms of the counties in the 11th Judicial Circuit to which changes all the process of the Circuit Courts were required to conform. Lewis County's Circuit Court would meet on the second Monday in February, June and October at Newberg.
15. Acts of 1881 (Ex. Sess.), Chapter 2, seemed to be a re-enactment of Acts of 1881, Chapter 183, above. In any event there were no changes effective in Lewis County.
16. Acts of 1885 (Ex. Sess.), Chapter 20, was a major reorganization of the lower judicial system of the State into fourteen regular and one special, judicial circuit. The Ninth Judicial Circuit contained the counties of Maury, Giles, Lawrence, Wayne, Hardin, Hickman and Lewis in which the terms of the Circuit Court would commence on the fourth Monday in February, June and October.
17. Acts of 1887, Chapter 54, altered some of the Circuit Court terms of the counties in the 9th Judicial Circuit. In Lewis County the Circuit Court would hereafter meet on the first Tuesday after the first Monday in February, June and October.
18. Acts of 1889, Chapter 184, amended Acts of 1885 (Ex. Sess.), Chapter 20, to schedule the terms of the Circuit Court of Lewis County to begin on the Tuesday after the fourth Monday in April and October (to coincide with the Chancery Court terms).
19. Acts of 1895, Chapter 190, directed that the terms of the Circuit Court in Lewis County would begin on the fourth Monday of February, June and October immediately after the passage of this Act.
20. Acts of 1897, Chapter 322, rescheduled the Court terms of the Circuit Courts in the 9th Judicial Circuit, which included the counties of Hardin, Wayne, Lawrence, Giles, Maury and Lewis whose Circuit Court terms would begin on the first Monday in February and November and the second Monday in May of each year.
21. Acts of 1899, Chapter 409, Section 12, changed the opening dates of the terms of the Circuit Courts in the 9th Judicial Circuit. The counties composing the Circuit were Maury, Giles, Lawrence, Wayne, Hardin, Williamson and Lewis in which the Court would meet on the fourth Monday in February, June and October.
22. Acts of 1899, Chapter 427, brought about a complete reorganization of the lower judicial system, being enacted only a short time after the Act mentioned in Item 21, above. Fourteen Judicial Circuits were formed of which the 11th Judicial Circuit included the counties of Maury, Lawrence, Giles, Wayne, Perry, Hickman and Lewis. The terms of the circuit court in Lewis County were set for the fourth Monday in February, July and October.
23. Acts of 1903, Chapter 18, changed the terms of court in the 11th Judicial Circuit which was composed now of the counties of Lawrence, Giles, Maury, Hickman, Wayne and Lewis. The Court in Lewis County would take up the docket on the second Monday in February, the third Monday in May, and the first Monday in November of each year.
24. Private Acts of 1911, Chapter 399, rescheduled the terms of the circuit court of Lewis County only, which would hereafter be held on Tuesday after the second Monday in February, after the third Monday in May, and after the first Monday in November.
25. Private Acts of 1919, Chapter 813, assigned the counties of Williamson, Cheatham, Hickman, Perry and Lewis to the 17th Judicial Circuit and scheduled their terms of court. In Lewis County the terms would begin on the first Monday in February, May and October.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, rewrote the laws for all the lower court structure in the State, being the last act of this nature to appear in the volumes of Private Acts. The Circuit Courts of the State were formed into twenty Judicial Circuits of which the 17th Circuit was made

up of the counties of Williamson, Cheatham, Hickman, Perry and Lewis. In Lewis County the terms of Court would start on the first Monday in February, May and October.

27. Public Acts of 1937, Chapter 196, authorized the Judge of the 17th Judicial Circuit to appoint a Minute Clerk in each County in the Circuit, who would serve a two year term and be appointed at the same time the foreman of the Grand Jury is appointed, their terms to run concurrently. The Clerk, who must meet the qualifications specified in the Act, would serve also as a member of the Grand Jury. He would be paid \$4 per day for each day the Grand Jury was in session. The Clerk must be sworn to secrecy in the same manner as anyone else connected with the Jury would be.
28. Public Acts of 1949, Chapter 230, changed the terms of court in the 17th Judicial Circuit, which now contained the counties of Williamson, Cheatham, Perry, Hickman and Lewis where the Court would meet on the first Monday in February, May and October.
29. Public Acts of 1974, Chapter 709, created an additional judge for the 17th Judicial Circuit, to be first elected in August 1974. The two judges for the circuit were to be separately designated on the ballot. The Act made two divisions with the presiding judge of the circuit holding Division I and the additional judge holding Division II. The act defined the responsibilities of the two judges.

### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 255, was a salary act which applied to Circuit Court Clerks only but paid them according to the population class of the county in which they worked. The Clerks were required to file a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees were less than the salary, the county would make up the difference, but if the fees were more than the salary, the Clerk could retain the excess. According to our information the Circuit Court Clerk of Lewis County would have been paid \$500 annually under the terms of this Act.
2. Private Acts of 1921, Chapter 735, amended Acts of 1903, Chapter 255, above, to provide that in Lewis County (identified by the use of the 1920 Federal Census figures) the Circuit Court Clerk would be compensated at the rate of \$750.00 annually, all other terms and conditions to remain as they were.
3. Private Acts of 1931, Chapter 465, allowed the Circuit Court Clerk to employ an auctioneer to assist in public sales when one was needed.

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

The following act once affecting Lewis County is no longer in effect but is listed here for historical purposes.

1. Acts of 1835-36, Chapter 28, was passed shortly after the adoption of the 1835 Constitution. This Act made each Solicitorial District in the State coincide with the Judicial Circuits which had criminal jurisdiction.

### **General Sessions Court**

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

1. Private Acts of 1941, Chapter 509, created the Court of General Sessions for Lewis County and is published herein in full with its amendments.
2. Private Acts of 1949, Chapter 376, amended Private Acts of 1941, Chapter 509, Item One, above, by deleting Section 7 as it appeared and inserting the Section 7 seen herein.
3. Private Acts of 1953, Chapter 550, amended Private Acts of 1941, Chapter 509, Item One, above, by deleting Section 7 as it appeared and inserting the Section 7 seen herein.
4. Private Acts of 1968, Chapter 474, amended Private Acts of 1949, Chapter 376, Item 2, above, by changing the amount of fifty cents to be paid to the Clerk for every cause entered on the Execution Docket to the "fees common to all Clerks." This Act was properly ratified by the Quarterly Court. (The Section Seven which was amended by Private Acts of 1949, Chapter 376, and which contained those provisions amended by this Act, was deleted from the original Act as written and was superseded by the Section appearing herein, all according to Private Acts of 1953, Chapter 550, above. It would seem that Private Acts of 1949, Chapter 376, went out with the deletion.)
5. Private Acts of 1969, Chapter 168,, amended Private Acts of 1953, Chapter 550, Item 3, above, by raising the annual salary of the Judge of the General Sessions Court from \$1500 to \$5,000.

(See the note at the beginning for the current salary of the General Sessions Judge.)

6. Private Acts of 1974, Chapter 316, amended Private Acts of 1941, Chapter 509, as amended, by rewriting Section 7, thereof, to provide that the General Sessions Court of Lewis County would be presided over by a General Sessions Judge, who must be thirty years of age, or older, a resident of the county and a practicing attorney. The present Judge would serve until the conclusion of his term, September 1, 1974, when his successor who would be elected in the August, 1974, general election, would assume the office. The term of office would then be 8 years. The Circuit Court Clerk would serve as the Clerk of this Court instead of the County Court Clerk. This Act was rejected by the Quarterly Court of Lewis County and consequently never became an effective law under the Home Rule Amendment to the Tennessee Constitution.

### **Secretarial Assistance**

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

1. Public Acts of 1939, Chapter 13, provided for the payment of seven hundred twenty (\$720) dollars per annum for stenographic services to the Judge of the Seventeenth Judicial Circuit.
2. Public Acts of 1963, Chapter 279, amended Item One, above, to allow three thousand (\$3,000) dollars per annum to defray such stenographic expense, the same to be paid from the general fund of the State.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1992 Chapter 184

**SECTION 1.** Chapter 268 of the Private Acts of 1933, as amended by Chapter 282 of the Private Acts of 1955, Chapter 277 of the Private Acts of 1957, Chapter 70 of the Private Acts of 1961, Chapter 337 of the Private Acts of 1970, Chapter 263 of the Private Acts of 1974, Chapter 23 of the Private Acts of 1989, Chapter 57 of the Private Acts of 1989, and all other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Lewis County shall be divided into school districts which shall be coextensive with the county commissioner districts established by the county legislative body of Lewis County from time to time. The Lewis County Board of Education shall consist of the same number of members as the number of county commissioner districts in Lewis County, with one member of said Board of Education being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half (2) the members of the Board shall expire, with the odd-numbered districts expiring at the same time, and the even-numbered districts expiring at the same time. Persons elected in the regular August elections shall take office on September 1 following the election.

**SECTION 3.** No incumbent member of the Lewis County Board of Education shall be removed from office as a result of changes in the school districts occurring as a result of changes in the county commissioner districts in Lewis County. If changes in school districts result in a Board member no longer residing in the district he or she represents, such member shall continue to hold office until the expiration of his or her term. If changes in the boundaries of school districts result in more than one Board member residing in a single district, all of such members shall continue to hold office until their respective terms expire, and no representative shall be elected in such district until the last such member's term expires, at which time that district shall elect a resident to the Board to an initial term which will expire at the same time as other Board members from odd-numbered districts or even-numbered districts, as the case may be, and to four (4) year terms thereafter. If changes in the school districts result in one or more school districts which are without a Board member residing therein, at the next regular August election a new school board member shall be elected from each such district to an initial term which will expire at the same time as other Board members from odd-numbered districts or even-numbered districts, as the case may be, and to four (4) year terms thereafter. It is to be understood that changes in school districts may result in the number of members on the Board temporarily exceeding the number of school districts until the expiration of the terms of the members in office on the date of such changes.

**SECTION 4.** The present Board members shall continue to serve until the expiration of their respective terms or until their successors are duly elected and qualified. At the August 1992 election, Board members from the even-numbered districts shall be elected to four (4) year terms, and a new Board member shall be elected to an initial two (2) year term from the new School District 9 which resulted from changes in county commissioner districts following the 1990 census. After the initial two (2) year term, School District

9 shall elect its member of the Board to four (4) year terms. At the August 1994 election, Board members from the odd-numbered districts shall be elected to four (4) year terms.

**SECTION 5.** The Lewis County Board of Education shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49, Tennessee Code Annotated, except as otherwise provided herein.

**SECTION 6.** 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 this 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 7.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of Lewis County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Lewis County and certified by him (sic) Secretary of State.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: March 19, 1992.

## Superintendent of Public Instruction

### Private Acts of 1985 Chapter 36

**SECTION 1.** The county superintendent of public instruction of Lewis County shall be elected by the qualified voters of Lewis County.

**SECTION 2.** Each candidate for the office of county superintendent of public instruction shall be a resident of Lewis County.

**SECTION 3.** In the August, 1988, General Election, the qualified voters of Lewis County, shall elect the county superintendent of public instruction. Thereafter, the election of the county superintendent of public instruction shall be held in the August, 1992, general election and during the August general election every four (4) years thereafter. The first term of office under this act shall begin January 1, 1989, and end August 31, 1992. After August 31, 1992, the term of office shall be four (4) years, and until a successor is elected and qualified, with each term of office beginning on September 1st, of the year of election for a period of four (4) years, ending on August 31st.

**SECTION 4.** The qualifications, compensation, powers, duties and liabilities of the county superintendent of public instruction of Lewis County shall be as prescribed by general law.

**SECTION 5.** If any provision of this Act or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect other provisions or applications of this 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 majority of the number of qualified voters of Lewis County voting in an election on the question of whether or not the Act should be approved. The ballots used in the general election to be held in August, 1986, shall have printed on them the substance of this Act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commission and certified by it to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections.

All laws applicable to general elections shall apply to the determination of the approval or rejection of this Act.

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

Passed: April 4, 1985.

## Education/Schools - Historical Notes

### **Board of Education**



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

1. Acts of 1907, Chapter 236, abolished the office of District Directors and created a Board of Education and a District Advisory Board in every county of the State. The Quarterly Court would divide the county into five school districts composed of whose Civil Districts from each of which the Court would select one member of the School Board to serve until the successor could be elected by the people at the next general election. If there were fewer than five Districts, the other members would run at large. Any resident of the county with a primary school education was declared eligible to serve. The Board would choose a Chairman whose duties were specified in the Act as well as the Secretary and the other Board members. The County Superintendent would be the ex-officio Secretary to the Board. The three member Advisory Board would be elected by the popular vote of the people resident in that District. Their duties were also spelled out in Section 14 of this Act among which was the responsibility of compiling a scholastic census for that District. This Act applied only to county school systems and Lewis County was among the nine counties exempting themselves from the provisions and terms of this Act.
2. Private Acts of 1911, Chapter 564, amended Acts of 1907, Chapter 236, Section 17, Item One, above, by striking the census figures quoted therein which exempted Lewis County from the terms of that Act, thus bringing the county within the requirements stated in Item One, above. Putnam County, Warren County, Lauderdale County and Giles County likewise repealed the exempting figures to bring these counties within the purview of the 1907 Act above.
3. Private Acts of 1929, Chapter 674, stated that in Lewis County (identified by the use of the 1920 Federal Census), there would be elected by the qualified voters of the county in the regular August election a five member public School Board who would serve two year terms. The Board was required to perform the same duties, to be paid the same compensation, and to be subject to the same penalties which were all established under the general law. The Quarterly County Court was directed to divide the county into five districts from each of which one member of the Board of Education would be elected. This Act, and all others in conflict with it were expressly repealed by Private Acts of 1933, Chapter 268, published herein.
4. Private Acts of 1933, Chapter 268, set up a five member Board of Education in Lewis County.
5. Private Acts of 1955, Chapter 282, amended Private Acts of 1933, Chapter 268, Section 3, by striking out the provisions which prohibited the residing of two members of the Board of Education of Lewis County in the same Civil District. The member moving into the District and creating the above situation would forfeit the office.
6. Private Acts of 1957, Chapter 277, amended Private Acts of 1933, Chapter 268, Section 5, by adding the last provision in the Section which limited the employment of certain people by the Board of Education to those recommended by the Superintendent of Schools. This Act was repealed by Private Acts of 1989, Chapter 57.
7. Private Acts of 1961, Chapter 70, amended Private Acts of 1933, Chapter 268, Section 7, by raising the maximum amount which the Quarterly Court could pay to the members of the Board of Education each year from \$25 to \$50 and the maximum amount each year for the Chairman was increased from \$50 to \$100. This Act was properly ratified by the Quarterly County Court in accordance with the demands of the Home Rule Amendment to the State Constitution.
8. Private Acts of 1970, Chapter 337, amended Private Acts of 1933, Chapter 268, Section 2, by adding a provision for a six member Board of Education and a term of six years instead of five. This Act was properly ratified by the Quarterly Court of Lewis County, but was expressly repealed by Private Acts of 1977, Chapter 138.
9. Private Acts of 1974, Chapter 263, amended Private Acts of 1933, Chapter 268, Section 7, by deleting the last portion of the last sentence thereof after the word "exceed" and inserting the provisions shown there establishing a per diem rate of pay for the members and Chairman of the County Board of Education in Lewis County.
10. Private Acts of 1977, Chapter 138, rewrote Private Acts of 1933, Chapter 268, Section 2, to the effect of reducing the membership of the Board of Education from six members to five. This Act also repealed Private Acts of 1970, Chapter 337, Item 8, above. This Act was repealed by implication by Private Acts of 1989, Chapter 23.
11. Private Acts of 1992, Chapter 184, (reproduced herein), divided the county into school districts coextensive with the county commissioner districts and provided for the election of terms of members of the Lewis County Board of Education, and provided for a transition period for the existing board of education. This act repealed the Private Acts of 1933, Chapter 268, as amended

by Private Acts of 1955, Chapter 282, Private Acts of 1957, Chapter 277, Private Acts of 1961, Chapter 70, Private Acts of 1970, Chapter 337, Private Acts of 1974, Chapter 263, Private Acts of 1977, Chapter 138, Private Acts of 1989, Chapter 23, Private Acts of 1989, Chapter 57, and all other acts amendatory thereto.

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

The act referenced below once affected the office of superintendent of education in Lewis County, but is no longer operative.

1. Private Acts of 1905, Chapter 394, provided that the County Superintendent of Public Instruction in Lewis County (identified by the use of the 1900 Federal Census figures) would be paid the sum of \$225 annually, payable quarterly, out of the regular county treasury

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Lewis 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 1845-46, Chapter 148, incorporated James H. Cameron, William R. Chalk, Hugh B. Venable, James Patton, Robert M. Cooper, Redding Reaves, Alfred P. Buchner, William Biffle, and John Akin, as the Trustees of Lewis Academy which would have the same rights and privileges as other county academies in the State. The Quarterly Court was given the authority to fill vacancies in the Board of Trustees. The Academy would be located in the town of Gordon and the Superintendent of Public Instruction was required to pay to the Academy its due portion of the public school funds. The sum of \$240, if that amount was in the treasury, and unappropriated, was directed to be paid to the Academy immediately.
2. Acts of 1847-48, Chapter 135, Section 6, in effect repealed that portion of Acts of 1845-46, Chapter 148, Item One, above, which required the county academy to be located in Gordon. It was made the duty of the Trustees of the Academy to select and purchase a site and to erect the academy at the county seat as the same may be settled by the Commissioners appointed under this Act for that purpose.
3. Acts of 1849-50, Chapter 88, was the enabling legislation to form a corporation of the Board of Trustees for Hampshire Academy in Lewis County, under the same rules and regulations as other academies were formed including the power to promulgate rules for the internal management and student discipline in the school. This Act named Nathan B. Akin, William Biffle, William Polston, C. Y. Hudson, A. B. Buckner, and H. C. Kirk, as the Board of Trustees for the School.
4. Acts of 1849-50, Chapter 88, Section 4, incorporated James Grines, James Davis, George A. Kennedy, William Wist, Stephen Warly, and Joel Leftwich, as the Trustees of Greenwood Female Academy in Lewis County, under the same terms and conditions applied to the Trustees of Hampshire Academy, above. Both of these academies would be branches of the County Academy of Lewis County.
5. Acts of 1851-52, Chapter 325, repealed expressly Section 6, Acts of 1849-50, Chapter 88, Items 3 and 4, above, which made Hampshire Academy and Greenwood Academy in Lewis County a branch of the County Academy of that County.
6. Acts of 1881, Chapter 168, Section 5, authorized the Quarterly County Court of Lewis County to sell the County Academy and the lot on which it stood in Newburg, the proceeds of the sale to be placed in the school fund of the county. These same powers were also granted to the Trustees of the York Academy in Spencer, of Van Buren County.
7. Public Acts of 1925, Chapter 115, has been codified as Title 49, Tennessee Code Annotated, Section 33 of which, provided for the disposition and/or operation of the school districts found in many Tennessee counties.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Elections**

The following is a listing of acts for Lewis County which affected the elective process, but which have been

superseded or repealed. They are listed here for historical and reference purposes.

1. Acts of 1865, Chapter 34, divided Tennessee into eight U. S. Congressional Districts in the aftermath of the Civil War. The Sixth U. S. Congressional District was composed of the counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery and Stewart.
2. Acts of 1869-70, Chapter 105, was the legal authority for a referendum to be held across the State on the question of calling a Constitutional Convention. The Ballot would simply be marked either "For" or "Against." If approved, another election would be held to provide 75 delegates to the Convention which number was in accord with the combined number of State Senators and Representatives in the General Assembly at that time.
3. Acts of 1871, Chapter 9, formed nine U. S. Congressional Districts in Tennessee. The Sixth District contained the counties of Williamson, Maury, Giles, Lawrence, Wayne, Lewis, Hickman and Dickson.
4. Acts of 1871, Chapter 146, reapportioned the State for representation in the General Assembly. The 15th State Senatorial District was made up of the counties of Giles, Lawrence, Wayne and Lewis. The counties of Hickman, Perry, and Lewis would jointly elect one Representative to the General Assembly.
5. Acts of 1873, Chapter 27, separated the State into ten U. S. Congressional Districts probably due to the 1870 census. The 7th U. S. Congressional District included the counties of Wayne, Lawrence, Giles, Lewis, Maury, Hickman and Williamson.
6. Acts of 1881 (Ex. Sess.), Chapter 5, set permanently the number of Senators in the General Assembly to be 33 and the number of Representatives to be 99.
7. Acts of 1881 (Ex. Sess.), Chapter 6, established the Senatorial and Representative Districts across the State to conform with the terms of Chapter 5, Item 6, above. Lewis County, Perry County and Decatur County, would join together to elect one Representative to the General Assembly. The 18th Senatorial District was comprised of the counties of Maury and Lewis.
8. Acts of 1882, Chapter 27, was almost a duplicate of Acts of 1873, Chapter 27, above, dividing Tennessee into ten U. S. Congressional Districts. The Seventh U. S. Congressional District contained the counties of Williamson, Maury, Giles, Lawrence, Wayne, Lewis, Hickman and Dickson.
9. Acts of 1891, Chapter 131, delineated the ten U. S. Congressional Districts in Tennessee according to the 1890 Federal Census count. The counties of Williamson, Maury, Giles, Lawrence, Wayne, Lewis, Hickman and Dickson constituted the Seventh U. S. Congressional District.
10. Acts of 1891 (Ex. Sess.), Chapter 10, redistricted Tennessee for the General Assembly into districts based on the 1890 Census. Giles County, Maury County, Lewis County, and Williamson County would jointly elect one Representative. The 19th State Senatorial District was composed of the counties of Maury, Perry and Lewis.
11. Acts of 1901, Chapter 109, assigned the counties of Houston, Humphreys, Dickson, Hickman, Williamson, Lewis, Maury, Giles, Lawrence, and Wayne to the Seventh of the ten U.S. Congressional Districts into which the State had been divided.
12. Acts of 1901, Chapter 122, apportioned Tennessee into the Senatorial and Representative Districts of the General Assembly for the last time until over sixty years had passed. The counties of Giles, Lawrence, Lewis and Wayne, would jointly elect one State Representative. The 20th State Senatorial District was made up of the counties of Maury, Perry and Lewis.

## Chapter VIII - Health

### Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1927, Chapter 593, declared that in Lewis County any person who had attended the Dental Department of the State of Tennessee during the school year 1892-1893 and was continuously in practice during the school year 1902, and most of the year, 1903, when their work had to be abandoned because of reasons of their bad health, and their dentistry course would have been completed except for that reason, and the above person had practiced dentistry since that time making a total experience of over 30 years, such a person could continue to practice dentistry in the State of Tennessee and the Examining Board would issue a license to that effect

to that person.

2. Private Acts of 1935, Chapter 470, created the position of County Health Nurse in Lewis County which required the Quarterly County Court to elect a County Health Nurse, instead of a County Physician, as the County Health Officer for the next two year period. The appointee would meet the qualifications set up in the Act, would visit the inmates of the county jail, the County Home for the indigent, and such other indigents as may be required and needed. The Health Nurse would be a member of the County Board of Health and would be compensated as the Quarterly Court would determine.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Militia**

The following act once affecting Lewis County, which related to the militia and to other law enforcement agencies other than the sheriff, is mentioned below.

1. Acts of 1843-44, Chapter 38, Section 13, provided for Lewis County to form a single regiment, the 158th Regiment. The act further provided for the regiment to be attached to the 24th Brigade.
2. Acts of 1849-50, Chapter 229, Section 6, provided that the regimental muster for the Militia unit of Lewis County would hereafter be held at Newburg, the county seat, until the militia could be divided into two county units of regiment size. Until the decision was made, all musters, court martials, and other official gatherings of the militia would take place at Newburg.

#### **Sheriff**

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

1. Acts of 1857-58, Chapter 135, allowed the securities of Andrew Johnson, the late Sheriff of Lewis County, to execute promissory notes with good security under the supervision of the Attorney General and which would be approved by the Circuit Court Clerk for such portion of State taxes due from the said Johnson for the year 1854 as would be their obligation to pay. The County Court of Lewis County could make the same arrangements if desired. The securities of the Circuit Court Clerk were bound to see that the funds were properly applied.
2. Private Acts of 1921, Chapter 972, stated that hereafter in Lewis County (identified by the use of the 1920 Federal Census figures) the Sheriff would be allowed and paid the fees now provided under the law and, in addition, would be paid \$500 in ex officio fees which would be paid at the rate of one quarter on the first day of January, April, July and October each out of the regular funds in the County Treasury.

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1937 Chapter 395

**SECTION 1.** That in all counties of the State having a population of not less than 5250 and not more than 5265, according to the Federal Census of 1930, or any subsequent Federal Census, there is hereby created the office of Commissioner of Highways who shall be elected by the qualified voters of the counties coming within the provisions of this Act at the regular August election of 1938, and. (sic) The Commissioner of Highways shall take office on September 1, 1938, and shall hold said office for a period of four (4) years, or until his successor is elected and qualified. It is expressly provided, however, that the present incumbent shall hold office until the expiration of his term in January, 1938, at which time the Quarterly Court shall elect some individual to serve until September 1, 1938. In the event of any vacancy in the office of Commissioner of Highways, it shall be the duty of the County Highway Advisory Commission, hereinafter created in this Act, to elect some individual to serve until the next regular meeting of the Quarterly County Court, at which time some individual shall be elected by the Quarterly County Court to serve until the next regular election.

The Commissioner of Highways shall be at least 25 years of age at the time of his election and shall hold no other public office. He shall have had actual experience in road building and road maintenance; and shall have demonstrated proved ability in both phases of road work, as a workman and in superintending

and supervising road work; and shall have had experience in operating and maintaining various types of road building and road maintaining machinery. He shall have sufficient education so that he may conduct the correspondence of his office, and keep the records of his office efficiently. The salary of the Commissioner of Highways shall be Eight Hundred Fifty Dollars per month, said amount to be paid in equal monthly installments, out of the County Highway Funds, by a warrant addressed to the County Trustee and countersigned by the County Judge. Said Commissioner of Highways shall devote his entire time to the duties of his office, and he shall be furnished transportation while actually engaged in performing the duties of his office.

The Commissioner of Highways, before beginning the duties of his office, shall take and subscribe to an oath before the County Court Clerk to faithfully, honestly and impartially discharge the duties of his office to the best of his ability. He shall execute a good and solvent bond in the amount of \$5,000.00, the conditions of which shall be that he shall faithfully, honestly and impartially discharge the duties of his office and properly account for all funds coming into his hands by virtue of said office.

As amended by: Private Acts of 1943, Chapter 198  
Private Acts of 1949, Chapter 409  
Private Acts of 1951, Chapter 407  
Private Acts of 1961, Chapter 69  
Private Acts of 1965, Chapter 281  
Private Acts of 1970, Chapter 323  
Private Acts of 1973, Chapter 77  
Private Acts of 1984, Chapter 177

**SECTION 2.** That there is hereby created a County Highway Advisory Commission, composed of three members, one of whom shall be the County Judge; one of whom shall be a member of the Quarterly County Court to serve only while he shall be a member of the Quarterly County Court; and the other shall be a private citizen and free-holder holding no public office or position and having no official connection with the county. The Quarterly County Courts of counties coming within the provisions of this Act shall elect the two members of this Commission to serve with the County Judge at the regular session of the Quarterly County Court in April, 1937, and said Commission shall serve until November 1, 1938, and shall perform such duties as may be hereinafter set out in this Act. At the regular meeting of the Quarterly County Court in October, 1938, and biennially thereafter, the two members of the Commission mentioned above shall be elected by said Quarterly County Court, and said members along with the County Judge as ex-officio member of said Commission shall take office on November 1, 1938, and biennially thereafter and hold office for a period of two years or until their successors are elected and qualified. It is expressly provided and it is the legislative intent that said County Highway Advisory Commission assume the duties of office from and after the election of the members of said Commission at the regular meeting of the Quarterly County Court in April, 1937, and that said Commission shall work in conjunction with the present Commissioner of Roads, and with the Commissioner who is to be elected by the Quarterly County Court at its regular meeting in January, 1938, to serve until September 1, 1938, and/or any Highway Commissioner duly elected thereafter.

Said County Highway Advisory Commission shall meet in the office of the commissioner of highways upon the second Monday in each month and at such other times as it may be called by the chairman, who shall be elected biennially by a majority vote of said Commission. The members of the commission shall receive fifty dollars (\$50.00) per month for this service rendered and the chairman of the commission shall receive two hundred dollars (\$200) per month. Such compensation shall be paid from the County General Fund for the Chairman and from the County Highway Funds for the members. Each member of the Commission shall take the oath of office before the County Court Clerk, as is herein provided for the Commissioner of Highways. In the event of a vacancy on said Commission, it shall be the duty of the Quarterly County Court to fill said vacancy for the unexpired term at the next regular meeting of said Court.

As amended by: Private Acts of 1949, Chapter 409  
Private Acts of 1961, Chapter 69  
Private Acts of 1974, Chapter 334  
Private Acts of 1990, Chapter 134  
Private Acts of 1996, Chapter 153  
Private Acts of 2018, Chapter 39

**SECTION 3.** That the County Highway Advisory Commission shall ascertain the amount of funds available for road purposes, or that may be available from time to time, and shall budget the amount to be spent by the Commissioner of Highways upon the highway system of the county. In determining the amount to be spent by the Commissioner of Highways, the Advisory Commission shall take into consideration the payment of any deficit which may now exist in the Highway Department, whether said deficit shall consist

of outstanding warrants or bills. Said Commission shall order the Commissioner of Highways to pay said deficit as soon as possible, and shall determine the amount to be paid from time to time. Said Commission shall also recognize any transfer of funds which has been made or may be made by the Quarterly County Court. Subject to the approval of the Advisory Commission not more than three per cent (3%) of the highway funds coming into the hands of said Commission may be used to maintain and repair the roads and streets of any municipalities which may be within any county coming within the provisions of this Act, or such funds may be paid by the Commissioner of Highways to such municipalities for the purposes herein provided. It shall be unlawful for the Commission to allow the Commissioner of Highways to expend or to issue any warrants on the Trustee for road purposes unless the funds shall at that time be already in the hands of the Trustee, or a County Tax Levy shall have been made in sufficient amount to cover the same; provided, however, that said Commission shall have the right to anticipate as much as one month of the counties' pro rata part of the gasoline tax fund due from the State; and provided further, that nothing herein shall prevent the Commission from allowing the Commissioner of Highways from entering into a contract authorizing the expenditure of more money than is then on hand with the Trustee, or for which a tax levy has not been made, provided that such funds can reasonably be expected to be available at the time said expenditure will be due according to the terms of said contract. The advisory commission shall approve each purchase or contract which is made by the commissioner and which exceeds two thousand five hundred dollars (\$2,500) before such purchase or contract is a valid and binding obligation of the county.; and to determine the wages and salaries to be paid for all types of works or labor performed by the personnel employed by said Highway Commissioner, but the employment of all personnel shall be left to the Commissioner of Highways.

Said Advisory Commission shall have authority to determine upon what roads and bridges the road funds shall be spent only in the event that it may appear to said Commission that the Commissioner of Highways is not distributing said road funds fairly and according to the needs of the roads and bridges of the various Civil Districts of the county. In this event, the Advisory Commission may order the Commissioner of Highways to expend a certain amount upon a particular road or bridge in a certain Civil District of the county. Said Commission shall cause to be kept at the office of the Commissioner of Highways a minute record of its transactions and no business shall be transacted unless at least two members of said Commission are present. A majority vote of the Commission shall be sufficient for any measure to carry before said Commission. The minutes of said Advisory Commission shall be open to the inspection of the public at any reasonable time. The Commission shall audit all books, accounts and other evidences of expenditures of funds on the part of the Commissioner of Highways, at least once each month, and shall file a report of such audits quarterly with the County Court Clerk as a permanent record which shall at all times be open to the inspection of the public.

As amended by:

Private Acts of 1949, Chapter 409  
 Private Acts of 1951, Chapter 407  
 Private Acts of 1963, Chapter 255  
 Private Acts of 1965, Chapter 281  
 Private Acts of 1970, Chapter 323  
 Private Acts of 1991, Chapter 31

**COMPILER'S NOTE:** Private Acts of 1991, Chapter 31 added "The advisory commission...obligation of the county." However, the act neglected to address the semicolon and the rest of the sentence.

**SECTION 4.** That the Commissioner of Highways shall have general charge and supervision of the work, repair, construction, maintenance, altering, changing, opening and closing of all public roads of the county; and the construction and repair of all public bridges now existing, or that may become necessary; and of all culverts in and along said public roads. Said Commissioner of Highways shall have the right and authority to designate when, where, and in what manner work shall be performed in the construction and repair of all the public roads, bridges and culverts of the county, subject to the restrictions hereinbefore set out in this Act. The Commissioner of Highways shall appoint and select all laborers and other personnel which in his opinion may be necessary to carry on the work efficiently, however, the wages and salaries of said personnel shall be determined by the Advisory Commission as hereinbefore set out in this Act. Said Commissioner shall have authority to discharge any employee for any cause which in his opinion may seem justifiable, however, the Advisory Commission shall approve the appointment (sic) or discharge of any employee; and no employee shall receive any compensation for work performed unless the appointment of said employee has been approved by said Advisory Commission. In the event the Commissioner of Highways shall fail or refuse to submit the name or names of employees selected by him for the approval of the Advisory Commission, said Advisory Commission may appoint such employees as it may consider necessary to carry on the work. The Advisory Commission may also discharge any employee for inefficiency, failure to perform his duties; (sic) intoxication while on duty; or for any other reason that said Advisory Commission may deem sufficient. He shall also have charge of all tools, machinery,

equipment and supplies used on the road system of the county. He shall make all contracts regarding material, machinery, equipment, supplies and labor subject to the approval of the Commission as set above. Said Commissioner may employ a bookkeeper or clerk to perform the clerical duties of his office, provided the salary of said employee shall not be more than \$650.00 per month, said salary to be approved by the County Highway Advisory Commission.

As amended by: Private Acts of 1943, Chapter 198  
 Private Acts of 1949, Chapter 409  
 Private Acts of 1963, Chapter 255  
 Private Acts of 1965, Chapter 281  
 Private Acts of 1970, Chapter 323  
 Private Acts of 1973, Chapter 77

**SECTION 5.** That the Commissioner of Highways shall, upon the order of the Advisory Commission, have the right to condemn land for rights-of-way; for rock quarries; gravel beds; chert beds; and borrow pits, and pay the bills for the acquisition of same out of the County Highway Funds. He may also acquire the same through purchase by agreement with the owner, subject to the approval of the Advisory Commission.

**SECTION 6.** That the Commissioner of Highways shall keep in well bound books a complete record of all receipts and disbursements of the County Highway Fund, showing to whom and for what each expenditure was made and date same was made, and shall have on file in his office a bill or voucher with the statement on each bill and/or voucher "certified true and correct" and signed by the person or authorized representative of the person or firm rendering said bill or voucher for each expenditure made and each bill or voucher shall be so marked and approved before said expenditure is made. He shall make and submit to the Quarterly County Court a complete itemized report showing the receipts and disbursements of the Highway Fund and dates of each transaction in itemized form. Said report shall also show the amount of outstanding warrants and other obligations, and shall set out the condition and needs of all highways under his supervision. A complete statement of the receipts and disbursements of the County Highway Fund, and the exact condition of said fund, shall be published in a newspaper of the county each year. Said statement shall be sworn to by the Commissioner of Highways and by each member of the County Highway Advisory Commission. The Commissioner of Highways shall sign all warrants for disbursements from the County Highway Fund, which when countersigned by the Chairman of the County Highway Advisory Commission, shall be paid by the County Trustee.

As amended by: Private Acts of 1949, Chapter 409

**SECTION 7.** That at the time the County Court shall levy taxes for other purposes, it shall levy a road tax for the purpose of building public roads and bridges and repairing and maintaining same, which tax shall be not more than thirty cents upon One Hundred Dollars worth of taxable property. Said road tax shall be assessed and collected in the same manner as any other taxes and shall be placed by the Trustee in the County Highway Fund; provided, that it shall not be compulsory for the County Court to levy any county road tax upon the taxable property of the county unless it may appear that the funds now being received as the counties' part of the Gasoline Tax Fund from the State is not sufficient to maintain and build the roads in a satisfactory manner, in which event, it shall be the duty of said Quarterly County Court to levy a county road tax as hereinabove provided.

**SECTION 8.** That the Grand Jury shall have inquisitorial powers over all offenses committed under this Act, and this Act shall be given especially in charge to the Grand Jury by the Circuit and Criminal Judges.

**SECTION 9.** That if any Section, sub-section, sentence, clause, phrase or word of this Act be held to be unconstitutional and void, such decision shall not affect the validity of the remaining portions of this Act. The General Assembly hereby declares that it would have passed this Act and each Section, sub-section, sentence, clause, phrase and word thereof irrespective of the fact that any one or more Sections, sub-sections, sentences, clauses, phrases or words be declared unconstitutional.

**SECTION 10.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 5, 1937.

## Highways and Roads - Historical Notes

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

1. Acts of 1901, Chapter 136 , was a general road law applicable to every county in Tennessee under

70,000 in population, according to the 1900 Federal Census. The County Court was required to select one Road Commissioner, who would serve two years, from each Road District in the County, the Road Districts being co-extensive with Civil Districts. The Road Commissioner, thus selected, would be in charge of all roads, bridges, road hands, tools, and materials in his district, would be sworn and bonded, and would be compensated at the rate of \$1 per day but this was limited to no more than ten days each year. The County Court would fix the number of days the road hands would work each year, which could not be less than five, nor more than eight, and would set a value on one day's labor. The County Court was further allowed to levy a special road tax of two cents per \$100 property valuation for each day the road hands were required to work. The Road Commissioner could name and would supervise the Road Overseers in their District. The Overseers were to be in immediate charge of a particular section of road, would work the same number of days as other road hands, but would be paid for the days over and above that number up to \$6 a year. All able-bodied males outside of cities between the ages of 21 and 45 were obligated to work on the roads, or pay the commutation fees prescribed by the Court. The Road Commissioner would dispose of the petitions to open, close, or change, roads filed in their Districts, and were required to index and classify the roads as well, in addition to seeing that their roads met the basic specifications stipulated in the Act. This Act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).

2. Acts of 1905, Chapter 478 , amended Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the portions dealing with the acquisition of rights of way and other materials and assets especially where the exercise of the power and eminent domain was required.
3. Private Acts of 1917, Chapter 359 , seemed to be the first privately enacted Road Law for Lewis County. The Lewis County Quarterly Court was obligated to choose three freeholders, one each from the Civil District specified, who could not be members of the County Court, experienced in the art of road building and maintenance, who would serve as Road Commissioners. The initial terms were staggered for one, two, and three years, and all terms thereafter would be for three years. Anyone knowing of the violation of the terms of this Act by any Road Commissioner would report the same to the County Judge, who would suspend the suspected violator and proceed to investigate the charges. The Commissioners would be sworn and bonded and choose one of their number to be the Chairman and Secretary. The Commission was placed in charge of the Workhouse and prisoners who were subject to laboring on the roads. Road work would be scheduled in seasons other than in winter. The Commissioners could appoint a Deputy for each 8 miles of road in their Districts and would submit reports each quarter to the County Court. Their Deputies would be competent to attend to road work or the Commissioner could be penalized for using incompetent people. The Deputy would be paid \$1.50 a day, the same as the Commissioner, for all days worked over the compulsory number. A general road tax of no less than 12 cents nor more than 20 cents could be levied which must be spent in the district in which it was collected as near as possible. All males able to do so between the ages of 18 and 50 would work the required number of days, furnish someone in their place, or pay \$1.00 for each day missed. Special regulations applied for the owners of wagons and teams and their drivers. The Commissioners would hear and dispose of petitions to open, close, or change roads. If necessary, a professional engineer could be employed. This Act was repealed by Private Acts of 1931, Chapter 798, below.
4. Private Acts of 1925, Chapter 392 , amended Private Acts of 1917, Chapter 359, Section 4, above, by raising the minimum age of the males obligated to labor on the county roads from 18 to 21, and by making some changes in the regulations governing the use of wagons, teams, and drivers in road work.
5. Private Acts of 1927, Chapter 634 , amended Private Acts of 1917, Chapter 359, above, by reducing the number of Road Commissioners to one instead of three, and changing all pertinent portions of this Act from plural to singular when the Commissioner was involved. Under this Act the State Highway Department would name the Road Commissioner.
6. Private Acts of 1931, Chapter 798 , expressly repealed Private Acts of 1917, Chapter 359, Item 3 above, together with its amendments.
7. Private Acts of 1931, Chapter 799 , provided that the Quarterly Court of Lewis County at its January term in each year could levy an ad valorem tax for general road purposes on all property outside of cities. The tax could be no less than 12 cents nor more than 20 cents per \$100 property valuation and would be collected as any other tax would be by the County Trustee. The Quarterly Court would at the same time elect some capable person to be Commissioner of Roads in Lewis County who would be required to look out after the laying out, maintenance, and working of



roads, and to be responsible for the disbursement of road funds for those purposes stipulated in the Act. The Road Commissioner had to be sworn and bonded, would be paid as the Court directed, and would keep efficient and accurate records. The general road tax would be kept separately from the gasoline tax and would be used exclusively for road purposes. No person would hereafter be required or compelled to work on the roads.

8. Public Acts of 1977, Chapter 479, created a South Central Tennessee Railroad Authority calculated to provide railroad service in the future in the counties of Dickson, Hickman, Lewis, Perry and Wayne. This Act is published herein in full.

## Chapter XI - Taxation

### Hotel/Motel Tax

#### Private Acts of 1995 Chapter 15

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

- (1) "Clerk" means the County Clerk of Lewis County, Tennessee.
- (2) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (3) "County" means Lewis County, Tennessee.
- (4) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise, and shall include governmental entities..
- (7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.
- (8) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

**SECTION 2.** The legislative body of Lewis County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of seven percent (7%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

As amended by: Private Acts of 2015, Chapter 14.

**SECTION 3.** The proceeds received by the county from the tax shall be designated and used for the general fund; provided, however, the revenue generated by the two percent (2%) increase in the rate of the tax authorized by this act shall be used solely to promote tourism in the county and for no other purpose.

As amended by: Private Acts of 2015, Chapter 14.

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

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

**SECTION 5.**

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

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

**SECTION 6.** The clerk, or other authorized collector of the tax, shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein.

A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the county legislative body.

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

**SECTION 7.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 8.** Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

**SECTION 9.** It is the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the county. The clerk has the right to inspect such records at all reasonable times.

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

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

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

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

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

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

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

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

severable.

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

**SECTION 15.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 14.

Passed: February 22, 1995.

## Litigation Tax

### Private Acts of 1988 Chapter 229

**SECTION 1.** There is hereby imposed a litigation tax on the privilege of litigating a civil and criminal action in the amount of five dollars (\$5.00) to be assessed and taxed as part of the costs of the action on all such actions disposed of in the circuit, criminal or chancery courts of Lewis County.

**SECTION 2.** There is hereby imposed a litigation tax on the privilege of litigating a civil or criminal action in the amount of two dollars and fifty cents (\$2.50) to be assessed and taxed as part of the costs of action on all such actions disposed of in the court of general sessions of Lewis County.

**SECTION 3.** The litigation taxes provided in Section 1 and Section 2 shall be collected by the clerks of the various courts in which the actions are disposed. The clerks shall pay over the revenue generated by such litigation taxes to the county trustee every quarter, by the tenth (10th) of the month immediately following the end of the quarter in which such collections were made by the clerks.

**SECTION 4.** There is hereby created a special fund to be known as the "Courthouse Improvement and Maintenance Fund". The trustee of Lewis County shall deposit the litigation taxes collected under the authority of Section 3 into such fund. Such fund shall be subject to appropriations by the county legislative body for the purpose of improvements and maintenance of the Lewis County Courthouse.

**SECTION 5.** The litigation taxes collected under this act shall be considered suspended when the court having jurisdiction over the cause of action suspends the costs of such action.

**SECTION 6.** As used in this act, unless the context requires otherwise "action" includes all ex parte hearings, advisory hearings and contested proceedings in the enumerated courts.

**SECTION 7.** 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 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Lewis County by October 1, 1988. Its approval or nonapproval shall be proclaimed by the presiding officer of the Lewis County legislative body and certified by him to the secretary of state.

**SECTION 9.** 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 8.

Passed: April 29, 1988.

## Property Tax

### Private Acts of 1955 Chapter 358

**SECTION 1.** That Lewis County, acting through its Quarterly County Court is hereby authorized and empowered to levy a tax, not to exceed 554 on each hundred dollars of assessed valuation of property for general county purposes.

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: March 18, 1955.

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

1. Acts of 1907, Chapter 602, Section 9 was a general State law, the ninth Section of which regulated Tax Assessors, setting their terms at four years, providing for filling vacancies, abolishing the positions of District Tax Assessor, and allowing the Quarterly Court to fix the salary and bond of the Tax Assessor
2. Public Acts of 1911, Chapter 411 amended the general State law on Tax Assessors by fixing the salary for the Tax Assessor in several of the counties which were all designated by the employment of population figures. Under this law Lewis County would pay its Tax Assessor \$500 annually.
3. Private Acts of 1915, Chapter 268 set the annual salary of the Tax Assessor in Lewis County at \$300. The County Judge, or Chairman, was directed to draw a warrant for that amount for the Tax Assessor on or before July 1 of each year.
4. Private Acts of 1929, Chapter 623 amended Private Acts of 1915, Chapter 268, above, by changing the population figures to make the act applicable and by raising the annual stipend of the Tax Assessor from \$300 to \$400.
5. Private Acts of 1929, Chapter 624 created the position of Delinquent Poll Tax Collector in Lewis County who would be appointed for a two year term by the County Judge, or Chairman, at the July meeting of the Quarterly County Court. Polls which were not paid by May 1, 1929, and by May 1 of each year following their due year were declared to be delinquent and subject to the procedures of this Act for collection. The collector would be paid 60 cents for each one collected plus the same fee a Deputy Sheriff, or Constable, would be paid for handling process. It was made the duty of the Collector to assess every person known to be delinquent whether the name appeared on the delinquent list from the Trustee, or not. The Trustee's list constituted the basis for the issuance of a distress warrant by the Collector. Receipts could be issued only from those books furnished by the Trustee. The Collector must be sworn and bonded, had the right to conduct hearings, summon witnesses, and to inspect any payroll or other type of record in the course of his duties. (Public Acts of 1973, Chapter 226, repealed all Poll Tax laws in Tennessee.)

### **Taxation**

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

1. Acts of 1870, Chapter 50 permitted the counties and the incorporated cities of the state to impose taxes for county and municipal purposes in the following manner and upon these conditions (1) that all taxable property be taxed according to its value upon the principles established for state taxation, and (2) the credit of no county, or city, could be given, or loaned, to any person, firm, or corporation, unless a majority of the Quarterly County Court, or Council, first agree, and then only upon the subsequent approval by the people wherein three-fourths of those voters vote favorably. Twenty-six counties exempted themselves from the requirement of the three-fourths vote, saying that a simple majority would be sufficient for the next ten years. Lewis County was not one of these.
2. Private Acts of 1935, Chapter 526 provided that, in Lewis County, the Quarterly County Court must, at the time the tax levies were made for other purpose, also levy a tax to repair, remodel, and improve the jail and court house, or for any other related purpose, which tax would not be less than 15 cents nor more than 30 cents per \$100 of property valuation.

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