



March 26, 2025

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# Anderson

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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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# Anderson



Anderson County Courthouse

**Revised and Edited by:** Steve Lobertini, Codification Specialist, and Theodore Karpynek, Administrative Assistant, 1995

**Updated by:** Elaine Turner, Paralegal, 2010

**Updated by:** Stephen Austin, Legal Consultant, 2023

# Chapter I - Administration

## County Attorney/County Law Director

### Private Acts of 2006 Chapter 77

**SECTION 1.** The Office of the County Law Director for Anderson County, Tennessee, is hereby created and established and shall exist at all times from and after September 1, 2006. The office will be managed and supervised exclusively by the county law director.

**SECTION 2.** The Legal Services Advisory Committee is hereby created to assist with the implementation and establishment of the Office of the County Law Director and the development of its policies and procedures. The county law director will meet with the advisory committee to update and notify the members of recent legal issues within the county government at regular intervals to be determined by the advisory committee. The advisory committee shall monitor and provide oversight to the Office of the County Law Director and its director for the purpose of providing assistance when needed, evaluation concerns and monitoring for policy compliance purposes. The advisory committee will develop the job description and required qualifications for the law director and staff, and will also develop the selection process for the director's position. Upon two-thirds (2/3) majority vote the advisory committee will select and recommend a candidate for final confirmation by majority vote of the Anderson County legislative body. The voting members of the Legal Services Advisory Committee shall consist of the following elected officials of Anderson County.

1. County mayor,
2. County clerk,
3. Circuit court clerk,
4. Highway superintendent,
5. Assessor of property,
6. Register of deeds,
7. Sheriff,
8. Trustee, and
9. Three (3) members from the county legislative body, as selected by their membership.

The Legal Services Advisory Committee shall select a chairperson and secretary from their membership body. The chairperson shall be responsible for conducting each meeting and the secretary shall record and maintain the official minutes of the committee. These officers shall serve for one-year terms.

Nothing contained within this act shall prohibit the Legal Services Advisory Committee from commencing with their duties under this act prior to September 1, 2006.

**SECTION 3.** The county law director shall devote his or her full-time legal employment to the duties of the Office of the County Law Director and shall not represent any other clients in the practice of law while holding office as the county law director.

**SECTION 4.** The law director shall be a licensed Tennessee attorney; graduate of an ABA accredited law school; duly licensed and admitted to practice law in the courts of the State of Tennessee, Federal District Court for the Eastern District of Tennessee, Sixth Circuit Court of Appeals and the United States Supreme Court; and a resident of Anderson County, or capable of becoming a resident within six (6) months of appointment to the position. The Legal Services Advisory Committee is authorized to promulgate and establish additional mandatory job requirements and preferred job requirements for the position of county law director and his or her additional staff members.

**SECTION 5.** The annual salary of the county law director is hereby established at a minimum floor of ninety percent (90%) of the annual salary paid to the Anderson County General Sessions Court judges and shall be payable out of the general funds of Anderson County in equal installments on the same dates as other general fund employees. The county law director and his or her staff shall be eligible for all employee benefits offered to other Anderson County employees including, but not limited to: all insurance coverage plans and policies; retirement plans; vacation, sick and personal leave; holiday pay; and salary adjustments as authorized and approved by the county legislative body.

**SECTION 6.** It shall be the duty of the county law director of Anderson County to take the oath of office prescribed for other county officials by the county clerk and appropriate to his or her office before entering

upon the discharge of duties, and thereafter to transact all legal business of Anderson County.

**SECTION 7.** The duties of the county law director shall include, but are not limited to, the following:

- (a) Represent and render legal advice to the county legislative body and all county officials, including, elected and appointed department heads, employees and duly appointed boards, commissions and committees in matters relating to their official work and duties; and
- (b) Represent the county in all litigation, whether the county is suing or being sued in all state or federal courts, administrative boards and commissions; and
- (c) To meet with the county legislative body at all regular and special meetings; and
- (d) To act as the county's delinquent tax attorney upon selection as such by the county trustee and approval by the county mayor, as now provided by law, and without additional compensation. If the law director is selected as the county's delinquent tax attorney, all statutory fees allocated by general law to the county's delinquent tax attorney shall be deposited in the general fund of Anderson County and shall not be retained by the county law director; and
- (e) To draft, and/or approve, contracts, leases, deeds, or other legal instruments to which the county might be a party, or to review same when requested by county officials; and
- (f) To provide legal opinions on matters requested by county officials; and
- (g) To render opinions with regard to public finance obligations such as notes and bonds; and
- (h) To draft policies, procedures, rules and regulations upon the request of county officials, commissions, committees, boards or other governing bodies empowered to consider and/or adopt the same; and
- (i) To represent the county mayor in all fee petitions brought by the officials of the various fee offices; and
- (j) To monitor and evaluate any and all cases assigned to insurance counsel by the county's insurance carrier; and
- (k) To provide annual opinions to auditors regarding pending or threatened claims or litigation, in accordance with standards promulgated by the American Bar Association; and
- (l) In general, to act as general counsel for Anderson County and to perform all duties associated with that position.

**SECTION 8.** County officials should not employ any attorney other than the county law director to represent the county, or such official, unless additional or substitute counsel if approved by the county legislative body; otherwise, such official shall be personally responsible for the expense of the employment of such attorney. However, nothing contained herein shall prevent any county official, department or office of the county from employing its own counsel, if such official or entity has the power to employ its own counsel by general law and such employment complies with all budget requirements, finance laws and current budgetary appropriations. If a conflict in legal representation develops, the county law director may request that additional or substitute legal counsel be employed by written request to the county commission.

**SECTION 9.** The Anderson County Attorney's Office and the position of county attorney are hereby abolished and all private acts related to that position are hereby repealed. The county law director shall have the same power and authority, as conferred and mandated by state law, as Tennessee county attorneys have under general law; including, but not limited to, authority to file suit to abate nuisances, authority to remove unfaithful public officers, and the authority to enforce zoning and building code violations. The county law director shall otherwise act as the county attorney with all powers and duties granted to that position by state law. Nothing contained within this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

**SECTION 10.** All necessary expenses incurred by the county law director in the discharge of his or her official duties shall be paid by Anderson County. All expenses shall be supported by receipted bills, receipts, invoices, and other documents and papers, and examined, audited and approved by the county mayor, or his designee, before payment, providing that they fall within the budget as established by the county legislative body.

**SECTION 11.** The county law director is hereby authorized to employ such staff members as may be necessary to fulfill his or her duties with the approval of the county legislative body and with salaries to be approved by the county legislative body. Staff members shall be payable out of the general funds of Anderson County in equal installments on the same dates as other general fund employees and shall serve

at the pleasure of the county law director.

**SECTION 12.** The county legislative body shall provide suitable rooms and/or office space, with the necessary appurtenances and conveniences, for the Office of the County Law Director and staff. The county legislative body shall also furnish said office or offices with the appropriate equipment, utilities, furniture, computers and supplies as may be needed by such offices, including appropriate legal research materials and resources, internet capabilities and a law library sufficient to carry out the duties of the county law director.

**SECTION 13.** The county legislative body may employ special counsel when, in its sole discretion, counsel other than, or in addition to, the law director is needed.

**SECTION 14.** The county law director may be terminated at any time with two-thirds (2/3) majority vote by the Legal Services Advisory Committee and two-thirds (2/3) subsequent approval by the county legislative body at their next regular scheduled meeting. The county law director will serve at the will of the Legal Services Advisory Committee and the county legislative body.

**SECTION 15.** All laws, and portions of laws, in conflict with the provisions of this act, including, but not limited to, Chapter 161 of the Private Acts of 1998, and all amendatory and preceding acts thereof in conflict with the provisions of this act be, and the same are, hereby repealed as of September 1, 2006.

**SECTION 16.** 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 17.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Anderson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Anderson County legislative body and certified to the secretary of state.

**SECTION 18.** 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 September 1, 2006, if approved as provided in Section 17.

Passed: February 15, 2006.

## County Clerk

### Private Acts of 1947 Chapter 397

**SECTION 1.** That the Quarterly County Court of Counties having a population of not less than 26,500 and not more than 26,510, according to the Federal Census of 1940 or any subsequent Federal Census, is hereby authorized and is given the authority to employ Clerks for all County officers in said Counties.

**SECTION 2.** That any County Officer of said Counties who requires clerk hire and who is unable to employ said clerk hire because of lack of authority under the General Law may make application to the Quarterly County Court of said Counties, and, if authorized by the Quarterly County Court of said Counties, may employ clerks to help administer the affairs of his County office.

**SECTION 3.** That the Quarterly County Court of said Counties is hereby authorized to set the compensation for each clerk employed under the authority of this Act at any amount not exceeding \$1,200.00 per year.

**SECTION 4.** That the Legislature expressly declares that each section of this Act is severable 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 portions shall be deleted and that the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions deleted.

**SECTION 5.** That all laws in conflict with this Act are hereby repealed.

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

Passed: February 25, 1947.

### Private Acts of 1953 Chapter 350

*Whereas*, the County Court Clerk of Anderson County has established an office at Oak Ridge in said County, operated by a deputy clerk, which renders an invaluable service to the citizens of Oak Ridge; and

*Whereas*, said office is maintained at a nominal expense and the best interest of the citizens of Oak Ridge and the adjoining area of Anderson County requires that said office should be continued;

*Now, therefore*,

**SECTION 1.** That the action of the County Court Clerk of Anderson County in establishing a branch office at Oak Ridge be and the same is hereby approved and ratified and all acts performed by said Clerk through the Oak Ridge office are hereby validated.

**SECTION 2.** That it shall be the duty of the County Court Clerk of Anderson County to continue to maintain a branch office at Oak Ridge in substantially the same manner as said office is now maintained.

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

Passed: April 1, 1953.

## County Register

### Private Acts of 2010 Chapter 37

**SECTION 1.** Chapter 394 of the Private Acts of 1947, and any other acts amendatory thereto, is hereby repealed.

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

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

Passed: February 22, 2010.

## Dumping Fees

### Private Acts of 1980 Chapter 247

**SECTION 1.** The county legislative body of Anderson County may establish a fee for the privilege of dumping trash, refuse, debris, or garbage in Anderson County. Such fee shall be in an amount determined by the county legislative body of Anderson County, and shall be enforced and collected by such department or agency of Anderson County as may be designated by the county legislative body. Such fee shall not be applicable to dump sites used on an irregular or infrequent basis or ones on privately owned property used by the owner of that property to dispose of his own waste materials.

**SECTION 2.** Failure to pay the fee imposed by this Act shall be a misdemeanor and punishable as such.

**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 any county to which it may apply before September 1, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of such county and certified by him to the Secretary of State.

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

Passed: March 25, 1980.

## Purchasing

### Private Acts of 1951 Chapter 87

**SECTION 1.** That the County Judge of Anderson County is hereby designated as County Purchasing Agent of said county, whose duty it shall be to purchase any and all supplies and equipment for the use of county officials, employees and departments. Said County Purchasing Agent shall have the exclusive authority to enter into contracts for the purchase of supplies and equipment for the use of county officials, employees and departments. Said County Judge, acting as County Purchasing Agent, shall [sic] be charged with the full responsibility of carrying out the provisions of this Act, and he shall have sole power and authority to contract for and purchase materials, supplies and equipment of every kind whatsoever,



including insurance, for the use of all officials, agents, servants, departments, or agency of, supported by or under the control of the county government of Anderson County, Tennessee. The said County Purchasing Agent shall likewise have the sole power and authority to arrange for the purchase or rental of any and all real estate, machinery or other equipment where such purchases or rentals are to be paid out of any funds belonging to the county or any department or agency thereof. Provided, however, that this Act shall not apply to the school system and the road system of said county, and purchases for schools and roads shall not be made under this Act, but shall be made under the statutes applicable thereto.

**SECTION 2.** That all purchases or contracts for the purchase of supplies, equipment or material for use of any official, employee or department or agency of the county government of Anderson County, the estimated value of which shall exceed Three Hundred (\$300.00) Dollars, shall, except in emergencies or in instances hereinafter provided, be made by the County Purchasing Agent only after he shall have received at least three (3) written competitive bids for said purchases or contracts for purchase of such supplies, equipment, or materials, and such purchases or contracts for purchases shall be made only in accordance with the lowest and best bids or bidders.

Said County Purchasing Agent may reserve the right to reject any and all bids, either in whole or in part, when he shall deem advisable so to reject the same. When two or more bids are submitted at the same price and for the same character, kind and quality of supplies, equipment or materials, he may, in his discretion, award the contract to either of such bidders or may apportion the requirements between and among the respective bidders.

When, in the opinion of the said County Purchasing Agent or any official or agency of the County needing such supplies, equipment or materials, an emergency requires the immediate purchase, the purchasing agent may purchase or contract to purchase such supplies, equipment or materials without the necessity of competitive bids, and said purchasing agent may likewise dispense with competitive bids in all instances where he is unable to obtain competitive bids.

**SECTION 3.** That the purchasing agent shall keep a complete record of all purchases or contracts, with copies of the original bids submitted in writing, the names of the bidders together with the amounts of their respective bids, which records shall at all times be open to inspection by any interested party.

**SECTION 4.** That neither the County Purchasing Agent nor any agent, assistant or employee of the county shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, materials or equipment for the county, nor in any firm, partnership, association or individual furnishing any such supplies, equipment or materials; nor shall the County Purchasing Agent or any assistant, agent or employee accept or receive, directly or indirectly, from any person, firm, corporation or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other thing of value or contract for future reward or compensation.

The said County Purchasing Agent may require security to accompany bids and fix the amount thereof; may govern the procedure for the delivery and storage of supplies, equipment or materials; may govern the method of requisition by any county official, agency or department of the county, and shall have the authority to regulate the distribution of articles, parts, supplies, equipment or materials among the county officials or departments; may prescribe the forms for estimates, requisition, orders, contracts and security; may establish definite or regular periods for submitting estimates or requisitions; may dispose of or trade in obsolete, excess or unsuitable supplies, equipment or materials, and salvage or transfer them to other agencies or departments of the county; may provide hearing for complainants with regard to the quality, grade or brand of supplies, equipment or materials; and may do and perform all other acts and things necessary or requisite to fully comply with the provisions of this Act.

**SECTION 5.** That the provisions of this Act shall not apply to the purchase or contracts for purchase of any supplies, equipment or materials that are deemed and sold as Surplus War Commodities, offered for sale or sold by the United States Government.

**SECTION 6.** That the County Judge, in his capacity as County Purchasing Agent, shall be paid an additional salary of Twenty Four Hundred (\$2,400.00) Dollars per annum, over and above the compensation that he is now receiving for the performance of other duties. Said additional salary shall be paid monthly out of the general county fund, beginning with the month of the effective date of this statute.

**SECTION 7.** That the General Assembly expressly declares that each section, paragraph, or clause of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, and such unconstitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

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

Passed: January 31, 1951.

**Compiler's Note:** Information available to CTAS indicates that Anderson County has adopted and makes purchases according to the optional County Purchasing Law of 1957, codified at T.C.A. § 5-14-101, et seq.

## Satellite Offices

### Private Acts of 2015 Chapter 12

*WHEREAS*, the County Clerk and Trustee have established satellite offices in the Norris and Oak Ridge communities of Anderson County that provide beneficial services to area residents; and

*WHEREAS*, the Anderson County Board of Commissioners realizes the importance of these offices to the surrounding communities, and declares that the continuation of these branch offices is in the best interest of Anderson County;

*Now, therefore,*

**SECTION 1.** The actions of the County Clerk and Trustee in establishing branch offices in the Norris and Oak Ridge communities are hereby approved and ratified, and all official acts performed by the County Clerk, Trustee, and Deputy Clerk are hereby validated and declared legal.

**SECTION 2.** It shall be the duty of the Anderson County Clerk and Trustee to maintain branch offices in the Norris and Oak Ridge communities in substantially the same manner as said office is currently maintained.

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

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

Passed: May 18, 2015.

## Solicitation Fee

### Private Acts of 1980 Chapter 333

**SECTION 1.** Any person engaging in the business of soliciting orders or making future contracts for any type of merchandise, goods or other products or contributions for any cause in Anderson County shall register with the county zoning officer and pay a fee of ten dollars (\$10) prior to such solicitation. Provided, however, that any person soliciting for a non-profit or charitable organization shall not be required to pay such fee.

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

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

Passed: April 18, 1980.

## Administration - Historical Notes

### County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Anderson County. These acts are included for historical reference only.

1. Private Acts of 1947, Chapter 608, established a popularly elected office of county attorney in Anderson County. The term of office was two years. The annual salary was \$2,400. This act, as amended by subsequent acts noted below, was repealed by Private Acts of 1998, Chapter 161, reproduced herein.
2. Private Acts of 1955, Chapter 258, amended Private Acts of 1947, Chapter 608, to provide the county attorney with a sum of up to \$1,800 per year to defray the expenses of the office.
3. Private Acts of 1965, Chapter 141, amended Private Acts of 1947, Chapter 608, as amended by Private Acts of 1955, Chapter 258, to strike the language added by Private Acts of 1955, Chapter 258 and provide that the county attorney would receive an annual salary of \$4,800 and be reimbursed for actual expenses incurred in discharging the duties of the office and approved by the quarterly county court. Also, the original 1947 act was amended to change the term of office from two years to four years beginning with the person elected in August 1966.
4. Private Acts of 1973, Chapter 75, amended Private Acts of 1947, Chapter 608, as amended by Private Acts of 1955, Chapter 258, to provide that beginning July 1, 1973, the county attorney would receive an annual salary of \$7,500 and be reimbursed for actual expenses incurred in discharging the duties of the office and approved by the quarterly county court.
5. Private Acts of 1978, Chapter 295, amended Private Acts of 1947, Chapter 608, to authorize the quarterly county court to employ special legal counsel when it is its sole discretion, counsel other than the county attorney is needed, and such special counsel would be in exclusive control of the matters designated by the quarterly county court and be compensated as prescribed by the quarterly county court.
6. Private Acts of 1990, Chapter 224, was to create the position of a county law director and to repeal Private Acts of 1947, Chapter 608, however, the act was never properly ratified and approved at the local level. It must be noted that *Shepard's Tennessee Citations* lists Private Acts of 1990, Chapter 224, as an act in force, however, after consulting the Anderson County Clerk's Office it was found that the act never was approved at the local level.
7. Private Acts of 1998, Chapter 161, created the office of county attorney. This act was repealed by Private Acts of 2006, Chapter 77.

### **County Legislative Body**

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

1. Acts of 1809, Chapter 93, set up schedules for the terms of the courts of pleas and quarter sessions in every county of the state. In Anderson County the court would meet on the second Monday in January, April, July, and October, with a proviso that all process be made to conform to those dates.
2. Private Acts of 1819, Chapter 145, made it lawful for the quarterly court of Anderson County, a majority of the justices being present, to order and direct that any county monies, not otherwise appropriated, to be applied to the payment of whatever expense would be necessary to finish and complete the new courthouse.
3. Private Acts of 1824 (2nd Sess.), Chapter 99, repealed the former act which allowed the county court to levy a tax to build a courthouse, prison, and stocks in the county.
4. Private Acts of 1826, Chapter 56, allowed the county court of Anderson County to lay a tax, not to exceed the amount of the state tax, to secure the necessary land and erect the essential building to accommodate the poor people of the county. The court could appoint three commissioners to supervise the program and the operation of the facilities once they were completed. The commissioners were to be sworn into office and bonded and the court was authorized to expend whatever funds were available for the benefit of the indigent poor.
5. Public Acts of 1829, Chapter 20, stated that the justices of the peace of the counties of Fentress, Carroll, Gibson, Dyer, Knox, Anderson, Obion, and Henderson could, at their first meeting of the year, on the first day, select three of their number to hold court for the remainder of the year under same regulations applicable to the full court. Their compensation was set at \$1.50 per day for each day spent in the discharge of this obligation. The court was permitted to levy a tax of \$1.00 on each suit filed in the court to pay the above compensation, if necessary.
6. Private Acts of 1921, Chapter 821, authorized the justices of the peace of Anderson County to be

- paid \$3.00 per day for each day of attendance at all regular and called meetings of the quarterly county court and in addition they would be paid such mileage allowance as authorized by law.
7. Private Acts of 1955, Chapter 416, was not acted on by local authorities according to our information from the secretary of state's office and consequently would never become an effective law. The act gave the quarterly county court of Anderson County the authority to regulate by ordinance, in areas outside of cities having zoning powers, the location, height, and size of buildings, lot occupancy and use, size of yards, courts, and other open spaces and in other areas related to land use and planning. The court could enact, or adopt by reference, any electrical, building, or plumbing code provided the conditions of this act were met. Many detailed requirements and regulations concerning land use, occupancy, and related matters, affecting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the counties could be enacted and enforced under the terms and conditions of this act.
  8. Private Acts of 1959, Chapter 359, would have compensated the justices of the peace in Anderson County at the rate of \$25 per day for each day's attendance at the meetings of the quarterly court, and in the amount of \$6.00 per day for attending committee meetings but, only for one day in each month, and, in addition each justice would be paid ten cents per mile travel allowance from home to court and return. This act was rejected by the quarterly court of Anderson County and never became a law.
  9. Private Acts of 1967-68, Chapter 356, authorized that members of the county court to receive \$20 for each days attendance in addition to the mileage provided by law.

### **County Mayor**

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

1. Public Acts of 1868-69, Chapter 35, Sections 15 through 28 created the office of county judge for Anderson County who would be elected by the people for eight year terms, the first election to occur at the next general county election. The judge would be sworn and commissioned as other judges were; was given all the duties and responsibilities of the chairman; and would hold meetings of the court on the first Monday in each month. The business of the quarterly court would proceed the business of the regular court in those months in which the quarterly court would meet. Quorum courts were abolished and their duties transferred to the judge. The county court clerk would do services as the clerk. The county judge would also serve as the general county agent and accounting officer, some of whose duties were specifically described, for all of which a salary of \$200 annually was established with the proviso of the quarterly court increasing that amount, if desired. The governor would appoint a successor if a vacancy occurred. This act was repealed by Public Acts of 1869-70, Chapter 111.
2. Public Acts of 1868-69, Chapter 44, Section 6, amended the act creating the office of county judge in Anderson County so as to increase the annual salary to \$500 and to change the time for the election of the judge from the first Saturday in May, 1869 to the fourth Thursday in May, 1869 so as to conform to the date of the general election in Anderson County.
3. Acts of 1907, Chapter 113, established the office of county judge in Anderson County who must be learned in the law and otherwise legally qualified; which office would be filled by the governor as soon as practicable after the passage of this act. At the first regular election of county officers after the passage of this act the judge would be elected by the people. The judge must be sworn, bonded, and commissioned as all other judges. The position of chairman was abolished and those duties transferred to this office. The annual salary of the judge was \$800, payable in equal monthly installments out of general county revenues, which would constitute the whole salary of the judge. The judge was precluded from practicing law in the court over which he presided. The office of county judge was abolished by Private Acts of 1974, Chapter 237, Section 5.
4. Private Acts of 1911, Chapter 58, amended Private Acts of 1907, Chapter 113, above, so as to give the county judge the power to preside over juries of inquest over the bodies of deceased persons, as a coroner, but he would not be paid anything for this responsibility.
5. Private Acts of 1921, Chapter 663, amended Acts of 1907, Chapter 113, Section 2, by removing therefrom the requirement that the county judge be a licensed attorney and inserted a provision that he be "learned in the law" in its place. The section was further amended by allowing the judge added compensation for his service as an accounting officer and general agent for Anderson County in an amount prescribed by the resolution of the county court.

6. Private Acts of 1929, Chapter 871, amended Acts of 1907, Chapter 113, Section 7, by fixing the annual compensation of the county judge at \$1,500, payable in equal monthly installments out of general county revenues but no compensation would be allowed to the judge for ex-officio services. See *Brown v. Harris*, 180 Tenn. 81, 171 S.W.2d 815 (1943).
7. Private Acts of 1965, Chapter 6, would have amended Acts of 1907, Chapter 113, by deleting Section 6 and adding a provision giving to the county judge all the powers, duties, and responsibilities of the purchasing agent and the fiscal agent of Anderson County in addition to those which were placed upon him as county judge by the general law. The county judge would not have jurisdiction to try any causes of action or conduct any legal proceedings of which either the circuit court, or the chancery court had jurisdiction. Section 2 was amended to prohibit the judge from the practice of law while serving as county judge. This act was rejected by the quarterly court of Anderson County and never became an effective law.
8. Private Acts of 1974, Chapter 237, set up the position of county administrator and abolished the office of county judge in Anderson County. Private Acts of 1974, Chapter 237, was superseded by Public Acts of 1978, Chapter 934.

### **County Register**

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

1. Private Acts of 1927, Chapter 26, fixed the salary of the county register of Anderson County (identified by the use of the 1920 Federal Census) at \$100 per month, provided the county register would file with the county judge, or chairman, a sworn, itemized statement showing all the fees collected in the office for that month. If the fees were less than the salary, the county would pay the difference to the county register; if the fees were more than the salary, the county register was allowed to keep the excess.
2. Private Acts of 1947, Chapter 394, provided that counties having a population of not less than 26,500 and not more than 26,510 (1940 census figures) required deeds for the conveyance of land to be presented to county and city tax assessor offices prior to being registered with the register's office. This act was repealed by Private Acts of 2010, Chapter 37.
3. Public Acts of 1981, Chapter 57, provided for a \$6.00 fee for the register to record each and every instrument or assignment of an instrument mentioned on a regular size page instead of just one fee for the entire page; Chapter 221 increases the fees to be charged by the county registers under the provisions of the Uniform Commercial Code; and Chapter 398 made the preparer of an instrument responsible for the citation to the immediately preceding recording if the information is available to him.
4. Public Acts of 1981, Chapter 405, was the legal authority for the county register of Anderson County (1970 census figures) to refuse to record any writing eligible for registration if the writing, in the discretion of the county register, is not legible or suitable for reproduction. If the illegible writing is accompanied by an affidavit stating it is the best copy available, or the original, the county register shall accept such writing for recordation notwithstanding.

### **County Service Officer**

The following acts once affected the office of county service officer in Anderson County, but are no longer operative.

1. Private Acts of 1947, Chapter 396, created the position of county service officer. This act was repealed by Private Acts of 2023, Chapter 13.

### **County Trustee**

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

1. Private Acts of 1933, Chapter 507, stated that the county trustee of Anderson County would be entitled to receive an annual salary of \$3,000 maximum, payable out of the fees of the office, and provided further that the terms of the 1932 Code with reference to the payment of clerical help would not be affected.
2. Private Acts of 1939, Chapter 376, recited in the preamble that the general assembly enacted a law in Private Acts of 1933, Chapter 507, above, which reduced the compensation of the county trustee of Anderson County, and which was declared to be unconstitutional by the chancery court

of Anderson County. It was the intention of this act to authorize the quarterly county court to recompense its preceding trustee, Jerome Robbins, for the amount of compensation of which the unconstitutional act deprived him. The further authority to appropriate the money and to pay the same to Robbins was specified in the law.

### **General Reference**

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

1. Acts of 1801, Chapter 5, provided for the inspection of certain commodities held out for public sale by inspectors who were to be employed and trained for that purpose. Among the commodities to bear inspection before sale were pork, beef, lard, butter, hemp, and a host of others. Inspection points and warehouses for storage were named in each county. In Anderson County the warehouse would be located at the mouth of Powell's River at Grantsborough.
2. Private Acts of 1819, Chapter 145, made it lawful for the quarterly court of Anderson County, a majority of the justices being present, to order and direct that any county monies, not otherwise appropriated, to be applied to the payment of whatever expense would be necessary to finish and complete the new courthouse.
3. Private Acts of 1826, Chapter 125, was the legal authority for Charles McCormick, of Anderson County, to hawk and peddle goods, wares, and merchandise in Anderson County without having to obtain a license to do so.
4. Private Acts of 1827, Chapter 90, allowed Isaac Miller and Lewis Miller to build a mill on the Clinch River in Anderson County on the south side of the river immediately below Cloud's Ford and near the place where William Nelson now lives, provided that the mill did not obstruct the navigation of the river. If the mill did interfere with the navigation of the river, a civil suit for remedy would lie.
5. Private Acts of 1827, Chapter 112, revived and restored the act which authorized the court of pleas and quarter sessions of Anderson County to build a house for the accommodation of the poor and to levy a tax for that purpose to the same active status as if it had never been out and the provisions of the act were made permanent. It was the duty of the court to appoint a commission of three people to supervise the building and the operations. Vacancies on the commission would be filled by the court, and the commission was empowered to change the regulations as need might arise. The superintendent of the facility could draw from the treasury such monies as had been appropriated for that purpose as the need for them occurred.
6. Private Acts of 1831, Chapter 191, released and discharged Larkin H. Bowling of Anderson County, from the payment of \$125 which was the amount of a judgement rendered against him as an appearance bondsman for a certain Edward Williams. The judgement was rendered against him by the circuit court of Anderson County, provided, however, that Bowling made oath he had not received anything of value from Williams for making the bond.
7. Private Acts of 1831, Chapter 223, declared that it had been represented to the general assembly that Thomas Butler, William Butler, James Gilreath, and Merriman Rector were dredging for salt in Morgan County, therefore, to encourage such activities, the above named people were given the authority to enter upon lands in the vicinity of the salt wells in the three counties of Morgan, Roane, and Anderson. Land thus entered and used was exempted from taxation for the next fifteen years.
8. Private Acts of 1833, Chapter 69, granted the divorce of Elizabeth Roberts and Thomas Roberts and gave Elizabeth Roberts all the rights and privileges of a *feme sole*.
9. Private Acts of 1833, Chapter 143, dissolved the marriage between Phebe Cox and John Cox of Anderson County.
10. Private Acts of 1833, Chapter 208, was the authority for John O'Neal, of Anderson County, to hawk and peddle goods in Anderson County without a license provided he made oath that the goods sold were his own and that they were being sold for the benefit of himself and his family.
11. Private Acts of 1833, Chapter 255, granted the divorce of William M'Linn from his wife Ann M'Linn of Anderson County.
12. Acts of 1847-48, Chapter 109, was the enabling law for Richard Oliver, of Anderson County, to sell at public sale that portion of a tract of land held by the state which was taken in payment of a debt due the state by Moses Winter with full authority to execute a deed for the same since all the required notices had been given.

13. Acts of 1853-54, Chapter 180, was the legal authority for the counties of Claiborne, Campbell, Anderson, Knox, Montgomery, Stewart, Henry, Gibson, Tipton, Shelby, and Madison to subscribe to stock in railroad companies and to issue their bonds to pay for it. This act validated all the prior actions of those counties in connection with their buying shares of stock and voting them in company affairs.
14. Acts of 1853-54, Chapter 323, Section 13, extended the benefits of the rights and privileges conferred by this act upon other counties and the power to subscribe to the stock of any railroad running through the county to the counties of Claiborne, Anderson, Campbell, Grainger, and Jefferson.
15. Private Acts of 1923, Chapter 232, made it unlawful for any official of Anderson County, having the expenditure and disbursement of county, or public, funds for any purpose, to contract for, or draw and deliver any warrant, or order, for the disbursement of the same unless there shall be in the hands of the county trustee, or some other custodian of funds, a sum sufficient to pay the said amount set out in the warrant. Violators of these conditions could be fined from \$100 to \$500 and, in addition, would forfeit their office. The grand jury of the county was specifically granted inquisitorial powers in these matters.
16. Private Acts of 1925, Chapter 677, amended Private Acts of 1923, Chapter 232, above, so as to include school funds also within the provisions of that act.
17. Private Acts of 1963, Chapter 293, stated in the preamble that the presence of auto junkyards which were located beside and encroached upon the highways of the county materially detracted from the beauty and the utility of the roads and highways, and therefore, no person could operate a junkyard within 1,000 feet of the center line of a highway without a permit from the sheriff to do so. To operate one without a permit would constitute a public nuisance to be dealt with as such. All permits were to be issued in accordance with rules and regulations promulgated by the sheriff, would be in force for two years, and would cost \$50.00 each, to be paid to the county trustee and placed in the road funds. The sheriff could, if deemed necessary, require the applicant to make a bond before issuing the permit. The powers of the sheriff to act under this law which were enunciated in Section 7 were broad and sweeping as were the definitions of terms found in this law. This act was rejected at the local level and, therefore, did not take effect.

## Chapter II - Animals and Fish

### Game and Fish Law

#### Private Acts of 1939 Chapter 357

**SECTION 1.** That in all counties of this State having a population of not less than 19,715 nor more than 19,730, according to the Federal Census of 1930, or any subsequent Federal Census, it is hereby declared to be unlawful to hunt or kill squirrels prior to August 15 or later than December 31st.

It shall be lawful to gig fish in such counties at any time.

**SECTION 2.** That there shall be no closed season upon the hunting of foxes in counties coming under this Act.

**SECTION 3.** That there shall be no closed season upon fishing for bream in counties coming under this Act.

**SECTION 4.** That all provisions of the general Game and Fish Law shall be applicable to counties falling within the population as provided in this Act, except such provisions in the general Game and Fish Law as may conflict with the specific provisions of this Act.

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

Passed: February 24, 1939.

### Red Foxes

## Private Acts of 1953 Chapter 549

**SECTION 1.** That a closed season is hereby declared on the killing and trapping of Red Foxes in Benton County throughout the year.

**SECTION 2.** That it shall be unlawful to kill or trap Red Foxes in Benton County at any time during the year. Any person violating this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than Twenty-Five (\$25.00) Dollars, or over Fifty (\$50.00) Dollars.

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

Passed: April 10, 1953.

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

1. Public Acts of 1871, Chapter 9, repealed an Act passed on June 17, 1870, which prohibited the use of certain methods for catching fish in several counties, naming Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren, and Dickson. The methods prohibited were by seining, basketing, netting, and trapping in any stream in the counties mentioned. The repealing act names Benton County but no act could be found which added Benton County to the above list.
2. Public Acts of 1871, Chapter 31, specifically repealed an act passed June 16, 1870 which suppressed hunting or killing deer with dogs or guns, and of netting or seining of fish in Benton and Humphreys Counties.
3. Private Acts of 1897, Chapter 146, made it unlawful for any person to hunt, capture, or kill, any quail, or partridge, or squirrels in Benton County for the purpose of exporting the same from the County. The Act further declared that the buying of any of the above for the purpose of exporting was also unlawful and violators were subject to being fined.
4. Public Acts of 1901, Chapter 211, declared it to be unlawful for any person to catch fish in any of the waters of the Big Sandy River and its tributaries in Benton County and in Henry County. Failure to comply would be punished by a fine as in case of other misdemeanors.
5. Private Acts of 1911, Chapter 417, made it lawful after the passage of this Act for the citizens of Benton County to take and catch fish out of the Tennessee River by trot line, gigging, bait, or, by net with no fees or licenses to be charged when citizens are fishing in accordance with the terms of this Act. Those portions of Public Acts of 1907, Chapter 489, which regulated the taking of fish on a statewide basis, which were in conflict with the provisions of this Act, were repealed.
6. Private Acts of 1917, Chapter 521, declared it to be lawful for the people of Benton and Henry Counties to take fish from the Tennessee River in said Counties for their personal use by any means except by the use of explosives or poison, this privilege being conferred upon them under the provisions of Article Eleven, Section 13, of the Constitution of Tennessee.
7. Private Acts of 1919, Chapter 16, made it illegal to take or kill quail or partridges in Benton County, using the 1910 Federal Census figures, from February 1 to December 1 of each year. Fines for violations ranged from \$5.00 to \$15.
8. Private Acts of 1921, Chapter 405, was the means by which a great number of Tennessee Counties, including Benton County exempted themselves from the provisions of Public Acts of 1919, Chapter 61, which was a rather stringent law regulating the ownership care, and keeping of dogs throughout the State.
9. Private Acts of 1923, Chapter 128, made it the duty of the Election Commissioners of Benton County, Decatur County, Dickson County and Houston County, to hold an election within ten days from the passage of this Act to ascertain the will of the people of those counties on the question of whether to have a "stock law" or not. It was the duty of the Commissioners to certify the results of the elections to the delegation representing the county in the General Assembly within five days after being held.



10. Private Acts of 1925, Chapter 496, made it unlawful for any person owning, or having the charge of, any horses, mules, cattle, goats, sheep and swine to willfully, knowingly, or negligently, permit such stock to run at large in Benton County. All persons who were damaged because of trespassing stock were given a lien upon the said marauding beasts and could also take them up and care for them, adding these costs to the damages. In addition to the liens granted hereunder, the guilty person could also be punished by fines. This Act was held to be constitutional in the case of Lindsey v. Aldrane, 154 Tenn. 458, 285 S.W. 705 (1926).
11. Private Acts of 1935, Chapter 311, made it lawful for the people of Henry and Benton Counties to take fish from the Tennessee River in any way in these counties for their own personal use, but not to sell, except by the use of explosives or of poisons. This Act would be enforced under the provisions of Article Eleven, Section 13, of the Tennessee Constitution.
12. Private Acts of 1937, Chapter 539, provided that Bob Smith and O. P. Smith, who have been practicing veterinary surgery and medicine in Benton County for the past twenty years, or longer, were hereby fully authorized to continue to do so without any further authority than this Act being required.
13. Private Acts of 1937, Chapter 642, conferred the same privilege to practice veterinary medicine upon G. T. Lashlee in Benton County and under the same conditions.

## Chapter III - Bond Issues

There are no Private Acts currently in effect on this topic.

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Anderson 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 1915, Chapter 127, allowed the quarterly court of Anderson County to issue and sell up to \$75,000 in bonds, at an interest rate not to exceed 5%, and to mature no less than 10 nor more than 30 years from issue, to locate and build three bridges across the Clinch River in Anderson County. One of the bridges would be near the ferry on the Clinton-Andersonville Road known as Moore's Ferry, one at or near the ferry at Edgemore, and one in the city of Clinton near the ferry. All the essential details for a valid bond law were present, the general tax levy for the sinking fund was required to amortize the bonds, and the county trustee was directed to handle the money and keep proper records of all transaction.
2. Private Acts of 1915, Chapter 404, amended Private Acts of 1915, Chapter 127, above, to add another bridge to the three mentioned in the amended act which would be located at or near the Massengill Ferry. The three bridges named first in the act would be completed from the funds provided in the original act before this bridge would even be started and any funds which might remain after that could be devoted to the fourth bridge.
3. Private Acts of 1929, Chapter 559, was the enabling legislation for the quarterly court of Anderson County to issue up to \$50,000 in bonds, at an interest rate of 6%, or less, and to mature from ten to thirty years after issue, the proceeds of which would be used to locate, build, or repair bridges and to construct, or improve, their approaches in Anderson County. All details were present, the tax levy was mandated and the county judge was charged with keeping the records.
4. Private Acts of 1929, Chapter 608, validated, confirmed, ratified, and in all respects legalized all the prior proceedings that the quarterly court had in connection with the issue and sale of \$60,000 in bridge bonds, dated April 1, 1929, with an annual interest rate of 5 ¼%, payable in ten year increments of \$2,000 annually and \$4,000 annually. These bonds were declared to be the legal and binding obligations of the county despite any defect or lack of statutory authority. All the details of the form of the bonds and the method of issue were contained in the resolution adopted by the court. This act required the quarterly court to levy a tax to repay the bonds as long as any of them were outstanding.
5. Private Acts of 1931, Chapter 128, validated and confirmed all the prior actions of the quarterly court of Anderson County taken in connection with the issue of \$60,000 in bridge and jail bonds, dated January 1, 1931, and due in increments of \$5,000 from January 1, 1945, through January 1, 1956, at 5 ½% interest. The actions were legalized notwithstanding any defects of commission

or omission, or of any lack of lawful authority at the time. They were declared to be general obligation bonds of the county and binding in all phases. The quarterly court was placed under the duty of levying a tax each year as long as any of their bonds were outstanding in order to redeem them when due.

- Private Acts of 1931, Chapter 291, amended Private Acts of 1929, Chapter 559, above, so as to provide for the expenditure of \$24,600 in funds which remained unspent under the authority of that act. \$21,400 would be devoted to the construction and improvement of a road from the Morgan County line along a route described in the Act to Coal Creek. The remainder would be spent in graveling and grading a road starting at the bridge near Donovan, east of Oliver Springs, running up to Briceville by way of Laurel Grove. Work would begin no later than April 1, 1931, and be thereafter completed as soon as possible.

### **Courthouse**

- Public Acts of 1889, Chapter 208, permitted the Anderson County Quarterly Court to issue and sell up to \$25,000 in bonds at an interest rate not to exceed 6% and to mature at no less than three nor more than ten years, the proceeds of which would be used to erect a courthouse and jail. Interest coupons were to be attached to the bond forms as described in the Act and the quarterly court must levy a tax each year until all were repaid. The county trustee would collect the tax for which he must account as he would any other tax.

### **Debts**

- Public Acts of 1866-67, Chapter 41, Section 2, gave Hawkins County the authority to issue coupon bonds, upon the approval by two-thirds of the justices, for the amount of the indebtedness of the county but no debt could be paid with these funds which was incurred during the Civil War. Section 2 of this act extended the same privilege, terms, and conditions of the act to the counties of Grainger, Claiborne, Campbell, Anderson, and Union.
- Private Acts of 1897, Chapter 305, was the legal authority, subject to approval by the people in a referendum vote at time to be fixed by the court, to issue bonds to fund the outstanding debts of the county which would include some of both interest bearing and non-interest bearing warrants which were outstanding, due, and unpaid. The interest rate could not exceed 6%. The maturity period was set to 20 years but the bonds could be called in after ten years. Details were present, and the tax levy required. The county trustee was given authority to redeem any of the bonds before the ten year limitation provided funds were available to do so.
- Private Acts of 1933, Chapter 345, allowed the quarterly court of Anderson County to issue up to \$60,000 in bonds to fund, pay off, and retire a like amount of its present outstanding warrants issued by the board of education. The interest rate was limited to 6% and the maturity schedule to 30 years. The bonds were made tax exempt from other governmental levels. The bonds could be used only for the purpose stated, must conform to the details of the issue stated in the act, and must be amortized according to the schedule stipulated.
- Private Acts of 1939, Chapter 64, validated, ratified, and confirmed all the actions of the Anderson County Quarterly Court had in reference to the issue of \$84,000 in funding bonds, at an interest rate of three and three-quarters percent, dated February 1, 1939, and maturing in full no later than 1953. All the essential ingredients of a valid bond issue were present in the act or the ratified resolution.

### **Jail**

- Public Acts of 1891, Chapter 99, was the authority for the quarterly court of Anderson County to issue coupon bonds not to exceed \$10,000, at 6%, or less, interest, payable in 20 years, but redeemable in ten years, the proceeds of which would be used to build a jail. All the essential details were present, the tax levy was required for the general obligation bonds, and they could not be sold for less than par value.

### **Roads**

- Public Acts of 1901, Chapter 369, authorized the Anderson County Quarterly Court to conduct a referendum on the question of issuing \$100,000 in bonds, at 4% interest, or less, and to mature on a schedule no longer than 30 years, the proceeds of which would be used for no other purpose than to locate and build public roads. The details of the procedure to be used to hold the election were incorporated in the act. Adequate records must be kept and a tax levy made to amortize the bonds, if issued. The court would elect three commissioners who would produce the specifications for the roads and supervise the entire program. After appointment the commissioners would organize themselves and take charge of the program immediately. The commissioners were given the authority to employ an engineer and an assistant at an annual salary not to exceed \$900 and

- \$400 respectively, who must be sworn and bonded.
2. Acts of 1905, Chapter 229, expressly repealed Private Acts of 1901, Chapter 369, above, in its entirety.
  3. Acts of 1905, Chapter 295, permitted the quarterly court to issue up to \$100,000 in 5% bonds, to mature on a schedule ranging from 7 through 30 years, the proceeds of which would be used to locate and build public roads in the county. Four roads which were to be built, or improved, were specified in this act with the requirement that work begin at each terminus and proceed towards the other. The county court would select three commissioners to supervise all phases of the program who would be paid the sum of \$400 for the chairman, \$300 for the secretary, and \$100 for the other members. All three must be sworn, bonded, could open, close, and change roads under certain conditions, must keep sufficient records, could execute contracts, and employ an engineer to assist them in the performance of their duties. Commissioners were to serve two years from their appointment.
  4. Acts of 1907, Chapter 408, enabled the quarterly court of Anderson County to issue up to \$100,000 in bonds at an interest rate not to exceed 5%, and to mature between 10 to 30 years from the date of issue. The funds would be used to locate and build macadamized roads in the county with special attention being paid to the list of seven roads appearing in this act. \$5,000 was to be spent in Clinton, and \$1,500 in Oliver Springs. The county judge would keep the records and the county trustee disburse the money. The court would also appoint three commissioners and fix their compensation who would be sworn, bonded, and responsible for supervision of the program including all the contracts made in reference to it.
  5. Acts of 1909, Chapter 287, authorized the quarterly court to issue up to \$100,000 in bonds, at a maximum 4 ½% interest rate, and over a maturity schedule of 20 to 30 years from the date of issue which would be used in building, repairing, improving and maintaining the roster of seventeen different roads prescribed in the act and on the sections of road mentioned. All the details requisite to valid bond law were incorporated and the essential tax levy required. The county court must appoint a road superintendent at a salary not to exceed \$1,200 per annum to supervise the project. The supervisor had the authority to hire an engineer at an annual salary of \$1,200, or less, who would be in charge of technical details, such as specification writing, soliciting bids and awarding contracts. The superintendent was charged with record keeping as well and could be removed for misfeasance or malfeasance in office.
  6. Private Acts of 1911, Chapter 5, amended Private Acts of 1909, Chapter 287, above, so as to authorize and direct the quarterly court of Anderson County to use the unexpended funds allotted by that act to Road #8 on the roads specified in this law, thus adding these to the original road program.
  7. Private Acts of 1915, Chapter 128, was the legislative authority for the Anderson County Quarterly Court to issue up to \$50,000 in 5%, twenty to thirty year bonds which would be used to locate, bed, grade, and macadamize the sections of the three roads described in the act. Funds were allowed to be used to defray all the expenses incidental to the above subject. Details of the procedures of the issue, the form of the bonds, and the mandatory general tax levy for the sinking funds were all incorporated. The act named S. T. Peters, W. B. Disney, and H. G. Dail as the road commissioners who would be in charge of selling the bonds and implementing the purposes of the issue. Peters was designated the superintendent at a rate of \$100 per month, Disney was the secretary at \$3 per day and Dail would be paid at the rate of \$2.50 per day.
  8. Private Acts of 1915, Chapter 410, amended Private Acts of 1915, Chapter 128, above, by changing the wording to designate the commissioners as the pike road commission throughout the act. Section 12 was changed to keep funds separate and to be paid out only on the warrant of the county judge, or chairman, who would keep appropriate records. The claim for which any warrant was to be drawn must first be audited and approved by the road superintendent. The pike road commission was given the authority to condemn lands to acquire rights of way but must observe strictly all requirements of law.
  9. Private Acts of 1917, Chapter 671, permitted the quarterly court to issue and sell up to \$50,000 in bonds, at no more than 5% interest, and to mature between ten and twenty years from issue, to repair and maintain pike roads in Anderson County. Essential details and the mandate for the sinking fund tax levy were included. The county judge would keep the records and the county trustee handle the money.
  10. Private Acts of 1919, Chapter 416, was the legislative authority to allow the quarterly court of Anderson County to sell no more than \$100,000 in 5%, twenty to thirty year bonds, the proceeds of which were to be used to improve and repair the roads mentioned in the act, including the Sulphur

Springs Road, and others. The county judge would do the record keeping, the county trustee would handle the funds, and the quarterly court was directed to levy a general tax as long as any of the bonds remained unpaid. The court would also elect two persons to be commissioners, who, along with the road superintendent, would constitute the commission which would have general supervision overall. All records were required to be audited quarterly.

11. Private Acts of 1920 (Ex. Sess.), Chapter 32, amended Private Acts of 1919, Chapter 416, Section 4, so as to increase the allowable maximum rate of interest to be paid on the bonds authorized by that act from 5% to 6%, all other conditions to remain the same.
12. Private Acts of 1921, Chapter 590, also was an amendment to Private Acts of 1919, Chapter 416, above. Section 6 of that act was altered to permit the use of bond funds on the Dixie Highway as that highway ran through Anderson County, and further, to allow the funds to be deposited in the sinking fund to replace other funds which were withdrawn for use on other roads which were listed in the original act.
13. Private Acts of 1921, Chapter 614, enabled the Anderson County Quarterly Court to issue and sell up to \$300,000, in the whole amount or partially as needed, at a maximum interest rate of 6%, and to mature no longer than 30 years from the date of issue, which money would be used to improve and repair old roads, and to build new roads as the court might direct. The county judge must keep records, the county trustee disburse the money, and the quarterly court levy proper tax rates to repay the bonds. The court would appoint two commissioners for two year terms to supervise the bond sale and the program. The Dixie Highway was specially mentioned and \$15,000 allocated to that portion of the Dixie Highway between Sulphur Springs and the Morgan County line.
14. Private Acts of 1923, Chapter 646, amended Private Acts of 1921, Chapter 614, above, by deleting all of Section 11 of that act which reserved the \$15,000 for the particular segment of the Dixie Highway.
15. Private Acts of 1929, Chapter 133, amended Private Acts of 1919, Chapter 416, Section 6, by adding four more specific roads to the list to be improved and allotting the sum of \$21,000 to accomplish the same, all to be drawn from the funds originally authorized.
16. Private Acts of 1931, Chapter 472, allowed the quarterly court to issue \$65,000, with an annual interest rate of 6%, 25 year bonds to be disbursed by the county trustee in the amounts specified to be spent on each of the eleven roads catalogued in the act, all of which were to be rocked and graded, and the \$16,000 which was not allocated would be spent on roads generally in the amount and at those places to be determined by the quarterly court.
17. Private Acts of 1933, Chapter 583, was the enabling legislation for the quarterly court to adopt a resolution which would include all the essential details to issue and sell up to \$50,000 for the construction and maintenance of the roads connected with the Cove Creek Dam, but the bonds would be issued only in the event work on the dam was started, and then those roads to be changed would be selected by the Anderson County Highway Commission. The interest rate could not exceed 6%, nor the maturity period 20 years. The court was directed to lay the sinking fund tax.
18. Private Acts of 1941, Chapter 403, validated and ratified all the prior actions of the quarterly court held in connection with the issue of \$15,000 in bonds, at a 3% interest rate, payable through 1957, to purchase the essential rights of way needed for road improvements in the county. The bonds were dated on January 1, 1941, and were declared to be the uncontestable and general obligations of Anderson County.

### **Schools**

1. Private Acts of 1935 (Ex. Sess.), Chapter 45, permitted the quarterly court to issue \$35,000 in bonds, at an interest rate of 5%, and to mature in 30 years which would be used for the improvement, construction, and equipping of school buildings either on its own or in conjunction with the federal government and the town of Coal Creek. The court was given authority to perform all deeds necessary to obtain a federal grant, and all the essential actions could be accomplished solely by resolutions of the court.
2. Private of Acts of 1941, Chapter 344, was the legal authority for the quarterly court of Anderson County, a majority being present at the time, to issue and sell \$30,000 in bonds, at an interest rate not to exceed 4%, which would be used to construct, improve, and equip school buildings in Anderson County. The bonds were general obligation bonds for the payment of which the full faith and credit of the county were pledged. The funds were to be kept in a separate account and used for no other purpose than those specified. They were declared exempt from taxation by other

governments.

3. Private Acts of 1941, Chapter 423, allowed the quarterly court to issue and sell \$20,000 in bonds at 4% interest, or less, and to mature as the court might decide, to construct and equip a school building in Anderson County, to the payment of which the full faith and credit of the county were pledged. These bonds were made tax exempt and would be repaid by the general tax levy the quarterly court was directed to make each year for the sinking fund.
4. Private Acts of 1947, Chapter 182, enabled the quarterly court to issue and sell up to \$300,000 in bonds, at an interest rate of no more than 4%, and to mature no longer than 25 years from the date of issue, the proceeds of which would be kept separately and accurate records of all expenditures from them were required to be made. The money was for the purpose of building additions to, enlarge, repair, and improve schools of all classes and systems as the county board of education directed and determined. The finance committee of the court would supervise the bond sale.

## Chapter IV - Boundaries

### Creation of County

#### Private Acts of 1801 Chapter 45

**COMPILER'S NOTE:** Sections 1, 3, 16-21, and 23-25 do not pertain to Anderson County and have been omitted.

**SECTION 2.** That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of Anderson, (viz.) Beginning on the Chestnut ridge where the Knox and Grainger line crosses it, thence north, forty five degrees west, to the northern boundary of this state, thence south forty five degrees west, to a point from whence, south, forty five degrees east, will strike Wallen's ridge one quarter of a mile above the gap of the Indian fork of Poplar creek, thence to the double springs on the east fork of said creek, thence on a direct course to Clinch river opposite the mouth of Hickory Creek, thence up the lines of Knox county to the beginning.

**SECTION 4.** That Knox county shall not extend further down, then to a direct line from the salt petre cave, below the Chota ford on Holston, to the mouth of Hickory creek, on Clinch river, until the constitution [sic] limits of Knox county shall be ascertained by actual survey, which shall be done by disinterested commissioners appointed by the county court of Knox: Provided also, that if on accurate survey it shall be found, that there are not constitutional bounds for Knox county above the line described in this section, that then and in that case, the deficiency shall be made up, by taking one half thereof from the county of Anderson on the south side, between the Grainger line, and the lower line of Henderson and company's survey; the other half thereof from Roane county, between the ridge [sic] Clinch and Holston, which lines when run shall be the bounds of Knox county, anything in this act to the contrary notwithstanding.

**SECTION 5.** That William Lea, Kinza Johnston, William Standefur, William Robertson, Joseph Grayson, Solomon Massingale, and Hugh Montgomery, are hereby appointed commissioners, who or a majority of them shall, as soon as may be, fix on a place the most convenient as near the river Clinch, on the north side as the nature of the case will admit, between the Island ford, and where Samuel Worthington now lives for a court house, prison and stocks, for the use of said county of Anderson: And [sic] after agreeing on the place, they shall proceed to purchase any quantity of land, not exceeding fifty acres, for which they shall cause a deed or deeds to be made to themselves or their successors in office, on which they shall cause a town to be laid off with necessary streets and allies, [sic] reserving two acres as near the center as may be, on which the court house, prison, and stocks shall be erected, which town shall be known by the name of Burrville.

**SECTION 6.** That when the town shall thus be laid off, the aforesaid commissioners are further required to advertise for sale, to the highest bidder at a credit of six months, the lots of said town, giving thirty days previous notice, and shall take bonds with sufficient securities, to themselves or successors in office, and shall make titles to the purchasers.

**SECTION 7.** That it shall be the further duty of the aforesaid commissioners, to contract with suitable workmen, to build a courthouse, prison and stocks, and the monies arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for said court house, prison and stocks.

**SECTION 8.** That should the money arising from the sale of said lots prove insufficient to pay for said public buildings, then, and in that case, a majority of the acting justices of said county of Anderson, shall in term time have power, & are hereby authorised and required to lay an additional county tax, not exceeding twelve and an half cents on each hundred acres of land liable to taxation, twelve and an half cents on each white poll, twenty five cents on each black poll, fifty cents on each stud horse kept for covering mares, and twenty five cents on each town lot; the said tax to be laid from year to year, until a sufficient sum shall be collected to pay for said public buildings, and shall be collected by the collector of public taxes on the same per cent as other county taxes, and shall pay the same to the aforesaid commissioners, and be by them applied to the payment of said public buildings, whose receipts shall be allowed in the settlement of his accounts.

**SECTION 9.** That before the said commissioners enter on the duties of their appointment, they shall enter into bond with sufficient security, payable to the governor for the time being, in the sum of five thousand dollars, for the faithful discharge of their duty as herein expressed, which shall be lodged in the office of the clerk of the county of Anderson.

**SECTION 10.** That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the court of Anderson county a just and fair statement of all monies by them received, as well those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable allowance for their services; Provided, there shall be five justices present when such allowance is made.

**SECTION 11.** That for the due administration of justice, that the court of pleas and quarter sessions, shall be held in and for said county of Anderson on the second Mondays of March, June, September, and December, and the justices for said county shall hold the first court at the house where Joseph Denham, senior, now lives, on the second Monday of December next, and all subsequent courts for said county, on the days above mentioned for holding courts therein, at the same place; until a court house shall be built in and for said county, and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county, shall be held by commission to said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdictions, as are or shall be prescribed, by, and for the courts of the several counties in this state.

**SECTION 12.** That the said county of Anderson, be, and is hereby declared a part of Hamilton district, in the same manner, and for all purposes, civil, criminal and military, in as full and ample manner as any county in this state, and shall send three jurors to the superior court of said district.

**SECTION 13.** That nothing herein contained, shall be construed as to prevent the collector of public taxes of Knox and Grainger counties to collect the tax for the year 1801, and all arrearages of taxes.

**SECTION 14.** That William Hogshead is hereby appointed a commissioner on the part of Anderson county, to act with a commissioner appointed by the county of Claiborne, to run the line between the aforesaid counties, from Clinch river to the Indian boundary, and shall have for his services the sum of two dollars, for each day he may be necessarily employed in running said line, to be paid by the treasurer of Anderson county, out of the county monies, whose receipt shall be good in the settlement of his accounts.

**SECTION 15.** That Jesse Roysden is hereby appointed a commissioner on the part of the county of Anderson, to act with a commissioner appointed in the county of Roane to run the line between the aforesaid counties, from the double springs on the east fork of Poplar Creek, to the Indian boundary, and from the aforesaid double springs to Clinch river, and shall receive the sum of two dollars for each day he may be necessarily employed in running said line, and shall employ a marker who shall be entitled to receive one dollar per day, to be paid by the treasurer of Anderson county, out of the county monies, and their receipts shall be good in the settlement of his accounts.

**SECTION 22.** That Joseph Taylor is hereby appointed a commissioner on the part of the county of Roane, to act with the commissioner appointed on the part of Anderson county, to run the line between the counties of Anderson and Roane, from the double springs on the east fork of Poplar creek, to the Indian boundary, and from the aforesaid double springs, to Clinch river; and shall have the sum of two dollars for each day he may be necessarily employed in running said line, to be paid by the treasurer of Roane county, out of the county monies, whose receipt shall be good in the settlement of his accounts.

**SECTION 26.** That it shall be the duty of the returning officers of the counties of Anderson and Roane, to meet the returning officer of Knox county, in Knoxville, on the succeeding Monday, with the number of their respective polls, and with him compare the same, and the returning officer of Knox county, shall declare those duly elected members of the general assembly, and give certificates accordingly and it shall be the duty of said sheriff to transmit a just statement of the poll of election, for governor, representative,

or representatives to congress, to the speaker of the senate in the same manner as by law directed.

**SECTION 27.** That the citizens of Anderson county, formerly part of Grainger, shall have the right of suffrage with the citizens of Claiborne county in all elections for governor, representative or representatives to congress, and members of the general assembly, until the next census be taken.

**SECTION 28.** That James White and John Menefee, esquires or either of them, are hereby authorized and required to attend at the first court to be held for the county of Anderson, for the purpose of qualifying the member of said court.

**SECTION 30.** That this act shall be in force in the county of Anderson, from and after the thirteenth day of December next, and in the county of Roane, from and after the twentieth day of the same month.

**Passed:** November 6, 1801.

## Change of Boundary Lines

### Acts of 1806 Chapter 21

*WHEREAS* the large extent of the counties of Anderson and Claiborne, renders it grievous and burthensome to many of the inhabitants thereof to attend courts, general musters, elections, and other public meetings therein. For remedy whereof:

**SECTION 1.** That the following described bounds be, and the same are hereby erected into a new and distinct county by the name of Campbell, to wit: Beginning at a point to be ascertained by running a direct line from the town of Burrville, in Anderson county, north forty-five degrees east eleven miles, and running from thence north forty-five degrees, west to the Kentucky state line, or the northern boundary line of the state of Tennessee, from thence east, with the said boundary line, to a point on the same, from whence a line to be run at the angle of forty-five degrees, south east, shall cross Powell's Valley, at or near the house where James Davis formerly lived in said Valley, leaving said house in Campbell county not more than fifty poles, thence the same course continued, to the line of Grainger county, on the right bank of Clinch, thence down the said river of Clinch, agreeably to its various meanders, to a certain point that shall intersect the lines of Anderson and Claiborne counties, immediately on the said right bank of Clinch river, thence crossing said river, and running southwardly with the line that divides the counties of Anderson and Grainger, to the Chestnut Ridge, thence along the extreme height thereof, to a point from whence a line shall be run at the angle of north forty-five degrees, west to the point the place of beginning.

**COMPILER'S NOTE:** Sections 2 through 7 did not relate to Anderson County and are not included herein.

**SECTION 8.** That Jesse Roysden, and Walter Evans, be appointed commissioners, who are authorized to run the dividing lines, and boundary lines, of and between the said counties of Campbell, Anderson and Claiborne, and designate the boundaries of said Campbell county, as herein before directed and described; that is, where the said line or lines are not already run or particularly pointed out by natural boundaries; for which services the said commissioners shall be allowed the sum of two dollars each per day, and the marker one dollar per day, the expense to be paid by the said county of Campbell.

**SECTION 9.** That the present sheriffs and collectors of the counties of Anderson and Claiborne, be authorized to collect all arrearages of public taxes, which by law they were authorised to collect, in the same manner that he might or could do, before the said sectional parts, that now compose the county of Campbell, were taken off of said counties of Anderson and Claiborne.

**COMPILER'S NOTE:** Section 10 did not relate to Anderson County and is not included herein.

**Passed:** September 11, 1806.

## Private Acts of 1807 Chapter 51

**SECTION 1.** That from and after the passing of this act, the county of Anderson shall be comprehended within the following bounds, to wit: Beginning on the Chestnut Ridge, where the Knox & Grainger county line formerly crossed the same; thence with the Grainger county line to the north bank of Clinch river; thence down the said river to the first bluff below the mouth of Cove creek; thence along the extreme height of the ridge, which divides the waters of Cove creek from those of Cole creek, to the top of Wallen's ridge; thence north forty five degrees west, to the point where it will intersect the former line of Anderson county, which runs south forty five degrees west; thence from that point, south forty five degrees west, to a point, from whence south forty five degrees east will strike Wallen's ridge, one quarter of a mile above the gap of the Indian fork of Poplar creek; thence from said last mentioned point, south forty five degrees

east to Wallen's ridge, one quarter of a mile above the gap of the Indian fork of Poplar creek; thence to the double Springs, on the east side of said creek; thence a direct course to Clinch river, opposite the mouth of Hickory Creek; thence up the lines of Knox county to the beginning.

**COMPILER'S NOTE:** Section 2 did not relate to Anderson County, therefore, it is not included herein.

**SECTION 3.** That Jesse Roysden shall be, and hereby appointed to run and cause to be distinctly marked, the line between said counties of Anderson and Campbell, who shall be allowed the sum of two dollars per day therefor, one half of which sum, shall be paid by the county of Anderson, and the other half by the county of Campbell; and that Joab Hill shall be, and he hereby is appointed to run and cause to be distinctly marked, the line which divides the counties of Claiborne and Campbell, who shall be allowed the sum of two dollars per day therefor; which shall be paid by the counties of Claiborne and Campbell, one half by each.

**SECTION 4.** That each of said persons shall employ a person to mark said lines, and each of said markers shall be allowed for their service the sum of one dollar per day; which shall be paid by the said counties, in the same manner and in the same proportions, that said surveyors are directed to be paid.

**SECTION 5.** That from and after the passing of this act, it shall and may be lawful for the inhabitants of that part of the county of Campbell, that was formerly Anderson, to hold their elections for governor, members to congress, members to the general assembly and electors to elect a president and vice-president of the United States, and field officers of the militia of said county, at the place of holding court in said county; and it shall be the duty of the sheriff of said county or his deputy, to attend the said elections and conduct the same, under the same rules and regulations as by law they are bound to do in other counties in this state in similar cases.

**SECTION 6.** That it shall be the duty of the sheriff of said county, or his deputy, as the case may be, when the votes so taken, for the county of Anderson, to meet on Monday, immediately succeeding the said election, in Kingston, to compare the votes so taken, which shall be taken as a part of the election for Anderson County, any law, usage or custom to the contrary notwithstanding.

**Passed:** November 7, 1807.

## Private Acts of 1817 Chapter 20

**SECTION 1.** That from and after the passing of this act, the line hereinafter mentioned, shall be the dividing line between the counties of Anderson and Campbell, that is to say: beginning on Clinch River, at the first bluff above the island ford thence with the dividing ridge between Cave and Cole creek to Wallen's Ridge, and then with Wallen's Ridge, to the line run by William Hogshead under the act of Eighteen Hundred an Eleven, then with that line to New River, then down New River to the mouth of Smoky Creek, then to the dividing ridge which divides the waters of New River and Brimstone, so as to leave Smoky Creek in Anderson county, then with said dividing ridge to a point one-half mile above the mouth of Brimstone, leaving the waters of New River in Campbell county, and the waters of Brimstone in Anderson County; from thence north forty five degrees west to the Kentucky line; and that tract of country which lies north and east of the before described line shall compose and be a part of the county of Campbell.

**SECTION 2.** That the County of Campbell, shall defray all expences incident to the running said line, whenever the county court of Campbell shall deem the running necessary. *Provided*, nothing in this act shall be so construed as to prevent the proper officer of the county of Anderson from collecting any taxes that may be due in the tract of country hereby annexed to the county of Campbell.



**Passed:** September 24, 1817.

## Private Acts of 1853-53 Chapter 129

**SECTION 1.** That the following shall be the dividing line between the county of Campbell on the one side, and the counties of Anderson and Scott on the other-- to wit: Beginning at a point on New river, a short distance above William Massengill's, where the present Scott county line crosses said New river; running thence up New river to a point on the east bank of New river, opposite to Solomon Doherty's; thence to the Coal gap, in such a direction as to leave the waters of the Beech fork in Campbell county [sic], and to leave Banister Vowel's residence in Anderson county; running thence on the south side of the mountain, in which the said Coal gap occurs, to the present residence of the Cokers', including the said Cokers in Campbell county; thence a direct line to a point in the former line between Campbell and Anderson counties, near the residence of Paul Harmor, so as to leave said Harmor in Anderson county. *Provided*, that if either of the counties of Anderson and Campbell desire to have a survey of the line laid off in this act, they shall be entitled thereto, and the county of Campbell shall defray all expenses incident to said survey.

**COMPILER'S NOTE:** The remainder of the above act did not concern Anderson County.

**Passed:** February 20, 1854.

## Private Acts of 1853-54 Chapter 320

**COMPILER'S NOTE:** The prior sections of this act did not concern Anderson County and are, therefore, not printed here.

**SECTION 25.** That the dividing line between the counties of Anderson and Scott be changed as follows: To leave new river at two white walnuts on the north bank of said river, at the mouth of a hollow in William Massingill's field; thence up said hollow to the top of the mountain, which divides the waters of said river from the waters of Smoky Creek, north eighty, west 160 poles; thence along the top of said mountain due west 320 poles, to a white oak, James McGee's west corner; thence south 30, west 600 poles, with the top of the mountain, passing Lowe's Gap; thence south 80, west 500 poles with the top of the mountain to intersect with the old line near the head of the Straight Fork; thence with said line to new river; thence down the same to the beginning.

**Passed:** February 11, 1854.

## Private Acts of 1855-56 Chapter 173

**COMPILER'S NOTE:** Sections 1 through 5 and section 9 did not concern Anderson County and are, therefore, not printed here.

**SECTION 6.** That the line as run by Samuel C. Young, according to an act of Assembly, passed February 20, 1854, chapter 129, commencing at a point near Powell Harmen's, thence running north eighty-five degrees, west, to the residence of Coakers, on the top of the mountain, and marked by James Wilson, be, and the same is hereby, declared to be the true dividing line between the Counties of Anderson and

Campbell.

**SECTION 7.** That the Surveyors of the Counties of Anderson and Roane, in connection, shall meet and run, and cause to be marked, the dividing line between the Counties of Anderson and Roane, from the Double Springs on Poplar Creek, to a point on Clinch River, according to an act of Assembly, passed 1801, chapter 45, section 15; and the same, when run and marked, shall be the true dividing line between said Counties of Anderson and Roane.

**SECTION 8.** That the said Surveyors shall make out a plot of said survey, and file it with the Clerks of the Circuit Courts of their respective Counties, and the same shall be spread on the record books of said Courts, at the next terms of their Courts. Each County shall pay a proportional part of the expenses of said survey out of their County Treasury.

**Passed:** February 25, 1856.

## Private Acts of 1857-58 Chapter 129

**COMPILER'S NOTE:** Sections 1 through 4 and Sections 6 through 9 did not involve Anderson County and have been omitted.

**SECTION 5.** That the county lines between the counties of Roane, Anderson and Morgan, be changed as follows: To be continued between Roane and Anderson, with the extreme height of the Pine Ridge, a northeasterly direction, to the Mountain Fork of Poplar creek; thence up with the meanders of said creek to the north side of Walden's Ridge; thence with the foot of said Ridge, a westerly direction, to the West Fork of the Indian Fork of Poplar creek, to the place where the county line between Roane and Morgan, now crosses said creek.

Passed: March 15, 1858.

## Private Acts of 1887 Chapter 127

**COMPILER'S NOTE:** Sections 1 through 4 and Sections 6 through 9 did not involve Anderson County and were, therefore, not repeated herein.

**SECTION 5.** That the county lines between the counties of Roane, Anderson and Morgan, be changed as follows: To be continued between Roane and Anderson, with the extreme height of the Pine Ridge, a northeasterly direction, to the Mountain Fork of Poplar creek; thence up with the meanders of said creek to the north side of Walden's Ridge; thence with the foot of said Ridge, a westerly direction, to the West Fork of the Indian Fork of Poplar creek, to the place where the county line between Roane and Morgan, now crosses said creek.

**Passed:** March 15, 1858.

## Private Acts of 1889 Chapter 34

**SECTION 1.** That the line between the counties of Anderson and Roane be and the same is hereby settled and fixed so as to include the following described boundary in the county of Anderson, viz: Beginning at a rock in the old line between Anderson and Roane in E.A.Reed's south-east line, then south 78 west with Reed's line 150 poles to a beech in Reed's corner, then south 53 west 107 poles to a large forked white oak on a hill near G.W.Butler's house, then south 17 west 51 poles to a stake, hickory and black oak pointers William Wiley's and John G. Scott's corner; then with the line between said Wiley's and said Scott's to the Walden Ridge Railroad, and same course continued to the Valley Road, and same course still continued to the top of Walden's Ridge in the line between Morgan and Roane Counties, in all 124 poles to a stake, hickory and black oak pointers; then north 61½ east 168 poles to the center of the gap of Walden's Ridge, then with the line between the counties of Morgan and Roane to the corner of the counties of Anderson, Morgan, and Roane, near the old salt well, then a direct line to the beginning.

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

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

**Passed:** February 23, 1889.

## Private Acts of 1903 Chapter 304

**SECTION 1.** That the line between Anderson and Morgan Counties be, and the same is hereby changed so as: Beginning at the wagon road on Fodder Stock Mountain upon the present line, running north 7 degrees, west, 388 poles to a white oak near the north bank of New river; thence north 32 degrees, west 180 poles to a stake at the point Stallion Mountain, and on the top bench of said mountain where the same comes to a point; thence with the said bench of said mountain with the conditional line of Robert Patterson's heirs, south 86 degrees, west 39 poles to a stake; north 54 degrees west 94 poles to a stake; north 84 degrees west 10 poles to a stake; north 88 degrees west 34 poles to a stake; north 78 degrees west 52 poles to a stake; north 3 degrees west 100 poles to a stake; south 32 degrees west, 50 poles to a stake; south 86 degrees, west 56 poles to a stake; north 15 degrees, west 60 poles to a chestnut; north 1 degree, west 200 poles to a stake on the top of the mountain at the present county line, so as to include all of the Bletcher Arms 2,000 tract of land lying at the head of New river, and now owned by the State of Tennessee, in Morgan County.

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

**Passed:** March 28, 1903.

## Boundaries - Historical Notes

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Anderson County.

1. Acts of 1806, Chapter 51, appointed Jesse Roysden and Jacob Jones to run the boundary line between the counties of Anderson and Roane.
2. Acts of 1807, Chapter 90, fixed the line which was run by Jesse Roysdon, a commissioner appointed for that purpose, and marked by John McKamy, as the true and official boundary between the counties of Roane and Anderson. The cost of running the line and marking it would be paid equally by both counties, and the receipt of Roysdon and McKamy would constitute a sufficient voucher.
3. Acts of 1811, Chapter 56, changed the lines between the counties of Campbell and Anderson, so as to include the farms of Michael Laws and Benjamin Potters wholly within Campbell county. William Hoggshhead was named to run and to mark the line between the two counties so as to accomplish the above. This act was repealed by the one following.
4. Acts of 1813, Chapter 101, repealed Acts of 1811, Chapter 56, above, which transferred a part of Anderson County over to Campbell County. The militia and the land were both returned to Anderson County.
5. Acts of 1817, Chapter 38, created Morgan County out sections of Anderson and Roane counties.
6. Acts of 1837-38, Chapter 90, authorized the counties of Anderson and Campbell, acting through their quarterly courts, to employ surveyors to run and mark the line between the counties in such manner as they may deem adequate. The surveyors would report the same to their respective county courts and, when the report was accepted by the court, their line would constitute the official boundary between the two. Such allowances could be made to the surveyors as the courts might consider to be fair and practical.
7. Acts of 1847-48, Chapter 99, Section 3, amended Acts of 1837-38, Chapter 90, so as to make it the duty of the county courts to carry into effect the provisions of the act.

8. Acts of 1855-56, Chapter 161, Section 7, changed the lines dividing the counties of Anderson and Roane and Morgan, so that the farms of Moses C. Winters and L. Rutor would be contained wholly within Roane County, all conflicts herewith being repealed.
9. Public Acts of 1857-58, Chapter 47, Section 10, rearranged the boundaries between Anderson and Roane counties so as to move the farms of D. L. Bradley, John R. Galbreath, Samuel Tunnell, William Rite, W. C. Griffith, and J. C. Roberts out of Anderson County and into Roane County.
10. Public Acts of 1857-58, Chapter 83, Section 3, expressly repealed Acts of 1857-58, Chapter 47, Section 10, above.
11. Private Acts of 1865, Chapter 29, moved the residence and the farm of Silas L. Arthur out of Campbell County and placed the same wholly within Anderson County.
12. Public Acts of 1867-68, Chapter 60, Section 8, detached the lands of William Webb from Anderson County and attached them to Campbell County so that they were included altogether in that county.
13. Public Acts of 1868-69, Chapter 36, altered the lines dividing Anderson County and Campbell County so that the lands of Martin Kennady were included wholly within Campbell County, and, further, that all citizens living north of that line would be citizens of Campbell County. If this act should change the citizenship of any person who moved from Anderson to Campbell County, that person was relieved from paying the railroad tax of Anderson County.
14. Public Acts of 1870, Chapter 88, expressly repealed Acts of 1855-56, Chapter 161, which changed the boundary lines between Anderson, Roane, and Morgan counties, thus restoring all the lines as they appeared before the passage of that act, and all the rights of citizenship were renewed for those residents involved as they possessed prior to the repealed act.
15. Public Acts of 1873, Chapter 75, moved the homes and the farms of Jordan Massingal, Huston Carroll, Greeberry West, William Carroll, and Alexander Low out of Anderson County and placed them in Scott County, provided such move did not reduce Anderson County below its constitutional limits.
16. Public Acts of 1883, Chapter 51, stated that the lines between Scott, Anderson, and Campbell counties were changed so that the lands of Richmond Kennedy were placed wholly within Campbell County.
17. Public Acts of 1887, Chapter 35, realigned the boundaries between Anderson County and Campbell County so as to include the residences and farms of Calaway Byrge and Loranzy Kennedy wholly within Anderson County.
18. Public Acts of 1889, Chapter 124, changed the boundary lines between Anderson County and Knox County so as to include within Anderson County what is known as "Holt's Island" located in the Clinch River, now the property of W. C. Kincaid.
19. Public Acts of 1893, Chapter 60, expressly repealed Acts of 1887, Chapter 35, above, and restored the county lines to the same status they had prior to the enactment of that law.
20. Public Acts of 1899, Chapter 317, moved the lands of William M. Freels out of Anderson County and into Roane County.
21. Acts of 1903, Chapter 504, was identical to Private Acts of 1903, Chapter 304, which is published herein.
22. Private Acts of 1919, Chapter 95, rearranged the lines between Anderson County and Campbell County running from a point in the said line on top of the Cumberland Mountain above Briceville, situated due east from the two white oaks, the beginning corner of the A. R. Wiley grant, thence due west to said corner; thence with the J.M. Heck line North 89 West about 123 poles to the center of the Stoney Fork of Beech Fork; thence down and with the center of the said Creek to Beech Fork; thence a southwest course to the point where said county line now crosses New River near the point of the Red Oak spur of Cumberland Mountain. This act was repealed by Private Acts of 1933, Chapter 612.
23. Private Acts of 1927, Chapter 398, transferred the lands belonging to Barbra M. Sharp from the fifth civil district of Anderson County into the third civil district of Campbell County.
24. Private Acts of 1933, Chapter 612, expressly and entirely repealed Private Acts of 1919, Chapter 95, above, and reinstated the boundary lines between Anderson and Campbell counties as they existed in that area prior to the act.

## Chapter V - Court System

# General Sessions Court

## Private Acts of 1947 Chapter 459

**SECTION 1.** That there is hereby created and established a Court in and for all Counties having a population of not less than 26,500 and not more than 26,510 according to the Federal Census of 1940 or any subsequent Federal Census, which shall be designated as the General Sessions Court of said County. The Court shall be held in the Courthouse and said Counties shall provide court rooms, dockets, furnishings, and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said County.

**SECTION 2.** That should this Act apply to Anderson County, the said Court shall be officially designated as the "General Sessions Court of Anderson County," and the said Court is hereby vested with all of the jurisdiction and shall exercise the authority conferred by the General Assembly of the State of Tennessee upon the Justices of the Peace in civil and criminal cases and actions, and the Justices of the Peace in all counties to which this Act applies are hereby divested of all such jurisdiction, power, and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court, or in the performance of the rites of matrimony is in no wise affected by this Act.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 3.** That the General Sessions Court shall have jurisdiction concurrent with the Circuit and Chancery Courts of the State of Tennessee to try and dispose of divorce cases, and said Court shall try and dispose of divorce cases in the same manner and with the same authority as is vested in the Circuit and Chancery Courts of the State of Tennessee.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

**SECTION 4.** The general law governing the general sessions courts for Tennessee as provided in Tennessee Code Annotated, Title 16, Chapter 15, shall govern the General Sessions Court of Anderson County.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 5.** That the laws now regulating pleading and practice, stay of judgements, writs and processes in civil cases in the Courts of Justices of the Peace shall apply to and govern said court in so far as the jurisdiction of said Court as vested by Section 2 of this Act is concerned; and appeals from said Court shall be taken to the Circuit Court and shall be perfected in the same manner and within the same time as is now provided for appeals from Courts of Justices of the Peace. However, all cases in the General Sessions Court shall be set for an hour certain, and the practice heretofore prevailing of allowing one hour for the parties to appear in courts of Justices of the Peace shall not apply in the General Sessions Court in any cases heard by said Court.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

**SECTION 6.** That there shall be one civil docket and one criminal docket for the Court in which all cases to be tried under the jurisdiction conferred by Section 2 of this Act shall be entered immediately upon the issuance of the warrant. Upon said docket shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the Court, both interlocutory and final, orders, judgements, executions, garnishments, lists of the fees of the Court, of the Sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Judge by whom the case was tried. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the Criminal Docket, so as to provide ready access to the record of each case. The officer to whom a warrant is given for service shall give a receipt for same, and no warrant, either criminal or civil, shall be taken from the office of the General Sessions Court until its issuance has been entered on said docket.

In all cases tried by the general sessions court in which the court has concurrent jurisdiction with the circuit or chancery court, the general sessions court is a court of record. The Tennessee rules of civil procedure shall govern practice and pleading when the general sessions court is sitting as a circuit or chancery court; and the General Sessions Court shall keep a separate Docket and Minute Book for all cases tried by said Court in which it has jurisdiction concurrent with the Circuit and Chancery Courts, and the Minutes of said Court shall be kept in the same manner as is required by law for Clerks and Masters of the Chancery Court to keep their Minute Books, and the Minutes of said Court shall be read in open Court and signed by the Judge as provided by law for Courts of Record.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 7.** The general sessions court shall have no terms of court. The court shall be in session daily and continuously except for Saturdays, Sundays, and legal holidays. The general rules of procedure as provided for general sessions courts throughout the state as supplemented by local rules shall control to expedite the trial and disposal of cases before the court.

As amended by: Private Acts of 1949, Chapter 592  
Private Acts of 1992, Chapter 226

**SECTION 8.** That the General Sessions Court is hereby vested with jurisdiction to try and determine and render final judgement 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. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 9.** That it shall be the mandatory duty of the Judge of the General Sessions Court, when a defendant is brought before said 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 on 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 8 of this Act. Said waiver shall be written on 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 10.** that no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Criminal Docket of the General Sessions Court has been made by the Clerk or Judge of said Court, showing the names of the person or persons accused, the prosecutor, the officer to whom delivered, and his signature upon said Docket showing receipt of such process; all of which warrant, information, dockets, and other records of the General Sessions Court shall be available to the District Attorney-General for any legal purpose.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 11.** That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said General Sessions Court shall be taken by the Clerk of the Judge of said Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as is now provided by law.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 12.** That an appeal from any case in which the jurisdiction of the General Sessions Court is concurrent with the Chancery, Circuit, and Criminal Courts, said appeal shall be to the same Appellant Court, and shall be perfected in the same manner and according to the same procedure as a similar case would be appealed from the Circuit, Chancery, and Criminal Courts.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 13.** That in all cases tried under the jurisdiction conferred by Section 2 and Section 8 of this Act, the costs and fees of the General Sessions Court 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 Wardens and State Highway Patrolmen for the execution of writs and process of said Court, and for 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. All 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 said Court shall be handled, accounted for, and disbursed as required by law.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 14.** There shall be two full-time Judges for the General Sessions Court of Anderson County, Tennessee, one being the Judge of Division I and the other being the Judge of Division II, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of

inferior courts; and such Judges shall take the same oath as prescribed for Circuit Judges and Chancellors. The Judges of the General Sessions Court of Anderson County, Tennessee shall be licensed attorneys of this State and residents of Anderson County, Tennessee. The Judges shall devote full time to the office and shall not otherwise practice law, and shall be paid a salary as provided in Section 15. The Judges of Division I and Division II shall have and exercise all the same jurisdiction and may hold court and hear cases in either Division. Both Judges shall devote such time as necessary between either Division to equalize the case load and to provide for the expeditious hearing of all cases in both Divisions. Cases arising in Division II of the General Sessions Court of Anderson County, Tennessee shall be heard in Oak Ridge, Tennessee subject to the City of Oak Ridge, Tennessee providing adequate courtroom and office facilities for the Judge and support staff.

The Judges of the General Sessions Court of Anderson County, Tennessee are hereby vested with all of the powers possessed by Circuit Judges and Chancellors to issue all writs of injunction, attachment, habeas corpus, ne exeat, and all other kinds of extraordinary process, returnable to the General Sessions Court of Anderson County, Tennessee, or to any other County Courts, Circuit Courts, Chancery Courts, or any other comparable courts of the State.

As amended by: Private Acts of 1997, Chapter 22

**SECTION 15.** The Judges of Anderson County shall be paid the same salary as provided by the general law in the State of Tennessee pertaining to the General Sessions Court Judges.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1951, Chapter 453

Private Acts of 1957, Chapter 313

Private Acts of 1974, Chapter 290

Private Acts of 1992, Chapter 226

Private Acts of 1993, Chapter 77

**SECTION 16.** That J. Leon Alkenes of Anderson County, Tennessee, is hereby named as Judge of the General Sessions Court of Anderson County, should this Act apply to Anderson County, and he shall serve until the first day of September, 1948, and until his successor has been elected and qualified. His successor shall be elected by the qualified voters of the County at the general election on the first Thursday of August, 1948, to serve until the first day of September, 1950, or until his successor is elected and qualified. His successor shall be elected every eight years thereafter for a term of eight years. Any vacancy shall be filled as provided by law.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 17.** A substitute or special judge shall be selected and qualified as provided by law, provided that the judge of the juvenile court of Anderson County and any chancellor, general sessions, circuit, criminal or appellate court judge in the State of Tennessee may sit by interchange. The Clerk of the General Sessions Court shall receive the sum of Twelve Hundred (\$1200.00) Dollars per annum to be paid in equal monthly installments out of the general funds of the county for the purpose of defraying the expense incidental to conducting his duties as clerk of the General Sessions Court.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1951, Chapter 621

Private Acts of 1992, Chapter 226

**SECTION 18.** That should this Act apply to Anderson County, the Clerk of the Circuit Court of said County shall act as the Clerk of the General Sessions Court, and when acting as Clerk of said Court, shall be designated as the "Clerk of the General Sessions Court of Anderson County."

All fees, commissions and emoluments of said General Sessions Court, which are earned by the Clerk of said Court and collected by him, shall accrue to his benefit for his compensation as Clerk of said court.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

The clerk of said Court 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 or upon the fiat of a judicial officer.

**SECTION 19.** That the Sheriff of any County to which this Act applies shall assign a Deputy Sheriff to attend the sessions of said Court to preserve order and to wait on and serve said Court. The Sheriff shall receive no additional compensation for his services or those of the Deputies so assigned; however, such Deputy Sheriff so assigned shall be appointed and compensated in the same manner as now provided by

law for the appointment and compensation of Deputy Sheriffs of said County.

The Clerk of said Court shall certify to the County Judge of said County the names of Deputy Sheriffs so assigned to said Court. The County Judge shall issue warrants drawn upon the Trustee for their compensation as provided herein.

The Sheriff of said County, or any Deputy Sheriff or Constable thereof shall serve legal processes, writs, and papers issued by the General Sessions Court with the same authority as provided by law in other inferior Courts.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 20.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to the Justices of the Peace or former Justices of the Peace of any County to which this Act might apply, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be delivered to the Clerk of the General Sessions Court.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 21.** That the General Sessions Court shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of any County to which this Act applies as if such cases had originated in the General Sessions Court.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 22.** That this Act shall in no wise impair the right, title, or interest of any Justice of the Peace to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgement or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 23.** That the Legislature expressly declares that each section, subsection, paragraph, and clause of this Act is severable, 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 portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 24.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 25.** That this Act shall take effect thirty (30) days after its passage, the public welfare requiring it.

Passed: February 25, 1947.

## Juvenile Court

### Private Acts of 1807 Chapter 74

**SECTION 1.** That the Juvenile Court of Anderson County, Tennessee, is hereby created, and the jurisdiction of the County Court of Anderson County, Tennessee, insofar as it pertains to juveniles, is removed from said County Court and is conferred on the Juvenile Court of Anderson County, Tennessee.

**SECTION 2.** That the Juvenile Court of Anderson County, Tennessee, shall have the authority and jurisdiction to hear and adjudicate all cases involving juveniles, as is provided for in Sections 37-242 through 37-274, Sections 36-223 through 36-236, Sections 37-301 through 37-314, and Sections 37-101 through 37-108 of the Tennessee Code Annotated, and any and all other sections of the Tennessee Code Annotated, and any amendments thereto, pertaining to Juveniles.

**SECTION 3.** That the procedures relating to the hearing of juvenile matters in the Juvenile Court of Anderson County, including any appeal therefrom, shall be in accordance with the provisions of the Tennessee Code Annotated, and any amendments thereto, governing the hearing of juvenile matters and appeal therefrom.

**SECTION 4.** That the Judge of the Juvenile Court of Anderson County, Tennessee, is hereby empowered to seek the advice and guidance of the Anderson County Juvenile Commission and to use the facilities of said Commission in administering the duties of his office and in establishing the procedures and regulations of said Court.

**SECTION 5.** That the Judge of the Juvenile Court of Anderson County, Tennessee, is empowered to promulgate rules to regulate the times and places the Juvenile Court of Anderson County, Tennessee, shall sit; and said Court shall be separate from any other court in facilities and administration.

**SECTION 6.** (a) Upon this act becoming effective as provided in Section 3 of this act, the legislative body



of Anderson County shall appoint a juvenile court judge of the Anderson County Juvenile Court to hold office beginning July 1, 1991 until September 1, 1992 and until his successor is elected and qualified.

(b) At the regular August general election in 1992, the qualified voters of Anderson County shall elect a person to serve as juvenile court judge of the Anderson County juvenile court until a successor is elected and qualified at the regular August election in 1998. At the regular August general election in 1998 and every eight (8) years thereafter, the qualified voters of Anderson County shall elect a person to serve as judge of the Anderson County juvenile court for a term of eight (8) years to begin September 1 of that same year. Such judge shall be licensed to practice law in this state and shall possess all of the other qualifications required by law for judges of inferior courts. The judge shall take and subscribe to the same oath of office as that prescribed for judges of the circuit courts and shall have all of the jurisdiction, powers, duties and authorities relating to juveniles as is conferred by Tennessee Code Annotated, Title 37, or any other general law. In the event the office of juvenile court judge shall become vacant for any reason before the expiration of the term of office or before a successor is elected and qualified, such vacancy shall be filled by the legislative body of Anderson County.

(c) Effective September 1, 2006, the annual salary for the position of Anderson County Juvenile Court Judge shall be increased by fifteen thousand dollars (\$15,000) from the amount the judge occupying such position received on August 31, 2006. The salary shall be increased by such amount in the first and each subsequent fiscal year until the annual salary for the position is equivalent to the annual salary established for the position of Anderson County General Sessions Court Judge. The final year of adjustment shall be in an amount necessary to make the salary of the juvenile court judge the same as that of the General Sessions Judge. After the annual salary for the juvenile judge position has been made equivalent to the position of General sessions Judge, the annual salaries for the two positions shall thereafter remain equal and subject to the annual salary provisions established by Tennessee Code Annotated, Section 16-15-5003. The Anderson County Juvenile Judge's salary shall be adjusted from time to time according to the dictates of Tennessee Code Annotated, Section 16-15-5003.

(d) When a juvenile court judge for Anderson County has been selected, qualified and sworn pursuant to the provisions of this act, the judge of the trial justice court shall be divested of all jurisdiction and authority conferred upon the juvenile court judge by this act and all such juvenile cases, except those which are in progress or which have been heard and taken under advisement, shall be transferred to the juvenile court judge upon taking office. Provided, however, to expedite the disposition of such cases and prevent caseload imbalance, the judge of the Anderson County juvenile court and the judge of the trial justice court may sit in either court by interchange when such judges deem it appropriate and necessary. As amended by:

Private Acts of 1991, Chapter 50,  
Private Acts of 2006, Chapter 78.

**SECTION 7.** That the term of the Juvenile Judge of Anderson County, Tennessee, shall run concurrently with the term of the Judge of the Trial Justice Court of Anderson County, Tennessee.

**SECTION 8.** (a) The duly elected Circuit Court Clerk shall be the clerk of the Anderson County Juvenile Court and shall assign no less than one (1) deputy clerk approved by the judge of the Juvenile Court to perform the clerical functions for the Juvenile Court of Anderson County, Tennessee.

(b) The clerk of the Juvenile Court shall receive fees of the office and shall pay out such sums as necessary for deputy clerks or other authorized expenses in the manner provided in Tennessee Code Annotated.

(c) There shall also be a secretary-receptionist for the Juvenile Court of Anderson County who may assist with clerical duties and who shall be appointed by and serve at the pleasure of the Juvenile Court Judge and shall be compensated directly from the Anderson County general fund.

As amended by: Private Acts of 1988, Chapter 189.

**SECTION 9.** That all the records of the County Court of Anderson County, Tennessee, relating to juveniles shall be transferred to the Juvenile Court of Anderson County, Tennessee, herein created, and said records shall be kept and maintained by the Clerk of the Juvenile Court of Anderson County, Tennessee, separate and apart in confidential files as is provided by the Tennessee Code Annotated relating to juvenile courts.

**SECTION 10.** [Deleted by Private Acts of 1991, Chapter 50].

**SECTION 11.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3rds) vote of the Quarterly County Court for Anderson County, Tennessee, on or before the first day of May 1961, and after its approval whenever the same shall occur prior to the first day of May 1961, this Act shall take effect July 1, 1961, the public welfare requiring it. The approval or lack of approval by the first day of May 1961, of this Act shall be proclaimed by the presiding officer of the Quarterly County Court for Anderson County, Tennessee, and shall be certified by said officer to the Secretary of State as promptly as is reasonably possible.

**SECTION 12.** That the Legislature expressly declares that each section, subsection, paragraph, and clause of this Act is severable, 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 portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

Passed: February 8, 1961.

## Court System - Historical Notes

### **Board of Jury Commissioners – Jurors**

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

1. Acts of 1804, Chapter 25, stated in the preamble that it was difficult to obtain freeholders to serve as jurors in Claiborne and Anderson counties because of the very extensive holdings of Henderson and Company in these two counties, therefore, it would be lawful hereafter to appoint householders to serve as jurors in these areas.
2. Private Acts of 1911, Chapter 285, established a three member board of jury commissioners in Anderson County (identified by the use of the 1910 Federal Census figures) appointed by the judges of the county holding the criminal courts. The board would select from the tax rolls, or other public sources of information, a number of people possessing certain qualifications who would constitute the jury list for the ensuing two years. Jurors for the various courts requiring them would be selected. Proper records of service, or non-service, would be kept by the clerk. Provisions were made to obtain jurors for special, or exhausted panels of jurors, and penalties were scheduled for those guilty of infractions of the terms herein.
3. Private Acts of 1915, Chapter 225, provided that in Anderson County each regular juror would hereafter receive \$2.00 per day for each day's attendance as a juror, plus such mileage, ferrriage, and other benefits, as were then allowed by law.
4. Private Acts of 1915, Chapter 267, amended Private Acts of 1911, Chapter 285, Section 8, above, to the effect that, in the event after the regular venire were summoned for the term, the jury list was exhausted, making it necessary to have additional jurors summoned, or an additional panel provided from which jurors would be selected, the presiding judge could, in his discretion, select the number needed from the citizens of the county or direct the sheriff to summon persons to make up the jury.
5. Private Acts of 1947, Chapter 230, established a pay scale for jurors in Anderson County of \$4.00 per day for each day of regular attendance as a juror at courts in that county.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Anderson 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. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1824 (Ex. Sess.), Chapter 14, authorized the appointment of two more supreme court justices who would hold chancery court in each of the divisions twice a year instead of just once. The chancery court was held at Kingston on the first Monday in June and December for Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe and Blount counties.
2. Public Acts of 1827, Chapter 79, created two chancery divisions in Tennessee, the eastern chancery division, which consisted of the courts meeting at Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the western chancery division, which included the courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
3. Public Acts of 1827, Chapter 88, Section 3, required the chancellors of the eastern division to hold the courts as scheduled in the act, mentioning the courts at Greenville, Rogersville, Carthage, McMinnville, and Kingston where the court would convene on the first Monday in June and December for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, and Monroe.
4. Public Acts of 1829, Chapter 27, changed the opening dates for the chancery court's terms at Kingston to the fourth Monday of May and November annually.
5. Public Acts of 1831, Chapter 217, required the chancellor of the eastern division to hold hereafter a court of Knoxville on the third Monday in April and October for the counties of Campbell,

Anderson, Knox, and Sevier, giving the people of Anderson County the privilege of filing their bills of complaint in Kingston, also. The chancellor of the division would appoint a clerk and master for this court to whom the clerk and master at Kingston would forward the case records.

6. Acts of 1832, Chapter 19, rearranged the schedules of the chancery courts in various cities but the court at Knoxville would continue to meet on the third Monday in April and October.
7. Public Acts of 1835-36, Chapter 4, created three chancery divisions in Tennessee subsequent to the adoption of the new state constitution. The divisions, which were further divided into districts, would be presided over by chancellors, appointed by the general assembly, rather than by the justices of the state supreme court. In the eastern division the counties of Anderson, Knox, and Blount made up the sixth district whose court would assemble in Knoxville on the second Monday in April and October.
8. Acts of 1837-38, Chapter 116, Section 12, rescheduled the terms of the chancery courts at Jonesboro, Greenville, Rogersville, Tazewell, Dandridge, Knoxville, Pikeville, Madisonville and Kingston. The court at Kingston in the seventh district would meet on the fourth Monday in March and September, and at Knoxville in the sixth district on the first Monday in April and October.
9. Acts of 1843-44, Chapter 201, Section 3, declared that the citizens of Anderson County could thereafter file their bills in equity in the chancery court at Knoxville in Knox County or at the chancery court at Jacksborough in Campbell County.
10. Acts of 1851-52, Chapter 306, reestablished the chancery court at Jacksborough and added the counties of Anderson and Scott to that district. All papers, records, and pleadings belonging to the court and the suits pending between citizens of Campbell, Anderson, and Scott counties were transferred to the court at Jacksborough in Campbell County. The terms of this court would commence on the fourth Monday in June and December.
11. Acts of 1853-54, Chapter 56, granted to the citizens of Anderson County the privilege of hereafter filing their equity cases either in the court at Jacksborough, or at the court in Knoxville, as they might elect to do, any law to the contrary notwithstanding.
12. Acts of 1855-56, Chapter 164, Section 4 and 5, made Anderson County into a separate chancery district whose court would be conducted by the chancellor of the eastern division at the courthouse in Clinton on the first Thursday after the fourth Monday in June and December. Any cases of the citizens of Anderson County then pending in the courts at Jacksborough and Knoxville could at the request of either party be transferred to Clinton. All laws authorizing the filing of suits at Jacksborough and Knoxville were repealed.
13. Public Acts of 1857-58 Chapter 88, separated Tennessee into the eastern, middle, western, fourth, fifth, and sixth chancery divisions. Anderson County was assigned to the eastern division which also included the counties of Carter, Cocke, Knox, Union, Sevier, Johnson, Greene, Washington, Sullivan, Hawkins, Claiborne, Jefferson, Grainger, Campbell, and Hancock. The court terms would start in Anderson County on the fourth Monday of June and December at Clinton.
14. Public Acts of 1865, Chapter 7, revised the chancery court system in the state after the Civil War. The act created the eighth chancery division which contained the counties of Sevier, Blount, Monroe, Roane, Knox, Anderson, and McMinn. A chancellor would be designated, or elected, for this district but until that event occurred, the old chancellors would continue to preside over the above courts. Terms would begin in Clinton on the first Monday in May and November of each year.
15. Public Acts of 1865, Chapter 14, Section 3, scheduled the terms of the chancery courts in the newly created eighth chancery division. The court terms for the Anderson County Court would begin on the first Monday in May and November. The chancellor was further empowered to hold the circuit court of these counties by interchange.
16. Public Acts of 1866-67, Chapter 40, Section 3, reset the terms of the chancery courts at Maynardsville in Union County and at Clinton in Anderson County where the court would meet on the second Monday in May and November of each year.
17. Public Acts of 1870, Chapter 32, divided the state into twelve chancery districts. The second chancery district included the counties of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress, and Christiana.
18. Public Acts of 1870, Chapter 47, scheduled the terms of court for the chancery courts of every county in the State of Tennessee according to divisions. The chancery court of Anderson County would convene on the second Monday in May and November.
19. Acts of 1872, Chapter 15, Section 4, rescheduled the terms of the chancery courts in the second

- chancery division which was made up of the counties of Knox, Sevier, Union, Morgan, Fentress, Scott, Roane, Blount, Campbell, and Anderson whose court would meet on the first Monday in June and December.
20. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure of the state. Of the eleven chancery divisions formed by the act, the second chancery division was composed of the counties of Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan, and Scott. The Anderson County Chancery Court would meet at Clinton on the first Monday in June and December. This act, and several others, were considered by the state supreme court in the case of *Flynn v. State*, 203 Tenn. 341, 313 S.W. 2d 249 (1958).
  21. Public Acts of 1887, Chapter 92, rearranged the terms of the chancery courts in the second chancery division. The chancery court in Clinton would meet on the third Monday in March and September.
  22. Public Acts of 1899, Chapter 212, abolished the entire second chancery division in the state.
  23. Public Acts of 1899, Chapter 214, moved the Sevier, Blount, and Loudon counties out of the second chancery division and into the first chancery division. The act further added Anderson, Union, Knox, Campbell, Roane, Morgan, and Scott counties to the twelfth Chancery Division, rescheduling the court terms for both divisions. The twelfth chancery division also included the counties of Sullivan, Hawkins, Hamblen, Grainger, Claiborne, and Hancock in addition to those named above. The chancery court of Anderson County would begin its terms of the first Monday in April and October.
  24. Public Acts of 1899, Chapter 427, was the next major revision of the lower court system in the State. The act assigned to the second chancery division the counties of Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress, and Jefferson. Anderson County's Chancery Court would meet on the first Monday in February and August.
  25. Public Acts of 1901, Chapter 438, amended Acts of 1899, Chapter 427, above, by revising the structure of the second chancery division to include the counties of Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Campbell, Anderson, Roane, Loudon, and Scott. Chancery court terms would begin in Anderson County of the first Monday in April and October.
  26. Public Acts of 1931 (Ex. Sess.), Chapter 38, was the last act appearing among the published volumes of private acts which related to the chancery courts. This act reorganized the chancery court system into fourteen chancery divisions of which the second chancery division was made up of the counties of Loudon, Hawkins, Claiborne, Hancock, Campbell, Roane, Scott, and Anderson where the chancery court would meet on the first Monday in April and October.
  27. Public Acts of 1965, Chapter 120, created a law and equity court for Anderson County which had concurrent jurisdiction with the circuit and chancery courts and which would be operated under the same rules and procedure. The judges of this court must have the same qualifications as the circuit judge and chancellor and would be paid the same salary. The governor would appoint a judge to serve until the general election in 1966 when the judge would be elected for an eight year term. The circuit court clerk and the clerk and master would serve this court also counting the fees as they did in their other courts respectively. The first term of this court would start on the second Monday in April, 1965, and thereafter on the second Monday in June, August, October, December, February, and April. The sheriff was required to wait upon this court as he did the other courts and he would be paid the same fees and compensations. This act was repealed by Public Acts of 1974, Chapter 783.
  28. Public Acts of 1967, Chapter 239, amended Public Acts of 1965, Chapter 120, above, in Section 6, by adding a provision that the official bonds entered into by the circuit court clerk and the clerk and master in their regular duties would also be applicable to their duties in this court. Section 10 was altered to provide that the county would furnish the judge of the law and equity court with suitable office space for himself and his staff, office equipment and supplies, and telephone service, so as to enable the judge to discharge the duties of his office. If the county failed to comply with this directive, the judge could direct the clerks to purchase the items and pay for them out of the fees of the court. Section 3 was changed to grant the law and equity judge full and equal power with the circuit and criminal judges, and the chancellors were to appoint a board of jury commissioners for Anderson County. This act was also repealed by Public Acts of 1974, Chapter 783, published herein.

### **Clerk and Master**

The reference list below contains acts which once applied to the clerk and master in Anderson County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 146, provided that the clerk and master of Anderson County would receive a salary of \$720 per year, payable in monthly installments on the warrant of the county judge, or chairman, out of the regular county funds.
2. Private Acts of 1943, Chapter 303, expressly and entirely repealed Private Acts of 1927, Chapter 146.

### **Circuit Court**

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

1. Acts of 1809, Chapter 49, formed five judicial circuits in the State of Tennessee assigning the counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe to the second judicial circuit. All circuit courts would meet twice annually in each county. The circuit court would meet at the courthouse in Anderson County on the fourth Monday in February and August.
2. Private Acts of 1823, Chapter 214, stated that it would hereafter by lawful for the circuit court of Anderson County to be extended until Thursday after the fourth Monday in February and August of each year, provided, the business of the court should require it to be in session for that period.
3. Private Acts of 1824 (2nd Sess.), Chapter 153, made it lawful hereafter for the circuit court of Anderson to be held and continued until the second Thursday after the fourth Monday of February and August of each year provided the business of the court was not finished prior to that time.
4. Public Acts of 1835-36, Chapter 5, fashioned the state into eleven judicial circuits subsequent to the adoption of the new constitution. The second judicial circuit contained the counties of Cocke, Jefferson, Sevier, Blount, Knox, Campbell, Morgan, and Anderson where the circuit court would meet on the second Monday of March, July, and November. There would be three terms each year of the circuit court instead of two as formerly provided.
5. Acts of 1837-38, Chapter 3, Section 7, changed the terms of the circuit court of Blount, Knox, and Morgan counties but left Anderson County's Circuit Court to meet on the second Monday in March, July, and November.
6. Acts of 1837-38, Chapter 308, authorized the judge of the second judicial circuit to have such portions of the records of the Anderson County Circuit Court transcribed into a good, and substantial book as he might think the safety and preservation of such records might require. When the same were transcribed the judge would verify and confirm the same by attaching his signature thereto.
7. Public Acts of 1857-58, Chapter 98, divided the state into sixteen judicial circuits of which the third judicial circuit was comprised of the counties of Monroe, Blount, Knox, Roane, and Anderson whose circuit court would begin its terms on the second Monday in March, July, and November.
8. Public Acts of 1865-66, Chapter 8, created the seventeenth judicial circuit in Tennessee. The counties of Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland composed the circuit. The circuit court of Anderson County would begin its terms in Clinton on the second Monday in March, July, and November.
9. Public Acts of 1868-69, Chapter 15, Section 7, stated that the circuit court of Anderson County would hereafter be held at Clinton on the first Monday in January, May, and September instead of the dates heretofore established by law. All process would be made to conform to the above changes in the term dates.
10. Acts of 1869-70 (Ex. Sess.), Chapter 25, repealed the act which created the seventeenth judicial circuit, which was Public Acts of 1865-66, Chapter 8, and restored the third judicial circuit as the same was formerly constituted.
11. Public Acts of 1870, Chapter 31, formed Tennessee into 15 regular and one special judicial circuit. The third judicial circuit included the counties of Morgan, Anderson, Knox, Monroe, Roane, Cumberland, Fentress, Blount, and Christiana, if established.
12. Public Acts of 1870, Chapter 46, scheduled court terms for every term of every circuit court in the state. The circuit court of Anderson County, of the third circuit, would meet on the second Monday in March, July, and November.
13. Public Acts of 1873, Chapter 22, created the sixteenth judicial circuit in Tennessee which was composed of the counties of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland. The governor was authorized to appoint a judge and a district attorney-general until

their successors could be elected. In Anderson County the circuit court would meet at Clinton on the second Monday in March, July and November.

14. Acts of 1885 (Ex. Sess.), Chapter 20, completely realigned the lower court system of the State. This act formed sixteen regular, and one special, judicial circuits. The second judicial circuit had in it the counties of Claiborne, Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Sevier, and Anderson whose terms for the circuit court would begin on the second Monday in February, June, and October.
15. Public Acts of 1891, Chapter 5, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, so as to hold the circuit court in Anderson County on the Monday next preceding the first Monday in February, June, and October. All bonds and process outstanding would be made to conform to the requirements of this act.
16. Public Acts of 1899, Chapter 427, was a complete overhaul of the state's lower court system in which the fourteen judicial circuit was composed of the counties of Jefferson, Sevier, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Fentress, and Union. The terms of the Anderson County Circuit Court would begin on the third Monday in March, July, and November.
17. Acts of 1903, Chapter 227, amended Public Acts of 1899, Chapter 427, so as to reschedule the times of the circuit court terms in the second judicial circuit which consisted of the counties of Hamblen, Cocke, Campbell Sevier, Jefferson, Morgan, Scott, Grainger, Union, and Anderson where the court terms would begin on the first Monday in February, June, and October.
18. Acts of 1905, Chapter 359, created a separate criminal division in the second judicial circuit to which Anderson County was assigned. The times of which were set to the second Mondays in January, May and September.
19. Acts of 1905, Chapter 477, reset the opening dates of the circuit court terms for the counties in the second judicial circuit. Anderson County's Circuit Court would meet in Clinton on the third Monday in March, July, and November. The other counties in the circuit were Hamblen, Cocke, Campbell, Sevier, Jefferson, Grainger, Union, Morgan, Fentress, and Scott.
20. Acts of 1907, Chapter 205, changed the circuit court terms for some of the counties in the second judicial circuit. Anderson County would take up the dockets of the circuit court on the first Monday in March, July, and November.
21. Acts of 1931 (Ex. Sess.), Chapter 38, in its reorganization of the lower court system in the state formed twenty judicial circuits. The nineteenth judicial circuit, composed of the counties of Campbell, Morgan, Scott, Caliborne, Fentress, and Anderson, had both a civil and criminal division. The civil terms of the circuit court would begin in Anderson County on the second Monday in January, May, and September.

### **Circuit Court - Clerk**

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is set in accordance with T.C.A. § 8-24-102. The following acts have no current effect, but once applied to the Anderson County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1903, Chapter 255, fixed the salaries of the circuit court clerks throughout the state for the first time according to the population of the county in which they served, provided the clerks filed on January 1 of each year a sworn, itemized statement with the county judge, or chairman, showing the amount of fees paid into the office. If the fees were less than the annual salary stated, the county would provide the difference, but, if the fees exceeded the salary, the clerk could retain the excess. The circuit court clerk of Anderson County would have been paid \$1,000 a year under this system.
2. Private Acts of 1923, Chapter 697, set the annual salary of the circuit court clerk of Anderson County at \$1,200, provided the clerk would file with the county judge, or chairman, twice a year, on March 1 and September 1, a sworn, itemized statement, showing the total amount of fees collected in the office. If the fees were less than the salary, the county would pay the difference out of regular county funds, but the clerk could retain all the excess over the salary, if such were the case.
3. Private Acts of 1929 (Ex. Sess.), Chapter 58, provided that the circuit court clerk of Anderson County would be paid an annual compensation of \$1,500 for his services to be paid monthly on the warrant of the county judge. All the fees, emoluments, and compensations accruing to the office of the circuit court clerk would be paid into the county treasury, and a monthly, sworn, and itemized report must be filed with the county judge by the clerk.

## **Criminal Court**

The following acts once pertained to the Anderson County Criminal Court, but are no longer current law.

1. Acts of 1905, Chapter 359, created a separate criminal court in the counties of Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union which would be known as the criminal court of the second judicial circuit. The court, which would hold its terms in Anderson County on the second Monday in January, May, and September, would have general and common law jurisdiction over all criminal cases in those counties. The circuit court clerks were to serve as clerks of the court, and the attorney-general of the second judicial circuit would prosecute except in Pickett County where the attorney general of the fifth judicial circuit would operate. The governor would appoint a judge to serve the court until the first day of September, 1906, when this court would cease to exist and the criminal jurisdiction would revert to the circuit courts as it was formerly exercised.
2. Public Acts of 1913, Chapter 13, created a criminal and law court for the counties of Hancock, Claiborne, Campbell, Scott, Morgan, and Anderson to be known as the criminal and law court of the second judicial circuit. The circuit court clerk would serve as clerk of the court which was given general and common law jurisdiction over all criminal and civil cases arising in the counties. The terms of court in Anderson County would begin on the first Monday in March, July, and November. The attorney general of the fifth judicial circuit would perform. The governor would appoint a judge to serve until September 1, 1914, when the judge elected in the August, 1914, general election would take over until September 1, 1918, when the Judge elected for an eight year term in August, 1918, would assume office. The judge of this court would also preside over the circuit courts of Anderson, and most of the other counties.
3. Private Acts of 1917, Chapter 768, amended Private Acts of 1913, Chapter 13, by designating the court created in that act as the court of the nineteenth judicial circuit. The judge and attorney general of the second judicial circuit were designated the judge and attorney general of the nineteenth judicial circuit.
4. Public Acts of 1929, Chapter 89, established a criminal court for the counties of Fentress, Anderson, Campbell, Morgan, Scott and Claiborne in the nineteenth judicial circuit. The act provided that the circuit court clerks in the named counties would serve as the clerks of the criminal court. The act provided for the election of a criminal court judge in the August 1930 general election to hold office until the next regular judicial election in August 1934.
5. Public Acts of 1931 (Ex. Sess.), Chapter 38, set up the court terms for the criminal courts of the nineteenth judicial circuit in Fentress, Campbell, Scott, Morgan, Claiborne, and Anderson where the terms would begin on the fourth Monday in January, May, and September.

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

The following acts once affecting Anderson County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1817, Chapter 65, established ten solicitorial districts in the state and assigned the counties of Knox, Anderson, Morgan, Roane, and Rhea to the fourth solicitorial district.
2. Public Acts of 1929, Chapter 91, established the position of assistant attorney general for the nineteenth judicial circuit of the state to which Anderson County belonged.
3. Public Acts of 1937, Chapter 74, created a position of criminal investigator for the nineteenth judicial circuit of the state.
4. Public Acts of 1965, Chapter 364, set the salary of all the assistant district attorneys general and criminal investigators of the nineteenth judicial circuit to \$4,800 per annum.
5. Public Acts of 1973, Chapter 322, created a position of criminal investigator for the nineteenth judicial circuit to provide for the appointment, qualifications, duties and compensation of said assistant.
6. Public Acts of 1975, Chapter 69, created the office of criminal investigator for the district attorney general of the twenty-eighth judicial circuit; to provide for the appointment, qualifications, duties and compensation of said assistant.
7. Public Acts of 1975, Chapter 142, created the office of criminal investigator for the district attorney general of the twenty-eighth judicial circuit; to provide for the appointment, qualifications, duties and compensation of said assistant.
8. Public Acts of 1976, Chapter 520, created an office of assistant district attorney general for the

twenty-eighth judicial circuit; to provide for the appointment, qualifications, duties and compensation of said assistant.

### **General Sessions Court**

The following act once affected the general sessions court of Anderson County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1959, Chapter 31, created a trial justice and juvenile court in Anderson County to meet at the courthouse where the county was obligated to provide accommodations, supplies, and equipment for the court. This court would exercise all the jurisdiction of justices of the peace in civil and criminal cases except the justice of the peace could continue to issue warrants and perform marriages but the warrants were returnable to the court created herein. This court would have and exercise concurrent jurisdiction with the chancery and circuit courts in divorce cases, and marriage annulments. Juvenile jurisdiction was removed from the county court and vested in this court. The rules of procedure formerly observed in the justice courts would also prevail in this court as well as the forms of pleading and practice now existing in the chancery and circuit courts. The act provided for a separate civil and criminal docket and specified the manner in which each one should be kept. The court was designated as a court of record whose terms would run from month to month on a six day week basis. Procedural rules not covered by the other adopted rules were promulgated for the orderly discharge of the court's business. Provisions were set up for the execution of bonds and for perfecting appeals from the court. The court would have one judge, the act naming W. Buford Lewallen to the position, who would be paid \$10,000 annually. The circuit court clerk would be the clerk of this court and all prior conflicting acts were repealed. This act was rejected by the quarterly county court and consequently never became an effective law.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 2002 Chapter 101

**SECTION 1.** Chapter 209 of the Private Acts of 1988 is hereby repealed.

**SECTION 2.** The new Anderson County Board of Education shall consist of eight (8) members. These members shall be elected from the school board districts as established by the Anderson County Board of Commissioners. Each school board district shall be numbered one through eight (1-8) and shall be identical in geographic composition to the Anderson County Commission districts one through eight (1-8). School board districts shall represent substantially equal populations, and shall be reapportioned after each federal decennial census at the same time county commission districts are reapportioned.

**SECTION 3.** The former school board membership district boundary lines as established by the prior redistricting plan are abolished, and the new school board membership district boundary lines, enacted by this private act, will be identical in geographic composition to the newly adopted Anderson County Commission district boundary lines as established by the 2001 Anderson County reapportionment plan. All boundary lines will be identical to the boundary lines indicated on the attached incorporated map.

**SECTION 4.** District 9 of the Anderson County Board of Education will be abolished at the expiration of the currently elected term on August 31, 2002.

**SECTION 5.** Anderson County Board of Education members from Districts 1, 2, 6 and 7 will be elected during the August 2002 general election, assume office on September 1, 2002, and will be re-elected every four (4) years thereafter. Members of the Anderson County Board of Education from District 3, 4, 5, and 8 will be elected at the August 2004 general election, assume office on September 1, 2004, and will be re-elected every four (4) years thereafter.

**SECTION 6.** The former District 3 school board member, as elected in the August 2000 general election, will now occupy the seat and represent the citizens of the new school board District 5, and assume all rights, duties and responsibilities of that position on September 1, 2002.

**SECTION 7.** The former District 4 school board member, as elected in the August 2000 general election, will now occupy the seat and represent the citizens of the new school board District 3, and assume all rights, duties and responsibilities of that position on September 1, 2002.



**SECTION 8.** The former District 5 school board member, as elected in the August 2000 general election, will now occupy the seat and represent the citizens of the new school board District 4, and assume all rights, duties and responsibilities of that position on September 1, 2002.

**SECTION 9.** The former District 8 school board member, as elected in the August 2000 general election, will now occupy the seat and represent the citizens of the new school board District 8, and assume all rights, duties and responsibilities of that position on September 1, 2002.

**SECTION 10.** The term of office for each member of the Anderson County Board of Education shall be four (4) years, running from September 1st of the election year to August 31st of the fourth year of the term of office. All board members may succeed themselves in office.

**SECTION 11.** All members of the Anderson County Board of Education shall reside in the same district they represent.

**SECTION 12.** All official business of the Anderson County Board of Education including, but not limited to, motions, rules, regulations, resolutions, policies and proclamations shall pass only upon a majority vote, unless required by Tennessee state law to pass with a two-thirds (2/3) majority vote. If a tie vote occurs the motion will fail to pass.

**SECTION 13.** The present Anderson County Board of Education will continue to serve and act as the Board of Education until September 1, 2002, when the new school board is constituted.

**SECTION 14.** The duties, responsibilities and compensation of the board members shall be fixed by general law.

**SECTION 15.** 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 16.** This act shall not have effect unless it is approved by a two-thirds (2/3) majority vote of the Anderson County Board of Commissioners. Its approval or non-approval shall be proclaimed by the presiding officer of the Anderson County Board of Commissioners and certified by him to the Secretary of State.

**SECTION 17.** For the purposes 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 September 1, 2002, if approved as provided in Section 16.

Passed: March 18, 2002.

## Teachers

### Private Acts of 1941 Chapter 465

**SECTION 1.** That in all Counties in the State of Tennessee having a population of not less than 26,495 and not more than 26,520, according to the Federal Census of 1940, the Superintendent of Schools, Assistant Superintendent, Departmental Heads, Supervisors, Visiting Teachers, Principals, clerks employed in the office of the Department of Education, Attendance Officers, Librarians and Janitors employed in the Public Schools of said Counties shall have definite tenures of office as hereinafter provided.

**SECTION 2.** That all teachers employed for the purpose of instruction of students who are employed by the school authorities of said Counties shall meet the certification requirements as provided by the State Department of Education.

**SECTION 3.** That there shall be a probationary period of three years during which probationary period any teacher employed on annual contract at the same place shall not be transferred or changed to a teacher's position in any other school, unless the change or transfer be made by the Board of Education and County Superintendent for some definite reason.

**SECTION 4.** That, following the probationary period above provided for, if any teacher be re-employed for the fourth year, such teacher shall be deemed to hold a permanent certificate for the grade or subject taught, and such teacher shall be on indefinite tenure and shall not be demoted or dismissed except for incompetency, immorality, or willful and persistent refusal to obey any reasonable rule or regulation of the Board of Education and Superintendent of Schools. If such teacher does not hold a permanent certificate he shall have indefinite tenure upon receiving such certificate; provided, that such teacher or teachers who does not, or do not, hold a permanent certificate or certificates, shall be eligible under this Act, if such teacher or teachers meet the State requirements as to certification; and, provided further, that the

Superintendent of Schools shall have the right to suspend any teacher pending hearing of charges of immorality.

**SECTION 5.** That any teacher may be dismissed without cause if the position which the teacher holds is eliminated or abolished and there be no vacancy for which he or she is qualified. In the event of the elimination or abolishment of any such position the teacher of the least length of service in such position shall be first eliminated, and any teacher so eliminated shall have first claim to any vacancy for which he or she is qualified.

**SECTION 6.** That before dismissal for incompetency the teacher shall be given a warning with specific statements in writing of the defect or defects, which may be cause for dismissal for incompetency, and if such teacher fails to make satisfactory improvement in the matters involved in such warning, the Superintendent of Schools may give the teacher a notice of dismissal as provided in Section 7; provided, however, that at least thirty days shall have expired between the date of the warning and notice of dismissal.

**SECTION 7.** That such teacher shall receive at least thirty days' notice of any dismissal, which notice shall contain a specific statement of the grounds of dismissal, and conversely a teacher shall give thirty days' notice of intention to relinquish or resign from his or her position. If the teacher fails to give the said thirty days' notice, he or she may, in the discretion of the Superintendent of Schools, be subjected to a penalty in the sum which bears the same ratio to the monthly salary of said teacher as the number of days for which said notice was not given bears to thirty days, and said penalty may be deducted from any unpaid salary due or owing to such teacher, or the recovery of said penalty may be enforced by action at law.

**SECTION 8.** That upon the written request of any teacher who has been given notice of dismissal, such teacher may demand and shall be given a public hearing upon the charges alleged as cause for dismissal, unless private hearing is agreed to by such teacher and the party bringing such charges, which hearing shall be held by the Board of Education of the school system involved, or by the Board of Commissioners or other employing agency, if there be no Board of Education, which hearing shall not be sooner than the sixteenth nor later than the thirtieth day of the thirty-day period following the giving of the notice of dismissal; provided, that such teacher shall make such demand for such hearing on or before the fifteenth day of the thirty-day period following such notice of dismissal.

**SECTION 9.** That at such hearing the teacher notified of his or her dismissal shall be entitled to be represented by counsel and may obtain subpoenas for the production of witnesses and records, and the Board of Education of the School System involved, or the Board of Commissioners, or the other employing agency, shall have power to issue subpoenas for the production of witnesses and records pertaining to the matters involved in the charges of dismissal.

**SECTION 10.** That any such teacher, after hearing, as provided hereinbefore, shall have the right to have the action of the Board of Education, Board of Commissioners, or other employing agency, reviewed by an appellate court of appropriate jurisdiction by filing a petition for a writ of certiorari. Such petition shall be addressed to the Judge of the Circuit Court of the County wherein such teacher was employed, and said petition shall be verified.

**SECTION 11.** That, in the event the dismissal of any such teacher be not sustained, such teacher shall be entitled to and shall receive his or her regular pay, notwithstanding the fact that such teacher may have been suspended during the hearing or hearings above provided for.

**SECTION 12.** That the word "teacher" shall be defined to include Teacher, Principals, Clerks employed in the office of the Department of Education, Departmental Heads, Supervisors, Visiting Teachers, Attendance Officers, Librarians and Janitors of Public, Elementary and High Schools of the County School Systems of the State of Tennessee to which this Act is applicable. A teacher on indefinite tenure who becomes a Superintendent of Schools of the system in which he has indefinite tenure shall not relinquish his tenure status, but the time served as such Superintendent of Schools may be used to determine his or her tenure status.

**SECTION 13.** That any teacher who has been employed for three or more years in his or her present school system, and who is otherwise qualified by law, shall be deemed to be on indefinite tenure. Any teacher now employed who has not served three or more years and who is otherwise qualified by law shall be deemed to be on indefinite tenure upon re-employment for a fourth year.

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

Passed: February 14, 1941.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Anderson 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, set up a district board of education and a board of advisors in every county in the state while abolishing all the boards of district directors then in existence. The quarterly court was directed to divide each county into five school districts, composed of whole civil districts from each of which one member of the board of education would be elected. If there were fewer than five districts, the members would run at large in the county. Qualifications were prescribed for the members and provisions incorporated for filling vacancies. The duties of the chairman, the secretary and the other members of the board were all specified in the act. The superintendent was to serve as ex-officio secretary to the board. Each board member would receive no less than \$1.50 and no more than \$3.00 per day for their services. A three member advisory board must be elected by the people in each school district to serve two year terms, and their duties were specifically pronounced in the law. This act was not applicable to city schools nor to the counties which exempted themselves in Section 17. Anderson County was not numbered among those not bound by the act. This act was a portion of the law considered in Whitthorne v. Turner, 155 Tenn. 303, 293 S.W.147 (1927).
2. Private Acts of 1915, Chapter 314, was the legal authority for the board of education in Anderson County (identified by the use of the 1910 Federal Census) to condemn land as they deemed necessary for the erection of public school buildings and for the establishment of playgrounds, and for other educational purposes which authority was to be in addition to all other powers of eminent domain heretofore conferred upon or acquired by them. Rules of procedure for the hearings, trials, and appeals were incorporated in and specifically pointed out by this law, all of which must be strictly observed throughout.
3. Private Acts of 1915, Chapter 576, amended Acts of 1907, Chapter 236, Section 12, by adding a provision applicable to Anderson County that each member of the board of education would receive \$100 annually as full compensation for services rendered.
4. Private Acts of 1933, Chapter 390, created and described seven school districts in Anderson County which were composed of whole civil districts. The resident voters would elect a member of the county board of education from each of the seven districts who would take office on September 1, 1934, and serve terms of two years each. Members of the board were to be paid \$2.00 for each day of attendance up to ten days per calendar year and the superintendent of schools who was designated as secretary to the board would be paid \$3.00 per day, all to be paid out of the elementary school funds of the county.
5. Private Acts of 1939, Chapter 375, established a five member county board of education for Anderson County elected by the quarterly county court at the April term of 1939 and each four years thereafter. One member was required to be from each incorporated town where the county high school was located and the others were elected at large. The chairman of the county board of education and the superintendent of public schools constituted the executive committee of the board. Members of the board received \$3.00 per day for their services when meeting.
6. Private Acts of 1967, Chapter 154, amended Private Acts of 1939, Chapter 375, to expand the county board of education from five to seven members. The time for election of the board members by the quarterly county court was changed from April to July session.
7. Private Acts of 1969, Chapter 152, provided that the members of the board of education in Anderson County would be elected by popular vote, two to be elected in the county general election in 1970, two in 1972, two in 1974, and one in 1976. Present members of the board would continue in office until their successors were elected for a term of six years. The areas from which each member was to be elected were stipulated in the act. This act was subject to approval in a referendum. This act was repealed specifically by Private Acts of 1978, Chapter 272.
8. Private Acts of 1972, Chapter 268, also provided for the popular election of the members of the Anderson County Board of Education, four of whom would be elected at the general county election in 1972, three at the election in 1974, and one member would be elected at the general election in 1976, with all present members continuing in office until their successors were elected, all for four year terms. The magisterial districts from which the board members could be elected were specified in the act. This act was repealed specifically by Private Acts of 1978, Chapter 272.
9. Private Acts of 1978, Chapter 272, provided for the at large election of seven members of the Anderson County Board of Education by popular vote, but the members were required to reside in districts described in the act. Three members were to be elected in August 1978 and four members in August 1980. This act was repealed by Private Acts of 1988, Chapter 209.
10. Private Acts of 1982, Chapter 283, would have repealed Private Acts of 1978, Chapter 272, and

established a five member board of education elected from school districts delineated by the county commission. This act, according to our information, was rejected by the Anderson County Legislative Body on April 19, 1982, and consequently never became an effective law.

11. Private Acts of 1988, Chapter 209, repealed Private Acts of 1978, Chapter 272 and established a nine member board of education in Anderson County. Members were popularly elected from districts established by the county legislative body. This act was repealed by Private Acts of 2002, Chapter 101.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Anderson 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 1806, Chapter 8, incorporated as a body corporate and politic, Arthur Crozier, Benjamin J.C. Parker, Jesse Roysden, Hugh Barton, and Samuel Frost, who were to be known as the trustees of Union Academy located in Anderson County.
2. Acts of 1807, Chapter 56, named John McWhorter as an additional trustee for Union Academy in Anderson County since Samuel Frost, nominated as a member of the original board of trustees had refused to serve in that capacity.
3. Acts of 1809, Chapter 106, named additional trustees for several academies located throughout the state, including Union Academy in Anderson County to whose board of trustees Quinn Morton and Joseph Hart were added.
4. Acts of 1813, Chapter 40, appointed Arthur Crozier, John Lieb, John McAdoo, Quinn Morton, John Underwood, John Parks, Charles Y. Oliver, and Robert Dew, as trustees of a lottery which was formed to raise a sum through a scheme which the trustees would adopt. The sum raised was not to exceed \$2,000 all of which would be used for the benefit of Union Academy. The trustees must make bond in double the amount mentioned to insure the payment of prize money and must conduct the lottery under all approved rules and regulations.
5. Private Acts of 1823, Chapter 276, named John Gibbs, John Sutherland, John McAdoo, and Charles Y. Oliver as additional trustees to serve on the board of Union Academy in Anderson County. The new trustees were given all the powers and authority possessed by the existing trustees.
6. Private Acts of 1827, Chapter 38, appointed John Whitson, Lewis Miller, Whithner Cox, and David Wallace, as trustees for Houston Academy in Anderson County.
7. Acts of 1847-48, Chapter 25, incorporated the board of trustees of Clinton Seminary in Clinton, Anderson County, Tennessee, naming John Jarnigan, W.W. Walker, R.E. Cummings, William Neil, R. Miller, John McAdoo, and William C. Griffith, as the first board of trustees, granting to them those specific powers essential to the operation and management of the school. Provisions were also made to fill vacancies within the ranks of the trustees and to discipline students when, and if, the need arose to do so.
8. Acts of 1851-52, Chapter 362, Section 7, stated that, after the first Monday in April next, the persons named below were to constitute the board of trustees for Union Academy in Anderson County, serving on a permanent basis, and were not subject to the biennial election by the quarterly county court as in the past. The act named John McAdoo, Austin Moore, John C. Chiles, Milton Tate, John Whitson, William Cross, John Lienart, William Wallace, James H. Young, and W.G. McAdoo, as the permanent board. The board was required to select three of their own number who resided near Clinton to supervise the academy.
9. Private Acts of 1867-68, Chapter 12, named J.A.G. Brown, John Lienart, James A. Doughty, Henry Holloway, George W. Leath, John A. Hicks, and Alfred Duncan, as a board of trustees for Union Academy in Clinton who were supposed to organize themselves at their first meeting on the first Monday in December, 1867. The act included the regular restrictions and rules normally contained in legislation of this type.
10. Private Acts of 1867-68, Chapter 68, incorporated John C. Tate, Calvin Kirkpatrick, Henderson Whitson, Peter Butler, and Samuel Cross, as the first board of trustees for the "First Colored Institute of Anderson County", located in the city of Clinton. The board would hold the title to the lands and the buildings in the name of the Institute which could be used for both educational and religious purposes. All the organizational details and the responsibilities of each corporate officer were spelled out in the act.

11. Private Acts of 1868-69, Chapter 65, Section 3, authorized and directed the trustees of Union Academy in Anderson County to expend the fund now resting in their hands, or so much thereof as might be necessary, to build an academy, or building, suitable for a high school in or near the city of Clinton, and to sell the present lot and purchase another, in they so desired and if such were in the best interests of the academy.
12. Private Acts of 1869-70, Chapter 35, expressly repealed Acts of 1867-68, Chapter 12 and Acts of 1851-52, Chapter 362, Item 8, above, although neither act was referred to by chapter number. Both acts involved trustees of Union Academy.
13. Private Acts of 1899, Chapter 180, formed a school district in Anderson and Roane counties near Oliver Springs which included the land described in the act. All the remaining terms and conditions of the act were similar to others creating school districts which have been mentioned in the section herein on that subject. This act was superseded by a later one.
14. Acts of 1909, Chapter 206, was a compulsory attendance law for Anderson County which required every parent of a child between the ages of 8 and 14 to send the child to school at least 16 weeks each year if school were in session that long, or for the entire session if the same did not last that long, unless the child were excused, or came within the exceptions specified in the act. Parents who failed to comply with the terms of this act, could be fined \$1.00 for each week of non-attendance by their child. No one was permitted to employ a school child during the school year which act would be contrary to this law, at a penalty of \$2.50 per day for each day the child might have worked. The clerks must enter the names of children and the school attended, while the teachers and school principals were also required to furnish certain attendance records.
15. Private Acts of 1911, Chapter 108, was the next compulsory school attendance law for Anderson County, which did not expressly repeal Private Acts of 1909, Chapter 206, but superseded it in all respects. The time of the compulsory attendance period was at least five months or 100 consecutive days unless the child were excused or came within the exceptions stipulated in the act. The requirement for records to be kept by various people and the penalties established for non-compliance with the terms of this law were similar to those mentioned above. The district attorney was directed to prosecute vigorously any cases arising hereunder.
16. Private Acts of 1917, Chapter 756, amended Acts of 1907, Chapter 236, a general school law of the state, in Section 4, to the effect that voters residing in an incorporated city and operating a municipal school system located entirely within one county were ineligible to vote in any election held for the purpose of electing members of the county board of education in that county. A special ballot would be prepared if the election came on the same day the other county officials were elected. This act applied only to Anderson County.
17. Private Acts of 1923, Chapter 653, abolished the office of attendance officer in the school system of Anderson County and stated that the compulsory school attendance laws would be enforced by the county superintendent of public instruction with the sheriff and constables executing all the warrants issued under the attendance law, for which they would receive the normal fees.
18. Private Acts of 1927, Chapter 804, provided that old disabled teachers of the State of Tennessee who have taught in the state for a period of 30 years continuously, or more, who were disabled to continue the practice of teaching any longer, and who were unable to pursue any other gainful employment and were wholly dependent on their own labor would receive a pension of \$50 per month from the state. This act would apply to teachers in any grade of a state supported school.
19. Private Acts of 1933, Chapter 223, abolished the position of attendance officer, or truant officer, in Anderson County and the board of education of the county would not hereafter select any person to serve as attendance officers.
20. Private Acts of 1939, Chapter 165, created the compulsory attendance law for Anderson County as the same was provided under the 1932 Code of general statutes of the state.
21. Private Acts of 1939, Chapter 225, authorized and required Anderson County to establish and maintain high schools in the county which have less than 50 pupils in daily attendance.
22. Private Acts of 1941, Chapter 324, provided that, in Anderson County (identified by the use of the 1940 Federal Census figures), whenever any school warrant, either high school or elementary, had been duly registered with the county trustee and stamped by him showing the date of registration, the said warrants would bear interest from that date, payable on demand, and in the order of the registration. It was made the duty of the trustee to pay both principal and interest until sufficient funds from other sources were available to pay them.
23. Private Acts of 1945, Chapter 591, recited in its preamble that some warrants issued to teachers in 1932 and 1933 were still outstanding but the quarterly court of Anderson County had refused

to honor them because the statute of limitations would not be accepted as a defense against their payments. The act further stipulated three different county funds from which payments could be legally paid. If the quarterly court still refused to pay, suit was authorized to be filed in chancery court.

24. Private Acts of 1951, Chapter 412, provided for a salary increase of \$25 per month for each teacher and principal in the Anderson County School system for a period of ten months each year. The increase would be in addition to all other salary and payment supplements now being received by these employees. The act did not apply to teachers in Oak Ridge who were on the federal payroll, nor to those on leaves of absence for military service until their return to their jobs.

### **School Districts**

The private acts listed below concerned the early efforts to improve the quality, control, and management of the local school systems in Anderson, and other counties, by the creation of special independent school districts.

1. Public Acts of 1901, Chapter 236, formed a special school district out of the portions of Anderson and Union counties as the area was specifically described in the act. The proper officials were directed to hold an election in the area on the fourth Saturday in May 1901, and every two years thereafter, to select the school directors of the district, who would serve without compensation. The clerk must furnish the county superintendent with a scholastic count of the area and anyone holding a certificate of qualification from either county would be eligible for employment.
2. Acts of 1903, Chapter 451, formed an independent school district from parts of Roane and Anderson counties, as the same was generally described in Section 1 which was named the East Fork School District. An election for the school directors was scheduled for the fourth Saturday in May, 1903, and each two years thereafter, all of whom would operate under the general laws of the state. The clerk of the district was directed to furnish the superintendents of both counties with the number of children of school age in both counties who would transmit the same to the county trustee for use in fund distribution quotas. Anyone holding a certificate of qualification in either county was eligible for employment. All general school laws not in conflict would apply to this district.
3. Acts of 1905, Chapter 285, created a school district in Anderson County embracing the area described in the act which seemed to be located in the third civil district of the county. The superintendent was granted the authority to appoint three school directors to serve until their successors could be elected at the next general county election. The clerk was required to make a scholastic count and advise the superintendent. The directors would manage the school districts and serve without compensation.
4. Acts of 1909, Chapter 142, created the "Oliver Springs Independent School District" which contained the parts of Anderson and Roane counties described in the act in the vicinity of Oliver Springs. Election commission of Roane County must hold an election on the first Saturday in September 1910 and every two years after, for three school directors who would serve terms of two years, and the superintendent of public instruction would appoint three directors to hold office until that time. The directors would run the district having full power and control over school affairs.
5. Private Acts of 1913 (Ex. Sess.), Chapter 33, amended the act creating the Oliver Springs Independent School District in Anderson and Roane counties so as to direct the election commission of Roane County to hold an election in Oliver Springs on the first Tuesday in May, 1914, and every two years thereafter, at which time the voters would elect three school directors for the district.
6. Private Acts of 1917, Chapter 774, amended Private Acts of 1909, Chapter 142, above, in Section 1 and other appropriate sections, by removing Anderson County from the description of the area embraced by the district and the act was further amended to make possession of a certificate of qualification from the state as a condition of employment.

## **Chapter VII - Elections**

No current Private Acts in force.

## **Elections - Historical Notes**

### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Anderson County, but are no longer operative regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1835-36, Chapter 1, required the general assembly of the state to appoint suitable persons in each county to lay off the civil districts of the county in accordance with the population count of 1833, and the newly adopted state constitution. Each county having 3,000, or more, qualified voters would have at least 25 districts; between 2,500 and 3,000 voters required 20 civil districts, proceeding gradually down the population scale. Each civil district would elect two justices of the peace and two constables. The commissioners were obligated to utilize all the natural geographical features in their work of dividing the county. Resolution #3, which accomplished the above for all the counties named James H. Nichols, Samuel C. Young, Joseph C. Moore, William Brummett, and John Garner, as commissioners for Anderson County.
2. Acts of 1855-56, Chapter 137, Section 2, was the legal authority for the county court of Anderson County to lay off a civil district in the said county out of a fraction of the first and a portion of the eleventh civil district, either by appointing commissioners, or by any other method suitable to them. The said district, once laid off, would be entitled to all privileges of other districts and would be treated as such.
3. Public Acts of 1865-66, Chapter 8, established the seventeenth judicial circuit of Tennessee. The circuit court of Anderson County was held in Clinton on the second Mondays in March, July and November.
4. Private Acts of 1947, Chapter 468, abolished fourteen civil districts in Anderson County and created four civil districts in their places. The justices of the peace were abolished in the old districts. The first civil district would contain the old fourth and sixth civil districts; the second civil district had the old fifth, tenth, twelfth, thirteenth, and fourteenth civil districts; the third civil district was composed of the old first, second, third and eleventh civil districts; and the fourth civil district included the old seventh, eighth, and ninth civil districts. The act named James S. Holt, J.D. Yarnell, and Albert Taylor, as justices for the new first civil district; R. C. Lienert and Phil C. Mason as justices for the second civil district; R.B. Wallace and Owen Davis as justices in the third district; and Woodrow Wilson Stuart and M.F. McDermott for the fourth civil district. This act was repealed by the one following.
5. Private Acts of 1947, Chapter 817, repealed Private Acts of 1947, Chapter 468, above, and abolished the four civil districts created therein. This act formed five civil districts which were made up of former civil districts which were listed by number in the act. This act named the same people as magistrates mentioned in the act above, adding Garvin Walls and J. K. Arthur as justices for the fifth district. The remainder of this act coincided with the language of the preceding act.
6. Private Acts of 1951, Chapter 458, created a new sixth civil district for Anderson County and changed the boundaries of the fifth civil district by amending Private Acts of 1947, Chapter 817, above in Section 2. The fifth civil district was now composed of a part of the old fifth district and a portion of the fourth civil districts. The sixth civil district herein coincided exactly with the boundaries of the old tenth civil district. Oscar Robertson and A.B. Stott were appointed as justices of the peace for the sixth district to serve until their successor could be elected by popular vote in the next general election.
7. Private Acts of 1959, Chapter 1, amended Private Acts of 1947, Chapter 817, so as to increase the number of civil districts in Anderson County from six to eight by changing the fourth district and adding new seventh and eighth districts, all of which were described by a metes and bounds description. This act provided for the election of two justices of the peace and one constable in each of the two districts which would be held on May 1, 1959.
8. Private Acts of 1965, Chapter 186, abolished the then existing eight civil districts of Anderson County and created instead two civil districts. The first district embraced all of the territory outside of the corporate limits of the City of Oak Ridge. The second district included all of the territory within the city limits of Oak Ridge on the effective date of the act. This act stated that justices of the peace would be elected in accordance with general law and in addition to the number provided by general law, the City of Oak Ridge would elect two additional justices of the peace. This act was made subject to referendum approval.

### **Elections**

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

1. Acts of 1803, Chapter 24, divided Tennessee into five presidential electoral districts, designating the counties of Knox, Sevier, Blount, Roane, and Anderson as the third district. The election would take place on the first Thursday and Friday in November, 1804, with the vote being canvassed and certified in Knoxville on the following Monday.
2. Acts of 1803, Chapter 51, recited that, because of the mountainous terrain and large boundaries of the counties of Claiborne and Anderson, it was a great inconvenience for residents living north of the Clinch River to attend at the courthouse in Claiborne County, therefore, it would hereafter be lawful for that portion of Claiborne County and all that part of Anderson County which formerly belonged to Grainger County to hold an election in the house where Charles Dever now lived in Powell's Valley for all national, state, and county elections.
3. Acts of 1805, Chapter 64, established the number of senators at thirteen and the number of representatives in the general assembly of the state at twenty-six until the next enumeration of the people. Anderson County and Roane County together would elect one senator and count the votes at Burrville. The two counties would likewise share one representative counting the votes at the same place.
4. Acts of 1807, Chapter 18, directed that the district of Roane County and Anderson County for the election of a state senator and representative would hereafter have the vote compared at Kingston in Roane County instead of at Burrville in Anderson County. The sheriffs of the respective counties would govern themselves accordingly.
5. Acts of 1807, Chapter 74, formed five presidential electoral districts in the state. The third district included the counties of Knox, Blount, Anderson, Roane, Rhea, Bledsoe, and the part of Campbell County which was formerly a part of Anderson County and elect one elector. All polls would be counted and certified at Knoxville.
6. Acts of 1812, Chapter 5, established eight presidential electoral districts across the state assigning the counties of Knox, Blount, Roane, Campbell, and Anderson to the third district which would elect one presidential elector. All votes would be counted at Knoxville.
7. Acts of 1812, Chapter 27, set up six U. S. Congressional Districts across the state. The third district was made up on the counties of Anderson, Campbell, Roane, Rhea, Bledsoe, Overton, White, Warren, and Franklin.
8. Acts of 1812, Chapter 57, apportioned the representation of the general assembly into twenty senators and forty representatives. The counties of Roane, Rhea, Anderson, and Bledsoe would jointly elect one senator, counting the polls at Kingston. All counties in the state would elect one representative alone except those named where more than one would be elected among which Anderson County was not numbered.
9. Acts of 1813, Chapter 3, made it the duty of the sheriff, or his deputy, to open and hold a separate election at the house of Jacob Weaver, who lived in the Big Valley, at the same time as other elections were held. It was lawful for anyone residing in the upper battalion area above a line running west from the plantations of John Miller, Powell Herman, and James Leach, to vote at Clinton at the courthouse. Election returns would be made to the sheriff at Clinton as the other returns were.
10. Acts of 1815, Chapter 140, obligated the sheriff, or his deputy, to hold a separate election at the home of Timothy Sexton on the waters of the New River at the same time as all other elections were held. Further, it would be lawful for all people residing northwest of the Cumberland Mountain in Anderson County to vote here. All courts martial and militia elections would accordingly be held here likewise.
11. Acts of 1817, Chapter 92, required the sheriff, or deputy, of Anderson County to open and hold a separate election in the county at the home of Douglas Oliver at the same time and under the same rules and regulations as other elections. All those who were qualified to vote could vote here, or at the courthouse in the county seat for the purpose of electing a governor, members of congress, electors to elect a president and vice-president.
12. Public Acts of 1819, Chapter 69, provided for the representation in the general assembly still composed of twenty senators and forty representatives. Anderson County would elect one representative alone, and would join the counties of Roane, Morgan, Rhea, Bledsoe, Marion, Hamilton, and McMinn to elect a senator, all polls being sent to Kingston in Roane County.
13. Public Acts of 1822, Chapter 1, established eight congressional districts in the state of Tennessee. The third congressional district contained the counties of Campbell, Anderson, Morgan, Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn and Monroe.
14. Public Acts of 1823, Chapter 47, formed eleven presidential electoral districts in Tennessee and



- places the counties of Blount, Knox, Anderson, Morgan, and Roane in the third district and would elect one elector. The election would occur on the first Thursday in October, 1824, with all polls being compared at Knoxville.
15. Private Acts of 1824 (2nd Sess.), Chapter 1, was a duplication of Acts of 1823, Chapter 47, above, except that the election would be on the first Thursday and Friday in November, 1824.
  16. Public Acts of 1826, Chapter 3, was the next general apportionment of representation in the state legislature. Knox and Anderson counties would join together to elect both one state senator and one representative counting the polls in each case at Knoxville.
  17. Public Acts of 1827, Chapter 17, provided for eleven presidential electoral districts in Tennessee of which the third district comprised the counties of Blount, Knox, Anderson, Morgan, and Roane. The election would be held on the second Thursday and Friday in November, 1828, counting all polls at Knoxville.
  18. Private Acts of 1831, Chapter 57, among many other things, also established a separate election precinct at the house of Captain Anderson's muster ground in Anderson County at which one could vote in all authorized elections.
  19. Public Acts of 1832, Chapter 4, organized the state into thirteen congressional districts assigning the counties of Anderson, Knox, Sevier, Blount, and Monroe to the third congressional district.
  20. Public Acts of 1832, Chapter 9, prescribed the mode of choosing electors to vote for president and vice president of the United States. The state was divided into fifteen electoral districts. The counties of Knox, Anderson, Campbell, Morgan and Roane composed the fourth electoral district.
  21. Public Acts of 1833, Chapter 71, divided Tennessee into twenty senatorial and forty representative districts for the general assembly. One senatorial district was made up of the counties of Knox, Anderson, Campbell, and Morgan whose polls would be counted at Clinton. Campbell, Morgan and Anderson counties combined to elect one representative to the general assembly.
  22. Public Acts of 1833, Chapter 76, provided for the calling of a state convention for the purpose of amending the state constitution. The counties of Anderson, and Morgan composed one district and elected one delegate.
  23. Public Acts of 1835-36, Chapter 39, allotted the counties of Knox, Campbell, Anderson, Morgan, and Roane to the fourth district of the fifteen presidential electoral districts provided in the act.
  24. Acts of 1842, Chapter 1, organized the state general assembly into twenty-five senatorial and fifty representative districts. One senatorial district contained the counties of Campbell, Anderson, Roane, and Morgan, all of whose polls would be compared at Clinton in Anderson County. The counties of Campbell and Anderson elected one representative and the polls were compared at Jacksboro in Campbell County.
  25. Acts of 1842, Chapter 7, set up eleven congressional districts of which the second district included the counties of Jefferson, Grainger, Claiborne, Campbell, Anderson, Morgan, Sevier, Blount, and Monroe.
  26. Acts of 1845-46, Chapter 144, stated that in the election for state representative for Campbell County and Anderson County the polls would hereafter be compared at Jacksborough in Campbell county on the Saturday next following the election instead of on Monday as had been previously been the case. The act also changed the time of comparing the polls from the next Saturday after the election to the next Monday after.
  27. Acts of 1849-50, Chapter 234, changed the location for comparing the polls cast in the representative district composed of Anderson and Campbell counties back to Clinton instead of at Jacksborough.
  28. Acts of 1851-52, Chapter 196, separated Tennessee into ten congressional districts. The second congressional district was made up of the counties of Grainger, Claiborne, Campbell, Scott, Anderson, Knox, Morgan, Fentress, and Overton.
  29. Acts of 1851-52, Chapter 197, organized the representation in the general assembly of the state. Anderson County and Campbell County would jointly elect one representative, counting the votes at Rossville, and one senatorial district contained the counties of Claiborne, Grainger, Anderson, and Campbell.
  30. Public Acts of 1865, Chapter 34, was a post Civil War act which formed eight congressional districts in Tennessee. The second district included the counties of Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Monroe, Polk, McMinn, Bradley, and Roane.
  31. Public Acts of 1867-68, Chapter 5, provided that the place heretofore designated to compare the

- vote in the fourth senatorial district, composed of the counties of Grainger, Claiborne, Campbell, Anderson, and Union, would be changed from the Sharp's Mill to Maynardsville in Union County.
32. Public Acts of 1871, Chapter 146, was enacted subsequent to the 1870 census and Constitutional Convention. The representation of twenty-five senators and fifty representatives was retained for the general assembly. Knox and Anderson counties would elect one representative jointly and the fourth senatorial district was composed of the counties of Union, Grainger, Anderson, and Knox.
  33. Acts of 1872, Called Session, Chapter 7, increased the number of congressional districts in the state to nine. The second district comprised the counties of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon, and Clay.
  34. Public Acts of 1873, Chapter 27, added a tenth congressional district to the state. This alignment allocated the counties of Jefferson, Sevier, Blount, Monroe, Loudon, Roane, Knox, Anderson, Campbell, Scott, Morgan, and Union to the second congressional district.
  35. Public Acts of 1881 (Ex. Sess.), Chapter 5, permanently divided the general assembly into thirty-three senators and ninety-nine representatives as it now stands.
  36. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the representation of the general assembly according to the numerical values adopted above. The counties of Anderson and Morgan would jointly elect one representative and the counties of Knox and Anderson constituted the fifth state senatorial district.
  37. Public Acts of 1882 (2nd Ex. Sess.), Chapter 27, reorganized the ten congressional districts in Tennessee. The second district now contained the counties of Union, Sevier, Blount, Knox, Loudon, Roane, Anderson, Morgan, Campbell, and Scott.
  38. Public Acts of 1891, Chapter 131, rearranged the ten congressional districts according to the 1890 Federal Census Count. The counties of Jefferson, Union, Sevier, Blount, Knox, Loudon, Roane, Anderson, Morgan, Campbell, and Scott constituted the second congressional district.
  39. Acts of 1891 (Ex. Sess.), Chapter 10, reapportioned the general assembly based on the 1890 Federal Census. The sixth senatorial district included the counties of Anderson, Meigs, Loudon, Blount, and Roane. Anderson, Scott, and Morgan counties would jointly elect one representative.
  40. Public Acts of 1901, Chapter 109, reorganized the counties in the ten congressional districts in accordance with the 1900 Federal Census enumeration. The second congressional district contained the counties of Hamblen, Jefferson, Knox, Blount, Loudon, Roane, Scott, Anderson, Campbell, and Union.
  41. Public Acts of 1901, Chapter 122, would be the last act of apportionment for the general assembly for the next sixty odd years even though the state constitution required it to be done every ten years. The seventh senatorial district had in it the counties of Anderson, Roane, McMinn, Bradley, and James. Anderson County and Morgan County would share one representative.
  42. Private Acts of 1911, Chapter 597, declared that no registration of voters would be had in Anderson County (identified by the 1910 Federal Census figures) and, therefore, registration would not be a prerequisite to voting.
  43. Private Acts of 1937, Chapter 180, stated that, in Anderson County, the officers, judges, clerks, and registrars of any general, or called, election would each be paid \$2.00 per day out of the general county fund as now provided by law. This act would also be applicable to primary elections.
  44. Private Acts of 1941, Chapter 346, declared that in order to provide a more convenient voting place in the community in Devonia, or Buffalo, and Moore's Camp, all located in the tenth civil district of Anderson County, hereafter all the voters in the Devonia and Buffalo areas would vote at Moore's Camp. The officers of the election were instructed to select a suitable building in Moore's Camp in which to hold the election. There was no intention to create a new precinct in addition to all the others, only to change the voting place so as to promote the convenience of the electorate.
  45. Private Acts of 1947, Chapter 398, recited in its preamble that Anderson County had become the site of atomic developments which had brought about increases in population around the area of Oak Ridge, therefore the hours of holding elections in all general, special, primary, and called elections in the fourth civil district of the county would be from 9:00 a.m. until 7:00 p.m. instead of from 9:00 a.m. until 4:00 p.m.
  46. Private Acts of 1947, Chapter 399, provided that the voting precincts in Anderson County which were designated and established by the quarterly court at the January, 1947, term would continue

as the voting precincts until after the general state election in 1948. The quarterly court could create added voting precincts if so desired but was prohibited from abolishing any precincts which were included above.

47. Private Acts of 1947, Chapter 414, stated that in Anderson County each voter, in addition to other regulations required by law, must be registered as a voter before being allowed to exercise the elective franchise in any election held in any civil district, ward, and precinct of the county. The registration would be in the manner prescribed by the general law of the State effective April 1, 1948.
48. Private Acts of 1947, Chapter 656, fixed the compensation of all election officials in Anderson County at \$2.50 per day payable on the warrant of the county judge, or finance officer. It was made a misdemeanor for any election official to be appointed and not serve.
49. Private Acts of 1951, Chapter 487, provided that in all the precincts in Anderson County where voting machines were to be used for the purpose of voting would open at 9:00 a.m. and close at 7:00 p.m. standard time.
50. Private Acts of 1951, Chapter 568, recited in the preamble that voter registration was held in the fourth civil district of Anderson County in the belief that the district had more than 2500 in population, which would bring it under the provisions of Public Acts of 1949, Chapter 172, which registration was legal in all respects except being unauthorized by law. This act validated and legalized the said registration held in the fourth civil district of Anderson County to the same extent as if it had been done under properly constituted authority.

## Chapter VIII - Health

No current Private Acts in force.

### Health - Historical Notes

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

1. Private Acts of 1933, Chapter 578, the act provided that in Anderson County ( identified by the 1930 Federal Census Count) C. J. Watts, of Coal Creek, Tennessee, had the legal authority hereunder to practice pharmacy in the county under the same rules and regulations as were applied to any other registered pharmacist.
2. Private Acts of 1947, Chapter 415, abolished the office of county physician in Anderson county and authorized the sheriff to call upon any physician in the county to attend to the medical needs of prisoners and to pay them the stipulated fee established by the act.

## Chapter IX - Highways and Roads

### Railroad Crossings

#### Private Acts of 1967-68 Chapter 199

**SECTION 1.** The commissioner of highways is authorized to designate which grade crossings of any railroad or interurban railway in any county of this state having a population of not less than 60,000 nor more than 60,100 according to the U.S. Census of Population of 1960, or any subsequent U.S. Census of Population, shall be protected by crossing signals and to determine whether or not the crossing meets eligibility requirements for participation in federal funds for railroad crossing protection. If any such crossing is found to be eligible for federal participation in crossing protection, the commissioner shall request federal funds for the erection of appropriate signaling devices at the crossing and if such funds are secured the costs of such installation shall be borne according to the rules and regulations of the U.S. Bureau of Public Roads. If federal participation in the crossing protection cannot be obtained, the state shall pay one-third (1/3) of the costs, the county (or city, if the crossing is inside the corporate boundaries of a municipality) shall be required to pay one-third (1/3), and the railroad company or companies shall be required to pay one-third (1/3).

As amended by: Private Acts of 1969, Chapter 116

**SECTION 2.** This Act shall have no effect unless it is approved by a three-fourths (3/4) vote of the

quarterly county court of Anderson County at or before the next regular meeting of the court occurring more than thirty (30) days after its approval by the governor. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the secretary of state.

**SECTION 3.** This Act shall take effect for the purpose of ratifying it as provided in Section 2, upon its passage, the public welfare requiring it.

Passed: May 23, 1967

## Superintendent of Roads

### Private Acts of 1993 Chapter 42

**SECTION 1.** Chapter 232 of the Private Acts of 1963, as amended by Chapters 73 and 132 of the Private Acts of 1973, is hereby repealed.

**SECTION 2.** The Superintendent of roads for Anderson County shall be the chief administrative officer of the county highway department. The qualifications, duties and responsibilities of such superintendent shall be such as are provided by Tennessee Code Annotated, Section 54-7-103.

**SECTION 3.** The incumbent chief administrative officer of the county highway department for Anderson County, Tennessee, shall serve as the Superintendent of roads for Anderson County, Tennessee, until the 1994 General Election. Thereafter, the Superintendent of roads shall be elected every four (4) years by the qualified voters of the county at the August General Election and shall serve a term of four (4) years. The superintendent duly elected shall take office upon September 1, following such election.

**SECTION 4.** Nothing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was elected.

**SECTION 5.** Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of county commissioners for Anderson County, Tennessee. Its approval or nonapproval shall be proclaimed by the presiding officer of the Anderson County Commission and certified to the Secretary of State.

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

Passed: March 24, 1993.

## Highways and Roads - Historical Notes

### Superintendent of Roads

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

1. Acts of 1847-48, Chapter 106, incorporated Janes Archer, William Perkins, Ladan Sharp, and William Walker, Jr., all of Campbell county, and James W. Turner, Lewis Miller, and Jacob Loy, all of Anderson county, and their associates, granting them the authority to open establish, and keep in repair a turnpike road of the first class beginning on the Kentucky line in Campbell County near the Lot and running through Big Creek Gap in Campbell County along the best practical route to Lox's Road, in Anderson county. The act also appointed David Sharp and Alfred Ager, of Campbell County, and Alfred Sharp and Pleasant Rogers, of Anderson County, as commissioners to inspect the road. Many specifications and restrictions on construction were contained verbatim in the act.
2. Acts of 1851-52, Chapter 267, appointed James Ross, John Jarnigan, John Whitson, and Milton Tate, all of Anderson county, five citizens from Campbell County, and three more from Knox County to open books and sell stock up to \$200,000 for the construction of a turnpike from Knoxville to the Kentucky line running through Clinton and Jacksborough. The duration of corporate life was 99 years after a certain percentage of the total stock was subscribed.
3. Private Acts of 1868-69, Chapter 47, Section 7, incorporated William A. Kobbie, of New York, George W. Keith, of Morgan County, and David K. Young, of Anderson County, as the Clinton and Montgomery Turnpike Company with a corporate duration of 99 years, and with all corporate powers necessary and incidental to construct, run, and maintain a turnpike from Clinton in Anderson County by way of the Oliver Farm and Winter's Gap to the town of Montgomery in

## Morgan County.

4. Public Acts of 1901, Chapter 136, was a general road law applicable to every county in the State under 70,000 in population according to the 1900 Federal Census. The county court must select one road commissioner who would serve two years from each of the road districts in the county which were declared to be co-extensive with the civil districts of the county. The road commissioner must be sworn to office, bonded, and would be in charge of all roads, bridges, road hands, tools, and materials used in the roads in the district. He would be compensated at the rate of \$1.00 per day for each day's service up to ten days each year. The county court must set the number of days between five and eight which the road hands were compelled to work each year, and fix the price of one day's labor. The county court could levy a special road tax of two cents per \$100 of property valuation for each day the county court required the road hands to labor. The road commissioners would name and supervise the road overseers in their districts who would be in immediate charge of a particular section of road, who would work the same number of compulsory days as any one else but would be paid up to \$6.00 per year for days worked over that number. All males, outside of cities, between the ages of 21 and 45 were subject to compulsory road work. The road commissioners had the authority to open, close, or change roads upon petitions from the citizens to do so and on their own initiative. They must also classify and index the roads in their areas and see that they met the required specifications established by this law.
5. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, with several minor particulars but primarily in the procedures to be followed in acquiring rights of way especially when the exercise of eminent domain was to be used in the process.
6. Acts of 1909, Chapter 133, authorized Anderson County (identified through the 1900 Census) to condemn such land as might be necessary for the construction of roads across the river bottoms and up and down the river banks, and to acquire all the lands which might be necessary around the river banks for the construction and maintenance of free ferries and for licensed ferries, paying actual and incidental damages for all parcels. The power to appropriate the money necessary for this purpose when available and needed was also granted to the county court.
7. Acts of 1909, Chapter 354, was the enabling legislation for the county courts of Anderson and Knox counties to provide for the erection and maintenance of a free ferry over the Clinch River between the two counties, at or near Salway, Tennessee, located on the Cobb farm. Each county was further obligated and directed to pay one-half each for the expenses of the operation of the ferry.
8. Acts of 1909, Chapter 483, allowed the Governor, upon the recommendation of the board of prison commissioners, to grant a right of way over and through the state lands in Morgan and Anderson counties to any railroad which would agree to construct a tunnel through the mountain commencing at or near Petros in Morgan County and running to a point at or near the head of New River in Anderson County, so that the coal lands of this region could be more fully developed and to connect the tunnel by rail to Harriman and the Northeastern Railroad so that the coal could be shipped out. Any grant of the rights of way under the terms of this act would be forfeited unless work had begun within two years thereafter.
9. Private Acts of 1911, Chapter 5, amended Acts of 1909, Chapter 287, a bond issue for roads, so as to authorize and direct the county court of Anderson County, at any quarterly session of the court to use the unexpended balance of the funds appropriated by the amended act for the construction of Road #8 in the program from Carden's Store to the ford at Byram's Fork, and on Road #9 which came up Hickory Valley to Byram's Fork.
10. Private Acts of 1911, Chapter 465, seemed to be the first comprehensive road law for Anderson County. The act created a county road commission composed of A. Taylor, D.A. Wood, and J. A. McKamey, who would hold office until January 1, 1912, at which time the quarterly court would appoint three more commissioners, one each from an area composed of several specified civil districts. Terms of office were two years and the commission would select a chairman and a secretary from their own number. The commissioners were responsible for the roads and bridges in the county, holding regular meetings on the Saturday before the first Monday in each month of which the secretary would keep a record. The commissioners would choose supervisors for various road sections who would be sworn and bonded before assuming their office. The commission must, with the proper supervisor, inspect each road at least once annually, reporting on the status of the same, and they would also supervise the use of all machinery and materials in their areas. The quarterly court was directed to levy a general road tax between 10 cents and 25 cents per \$100 property valuation on all property outside of cities. All males, outside cities, between the ages of 21 and 50 would work five, or more, days, as the court determined, at its January

meeting each year, on the county roads, or pay a commutation fee. All roads were to be classified, and indexed, into four main classes according to their width and surfacing. The commissioners would hear and dispose of all petitions to open, close, or change, roads being granted the power of eminent domain in that connection. Prisoners could be used to work on county roads under certain circumstances. The supervisors would be paid \$40.00 per year, and the commissioners were to receive \$2.00 per day for their services up to 50 days each year. This act was repealed by Private Acts of 1915, Chapter 62.

11. Private Acts of 1913, Chapter 206, amended Private Acts of 1911, Chapter 465, Section 3, so as to require the county road commission to hold meetings on the first Saturday before the last Monday in each month of which the secretary must keep full and sufficient records. Section 4 was changed so that the county road commission would, at its January meeting, select a practical road man, who could not be a member of the county court, to serve as supervisor of each road section for one year, who must be bonded, sworn to office, and subject to penalties for dereliction of the duties of the job. Supervisors must perform road duty as all other men were required to do but would be paid \$1.25 a day for the number of days worked on that amount. The supervisor must file a sworn statement of the days worked by; him in that capacity.
12. Private Acts of 1915, Chapter 62, repealed Private Acts of 1911, Chapter 465, as amended, and enacted a new road law for Anderson County. The act created a three member board of road commissioners, one of whom would be the superintendent of roads and another serve as secretary for the commission. The act named D. A. Wood, Gissis W. Roberts, and R. C. Vowell as the first board to serve until their successors were chosen by the quarterly court in its January, 1916, meeting for staggered terms, then for three year terms after that. No member of the county court was eligible to serve on the board which would be in charge of all roads, bridges, and road funds in the county. The commissioners had the authority to employ condemnation proceedings when they were necessary. The superintendent could be paid an annual salary up to \$800, the secretary up to \$300, and the board member up to \$100, all amounts to be set by the quarterly court. The commissioners would meet twice each month at the office of the superintendent and on such special occasions as the superintendent would call. The board was authorized to employ an engineer to assist them in the classification of roads, making maps, and setting up the road districts. The board would appoint foremen for sections of road who would be paid \$2.00 per day, and could hire laborers at \$1.25 per day. The quarterly court was obliged to levy a general road tax between 10 cents and 25 cents per \$100 property valuation. All able bodied males between ages of 21 and 50 must pay a tax between \$2.50 and \$4.00 as the court might set, or they could work that tax out at 50 cents per day, each day to consist of 10 working hours. The board was in charge of the workhouse and convicted prisoners must work on the road. Provisions were made to collect delinquent assessments and to enforce penalties assessed against those failing to comply with the terms of this act.
13. Private Acts of 1915, Chapter 652, permitted the county highway commissioners in Anderson, McMinn, and Roane counties to condemn rights of way needed to construct any pike or graded highway in their counties, by following and closely observing all the methods specified and the conditions established in the act relative to notice, hearings, trials and appeals, and for making judgments final when no appeal was taken.
14. Private Acts of 1917, Chapter 446, created the post of pike road superintendent in Anderson County who would be elected by the quarterly court at its first meeting after the passage of this act, who would serve until the January meeting of the court in 1919, when a successor would be appointed for two years. Vacancies would be filled by the county judge until the next January meeting of the quarterly court when a successor would be appointed. The superintendent must be competent and experienced, devote his full time to the position, would be in full charge of the road department and all the equipment, and be paid an annual salary between \$800 and \$1,000 as set by the quarterly court. The office in the courthouse where the road department records were kept must remain open of the first and third Saturdays of each month. The superintendent had to be bonded and sworn and see that records of the work and expenditures were accurately kept. All petitions to open, close, or change roads were to be heard and decided by the superintendent, who could further assess damages and condemn property, provided all the requirements and conditions of doing so were met. The quarterly court must elect a supervisor for each civil district, who would be paid \$1.50 a day up to 30 days each year for time actually spent on the job. The supervisors would name overseers for each five mile section of road who would be paid \$1.25 per day up to 6 days each year. The court must levy a general road tax between 8 and 15 cents per \$100 property valuation, two-thirds of which must be spent in the civil district from which it was collected, and there was to be another tax between 10 cents and 25 cents per \$100 property valuation which would be used for pike roads. All males between ages of 21 and 50,

- outside cities, must work from 4 to 6 days, as set by the court, on the public county roads. The superintendent was put in charge of the county workhouse whose convicted prisoners must work on the roads. Fines and penalties were provided for those violating the provisions of this act.
15. Private Acts of 1919, Chapter 198, amended Private Acts of 1917, Chapter 446, Section 3, by changing the pay of the district supervisor from \$1.50 per day, and that of the road overseers from \$1.25 a day to a daily pay rate which would be set by the county court. The penalties for violating the act and for road hands who were delinquent were increased from \$5.00 to \$10.00.
  16. Private Acts of 1923, Chapter 647, amended the road law of Anderson County, in Section 1 by increasing the maximum annual salary of the road superintendent from \$1,000 to \$1,500.
  17. Private Acts of 1929, Chapter 635, amended Private Acts of 1917, Chapter 446, above, by striking out "Pike Road Superintendent" wherever the same appeared in the act and inserting "Highway Commission" in its place. The act then established a three member highway commission to take the place of the Pike Road Superintendent and transferred all the duties, powers, and authority from the superintendent to the commission. The act named C. W. Cantrell, chairman, and C.C. Wade and B. E. Ward, as members, of the commission, who would serve four year terms. Afterward, the chairman would be selected by the county court, and be paid \$1,800 annually, while the two commissioners would be paid \$600 a year, all payable in equal monthly installments. The positions of district road supervisors were all abolished and their duties transferred to the commission.
  18. Private Acts of 1931, Chapter 150, amended Private Acts of 1929, Chapter 635, above, by providing for the popular election of the three road commissioners by the people of the three road districts which were composed of the whole civil districts enumerated in the act. After election the commissioners would meet and select one of their number as the road superintendent at the same pay now established by law. As associate member would be paid the same amount fixed by law plus \$25 for expenses. One member must serve as secretary and keep minutes of all special and regular meetings which would be on the last Saturday in each month where the adoption of the budget for the preceding month would be an agenda item. The expenditures could in no case exceed the budget appropriations and all items to be purchased over \$50 had to be approved by the commission. The commission must, as a matter of principle, work in harmony with all interested agencies and departments and always in the best interest of the people.
  19. Private Acts of 1933, Chapter 222, expressly and entirely repealed Private Acts of 1929, Chapter 635.
  20. Private Acts of 1933, Chapter 446, enacted a new road law for Anderson County by creating a position of superintendent of roads who would be elected by the quarterly court at its first regular session after the passage of this act who would serve until the January term, 1935, or until his successor was elected. And vacancy could be filled by the county judge until the next session of the quarterly court. The superintendent had the power to promulgate such regulations as might be necessary to work prisoners, pay guards, and administer workhouse programs. The superintendent must be competent and skilled in road building and maintenance, must devote full time to the duties of the position, was placed in full charge of all roads which he was required to visit and examine periodically for all of which he would be paid between \$1,200 and \$1,600 annually, as set by the court, and which amount could not be changed during the term. The office in the courthouse must be kept open on the first and third Saturdays of each month and books kept on road funds, equipment, tools, and materials, payments were to be made on the warrant of the superintendent countersigned by the county judge or chairman. The superintendent was directed to hear and dispose of requests to open, close, or change roads, observing such rules as the act provided, and could condemn property in the county's name. The quarterly court would appoint road supervisors in each civil district at \$2.00 per day for each day worked over the compulsory number. district supervisors could appoint overseers for road sections at \$1.25 a day. The quarterly court must levy a general road tax between 5 and 15 cents per \$100 for turnpikes and bridges. All males between ages of 21 and 45 were compelled to work from 4 to 6 days on county roads as decided by the court. It was a misdemeanor to block or obstruct roads and to fail to comply with the terms and conditions of this act.
  21. Private Acts of 1943, Chapter 374, amended Private Acts of 1933, Chapter 446, by deleting Section 11 in its entirety which made it a misdemeanor for any member of the county court, or his family, to perform any service, deliver or sell any materials, or supplies, or contract for any labor or service on behalf of the county under the direction of the superintendent.
  22. Private Acts of 1947, Chapter 156, amended Private Acts of 1933, Chapter 446, the Anderson County Road Law, in Section 1 by rewriting a paragraph to provide that the road superintendent

- be elected by the quarterly court at its April, 1947, meeting for a term of four years and at every four year interval, thereafter. A vacancy would be filled for the unexpired term in the same manner. Another paragraph was amended to increase the upper limit of the annual salary of the road superintendent from \$1,600 to \$2,400 to be paid out of road funds, and that he be furnished a truck to be kept up and maintained by the county. Another amendment gave the road superintendent control over all the machinery, equipment, tools, and property of the road department shop. The requirement for competitive bids to be taken on purchases exceeding \$500 was removed and Section 3 and 4 were repealed entirely, dealing with road overseers and others.
23. Private Acts of 1949, Chapter 731, had a general repealing clause which evidently disposed of the road law, as amended. This act created a five member county road commission whose members must be 21 years of age at least, and of good moral character. One member was to serve as road superintendent and the county judge would be another member by virtue of his office. The county judge would be chairman and the superintendent would be secretary. They were ex-officio members without a vote on the business of the commission. Three members would be elected by the quarterly court at its July, 1949, meeting who would serve initial staggered terms and then terms of three years each. No member of the court could serve. The commission would meet on the fourth Saturday in each month on a regular basis and on special occasions, as called, all meetings being held in the courthouse. Members would be paid \$5.00 each month for the two meetings. The superintendent would serve until September 1, 1950, and there each one would be elected by the voters for four year terms. The superintendent must be sworn and bonded, would keep an office open in the court hours, could have no other job, and would be paid an annual salary of \$2,400 until September 1, 1949, and then \$3,000 per year afterwards. The commission would have supervision of all roads and the disbursements of funds acting through the superintendent who would be in immediate charge. The court judge would serve as the purchasing agent of the department but all purchases over \$300 must be approved by the court. No county commissioner, or official had the authority to lend any material, equipment, or resource of the county to anyone. This act was repealed by Private Acts of 1951, Chapter 88.
  24. Private Acts of 1949, Chapter 909, specifically repealed Private Acts of 1933, Chapter 446, the former road law of Anderson County, and all its amendments.
  25. Private Acts of 1949, Chapter 910, expressly repealed Private Acts of 1947, Chapter 156.
  26. Private Acts of 1951, Chapter 88, repealed Private acts of 1949, Chapter 731, in its entirety. This act provided for the superintendent of roads to be the executive head of the road department. He must work full time, could hold no other job, or office, must help an office open in the courthouse, at which records and accounts would be kept, must be sworn to office and bonded for \$5,000 and would be paid \$4,200 a year, plus expenses and transportation. The superintendent would be elected for four years at the August, 1950, election and every four years thereafter. He would exercise control over the department's planning and expenditures and funds, would hire and supervise all personnel and set their wages, would be in control and charge of all machinery, tools, and equipment. The superintendent was authorized to sell any surplus crushed stone owned by the county. A vacancy would be filled by appointment of the county judge until the next general election could be held. The superintendent was empowered to issue warrants, which must be countersigned by the county judge, for all salaries and wages, and he and the judge would act as purchasing agent for the department. He could employ a stenographer at \$150 per month payable out of the general fund to assist in the keeping of full and accurate records. He could contract with the Federal Government and open, close, or change roads and streets under certain circumstances. No supplies, or equipment, could be loaned to anyone. All county vehicles were required to be serviced at the county road garage and anyone neglecting to comply with all the terms and provisions of this act could be penalized in different ways and degrees. This act, along with its amendments, was repealed by Private Acts of 1963, Chapter 232.
  27. Private Acts of 1957, Chapter 354, amended Private Acts of 1951, Chapter 88, Section 1, by increasing the annual salary of road superintendent from \$4,200 to \$7,000, and was properly ratified by the quarterly court.
  28. Private Acts of 1963, Chapter 232, provided a superintendent of roads for Anderson County, his rights, powers, duties, and compensation; to provide fiscal, purchasing, and budgetary procedures for the road department; to provide for stenographic and clerical help and the compensation thereof. The act also provided for and regulated the operation of the county road department. This act was repealed by Private Acts of 1993, Chapter 42.
  29. Private Acts of 1973, Chapter 73, amended Private Acts of 1963, Chapter 232, by rewriting the second paragraph of Section 1 which removed the minimum salary limitation of \$7,000 per year and the maximum limitation of \$8,200 per year for the road superintendent, and fixed the salary



at \$10,000 per annum with a provision that all over that amount would have to be approved by the quarterly court. The salary was payable in equal monthly installments on the first day of each month. This act was repealed by Private Acts of 1993, Chapter 42.

30. Private Acts of 1973, Chapter 132, amended Private Acts of 1963, Chapter 232, Section 10, by inserting the provisions relative to the filling of a vacancy in the office of the road superintendent as that section appears. Vacancies were formerly filled by the county judge with the approval of the county quarterly court. This act was repealed by Private Acts of 1993, Chapter 42, reproduced herein.

## Chapter X - Law Enforcement

### Jails and Prisons

#### Private Acts of 1947 Chapter 570

**SECTION 1.** That all Counties having a population of not less than 26,500 nor more than 26,510, according to the Federal Census of 1940 and any subsequent Federal Census, shall furnish to the Sheriff of said Counties all equipment for the maintenance and operation of the County Jail. All furnishings, bedding, mattresses, tables, chairs, utensils and all other equipment ordinarily used in the maintenance and operation of the County Jail shall be furnished by the said Counties. The operating expenses such as telephone services, fuel, lights, water, etc., shall be furnished by the said Counties. The Sheriff will be provided for the official use of the Sheriff's Office with two (2) automobiles to be used in connection with law enforcement.

**SECTION 2.** That the Sheriff and his paid Deputies will be furnished with uniforms by said Counties at no expense to the Sheriff and said Deputies. They shall bear the cost of the upkeep and maintenance of their uniform. If at any time the Sheriff or his salaried Deputies resign, die, or are otherwise removed from their respective offices, said uniforms shall be surrendered to the County.

**SECTION 3.** That all expenditures authorized by this Act shall be paid for upon a warrant drawn by the County Judge upon the general fund of said Counties.

**SECTION 4.** That all contracts entered into which contravene provisions of this Act are hereby declared to be void and it shall be a misdemeanor to enter into such contracts.

**SECTION 5.** That it is the intention of the Legislature that if any part or parts of this Act is declared to be unconstitutional, the parts so declared to be shall be deleted from the Act and the remainder shall stand as if no part of the Act had been declared unconstitutional.

**SECTION 6.** That this law shall take effect on and after its passage, the public welfare requiring it.

Passed: February 26, 1947.

### Offenses

#### Fireworks

#### Private Acts of 1947 Chapter 291

**SECTION 1.** That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 26,500 and not more than 26,510 inhabitants, according to the Federal Census of 1940 or any subsequent Federal Census.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squibb, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

**SECTION 2.** That any article or articles of merchandise coming within the definition of "pyrotechnics" as defined in this Act are hereby declared to be contraband, and subject to confiscation whenever found within the boundaries of any County within this State to which this Act is applicable, and it shall be the duty of the Sheriff of any such County, and all peace officers, to seize such article or articles and destroy the same.

**SECTION 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars and

not more than Four Hundred (\$400.00) Dollars, or by confinement in the County jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment in the discretion of the Court.

**SECTION 4.** That nothing in this Act shall be construed as applying to persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside the Counties in this State to which this Act is applicable, and keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusion of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

**SECTION 5.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

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

Passed: February 13, 1947.

## Law Enforcement - Historical Notes

### Jails and Prisons

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

1. Public Acts of 1920 (Ex. Sess.), Chapter 4, constituted the legal authority to purchase land in Morgan and Anderson counties either for or in connection with Brushy Mountain Prison.
2. Private Acts of 1931, Chapter 130, required Anderson County (identified by the use of the 1930 Federal Census) hereafter to furnish to the county jail the water, light, heat, fuel, and all the necessary bed clothing for jail purposes, plus a telephone to be used for jail business. All of the cost of the above was to be counted as expenses incidental to the normal operation of the county jail and would be paid in that manner.
3. Private Acts of 1947, Chapter 571, fixed the jailor's fees to \$1.10 per day for each prisoner in counties having a population of not less than 26,500 nor more than 26,510, according to the Federal Census of 1940.

### Militia

Those acts once affecting Anderson County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1801, Chapter 87, Section 2, formed the first regiment of calvary for the district of Hamilton which was composed of Knox, Sevier, Blount, Roane and Anderson counties.
2. Acts of 1803, Chapter 1, was a statewide militia law regulating and organizing all the county military units. The militia would be made up of freemen and indentured servants between the ages of 18 and 45, with certain people and professions being exempted from service. Anderson County's unit was the thirteenth regiment, forming third brigade with the counties of Knox, Sevier, Blount, and Roane. The first, second, and third brigades constituted the first division. This act was a long one which dealt with all the phases of military law both internal and external.
3. Acts of 1815, Chapter 119, was a new military code and militia law for Tennessee which incorporated most of the features of the preceding militia act. Some organizational changes were made and internal disciplinary rules were tightened. Anderson County's militia units were still designated as the thirteenth regiment but were assigned to the seventh brigade with Roane, Bledsoe, and Rhea counties. A regiment consisted of two battalions formed of companies which contained 40 privates, two musicians, three sergeants, three corporals, one captain, one lieutenant, and one ensign.
4. Acts of 1817, Chapter 73, declared that all people residing on the waters of the New River in Anderson County were exempt from the mustering of militia units except for battalion and regimental musters, and the settlers along the waters of the New River were given the authority to form their militia company which would then be taken into the state organization as the other units were.
5. Public Acts of 1825, Chapter 69, modified the existing military code of Tennessee with some

organizational changes and changes in the schedules of training for the larger units. Freeman and indentured servants between the ages of 18 and 45 were still qualified to serve in the units. The Anderson County units composed the thirteenth regiment which would conduct its regimental muster on the third Thursday in October of each year. The seventh brigade included the militia of the counties of Roane, Monroe, Morgan, and Anderson.

6. Private Acts of 1827, Chapter 61, was the legal authority for the citizens in the mountainous areas of Anderson County to form a military company, elect their company officers, drill, muster and conduct themselves as other military units did under the military laws of the state.
7. Public Acts of 1835-36, Chapter 21, was the enactment of a new militia law and military code for the state subsequent to the adoption of the new state constitution. This law, which carried over substantially all of the regulations for internal organizations and conduct, nevertheless rearranged the table of organization because of the growing numbers of people and the formation of new counties across the state. Anderson County was designated as the twenty-fourth regiment and was assigned to the fourth brigade along with Claiborne, Campbell, and Morgan counties.
8. Acts of 1837-38, Chapter 157, Section 3, amended the Tennessee Military Code by scheduling county drills for every militia unit in existence. The fourth brigade still included the same county military units mentioned above but the county drills for Anderson County were set to take place on the Wednesday and Thursday following the first Friday and Saturday in September each year.
9. Acts of 1839-40, Chapter 56, Section 25, reenacted most of the militia law of the state of Tennessee concerning itself mostly with the internal guidance and composition of military units plus some limitations on the logistics of supplies and equipment. No organizational changes were made for Anderson County.

### **Offenses**

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 Anderson County.

1. Private Acts of 2021, Chapter 34, would have repealed Private Acts of 1947, Chapter 291, relative to the regulation of pyrotechnics in Anderson County, but the act failed to gain local approval.

### **Sheriff**

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

1. Acts of 1851-52, Chapter 323, directed the treasurer of the State of Tennessee to pay \$49.62 to James E. Walker, former sheriff of Anderson County, out of any unappropriated funds in the treasury, which was the amount expended by the said Walker in recapturing John Knight and Ephraim Dunnivant, escapees, who were then lodged in the Anderson County jail on felony charges and who were later convicted and transported to the prison in Nashville.
2. Private Acts of 1947, Chapter 395, created a sheriff's fund in the county, consisting of all the fees to which the sheriff, the deputies, or the jailor, might be entitled under the law, which would be in the custody of the county trustee. The trustee, the county judge, or the purchasing agent would compensate the sheriff, the deputies, and the jailor in the amounts stipulated in the act but could not exceed the amount of funds available for these purposes.
3. Private Acts of 1947, Chapter 415, abolished the office of county physician in Anderson County and authorized the sheriff to call upon any licensed physician to care for and treat any prisoner within the sheriff's custody according to the medical needs of the prisoner. The physician must present a bill for calls made, which could not exceed \$3.00 per call, to the sheriff, who was required to endorse them on the accuracy of their charges, whereupon the county judge would draw a warrant for their payment. Other county officials were permitted to use this method to obtain medical attention for those needing it within their scope of employment. The physician would then present the charges to the official who had summoned him. The official would then proceed according to the above directions.
4. Private Acts of 1955, Chapter 96, declared it unlawful in Anderson County for any deputy sheriff to undertake to perform any of the duties pertaining to his office unless the deputy was clad in the uniform of his office at the time. It was the duty of the quarterly county court to furnish the specifications for the uniforms. Any deputy failing to comply was guilty of a misdemeanor, and would be dismissed from office and ineligible to hold the same for the ensuing ten years after dismissal. This act was rejected by the quarterly court and never became an effective law.

## **Chapter XI - Libraries**

# Law Library and Litigation Tax

## Private Acts of 1953 Chapter 349

*Whereas*, the Quarterly County Court of Anderson County, Tennessee, at its January session, 1953, passed a resolution recognizing the need for a law library in the Court House for the use of the Courts, County officials, attorneys, and litigants; and

*Whereas*, the Quarterly County Court of Anderson County, Tennessee, recognizes the present need for such law library facilities;

**SECTION 1.** There is hereby created a law library to be known as the "Anderson County Law Library", said law library to be located in the Court House at Clinton, Tennessee.

**SECTION 2.** The County Judge of Anderson County, Tennessee, is authorized and directed to purchase sufficient books and equipment for said law library in an amount not to exceed one thousand dollars, and to provide facilities for the housing of said law library in the Court House at Clinton, Tennessee.

**SECTION 3.** That a litigation tax of 25¢ shall be taxed as part of the costs in all civil and criminal actions filed in the Trial Justice Court for Anderson County, Tennessee, except that this litigation tax will not be taxed in divorce cases. The Clerk of the Circuit Court will collect the aforesaid litigation tax and pay said litigation tax into a separate fund to be styled the Anderson County Law Library Fund. The Circuit Court Clerk of Anderson County, Tennessee, is authorized and directed to expend sums from the Anderson County Law Library Fund for the purpose of maintaining said library in accordance with the provisions of this Act and to pay for the services of a Law Librarian.

As amended by: Private Acts of 1957, Chapter 100

**SECTION 4.** That the Circuit Court Clerk of Anderson County, Tennessee, shall be the Law Librarian and Treasurer of the Anderson County Law Library; the said Law Librarian and Treasurer is authorized to employ and use such assistance for the purpose of performing the intents of this Act in maintaining and keeping an accurate set of records of all books, supplies, materials, and equipment in said Law Library, and shall be authorized to expend from the Law Library expense fund a sum not exceeding 10% of said fund per annum for the services of such assistance. The Librarian shall keep and maintain records of any and all donations made to said Law Library, which records shall be annually inspected by the Anderson County Law Library Committee. The Circuit Court Clerk of Anderson County, Tennessee, and Law Librarian, as created herein, shall purchase such books, record cards, indexes, equipment, material, and supplies as are needed to maintain said Law Library and pay for the same by funds in his hands as Custodian of the Law Library expense fund.

However, all purchases made by the Circuit Court Clerk of Anderson County, Tennessee, and Law Librarian, as created herein, for the use and benefit of the Anderson County Law Library shall first be approved by a majority of the members of the Anderson County Law Library Committee. The Law Librarian, as created herein, shall be the sole custodian of all the books, equipment, and materials used and maintained for the use and benefit of the Anderson County Law Library.

**SECTION 5.** That the County Judge of Anderson County, Tennessee, shall select three members of the Anderson County Bar Association to serve as a library committee, which three members shall be selected from a list of five members of the said Bar Association, which list shall be submitted to him on or before the passage of this Act for the first library committee; and also two members of the Quarterly County Court of Anderson County, Tennessee, shall serve along with the members of the Bar Association to form the library committee for the Anderson County Law Library. The library committee shall select the books and equipment to be placed in the law library herein created and shall advise the County Judge what is required to keep said law library current.

Said committee shall serve at the pleasure of the County Judge. All vacancies shall be filled by the County Judge.

**SECTION 6.** That none of the books, supplies, or equipment forming a part of the law library of Anderson County, Tennessee, may be removed from the Anderson County Court House by any person, said law library being created for the exclusive benefit of the Courts, County officials, attorneys, and litigants having business in Anderson County's Court House at Clinton, Tennessee.

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

Passed: April 1, 1953.

## Chapter XII - Taxation

# Litigation Tax

## Private Acts of 1963 Chapter 206

**SECTION 1.** That a litigation tax of Three dollars (\$3.00) shall be taxed as part of the costs in all civil and criminal actions in either the Trial Justice Court, Juvenile Court, Circuit or Chancery Court, of Anderson County, Tennessee.

**SECTION 2.** That the Clerk of the said Courts will collect the said litigation tax and pay same to the Trustee of Anderson County, Tennessee, who will place same into a separate fund, which is to be designated as the "Anderson County Capital Improvement Fund," with expenditures to be made therefrom by the County Executive, with the approval of the County Commission.

As amended by: Private Acts of 1983, Chapter 89

**SECTION 3.** That all expenditures made from the said fund shall be made by the County Judge upon the approval and authorization of the Anderson County Court for the purposes specified herein.

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

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

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

Passed: March 18, 1963.

# Hotels and Motels

## Private Acts of 1990 Chapter 193

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

"Clerk" means the County Clerk of Anderson County, Tennessee.

"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.

"County" means Anderson County, Tennessee.

"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 court; tourist camp or campground; tourist cabin; motel; campsite, tourist cabin or motel owned or operated by a governmental entity; or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration.

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

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

"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 entity, or any other group or combination acting as a unit.

"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.

As amended by: Private Acts of 1993, Chapter 60

**SECTION 2.** The legislative body of Anderson County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of five percent (5%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

**SECTION 3.** The proceeds received by the county from the tax shall be retained by the county and ninety percent (90%) of said funds shall be designated for and deposited into the tourism fund and ten percent (10%) of said funds, net of the Trustee's commissions, shall be designated for the Anderson County

Chamber of Commerce for economic development purposes.

As amended by: Private Acts of 2011, Chapter 11

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his or her hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to Anderson County. Such tax shall be collected by each and every operator of any hotel in which the dwelling, lodging or sleeping facilities are located in the county regardless of the location of the office of such facility.

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 from or charged to him or her, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

There shall be exempt from the tax levied by the provisions of this act the occupancy in any hotel of a transient who is a not-for-profit corporation which is exempt from taxation pursuant to the Internal Revenue Code.

As amended by: Private Acts of 1993, Chapter 60

**SECTION 5.** (a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces 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 hereby 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 in accounting for remitting the tax levied by this act the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the clerk in the form of a deduction in submitting his or her 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 authorized by this act, 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 hereby 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 shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and shall be 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 shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of any payment to the county, which records the clerk shall have the right to inspect at all reasonable times.

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

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided in Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The 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 tourism fund of Anderson County to be used for the purposes stated in Section 3 of this act. After receipt of each payment, the Director of Accounts and Budget is authorized and shall allocate ten percent (10%) of the payment, net of Trustee's commissions, to the Anderson County Chamber of Commerce.

As amended by: Private Acts of 2011, Chapter 11

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

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

**SECTION 14.** This act shall have no effect unless it is approved by a two thirds (2/3) vote of the county legislative body of Anderson 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 13.

Passed: April 5, 1990.

## Severance Tax on Pulpwood

### Private Acts of 1997 Chapter 98

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

- (1) "County" means Anderson County; and
- (2) "Person" means any individual, corporation, partnership, limited partnership, conglomerate, or any other entity owning or possessing an interest in lands located in the county; and
- (3) "Pulpwood" means trees severed from the ground, both hardwood and softwood, whether whole or part, that is ground or chipped and manufactured into salable wood or paper products.

**SECTION 2.**

(a) There is hereby levied a severance tax on pulpwood products severed from the ground in the county. The tax is levied upon the entire production in the county regardless of the place of sale or the fact that delivery may be made outside the county.

(b) The tax shall accrue at the time such products are severed from the earth and in their natural or unprocessed state.

(c) The tax levied shall be a lien upon all such products severed in the county, which lien upon such products shall be entitled to preference over all judgments, encumbrances or liens whatsoever created; and upon the real property from which such products were severed provided that, with respect to real property, said lien shall be effective when the county causes a notice thereof to be filed in the office of the register of deeds of the county in which the real property lies, second only to liens of the State, county and any municipality for taxes, any lien of the county for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice; such notice shall identify the owner of record of the real property, contain the property address if any, described the property sufficient to identify it, and recite the amount of the obligation secured by the lien.

(d) The tax hereby levied shall only apply to pulpwood products severed from tracts or parcels of land greater in size than one hundred (100) acres. For purposes of this act, contiguous property owned by the same owner shall be regarded as a single tract or parcel of land.

**SECTION 3.** The measure of the tax shall be fifteen cents (15¢) per ton on all pulpwood products severed from the ground in the county.

**SECTION 4.** Every interested owner shall be liable for this tax to the extent of such owner's interest in

the products. The owner shall become liable at the time the pulpwood products are severed from the earth and ready for sale, whether before processing or after processing, as the case may be.

**SECTION 5.**

(a) The tax levied by this act shall be due and payable monthly on the tenth day of the month next succeeding the month in which the pulpwood is severed from the soil.

(b) For the purpose of ascertaining the amount of tax payable, it shall be the duty of all owners to transmit to the County Trustee, on or before the fifteenth day of the month next succeeding the month in which the tax accrues, a return upon forms provided by the County Trustee. The return shall be accompanied by a remittance covering the amount of tax due as computed by the taxpayer.

**SECTION 6.**

(a) The tax levied by this act shall become delinquent on the sixteenth day of the month next succeeding the month in which such tax accrues.

(b) When any owner shall fail to make any return and pay the full amount of the tax levied on or before such date, there shall be imposed, in addition to other penalties provided herein, a specific penalty in the amount of ten percent (10%) of the tax due. A further penalty of fifty percent (50%) of the amount due may be added if the nonpayment of the tax is due to an intent to evade payment.

(c) All such penalties and interest imposed by this act shall be payable to and collectible by the County Trustee in the same manner as if they were a part of the tax imposed.

**SECTION 7.** If the nonpayment of the tax is due to an intent to evade payment, the person liable for such payment may be restrained and enjoined for severing pulpwood from all production units administered, owned or possessed by that person and upon which the tax is due. Restraint proceedings shall be instituted in the name of the county by the sheriff upon the request of the County Trustee.

**SECTION 8.** The proceeds of the tax levied by this act shall be deposited in the general fund of the county, with the school system have first priority, all or part of which may be designated by the County Commission.

**SECTION 9.**

(a) It shall be a violation of this act for any person required by this act to make a return, pay a tax, keep records, or furnish information deemed necessary by the County Trustee for the computation, assessment, or collection of the tax imposed by this act, to fail to make the return, pay the tax, keep the records, or furnish the information at the time required by law or regulation. It shall be a violation for any person to willfully or fraudulently make and sign a return which such person does not believe to be true and correct as to every material fact.

(b) Violations of the provisions of this act shall be punishable by a fine of not more than one thousand dollars (\$1,000).

(c) For purposes of this section, the word "person" also includes an officer or employee of a corporation or a member or employee of a partnership who is under duty to perform the act in respect to which the violation occurs.

**SECTION 10.** 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 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Anderson County. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the County Legislative Body and certified to the Secretary of State.

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, as provided in Section 11, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes it shall become effective July 1, 1997; the public welfare require it.

Passed: May 26, 1997.

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



1. Private Acts of 1915, Chapter 570, fixed the annual salary of the tax assessor of Anderson County at \$1,000, payable quarterly out of the county treasury on the warrant of the county judge, or chairman.
2. Private Acts of 1923, Chapter 641, was the legislative authority for the county courts of the state to appropriate out of the county's funds an amount not to exceed \$300 in each county for the year 1921 as an added salary for the county tax assessor. This act applied only to Anderson County.
3. Private Acts of 1945, Chapter 57, set the annual compensation of the tax assessor of Anderson County at \$2,400, payable monthly on the warrant of the county judge, or chairman, out of regular county funds, repealing all acts in conflict.
4. Private Acts of 1947, Chapter 394, which is published herein in full in the section on the county register, restricted the registration of instruments of conveyance in Anderson County unless the instrument had first been presented to the tax assessor and he had extracted from it all the information specified in the act, and made a record of it for all of which a fee could be charged.
5. Private Acts of 1951, Chapter 224, increased the annual salary of the tax assessor of Anderson County (identified by the 1950 Census) to \$3,000 payable monthly out of the county treasury on the warrant of the county judge, or chairman, on the first day thereof.
6. Private Acts of 1959, Chapter 69, fixed the compensation of the Anderson County Tax Assessor at \$7,000 per annum which would be paid out of the county treasury on the warrant of the county judge or chairman, on the first day on each month.
7. Private Acts of 1959, Chapter 357, required the county tax assessor to issue building permits. This act was repealed by Private Acts of 2000, Chapter 108.

### **Taxation**

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

1. Acts of 1813, Chapter 8, permitted two-thirds of the justices of the court in Anderson County to appoint commissioners, who must be sworn and bonded according to the terms of the act, to contract for, and supervise, the building of a courthouse, and prison, for the county's use. The court was further authorized, two-thirds of the justices agreeing, to levy a tax on polls and property every year until the courthouse and prison were completed and paid for. This act was repealed by the one following below.
2. Acts of 1824, Chapter 99, expressly repealed the prior act of the general assembly which allowed the county court of Anderson County to build a courthouse and prison and to levy a tax to produce the funds to finance the same.
3. Private Acts of 1827, Chapter 191, made it lawful for the court of pleas and quarter sessions of Anderson County, a majority of the justices being present at their first session of the year, and on the first day of the session, to lay a county tax on all the lands subject to tax, which could not however exceed 12 ½ cents per 10 acres property valuation for the purpose of erecting a courthouse, prison, and stocks in the town of Clinton. The sheriff was directed to collect the tax and the trustee would be accountable for the funds.
4. Private Acts of 1831, Chapter 231, required the sheriff, or the tax collectors, of the counties of Carter, Fentress, Morgan, and Anderson, to pay over the state tax for the next two years to the commissioners appointed by the respective county courts for the purpose of enabling the citizens of the county to build a jail.
5. Public Acts of 1870, Chapter 50, allowed the counties and the cities of the state to levy taxes for county and municipal purposes in the following manner and upon condition that (1) all taxable property would 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 the majority of the justices of the quarterly court, or the city councils, first agree, and then an election would be held wherein three-fourths of the voters must approve. Some counties, including Anderson County, exempted themselves from the requirement of three-fourths' voter approval, for the next ten years, substituting a majority approval only in its place.
6. Private Acts of 1931, Chapter 471, was the enabling legislation for the Anderson County Quarterly Court to levy, in addition to all other taxes now authorized by law, a special tax, not to exceed 11 cents per \$100 to provide the funds to pay the salaries of the county officials listed in the act which seemed to include all of the same.

7. Private Acts of 1931, Chapter 612, stated that in all the counties in the act (identified separately by the use of the 1930 census figures) including Anderson County, the quarterly court had the authority to levy and collect a tax on all personal and ad valorem property in the county whenever the court made an appropriate order to that effect which would be used for county purposes but which could not exceed thirty cents per \$100 property valuation.
8. Private Acts of 1961, Chapter 328, provided for an annual assessment of real property, personal property, and privileges in Anderson County. The act further directed that the assessment be made on all real property in the county by the tax assessor no later than April 20th which would be the assessment for that year.

## Chapter XIII - Utilities

### Electrical Power

#### Private Acts of 1977 Chapter 134

**SECTION 1.** Before any utility supplier shall authorize the supply and connection of electrical power to any new dwelling or other new structure, or mobile home, or the supply and connection of electrical power for the construction of any new dwelling or other new structure or shall supply and connect electrical power to any mobile home park or shall extend electric lines into any subdivision, the owner shall furnish to such utility supplier a copy of the approval of the Anderson County Zoning officer and/or building inspector that such dwelling or other structure or mobile home, or mobile home park or subdivision is in compliance with applicable zoning ordinances pertaining to building codes, mobile home park and subdivision development codes and has adequate provision for sewage disposal approved by Anderson County Health Department.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Anderson County before September 1, 1977. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to him by [sic] the Secretary of State.

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

Passed: May 17, 1977.

### Oak Ridge Utility District

#### Private Acts of 1951 Chapter 503

**SECTION 1.** That there is hereby created as an instrumentality of the State of Tennessee, a municipal corporation to be known and designated as "Oak Ridge Utility District", to be comprised of the following territory lying in Anderson and Roane Counties:

All that tract or parcel of land designated within the corporate limits of the city of Oak Ridge, Tennessee, and more particularly described as follows:

Beginning at a point on the right bank of the Clinch River (facing downstream) where the northeastern edge of the Louisville and Nashville Railroad bridge intersects with the right bank low water line of said Clinch River near the area known as Elza Gate, and proceeding across said River coincident with the northeastern edge of the Louisville and Nashville Railroad bridge (at approximate river mile 51.3), and thence proceeding downstream along the left bank low water line of the Clinch River to its intersection with the Knox County Line, thence with the Knox County line across the Clinch River to the right bank low water line: thence proceeding down stream along the right bank low water line of the Clinch River to a point opposite the Roane-Loudon County Line (at approximate river mile 21.1), thence, in a southerly direction, across the Clinch River to a point on the Roane-Loudon County line at the left bank low water line: thence and proceeding downstream along the said low water line to a point at river mile 11: thence proceeding in a "true north" direction across the Clinch River to the right bank and continuing in a "true north" direction for approximately four thousand five hundred (4500) feet to a point of intersection with an Atomic Energy Commission Security Fence which is located immediately adjacent to an Atomic Energy Commission Security Patrol Road designated "F" Road: thence turning in a northeasterly direction and

proceeding along and coincident with said Security Fence for approximately twelve thousand (12,000) feet to a point of intersection with a road designated Blair Road near an area known as Blair Gate; thence proceeding directly across Blair Road and Poplar Creek in a northeasterly direction to again join an Atomic Energy Commission Security Fence adjacent to an Atomic Energy Commission Security Patrol Road designated "F" Road; thence proceeding coincident with said Security Fence generally in a northeasterly direction for approximately four thousand five hundred (4500) feet; thence turning toward the northeast and continuing generally in a northeasterly direction coincident with the Atomic Energy Commission Security Fence adjacent to "F" Road for a distance of approximately eighteen thousand (18,000) feet to a point of intersection with a northward branch or section of Atomic Energy Commission Security Fence near a subdivision known as Oak Hills Estates; thence proceeding in a northerly direction coincident with the northward branch or section of Atomic Energy Commission Security Fence for approximately one thousand (1000) feet to a point of intersection with contour line one thousand forty (1040) on the northwestern slope of Black Oak Ridge; thence proceeding in a northeasterly direction along and coincident with contour line one thousand forty (1040) crossing the Roane-Anderson County line and continuing in a northeasterly direction along contour line one thousand forty (1040) to its intersection with the northwestern boundary line of the "Oak Ridge Minimum Geographic Area" near a subdivision known as Laurel Heights Addition Unit B; thence proceeding generally in a northeasterly direction coincident with the "Oak Ridge Minimum Geographic Area" boundary line to a concrete monument (No. 818) located approximately 500 feet southwest of Key Cemetery; thence and leaving said "Oak Ridge Minimum Geographic Area" boundary line and proceeding in a northwesterly direction, 450 feet more or less to a point in the southeastern ROW line of State Highway #61; thence and with said ROW line in a northeasterly direction, 2010 feet more or less; thence and leaving said ROW line and proceeding in a southeasterly direction, 350 feet more or less to a concrete monument (No. 816) located on the "Oak Ridge Minimum Geographic Area" boundary line; thence and proceeding generally in a northeasterly direction coincident with the "Oak Ridge Minimum Geographic Area" boundary line to its northern extremity; thence leaving the "Oak Ridge Minimum Geographic Area" boundary line and proceeding due east to a point of intersection with the northeastern edge of the Louisville and Nashville Railroad right-of-way; thence turning to the southeast and continuing in a southeasterly direction coincident with the northeastern edge of the Louisville and Nashville Railroad right-of-way to the point of beginning on the right bank of the Clinch River where the northeastern edge of the Louisville and Nashville Railroad bridge intersects with the right bank low water line of said Clinch River near the area known as Elza Gate.

Total area included in the above description is 58,000 acres more or less.

It is hereby found and declared that the public convenience and necessity require the creation of said District and the creation thereof is economically sound and desirable. The District shall constitute a governmental agency and a body politic and corporate with power of perpetual succession, but without power to levy or collect taxes. Charges for services authorized by this Act shall not be construed as taxes. Subject to the provisions of Section 16 of this Act, so long as the District continues to furnish any of the services which it is authorized to furnish under this Act, it shall be the sole public or municipal corporation empowered to furnish such services in this district. The territory of the district shall include both the tract described herein, as well as any tract or parcel of land hereafter incorporated within the city of Oak Ridge, if such tract or parcel is not served by another utility district.

As amended by: Private Acts of 1959, Chapter 294  
Private Acts of 1967-68, Chapter 131  
Private Acts of 1988, Chapter 186

**SECTION 2.** That the district is created for the purpose of acquiring, constructing, reconstructing, improving, bettering, extending, repairing, maintaining and operating one or more systems for the furnishing of water, sewer, gas and electric service, or any one or more of such services in and for the district and the territory adjacent thereto, and for this purpose the district shall have power to purchase water or acquire a source of supply, to collect and treat sewage, to purchase or manufacture natural or artificial gas, to purchase or generate electric power, and to process, transmit and distribute any of such commodities or services within the district and in territory adjacent thereto and wherever the word "System" occurs in this Act, it shall be construed and interpreted to mean any system for the furnishing of water, sewer, gas or electric service. The district is vested with all powers necessary and convenient for the accomplishment of the purpose of its creation. To carry out the purpose of this Act, the district shall have the power and authority to purchase from, and furnish and sell to any municipality, any public institution, the State, any agency of the United States Government, any private person or corporation, and the public generally, the services authorized by this Act. No enumeration of particular powers herein created shall be construed to impair or limit any general grant of power herein contained nor to limit any such grant to a power or powers of the same class or classes as those enumerated. Provided, however, that before said district shall in any manner acquire a water works, a sewer system, a combined waterworks and sewer system, or an electric distribution system, it shall first secure the assent of a

majority of the qualified electors of the District voting upon a proposition to authorize the district to acquire such system. Such election shall be requested by the Board of Commissioners of the district by appropriate resolution, signed by two hundred fifty or more qualified electors resident of the district, stating the purpose for which the said election shall be held and a certified copy of such resolution shall be furnished the Election Commissioners of Anderson County. It shall be the duty of such Election Commissioners of Anderson County to hold such election within sixty (60) days after being furnished with a certified copy of such resolution. Such election shall be held under the general laws of the State of Tennessee pertaining to elections and for the purpose of this Act, the qualified electors shall be any resident citizen of the district who is on the date of such election, qualified to vote for members of the General Assembly. The election requirements of this section with regard to the acquisition of a system shall not apply to a gas system nor to the extension or improvement of any system.

As amended by: Private Acts of 1959, Chapter 294

**SECTION 3.** That W. J. Hatfield, Ray N. Stewart, T. E. Lane, Cordell Williams and H. C. Doran are hereby appointed and shall constitute the Board of Commissioners of Oak Ridge Utility District and shall administer and operate said district. Said Commissioners shall serve respectively in the order named for terms ending 1, 2, 3, 4, and 5 years from July 1 next following the date on which gas shall be first supplied through any portion of the system herein authorized to be constructed, to any customer thereof. Thereafter the term of office shall be five years. Members shall hold office until their successors are elected and qualify.

Whenever a vacancy occurs, or whenever a Commissioner's term is about to expire, a successor shall be nominated by a majority vote of the remaining members of the Board of Commissioners, and the name of the person so nominated shall be submitted to the County Judge of Anderson County for confirmation. Within 20 days from the submission of such name to such County Judge, he shall act upon the nomination and advise the district thereof. In the event that the person nominated shall fail to receive the approval of the County Judge, a new nomination shall be made and submitted in accordance with the procedure provided herein until approval of such nomination shall be obtained. Provided, however, that if and when there shall be duly incorporated under the laws of the State of Tennessee a city or town which shall include a major portion of the territory constituting the Oak Ridge Utility District, thereupon and thereafter the selection of successor-Commissioners shall be carried out in the following matter: Whenever a vacancy occurs and thirty days prior to the expiration of the term of office of any Commissioner, the chief executive officer (City Manager, or in the event there is no City Manager, then the Mayor) of such city or town shall meet with the Board of Commissioners of the districts exclusive of the Commissioner whose term of office has expired or is about to expire or whose term of office is vacant. Such remaining members and such chief executive officer shall thereupon nominate by a majority vote a Commissioner as a successor, and the name of the person so nominated shall be submitted to the governing body of such city or town. Within twenty days from the submission of such name to such governing body it shall act upon the nomination and advise the district thereof. In the event that the person nominated shall fail to receive the approval of a majority vote of the governing body of such city or town, a new nomination shall be made and submitted in accordance with the procedure provided herein until approval of such nomination shall be obtained. Not more than one member of a governing body of such city or town shall be a member of the Board of Commissioners of said district. All vacancies, other than those arising by the normal expiration of the term of a Commissioner, shall be filled for the unexpired term only.

Commissioners shall receive no salary for their services, but each Commissioner shall be entitled to receive a fee of Fifty Dollars (\$50.00) for attendance at each meeting of the Board, and to reimbursement for all expenses incurred in connection with the performance of their duties. No more than Fifty Dollars (\$50.00) shall be paid a Commissioner for attendance fees for meetings held in any one month, but this limitation in payment of attendance fees shall in no way affect the number of meetings the Board may hold in any one month.

The Board may delegate to one or more of its members or to its agents and employees such powers and duties as it may deem proper, but at its first meeting and at the first meeting of each calendar year thereafter it shall elect one of its members to serve as Chairman, and another of its members as Secretary of the Commission. The Secretary shall keep a record of all proceedings of the Commission which shall be available for inspection as other public records, and shall be custodian of all official records of the district. Only persons resident in the district shall be eligible for election to the Board.

Said Commissioners shall at all times be subject to the provisions of the general "Ouster Law" of Tennessee as set out in Sections 1877 to 1902, inclusive, of the Code of Tennessee.

Said Board of Commissioners shall employ a Certified Public Accountant to audit its books and records and shall publish, on or before March 31 of each year, in a newspaper of general circulation within the district, a financial statement showing its receipts and disbursements, with the purpose thereof, and reflecting the true financial condition of the district for the period ending December 31 annually.

In event the district shall undertake the operation of more than one utility system at any time in accordance with the provisions of this Act, the Board of Commissioners shall thereupon be enlarged to seven (7) members, with the term of each member being for a period of seven years. Upon the initial enlargement of the Board, two additional years shall be added to the term of each existing Commissioner, and the two new Commissioners shall be nominated and elected for an initial term of one and two years respectively, the term of each Commissioner thereafter being for seven years! [sic] Except as herein necessarily modified, the method of nomination and of election of Commissioners shall remain the same. As amended by: Private Acts of 1959, Chapter 294

**SECTION 4.** That the district shall have the power:

- (a) To sue and be sued.
- (b) To have a seal.
- (c) To acquire by purchase, gift, devise, lease or exercise of the power of eminent domain or other mode of acquisition, hold, and dispose of real and personal property of every kind within or without the district, whether or not subject to mortgage or any other liens.
- (d) To make and enter into contracts, conveyances, mortgages, deeds of trust, bonds or leases.
- (e) To incur debts, to borrow money, to issue negotiable bonds and to provide for the rights of holders thereof.
- (f) To fix, maintain, collect, and revise rates and charges for any service.
- (g) To pledge all or any part of its revenues.
- (h) To make such covenants in connection with the issuance of bonds, or to secure the payment of bonds, that a private business corporation can make under the general laws of the State, notwithstanding that such covenants may operate as limitations on the exercise of any power granted by this Act. Such covenants shall constitute a contract between the district and the owners of such bonds.
- (i) To use any right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of a utility, granted by the United States Government (or any agency thereof), the State or any political subdivision thereof.

**SECTION 5.** That the Board of Commissioners of said district shall have the power and authority:

- (a) To exercise by vote, ordinance or resolution all of the general and specific powers of the district.
- (b) To make all needful rules, regulations, and by-laws for the management and the conduct of the affairs of the district and of the Board.
- (c) To adopt a seal for the district, prescribe the style thereof, and alter the same at pleasure.
- (d) To lease, purchase, sell, convey, and mortgage the property of the district and to execute all instruments, contracts, mortgages, deeds or bonds on behalf of the district in such manner as the Board shall direct.
- (e) To inquire into any matter relating to the affairs of the district, to compel by subpoena the attendance of witnesses and the production of books and papers material to any such inquiry, to administer oaths to witnesses and to examine such witnesses.
- (f) To appoint and fix the salaries and duties of such officers, experts, attorneys, agents, and employees as it deems necessary, to hold office during the pleasure of the Board and upon such terms and conditions as the Board may require.
- (g) To do all things necessary or convenient to carry out its functions.
- (h) To enter into all such contracts with incorporated municipalities which it may consider desirable for the conduct of its affairs, including the making of leases of property and the making of reasonable and nondiscriminatory agreements for the making of payments to such municipalities. Such municipalities are likewise authorized to enter into such agreements with said district touching upon the operation of the properties of the district within their corporate limits as may be considered desirable and may agree to lease or purchase any such properties under such terms and provisions as may be agreed upon, all of which agreements may be authorized by the respective municipalities by resolutions introduced and adopted by their governing bodies at one meeting, which resolutions need not be published and may be made immediately effective and not subject to the filing of referendum petitions.

**SECTION 6.** That said district shall have the power and is hereby authorized from time to time to issue its negotiable bonds in anticipation of the collection of revenues for the purpose of constructing, acquiring, reconstructing, improving, bettering, repairing or extending a system or systems for the furnishing of water, sewer, gas and electric service, or any one or more of all of such services, and to pledge to the

payment of the interest and principal of such bonds, all or any part of the revenues derived from the operation of any such system so constructed, acquired, reconstructed, improved, bettered, repaired or extended. Provided that bonds issued to finance the construction, acquisition, improvement or extension of any gas, waterworks, sewer or electric system shall be payable solely from the revenues of such system except that bonds issued to finance a combination waterworks and sewer system may be payable from the revenues of such combined system. There may be included in the costs for which bonds are to be issued, provision for adequate working capital and for the purchase and installation of appliances and equipment (including heating conversion units) to serve the customers of the district, reasonable allowances for legal, engineering and fiscal services, interest during construction and for twelve months after the estimated date of completion of construction, and other preliminary expenses, including the expenses of incorporation of the district. Said bonds shall be authorized by resolution of the Board of the district, and may be issued in one or more series; may bear such date or dates; may mature at such time or times not exceeding forty years from their respective dates; may bear interest at such rate or rates not exceeding the lawful percent per annum payable semi-annually; may be in such form, either coupon, or registered; may be executed in such manner; may be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, and may contain such terms, covenants and conditions as such resolution or subsequent resolution may provide. Said bonds may be issued and delivered for money or property in such manner and upon such terms as the Board shall determine, provided that the interest cost to maturity of the money or property (as its value as determined by such Board, the determination of which shall be conclusive) received for any issue of said bonds shall not exceed the lawful percent per annum payable semi-annually. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the Board may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable within the meaning of and for all purposes of the Uniform Negotiable Instruments Law of the State.

As amended by:

Private Acts of 1959, Chapter 294

Private Acts of 1988, Chapter 186

**SECTION 7.** That any resolution authorizing the issuance of bonds under this Act may contain covenants, including but not limited to (a) the purpose or purposes to which the proceeds of the sale of said bonds may be applied and the deposit, use, and disposition thereof; (b) the use, deposit, security of deposits, and disposition of the revenues of the district, including the creation and maintenance of reserves; (c) the issuance of other additional bonds payable from the revenues of the district; (d) the operation and maintenance of the system; (e) the insurance to be carried thereon and the use, deposit, and disposition of insurance moneys; (f) books of account and the inspection and audit thereof and the accounting methods of the district; (g) the non-rendering of any free service by the district; and (h) the preservation of the system, so long as any of the bonds remain outstanding, from any mortgage, sale, lease or other encumbrance not specifically permitted by the terms of the resolution.

**SECTION 8.** That there shall be and there is hereby created a statutory lien in the nature of a mortgage lien upon the system or systems acquired or constructed in accordance with this Act, including all extensions and improvements thereto or combinations thereof subsequently made, which lien shall be in favor of the holder or holders of any bonds outstanding against any system, issued pursuant to this Act and all such property shall remain subject to such statutory lien until the payment in full of the principal of and interest on said bonds. Any holder of said bonds or any of the coupons representing interest thereof may either at law or in equity, by suit, action, mandamus, or other proceeding in any court of competent jurisdiction, protect and enforce such statutory lien and compel performance of all duties required by this Act, including the making and collection of sufficient rates for services, the proper accounting therefor, and the performance of any duties required by covenants with the holders of any bonds issued in accordance with this Act.

If any default be made in the payment of the principal of or interest on such bonds, any court having jurisdiction of the action may appoint a receiver to administer said district, and said system, with power to charge and collect rates sufficient to provide for the payment of all bonds and obligations outstanding against said system and for the payment of operating expenses, and to apply the income and revenues thereof in conformity with the provisions of this Act, and any covenants with bondholders.

As amended by:

Private Acts of 1959, Chapter 294

**SECTION 9.** That said bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the district. The validity of said bonds shall not be dependent upon nor affected by the validity or regularity of any proceedings relating to the acquisition, purchase, construction, reconstruction, improvement, betterment, or extensions of the system for which said bonds are issued. The resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act, which

recital shall be conclusive evidence of their validity and of the regularity of their issuance.

**SECTION 10.** That no holder or holders of any bonds issued pursuant to this Act shall ever have the right to compel the levy of any tax to pay said bonds or the interest thereon. Each bond shall recite in substance that said bond and interest thereon are payable solely from the revenues pledged to the payment thereof and that said bond does not constitute a debt of the district within the meaning of any statutory limitation.

**SECTION 11.** That the Board of Commissioners of said district issuing bonds pursuant to this Act shall prescribe and collect reasonable rates, fees or charges for the services, facilities, and commodities rendered by its system, shall prescribe penalties for the non-payment thereof, and shall revise such rates, fees or charges from time to time whenever necessary to insure that such system shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will always produce revenue at least sufficient (a) to provide for all expenses of operation and maintenance of the system, including reserve therefor, and (b) to pay when due all bonds and interest thereon for the payment of which such revenues are or shall have been pledged, charged or otherwise encumbered, including reserves therefor.

**SECTION 12.** That the property and revenue of the district shall be exempt from all State, county, and municipal taxation. Bonds issued pursuant to this Act and the income therefrom shall be exempt from all State, county, and municipal taxation, except inheritance, transfer, and estate taxes and it shall be so stated on the face of said bonds.

**SECTION 13.** That neither the Railroad and Public Utilities Commission nor any other board or commission of like character heretofore or hereafter created shall have jurisdiction over the district in the management and control of its system, including the regulation of its rates, fees or charges.

**SECTION 14.** That his Act is complete in itself and shall be controlling. The provisions of any other law, general, special or local, except as provided in this Act, shall not apply to the district incorporated under this Act; provided, that nothing in this Act shall be construed as impairing the powers and duties of the Department of Health of the State of Tennessee.

**SECTION 15.** That said district shall have power to condemn either the fee or such right, title, interest, or easement in such property as the Board may deem necessary for any of the purposes mentioned in this Act and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by corporations, associations or persons having the power of eminent domain, or otherwise held or used for public purposes, including lands held and used for cemetery purposes; provided, however, such prior public use not be interfered with by this use. Such power of condemnation may be exercised in the mode or method of procedure prescribed by Sections 3109 to 3134, Code of Tennessee, 1932, or in the mode or method of procedure prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain; provided, however, that where title to any property sought to be condemned is defective, it shall be passed by decree of Court; provided, further, that where condemnation proceedings become necessary the Court in which such proceedings are filed shall, upon application by the district and upon the posting of a bond with the Clerk of the Court in such amount as the Court may deem commensurate with value of the property, order that the right of possession shall issue immediately or as soon and upon such terms as the Court, in its discretion, may deem proper and just.

**SECTION 16.** That in event of the incorporation of a city or town which includes a major portion of the territory within the district, the Board of Commissioners may and, if so ordered by a majority of the voters of such city or town participating in a referendum called for that purpose, shall sell the properties of one or more of the systems of the District to such city or town, any such sale shall, however, be made only for cash in such amount as will completely pay off and discharge all bonds and obligations of the District secured by the revenues of the system or systems so sold, together with interest thereon to maturity or to the date of redemption thereof plus all necessary redemption premiums.

As amended by: Private Acts of 1959, Chapter 294

**SECTION 17.** That the actions heretofore taken by the Town Council of Oak Ridge and those residents of Oak Ridge herein appointed as Commissioners of said district to effectuate the purposes of this Act, including all leases, contracts and proceedings with the United States Atomic Energy Commission, Equitable Securities Corporation and Associates, and Goodwin Engineers, Inc., are hereby authorized, validated and declared lawful.

**SECTION 18.** That there is hereby granted to the District the right, privilege and franchise to operate a system or systems for the furnishing of water, sewer, gas, and electric service, or any one or more of such services, throughout the District and territory adjacent thereto, and to sell any one or more or all of such services to all persons and consumers therein and to such end, in all public roads, highways, streets, alleys, and other thoroughfares throughout the district and territory adjacent thereto to place, lay down, construct, erect, extend, maintain, repair, replace, and renew all pipes, pipeline, electric lines, and other

structures and appliances deemed by it necessary or useful for the purpose of carrying, conducting, and transmitting any one or more of such services from its source or sources of supply, through, over, in, under, and upon such public roads, highways, streets, alleys, and other thoroughfares to the premises of the consumers of such services, provided only that said facilities be so constructed and maintained that no unnecessary annoyance shall accrue therefrom to the public health, comfort and convenience.

As amended by: Private Acts of 1959, Chapter 294

**SECTION 19.** That the Board of Commissioners may provide by resolution for the issuance of bonds for the purpose of refunding any outstanding bonds of the district. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the district in respect of such bonds shall be governed by the provisions of this Act in so far as such provisions may be applicable. Such refunding bonds shall either be issued in exchange for outstanding bonds, or shall be issued in such manner that the proceeds of the sale thereof will be applied to the payment of outstanding bonds becoming due, either through actual maturity or through call for redemption, not more than three months after the issuance of the refunding bonds.

**SECTION 20.** That the provisions of this Act are severable, and if any of its provisions shall be held to be invalid by any court of competent jurisdiction, the remaining provisions shall remain fully effective, it being hereby declared to be the legislative intent that this Act would have been adopted had any such invalid provision not been included therein.

**SECTION 21.** That all laws or parts of laws in conflict herewith be and the same are hereby repealed and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1951.

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