



March 10, 2025

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# Campbell

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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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# Campbell



Campbell County Courthouse

**Revised and Edited by:** Steve Lobertini, Codification Specialist,  
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**Updated by:** Elaine Turner, Paralegal, 2007

# Chapter I - Administration

## Building Permit

### Private Acts of 1984 Chapter 157

**SECTION 1.** (a) Any person desiring to erect, construct, or reconstruct or to have erected, constructed, or reconstructed any structure in Campbell County, and any person desiring to alter or have altered any existing structure in Campbell County where the value of such alteration is greater than five thousand dollars (\$5,000.00) shall apply to the Campbell County Clerk for a building permit for such erection, construction, reconstruction, or alteration.

(b) The application shall be in a form to be prescribed by the county clerk and shall contain the following information:

- (1) whether the proposed work is to be new construction or the alteration of an existing structure;
- (2) the location or address of the proposed construction or alteration;
- (3) the identity of the owner or owners of the premises;
- (4) the cost of the completed structure, in the case of new construction, or in the case of the alteration of an existing structure, the value of the structure before and after the alteration; and
- (5) such other information as the county clerk may prescribe.

(c) Upon proper application, duly made and filed, the county clerk shall issue a building permit, file a copy in his office and cause a copy to be filed in the office of the county assessor of property, so that the fact of such erection, construction or alteration shall be noted for tax records. The county clerk shall charge a fee of ten dollars (\$10.00) for the issuance of such permit; the fee shall be paid into the general fund of the county.

(d) No new or additional property tax shall be assessed against such premises unless and until they are complete or at least completed to the extent of being habitable or capable of being used for the purpose for which they were intended. Provided, however, in the case of the alteration of an existing structure not on the tax books of the county, or against which no property tax has been assessed, the assessor is not precluded from assessing the structure at its value before the alteration is completed and subsequently increasing the assessment upon completion of the alteration to include the value thereof.

**SECTION 2.** The permit requirement shall not apply to the erection, construction, reconstruction, or alteration of any structure in a municipality requiring a similar permit if a copy of the municipal permit is filed with the county clerk and if a fee of five dollars (\$5.00) is paid to cover the cost of registering the permit in the office of both the county clerk and the assessor of property.

**SECTION 3.** It is unlawful for any municipality, county, cooperative or utility district to furnish utility services to any property on which a building or other structure is being erected, constructed, reconstructed or altered, or to such building or other structure unless the building permit required by this act is obtained and displayed thereon.

**SECTION 4.** Violation of this act shall be punished as a civil penalty in an amount of not more than fifty dollars (\$50.00).

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Campbell County before July 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 6.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective on July 1, 1983, upon being approved as provided in Section 5.

PASSED: March 15, 1984.

## County Attorney

### Private Acts of 1986 Chapter 119

**SECTION 1.** Chapter 170 of the Private Acts of 1911, as amended by Chapter 679 of the Private Acts of 1917, Chapter 753 of the Private Acts of 1919, Chapter 291 of the Private Acts of 1921, Chapter 717 of

the Private Acts of 1951, and Chapter 372 of the Private Acts of 1953 are repealed.

**SECTION 2.** There is hereby created the office of County Attorney in Campbell County. Said officer and his successor shall be elected by the popular vote of the people as Circuit Judge and attorneys General are now elected in this state. The term of office of county attorney shall be six (6) years, beginning on the first day of September of each sixth year computed from September 1, 1912, such county attorney to be elected by popular vote of the people at the regular August election of each such sixth year computed from August, 1912; and each such county attorney so elected shall hold office until his successor is duly elected and qualified.

In the event of any vacancy in said office, during the term, the County Commission of such County shall elect a County Attorney to hold office until the next regular county or statewide election, whichever occurs first, at which election a County Attorney shall be elected by popular vote of the people to hold the office for the remainder of the term; or until his successor is elected and qualified. Each such County Attorney shall be paid for his services out of general county funds on warrants drawn by the County Executive or Chairman, a base salary of sixteen thousand dollars (\$16,000) per annum, due and payable at the rate of one thousand three hundred thirty-three dollars and thirty-three cents (\$1,333.33) per month. Said base salary shall constitute payment for performance of the ordinary and usual duties of such County Attorneys in the normal course of business. In the event extraordinary services are required of such County Attorneys, additional compensation shall be paid to such County Attorneys therefor, said additional compensation to be approved by the County Executive or County Commission, and said additional compensation may be in the form of such flat fee, hourly rate, or contingent fee as may be appropriate to the circumstances.

Nothing herein shall be construed as prohibiting such County Attorney from receiving certain official expenses in addition to regular salary.

In addition to regular salary, said County Attorney shall be reimbursed out of the funds of the County for expenses necessary or incident to and incurred in the handling of the official business of his office, including traveling expenses, board and lodging, stenographic expenses, court cost, filing fees, stationery [sic], and other expenses incurred in handling the official business of said office. Such County Attorney seeking reimbursement for such official expenses shall file with the County Executive of such county a sworn itemized statement of the amounts necessarily expended by him in the discharge of such official duties as granted herein, and upon the receipt of such verified statement said County Executive shall issue his warrant in reimbursement of such expenses.

In those instances where additional legal assistance is necessary or desirable, the County Attorney may employ same upon approval of the conditions for compensation therefor by the County Executive or County Commission.

**SECTION 3.** It shall be the duty of the said County Attorney to transact all the legal business of the county, to advise the county officials upon legal matters affecting their offices, and no officer of said county shall employ any other attorney save at his own personal expense unless he shall be first authorized and empowered by the County Commission of the County. Said County Attorney shall under the supervision of the Attorney General assist in waiting upon the grand jury at either the regular or called sessions. The County Attorney shall further be authorized to file any actions necessary for collection of delinquent taxes.

**SECTION 4.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect.

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Campbell County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 6.** 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 5.

PASSED: February 24, 1986

## County Legislative Body

### Private Acts of 1957 Chapter 129

**SECTION 1.** That for attendance upon sessions of the Quarterly County Court, and/or any regularly designated Committee Meeting, Justices of the Peace of Campbell County shall receive the sum of Ten (\$10.00) Dollars for each days' attendance and twelve (12¢) cents per mile for each mile traveled, one

way, between their home and the County Seat. Such compensation and expenses shall be paid out of the general fund of the county.

**COMPILER'S NOTE:** While the per diem rate has been superseded by Tennessee Code Annotated § 5-5-107, the mileage rate remains the same since the above code section does not mention the mileage.

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

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

Passed: February 26, 1957.

## Administration - Historical Notes

### County Attorney

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

1. Private Acts of 1911, Chapter 170, created the office of county attorney in Campbell County using the 1910 Federal Census figures, who would be appointed by the county court to serve until a county attorney could be elected by the people for a six year term at the regular election in August, 1912. The salary would be fixed by the quarterly court between \$300 and \$600 a year which would not be increased or diminished during the term, and which would be paid quarterly out of the regular county funds. The county attorney, among other things, would transact all the legal business of the county, advise county officials on legal matters and assist in waiting upon the grand jury. County officers could not employ any other lawyer than him. Private Acts of 1917, Chapter 679, abolished the office of county attorney in Campbell County and repealed all conflicting acts.
2. Private Acts of 1917, Chapter 679, abolished the office of county attorney in Campbell County and repealed all acts in conflict.
3. Private Acts of 1919, Chapter 753, created the office of county attorney in Campbell County.
4. Private Acts of 1921, Chapter 291, amended Section 2, Private Acts of 1919, Chapter 753, above, by relieving the county attorney of the duty to assist the district attorney in the prosecution of crimes and criminal actions before the courts grand jury.
5. Private Acts of 1951, Chapter 717, recited that it was in amendment to Private Acts of 1911, Chapter 170, which was repealed for all apparent purposes in 1917.
6. Private Acts of 1953, Chapter 372, also was enacted as an amendment to Private Acts of 1911, Chapter 170.

### County Clerk

The following acts once affected the office of county clerk in Campbell County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1833, Chapter 93, Section 3, authorized William Carey, clerk of the court of pleas and quarter sessions of Campbell County to build a clerk's office on any part of the public square in Jacksboro which may be designated for that purpose by a majority of the members and, provided further, that an order be made for that purpose.
2. Private Acts of 1919, Chapter 90, declared that women, over the age of 21, and residents of the county appointing them, were eligible to serve as deputy clerks of the county court in Campbell County and they would have all the rights, powers, duties, and obligations as other deputy clerks have.

### County Legislative Body

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

1. Acts of 1809, Second Session, Chapter 93, established the times for holding the court of pleas and quarter sessions for every county in the state. Campbell County's Court would convene on the

- first Monday in March, June, September, and December.
2. Private Acts of 1823, Chapter 74, changed the times for the meeting of the county court in Campbell and Claiborne counties. Campbell County's Courts were set to begin on the second Monday in March, June, September, and December.
  3. Private Acts of 1911, Chapter 344, provided that each justice of the peace in Scott and Campbell counties would receive \$2.00 per day as compensation for each day he attends any regular, or special, session of the quarterly county court, and in addition, would be paid five cents a mile for each mile traveled in going to and from home and the courthouse where the county court met.
  4. Private Acts of 1911, Chapter 406, seemed to be identical to Private Acts of 1911, Chapter 344, above, having the same provisions of \$2.00 a day for attendance and five cents a mile for travel, as stated in that act.
  5. Private Acts of 1949, Chapter 647, stated that hereafter the justices of the peace attending either called, or regular, sessions of the quarterly county court in Campbell County, using the 1945 Federal Census figures, would be paid \$5.00 a day for such out of the regular county funds and, in addition, he would be paid five cents per mile traveled from home to courthouse, but those justices living within ten miles of the courthouse would receive a minimum of \$1.00 for travel allowances.
  6. Private Acts of 1955, Chapter 347, provided that justices of the peace in Campbell County would receive as compensation \$10.00 per day for each day spent in attendance at regular, special, or called meetings of the quarterly county court, and, also, twelve cents per mile for each mile traveled, one way, between home and meeting place. This act was rejected and disapproved by the quarterly county court, failing to meet the requirements of the Home Rule Amendment to the State Constitution.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Campbell 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 1889, Chapter 153, created the office of county judge for Campbell County.
2. Public Acts of 1895, Chapter 164, amended Section 5, Public Acts of 1889, Chapter 153, by setting the salary of the county judge of Campbell county at \$100 per quarter, payable out of the regular county treasury, which was to be considered as the compensation for being the Judge and the financial agent for the county, and for clerical and all other extra services for which compensation is now allowed, and which would be in the place of all other fees and emoluments, not otherwise expressly provided for. This act was repealed by Private Acts of 1901, Chapter 349.
3. Private Acts of 1901, Chapter 346, expressly repealed Public Acts of 1895, Chapter 164, which amended the act creating the office of county judge.
4. Private Acts of 1903, Chapter 349, expressly repealed Private Acts of 1901, Chapter 346.
5. Private Acts of 1951, Chapter 586, amended Section 4 of Public Acts of 1889, Chapter 153, by making the county judge the director of the budget in Campbell County, and by raising his salary to the combined sum of \$3,600 a year, payable monthly out of the county treasury.

### **County Register**

The following act once affected the office of county register in Campbell County, but is no longer operative.

1. Private Acts of 1831, Chapter 162, provided that all deeds of conveyance and other written instruments heretofore registered in Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, McMinn, Morgan, Roane, and Sullivan counties, although the certification on the same may not specify that they were acknowledged by



the grantor, or bargainor, according to law, yet the same shall be as good and valid as if they had been properly acknowledged and may be offered as competent proof of the transactions they represent.

**Purchasing**

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

1. Private Acts of 1937, Chapter 754, created the position of county purchasing agent into which W. Henderson Archer was appointed by this act to serve until September 1, 1938, when his successor, elected by the people in August, 1938, would assume office. The term was for two years and the salary was \$1,800 a year. The county was required to furnish him an office, and equip it, in the courthouse. He would purchase all supplies for all departments including roads and schools, all of whom would file requests to purchase with him. He would ascertain the need and, if satisfied, proceed to purchase the supplies all over \$100 being put on competitive bid. Necessary storage space would be furnished to carry out the purpose of this law.
2. Private Acts of 1943, Chapter 41, expressly repealed Private Acts of 1937, Chapter 754, which created the office of County Purchasing Agent, to become effective at the end of the current term of the agent in office.

**General Reference**

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

1. Acts of 1807, Chapter 63, recites that the commission formerly appointed to plan and construct the courthouse and the seat of justice in Jacksboro did not discharge their duty. This act appoints Thomas Murry, Robert Glenn, Sampson David, John English, John Yount, Sr., James Rice, and John Newman in room and stead of the former commissioners who would have the same power and authority to lay out a town, set aside two acres for public buildings, and set up streets and alleys. In case of a vacancy in the above commission, the county court would fill it.
2. Acts of 1809, Second Session, Chapter 71, made it lawful for Sampson David to erect a warehouse for the public inspection and safe keeping of tobacco in Campbell County on the north side of Powell River. The warehouse would be on David's own land and be operated under the same rules published in the current public law.
3. Acts of 1815, Chapter 88, required the sheriff of Campbell County to hold an election in order for the people to vote on whether to leave the county seat at Jacksboro, or to move it to an area which was described by metes and bounds, in the vicinity of Thomas Campbell's plantation and Phillip Brook's land, which would be called Oxford. The vote to move must carry by a majority of at least 75 votes. If the county seat was voted to be moved, then Joseph Hart, Benjamin Wheeler, Daniel Martin, Andrew Hatfield, Absolom Morris, Robert Glenn, and Robert Deck were appointed as commissioners to carry out the will of the people and lay out the future town for the county seat of justice.
4. Acts of 1817, Chapter 5, Section 3, established and divided the state into solicitorial districts. The counties of Campbell, Hawkins, Grainger, and Claiborne composed the second solicitorial district.
5. Private Acts of 1826, Chapter 188, provided for the relief of A.N. Montgomery by the trustee of Campbell County in the amount of \$35.75. The amount was equal to the fine placed on Montgomery for not attending as a juror at the circuit court of Campbell County.
6. Private Acts of 1831, Chapter 146, declared that one James Carroll, of Campbell County, heretofore convicted of petit larceny, is hereby restored to all the legal rights, capacities, and privileges of citizenship of which he was deprived as a consequence of the said conviction which

rendered him infamous.

7. Private Acts of 1832, Chapter 76, provided that the bank agency of Campbell County will remain there under the existing rules and regulations as are prescribed by law until such time as the agent shall have received by 10% calls, an amount of money sufficient to pay the amount outstanding in the county. Further, that in case the bank agent has deposited in the branch bank at Knoxville, the amount in notes on the people of Campbell County which said county received over and above that to which it was entitled, then the president of the bank shall return said notes and the 10% calls shall be made and the money paid over to the president of the bank branch.
8. Acts of 1847-48, Chapter 86, stated that hereafter Campbell County would be allowed a director in the branch of the bank of Tennessee at Rogersville, who shall be appointed in the same manner and have the same power and authority as other directors.
9. Acts of 1847-48, Chapter 172, provided that commissioners would be appointed to select and designate some eligible site on which to locate the seat of justice of Campbell County, and, upon doing so, shall notify the sheriff who shall hold an election to decide between it and the present seat of justice. If the new site is chosen in the election, the commission shall then proceed to lay out the said town according to the conditions specified in this act, and may sell all the public property of the old site.
10. Acts of 1853-54, Chapter 180, gave the same authority to Claiborne, Campbell, Anderson, Knox, Montgomery, Stewart, Henry, Gibson, Tipton, and Madison counties to take stock in railroads and to issue bonds therefor but they also shall be subject to the same restrictions as are other counties indulging in the same practice.
11. Acts of 1853-54, Chapter 323, Section 13, made all the provisions of the law which permitted Haywood, Gibson, and Henry counties to invest in the stock of any railroad running through their county and to issue bonds therefor to pay as fully applicable to several other counties, including Campbell. All the above was subject to a favorable vote in a referendum in the affected county.
12. Private Acts of 1865-66, Chapter 60, Section 11, appointed David Hart, Jonothan S. Lindsay, Riley Queenor, William Lindsay, and George Delap, as commissioners for Jacksboro. They would appoint a surveyor and cause an accurate survey of the town to be made which would conform as near as possible to the original one. A plat shall be made, and, when verified by the commissioners, shall be registered. All streets and alleys would be named on this plat. The commissioners would be paid out of regular county funds and any vacancy in their ranks would be filled by the county court.
13. Public Acts of 1882, Second Session, Chapter 26, gave the comptroller of the state the authority to allow a credit to Ewings Banker, former revenue collector for Campbell County, for any errors which may be found in the computation of interest and damages in the judgment obtained in the favor of the state against Baker.
14. Private Acts of 1897, Chapter 124, was one of the earlier acts which established the salaries of several county officials according to the population of the county. Although this particular act was declared unconstitutional by the supreme court in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900), it still served as a pattern for many which followed.
15. Private Acts of 1931, Chapter 481, provided that fairs, public parks, or a zoo, which was operated to exhibit the progress of the county in its areas of endeavor, or for the education of the people, wherein prizes and premiums might be given away, not to exceed \$1,500 and admission prices while in operation would be not over fifty cents for the fairs and exhibitions, and five cents for the zoo, would be exempt from taxation by city, county, or state governments.

16. Private Acts of 1937, Chapter 510, removed all the disabilities of minority from Irene Leach, endowing her with all rights, powers, duties, and obligations of adulthood.

## Chapter II - Animals and Fish

### Agricultural District

#### Private Acts of 1937 Chapter 284

**SECTION 1.** That the public policy and the public welfare, health and morals of the people requires that in counties of this State having a population of not less than Twenty-six Thousand Eight Hundred (26,800) nor more than Twenty-six Thousand Eight Hundred and Fifty (26,850), according to the Federal Census of 1930 or any subsequent Federal Census, Agricultural Districts be created and that the running at large of livestock in such Agricultural Districts be regulated.

**SEC. 2.** That in the county, or counties, of this State, within the population limits as prescribed in Section 1 of this Act, there shall be and a line is hereby fixed running parallel with the north side of Powell's Valley along the top of Walden's Ridge (or Little Cumberland Mountain) from the Claiborne County line to Red Ash, then running with the west side of Powell's Valley along the eastern base of Big Cumberland Mountain from Red Ash to the Anderson county line, and so as to exclude the town of Caryville and Red Ash form the effect of this Act, and that all the territory between said fixed line and the southern boundary of the county, or counties, affected by this Act shall be an Agricultural District and in said Agricultural District it shall hereafter be unlawful for any owner, or any person having control of live stock, including horses, mules, cattle, sheep, swine, and goats to permit the same to run at large.

That Chapter 284 of the Private Acts of 1937, the caption of which is quoted in the caption of this Act, be and the same is hereby amended so as to more clearly define the boundary line of said agricultural district at or near Caryville, so as to include the Caryville Park, which is being constructed by the Government, in said agricultural district.

As amended by: Private Acts of 1937 (3rd Ex. Sess.), Chapter 25

**SEC. 3.** That any person violating Section 2 of this Act in allowing such live stock to run at large in said Agricultural District, or Agricultural Districts, shall be liable for all damage done by such live stock; that a lien be created against such live stock for such damage, which damage shall be recovered and/or said lien enforced by attachment or by judgment and execution before any Justice of the Peace or other Court of competent jurisdiction.

**SEC. 4.** That the owner of any property, either in fee or as tenant, so damaged by any such trespassing live stock mentioned in Section 2 of this Act shall have the right to take up and confine the live stock doing such damage, give such live stock reasonably good feed, water, and attention, and such person so taking up and confining such live stock shall have a charge for the reasonable expense of such feed, water, and attention, which charge may be collected in the same manner as prescribed by Section 3 of this Act, there being also created here a lien against such live stock for such charge.

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

Passed: February 25, 1937.

### Livestock Inspector

#### Private Acts of 1953 Chapter 583

**SECTION 1.** That in counties of this State with a population of not less than 34,300 nor more than 34,400, by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of two years, not exceeding one animal inspector. It shall be the duty of such livestock inspector to make an inspection and examination of the livestock in said County and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infectious or contagious diseases. Such animal inspectors may contract

with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in an amount not to exceed Ten (\$10.00) Dollars per annum for each inspector so appointed.

Elections thereof may be made by the Quarterly County Court at any regular term and the person so elected shall hold office for a period of two years from the date of such election. The said County shall not be liable for the default or negligence of any **such livestock inspectors where such County Court has used care and caution in the selection thereof, but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.**

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

Passed: April 9, 1953.

## Animals and Fish - Historical Notes

### Animals and Fish

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

1. Private Acts of 1826, Chapter 157, made it lawful for George Sharp, Jacob Sharp, Martin Redenour, and Henry Redenour to build a fish trap on Powell River in Campbell County at the same place on the river where they previously had built a trap, provided, that the erection of the trap shall not at any time obstruct the navigation of the river.
2. Private Acts of 1827, Chapter 72, authorized William Long, Thomas Norton, John Stanly, Isaac Bledsoe, and Heseekiah Dauly to build a fish trap and dam across the Clinch River in Campbell County at the lower end of the first big shoal above what is called Clouds Ford, provided that it shall not impede or obstruct navigation, and if any boat or craft is delayed, or damaged by the fish trap the above named person shall be liable for the damages caused by reason thereof.
3. Private Acts of 1831, Chapter 132, stated that any citizen, resident or non-resident, of Claiborne and Campbell counties shall not drive or permit their stock of any kind or description, either whole or in part, to graze or range upon the lands of the counties mentioned. Anyone doing so in violation of this law shall forfeit the sum of \$100 to be recovered as an action of debt by anyone who will sue for it. This act shall not extend to Grainger or to Hawkins counties.
4. Acts of 1849-50, Chapter 133, declared it unlawful for any person other than a citizen of Cumberland, Fentress, Morgan, Scott, Campbell, Overton, Putnam, White, Roane, Rhea, Bledsoe, and Van Buren counties to hunt and kill deer, or any species of game, for profit in those counties. All citizens of Tennessee could, however, hunt and kill game in those counties for their own use. The fine was \$50 for the first offense, and \$100 for subsequent violations, half going to the prosecutor, and half to the county.
5. Public Acts of 1889, Chapter 171, was an act making it unlawful, among other things, to hunt and kill deer for profit in the State of Tennessee from which Campbell County, and several other counties, exempted themselves.
6. Public Acts of 1889, Chapter 179, declared that it was unlawful for a non-resident of the state to hunt, shoot, kill, catch, or carry away game of any kind in Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Cater, Sullivan, Meigs, and Claiborne counties.
7. Public Acts of 1893, Chapter 128, amended Public Acts of 1889, Chapter 179, above, by inserting a provision which made that act inapplicable to non-residents who were hunting in Sullivan County as the guest of, or at the request of, the owner of land.
8. Public Acts of 1895, Chapter 161, made it lawful for any person within five years from the passage

of this act to chase deer with dogs, or with hounds, or to shoot, wound, capture, kill or attempt to do so, in Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, and Union counties. Fines for violations ran from \$5.00 to \$50.

9. Private Acts of 1897, Chapter 276, amended Section 1, Public Acts of 1895, Chapter 127, so as to make it legal to take fish from any of the streams, lakes, rivers, and ponds, in the counties of Wayne, Perry, Humphreys, Marshall, Union, and Campbell counties, by grabbling, and by gig, except during the months of March, April, and May.
10. Public Acts of 1899, Chapter 33, amended Section 1, Private Acts of 1897, Chapter 276, so as to render it unlawful to take or catch fish in any of the lakes, streams, or ponds, except the Tennessee River, on which river the present existing fish laws in Perry and Humphreys counties shall govern, in any manner whatever except by hook and line and trot line. This act applied to Wayne, Perry, Humphreys, Marshall, Union, and Campbell counties.
11. Public Acts of 1899, Chapter 333, declared it to be unlawful for a period of ten years after the passage of this act to chase deer with dogs, or with hounds, or to shoot, wound, capture, or kill, or attempt to do so, in Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, Union and McNairy counties. The fines ranged from \$10 to \$50, and the Judges were required to charge this act to the grand juries.
12. Private Acts of 1915, Chapter 350, made it lawful to catch and take fish from any of the public streams in Campbell, Claiborne, Anderson, Hamblen, and Union counties by rod and line, trot line, basket, or net, if the meshes in the basket, or net, are at least a 1 3/4" square, and the slats in the basket, if used, be at least 1 1/2" apart. Shooting and gigging of fish were permissible in any stream from July 1 to the following April 1 but it was unlawful to take fish in any manner from April 1 to June 30 each year. No license would be required if a person were fishing in his home county and meeting the provisions of this act.
13. Private Acts of 1917, Chapter 141, made it unlawful to shoot, or kill, by any means, the bird known as quail, meaning the ordinary Bob White, or virginal partridge, from February 1, to December 1 of each year making open season to exist only from December 1 to February 1.
14. Private Acts of 1921, Chapter 91, provided that four barbed wire strands securely fastened to good and substantial posts, which were no more than forty feet apart, with a good stay, or brace, at least two inches thick and not more than eight feet apart, would constitute a lawful and acceptable fence in Campbell County. The first wire stand could be fifteen inches above the ground and the others twelve inches apart. All conflicts were repealed.
15. Private Acts of 1921, Chapter 92, made it unlawful for the owner of hogs or goats, to permit them to run at large in Campbell County, using the 1920 Federal Census figures. A fine for violation from \$5.00 to \$20.00 was specified. The damaged person was given a lien on the stock for 90 days from the day of damage or until the end of any suit brought within the 90 days, which could be enforced by; execution and attachment. Once damaged the person must notify the officers, or the constable, who would take the animals as soon as they were notified and, if the owner did not reclaim them, sell them at public outcry. The officer's fees were 25 cents per head for impounding and 20 cents per head per day for feeding. These fees, plus damages would be taken from the money realized first, then the remainder, if any, would be given to the owner. The owner of the land trespassed was not give any costs for feeding or keeping under this act thus encouraging the turning over to the officer.
16. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, which was a rather stringent regulatory act for dogs and which was statewide in its application, so as to exempt Campbell County, along with nearly every other county, from its provisions.

17. Private Acts of 1935, Chapter 123, declared it to be unlawful for the owner or custodian, of live stock, including horses, mules, cattle, sheep, swine, and goats, to permit the same to run at large in Campbell County. The owner was responsible for damages which might be caused while the stock was at large. The damaged person was granted a lien which might be enforced by judgment and execution before any justice of the peace. The damaged individual could also take up the animals, feed and care for them, and add this cost to his damages enforceable under the same lien. In addition, there was a fine from \$5.00 to \$25 provided. This act was repealed by the one below.
18. Private Acts of 1937, Chapter 11, specifically and entirely repealed Private Acts of 1935, Chapter 123, above, which was to prevent the running at large of livestock in Campbell County.
19. Private Acts of 1939, Chapter 397, amended Private Acts of 1921, Chapter 92, which was concerned with the running at large of hogs, or goats, by exempting the sixth civil district from the provisions of that section pertaining to fences and declaring them to be unenforceable and out of any effect in that area.
20. Private Acts of 1939, Chapter 398, amended Private Acts of 1921, Chapter 91, Section 3, by exempting the sixth civil district from the provisions of that section pertaining to fences and declaring them to be of no effect and unenforceable in that area.
21. Private Acts of 1945, Chapter 299, allowed Lon Campbell to practice veterinary surgery and medicine in Claiborne, and adjoining counties, including Campbell County without the necessity of being licensed by the state board of veterinary examiners but this act was not to be interpreted as giving Campbell the authority to prescribe narcotics of any kind.
22. Public Acts of 1981, Chapter 267, was the enabling act which permitted counties, after an affirmative referendum vote, to levy a tax and expend the funds to secure humane treatment for animals not subject to the game and fish laws of the state.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Campbell 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.

#### **Courthouse**

1. Public Acts of 1885, Chapter 18, allowed the quarterly county court of Campbell County to issue \$12,000 in bonds, at an interest rate not to exceed 6%, and on a maturity schedule not to exceed ten years, the bonds being redeemable in three years, to erect and furnish a courthouse for the county and to pay any bills connected therewith. All the essential details of the issue were mentioned in the act, including the requirements of a tax levy for the sinking fund which the collector of revenue would collect as he did all others.

#### **Debts**

1. Public Acts of 1866-67, Chapter 41, permitted Hawkins County, upon the concurrence of two-thirds of the quarterly county court, to issue coupon bonds for the amount of the debts of the county with the provision that the money would not be used to pay any debt which was incurred in aid of the rebellion. Section 2 of this act extended all of its provisions to Grainger, Campbell, Anderson, and Union counties.
2. Private Acts of 1929, Chapter 303, was the authority for the quarterly county court to issue up to \$75,000, in 6%, 25 years, bonds, bearing interest, to pay all the outstanding warrants heretofore issued in reference to elementary and high school obligations. All the essential details were

incorporated. The county judge, or chairman, C. C. Guy, E. E. Hill, J. B. Brickley, E. H. Powes, the county superintendent of schools, the county court clerk, and the county attorney, would for a committee to sell the bonds and to disburse the funds in accordance with information on the debts furnished to them by the school officials. These bonds were to be general obligation bonds of the county.

3. Private Acts of 1939, Chapter 395, gave the authority to the quarterly county court to issue up to \$200,000 in 4% bonds which would be used to take up and retire a like amount of the floating indebtedness of Campbell County. The bonds would be payable on the first of February and August of each year until 1963. All essentials were in the law and the county judge and trustee were named to conduct the sale.

### **Jails**

1. Public Acts of 1891, Chapter 54, allowed the quarterly court to issue \$10,000 in 6% bonds, payable in ten years, to erect and furnish a county jail, provided, three-fourths of the members of the court are present when the bonds are voted on. The tax levy requirement and all the essential details of the issue were met.

### **Parks**

1. Private Acts of 1937, Chapter 177, validated and legalized all proceedings which were held in the past by the county court on March 11, 1936, in connection with the proposed purchase of about 5,000 acres of land for park, game preserve, and other public purposes. This act was the authority to purchase the land and to issue \$15,000 in 4%, or less, bonds, said bonds to be due and payable as the court provides. A form of the bond and of the note which would be followed, is incorporated into the act, none of which would be binding against the county unless properly executed.
2. Private Acts of 1937, Chapter 517, allowed the quarterly county court to purchase lands along the Clear Fork River on both sides which would be acceptable to the state forest and game preserve people which land would not exceed the value of \$25,000 for which the county court was authorized to issue bonds at an interest rate not to exceed 5%, and on a maturity schedule not to exceed fifteen years. The bonds would be general obligation bonds and exempt from taxes. All essential details were present.

### **Roads**

1. Private Acts of 1901, Chapter 229, was the authority for the quarterly county court to issue \$100,000 to improve three public roads which were listed and described in the act, at an interest rate not to exceed 6%, and according to a maturity schedule to be fashioned by the court. The court was required to appoint three commissioners to supervise the work who could employ engineers and other experts, if needed. The commissioners must make full and accurate reports accompanied by any maps, charts, or graphs considered essential. The commissioners would submit an estimated cost for each road and the bid figures, to be acceptable, must not exceed the commissioner's estimates. All details and the tax levy were prescribed.
2. Acts of 1907, Chapter 585, permitted the quarterly county court, of Campbell County, to issue \$100,000 in 5%, 30 year bonds, to locate, change, construct, macadamize, and improve six roads, designated in the act which also embodied all the essential details of the issue. Three commissioners to supervise would be named by the court who would also designate one as chairman, and one as secretary, and fix their compensation at a sum no greater than \$600 per year. The duties of the chairman and the secretary were specified. An engineer could be employed at \$5 per day, or less, who would make a survey of these roads and recommendations on what was needed. Macadam, if used, would be twelve feet or less, wide, and no more than one foot thick. Conditions were established under which contracts could be met, which amount could not be more than that allotted to that road.
3. Acts of 1909, Chapter 372, was the authority for the Campbell County Quarterly Court to issue up to \$150,000 in 5%, 30 year bonds, to locate, improve, grade, and macadamize a list of twelve roads designated in the act which contained all the details of the issue and the requirement of a

- tax levy. The court would elect three commissioners, naming a chairman and a secretary, and setting their compensation at \$600 or less, a year, who would take an oath and make a bond. Specifications on macadam were reduced to ten to twelve feet in width and eight inches in thickness. Bids were to be solicited and contracts awarded to the proper bidder. The court was further authorized to open, close, or change roads.
4. Private Acts of 1911, Chapter 500 allowed the quarterly court to issue \$250,000 in 5%, 30 year, bonds, to locate, grade, bed, and macadamize a roster of seventeen roads designated, with the amounts to be spent on each, in the act, with the provision that, if any funds were left, they would be spent on the five roads named. The court would again appoint three Commissioners under the same requirements previously mentioned, designate a chairman at \$1,200 a year, a secretary at \$600 a year, and the other commissioner would receive \$300 a year, any or all of whom could be removed from office. They could hire an engineer at \$1,200 and an assistant engineer at \$400 but the chairman of the commission would be the ex-officio superintendent of construction. They were also given the same power and authority as former commissions. Private Acts of 1915, Chapter 619, amended Private Acts of 1911, Chapter 500, so as to permit the board of highway commissioners and those elected by the county court to change the location of road number 1 running from Jellico to LaFollette so as to follow the best and most practical route, and the commissioners were given authority to change other roads to bring about the same results, and further to increase the amount allotted to each road, if the funds were available.
  5. Private Acts of 1913, Chapter 342, amended Private Acts of 1911, Chapter 500, which authorized a bond issue, by providing that the county court could issue a part of the total bonds allowed under that act without having an obligation to issue the entire \$250,000. The court would also be permitted to designate by resolution the roads on which the work was to be done and the amount allotted to each. The act was further amended by changing some of the routes to be followed by the roads.
  6. Private Acts of 1917, Chapter 324, authorized a bond issue by the county court of \$250,000 with an annual rate of 5%, 30 year bonds, furnishing all the essential details of bond legislation and requiring a tax levy to be made in order to amortize the bonds. The money would be used to locate, grade, bed, and macadamize a list of eight roads named and described and with specified amounts to be spent of each one. If surpluses accrued, they could be used on other roads. The county court will elect a civil engineer who shall be the chairman of the commission, along with the county judge and the county court clerk, who are named as ex-officio members. The engineer could be paid up to \$150 a month, and the county court clerk up to \$50 a month for their services, the clerk acting as secretary. The chairman of the commission will be the superintendent of construction, and may hire up to two assistants, one at \$900 a year, and the other at \$600. The board will have such powers as are set out in the act plus such incidental powers necessary to accomplish the objective.
  7. Private Acts of 1915, Chapter 329, allowed the quarterly court to issue \$50,000 in 6%, 30 year, bonds, to repair and improve the six roads named in the act which also had all the essential details of a bond issue included. John Bowman was named as supervisor, who would remain until all the work was completed, at \$60 a month salary, and have supervision over all others on this program. He could employ an engineer and other technical assistance to accomplish the objectives. A special road tax levy of 5 to 10 cents per \$100 property valuation was authorized and required in order to amortize the bonds. Bids were to be solicited and contracts awarded accordingly. Violations of any of the provisions could be punished by fines from \$50 to \$100.
  8. Private Acts of 1919, Chapter 438, permitted the quarterly court to issue up to \$100,000 in 5½%, 30 year, bonds to locate, grade, repair, and improve the roads listed in the bill and according to the amount of funds allotted to each. Six roads were named, the details of the issue spelled out,



records were to be kept, and a tax levied to repay. A three member highway commission would be elected whose chairman would be paid \$100 a month, its secretary \$50 a month, and the member \$25 a month all of whom would take an oath and execute a bond. An engineer could be retained to map and classify the roads and render other technical assistance. The commission could advertise for bids, award contracts, inspect the work of the contractors, and dispose of petitions to open, close, or change the roads. The commission was further designated as the county's agent to deal with the state.

9. Private Acts of 1919, Chapter 516, was the authority for the Campbell County Quarterly Court to issue up to \$100,000 in 6%, 30 year bonds, to locate, grade, improve, and macadamize the Dixie Highway from the Anderson County line by way of several towns and cities, including Jacksboro, at or near the Walnut Grove Church House to the mouth of Cedar Creek on Power's River (etc.). Three commissioners were to be appointed at compensations of \$100 a month for the chairman, \$50 per month for the secretary, and \$30 per month for the other member while they were actually engaged in their duties as commissioners. The chairman would be the road superintendent to supervise the program and all the powers of the commission are enumerated in the act.
10. Private Acts of 1921, Chapter 198, allowed the quarterly court to issue \$390,000 in 5½%, 30 year bonds, to locate, grade, build, and macadamize certain roads, thirteen in number, spending within the monetary limits specified for each, and issuing the bonds and levying the tax rate as was detailed in this law. Two men would be appointed as a highway commission, one to be chairman at \$150 a month at full time, and the secretary to draw \$100 a month at full time but they would be paid only in proportion to the days actually worked. They could use the county engineer or hire one to map and classify the roads, inspect and supervise all the work of the contractors getting bids, and enforce all the specifications agreed upon. They were also required to take all steps necessary to avail the county of any state or federal assistance.
11. Private Acts of 1921, Chapter 424, was the authority for the county court to issue \$501,000 in 6%, 30 year bonds for the same road purposes previously described. There were 22 roads listed on which more, or less, work was to be accomplished some of which were the same roads listed in prior acts. Amounts of money to be spent were specified for each one but the court could rearrange these allocations if necessity required it. The three member highway commission, all of whom would be compensated at \$100 per month, plus travel expenses were granted the same rights and charged with the same duties as previous commissions.
12. Private Acts of 1921, Chapter 775, allowed the issuance by the county court of \$20,000 in 6%, 30 year bonds with all the essential details and the tax levy requirement to improve and repair the road from Jacksboro, Venisant Pike, via Noah Showen's and the Cumberland Schoolhouse to the Macedonia Church. The board of highway commissioners authorized to be appointed under Private Acts of 1921, Chapter 424, shall also supervise the work and carry the terms of this act into effect.
13. Private Acts of 1923, Chapter 271, amended Private Acts of 1921, Chapter 424, in Section 6, by increasing the amount of money mentioned there from \$52,000 to \$127,000, the additional money to be used for the construction and completion of a highway beginning at the present grade above Red Ash and running the most practical route by way of Buckeye, or Pioneer, so as to intersect with the pike leading from Elk Valley to Buckeye, or to Pioneer. All the other terms and conditions contained in Chapter 424 were to remain as they were to be followed in the implementation of this act.
14. Private Acts of 1923, Chapter 666, authorized the quarterly court to issue \$45,000 in 5½%, 20 year bonds, allocating \$15,000 each to three roads mentioned in the act which were to be

repaired and improved including any bridges which might be involved. A three member highway commission was set up which was composed of Jess L. Rogers, Chairman, Z. O. Baird, secretary, and E. L. Gaylor, who were clothed with the authority to accomplish the objectives of this law. They would be required to take an oath, make bond, and be paid \$100 a month. All other provisions, as hiring an engineer, etc. were similar to those in prior legislation. This act, however, depended on the successful outcome of a referendum held for that purpose.

15. Private Acts of 1927, Chapter 639, permitted, the quarterly court to issue up to \$185,000, in whole or in part, in 6%, 30 year bonds, the details of which were established, which would be spent to locate, grade, build, repair, and maintain a list of some fifteen roads enumerated in the act. There would be a board of highway commissioners composed of J. M. Newport, George Ellison, and J. I. Mauny, who would choose their chairman and secretary, who would take oath and make bond, who would be paid \$5 per day for each day actually served as such, and expenses, who could use the county engineer or employ one as well as other expert advisors, and who would inspect, classify, and map the roads. The commission would also prepare themselves to take advantage of any state or federal aid which might be available to them for the county.
16. Private Acts of 1931, Chapter 593, allowed the county court to issue \$25,000 in 5% bonds, to mature on a ten year schedule, to locate, Jellico-Caryville Road, extending west across the mountain to Nettie Cave Creek and then to the Scott County line. Arrangements would be made with the state for their contribution to the road. The trustee would handle and be accountable for the funds.
17. Private Acts of 1941, Chapter 286, was the basis for the county court to issue \$175,000 in 5%, 30 year, bonds, to pay for the acquisition of rights of way, borrow pits and other accessories for the construction of the highway from La Follette to the Anderson County line. The details are included and a tax levy required to amortize.
18. Private Acts of 1951, Chapter 625, validated and legalized all the prior proceedings of the county court held in connection with the issuance of \$300,000 in road bonds, making them the general obligations of the county, requiring that an additional tax be levied to repay the money, and adopting all the details contained in the resolution originally enacted for this issue. The county trustee shall handle all the money. This act was declared unconstitutional in Wilson v. Beeler, 193 Tenn. 213, 245 S.W.2d 620 (1951).

### **Schools**

1. Private Acts of 1915, Chapter 334, allowed the quarterly court to issue up to \$75,000 in 5%, 25 year, bonds to purchase property for schools, to purchase high school buildings and grounds, and to provide for facilities which can also be devoted to agricultural, vocational, and mechanical courses. The normal language concerning all bond issues took up the remainder of the act.
2. Private Acts of 1919, Chapter 250, was the authority for the county court to issue interest bearing warrants at an interest rate not to exceed 6% and in any amount of \$5,000, or under, in any one year for the purpose of building and repairing school houses, said warrants to become due at such time as the county court may direct.
3. Private Acts of 1921, Chapter 388, allowed the quarterly county court of Campbell County, using the 1920 Federal Census figures, to issue interest bearing warrants, at a rate not to exceed 6%, and in an amount not to exceed \$25,000 in anyone year, to build and repair high schools in the county. The court would designate when the warrants would mature and would levy an additional tax in each year in an amount sufficient to repay any amount which might be borrowed under the terms of this act.
4. Private Acts of 1921, Chapter 389, amended Private Acts of 1919, Chapter 250, by changing the amount of interest-bearing warrants for the purpose of building and repairing schoolhouses to \$15,000.00.

5. Private Acts of 1925, Chapter 441, recited in the preamble that pursuant to the authority and provisions of Private Acts of 1921, Chapter 388, the county court which issued \$25,000 in interest bearing warrants with which to build a certain school building in La Follette, which is under construction but incomplete because of a lack of funds. This act permitted the issuance of \$10,000 additional bonds, under the same terms and conditions in order to finish the building.
6. Private Acts of 1925, Chapter 559, validated, confirmed, and legalized all the interest bearing county warrants now issued, or hereafter to be issued, by the county court for the purpose of building and repairing elementary and high school buildings and for furnishing the same. This act was also applicable to Obion County.
7. Private Acts of 1925, Chapter 659, was the same identical act mentioned in Item 4, above, except this one was applied only to Campbell County.
8. Private Acts of 1937, Chapter 516, validated, ratified, confirmed, and made legal all the proceedings held by the quarterly court on April 15, 1937, in issuing \$150,000 in school bonds of which \$100,000 was for the schools in La Follette, \$25,000 for those in Caryville, and the remainder of the issue be spent on the rest of the schools. A form of the bond to be issued was contained in the act. There was a building committee appointed for La Follette composed of John McCloud, R. D. Lynch, Frank Thomas, Bill Queener, L. I. Mauny, R. L. Sharp, and W. F. Burnette, and they would elect a chairman and secretary from their own number. For Caryville, the committee consisted of R. L. Gallaher, H. M. Mahoney, and Dewey Lumpkins, and the repair committee was made up of R. L. Lynch, G. R. Deuel, and Andy McCullah.
9. Private Acts of 1947, Chapter 770, provided that, subject to the outcome of a referendum, the quarterly county court of Campbell County was authorized to issue \$1,000,000 in 3% bonds, no maturity schedule, or limit, specified, to construct, repair, alter, or equip, public school buildings with specific allocations being made to various high schools and elementary schools, but the county court was granted the authority to re-allocate the funds as they deemed proper.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1806 (Second Session) Chapter 21

**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.

**SEC. 2.** That James Grant, William Hancock, Jacent Cloud, Robert Glen, Richard Linville, Sampson David, and John English, or a majority of them, be, and they are hereby appointed commissioners, and authorized to fix on and lay out a place the most suitable and convenient in said county, for the purpose of erecting a court house, prison and stocks.

**SEC. 3.** That the aforesaid commissioners are hereby authorized and required, as soon as may be, after

agreeing on the place whereon the said court house, prison, and stocks are to be erected in said county, they shall proceed to purchase any quantity of land, not exceeding forty acres, for which they shall cause a deed or deeds to be made to themselves, or successors in office, on which they shall cause a town to be laid off, with necessary streets and alleys, reserving one acre as near the centre as may be, on which the court house, prison and stocks shall be erected, which shall be known by the name of Jacksborough; and when the town shall be thus laid off, the aforesaid commissioners are further requested to advertise for sale to the highest bidder, at a credit not exceeding twelve months, the lots of said town, giving sixty days previous notice thereof in the public papers printed at Knoxville, and shall take bonds with sufficient securities, to themselves or successors in office, and shall make titles to the purchasers, and the proceeds of the sales of said lots, shall go towards defraying the expense of the public buildings in the same, & contract & agree with suitable workmen for erecting and building at the place aforesaid, a court house, prison and stocks, for the use and benefit of said county, and shall, after advertising the same at least sixty days in the public papers, and at six of the most public places in the county, shall proceed to let the building of the same to the lowest bidder, and take bond and security from such undertaker, in the sum of five thousand dollars, for the fulfillment of his or their contract.

**SEC. 4.** And the better to enable the commissioners aforesaid to carry this act into effect. That a tax of twelve and a half cents on each hundred acres of land; a tax of twenty-five cents on each town lot; a tax of twenty-five cents on each slave between the age of twelve and fifty years; and a tax of twenty-five cents on each white male, between the age of twenty-one and fifty years, shall be collected in the said county for two years, by the sheriff or collector of the same, and accounted for and paid to the said commissioners, at the same time, and in the same manner, and under like penalties and restrictions, as is or may be directed for collecting, accounting for, and paying public taxes.

**SEC. 5.** That before the said commissioners shall take into their hands any of the monies directed to be collected by this act, they shall enter into bond in the sum of five thousand dollars, payable to the governor and commander in chief, for the time being, conditioned for the faithful discharge of the trust reposed in them.

**SEC. 6.** And for the due administration of justice in said county, *Be it enacted*, That the court of the said county of Campbell shall be held regularly by the justices of said county, on the first Mondays in December, March, June, and September, in every year; and the justices for said county of Campbell, are hereby authorized and empowered to hold the first court for the same, at the house of Richard Linville, and all subsequent courts for said county, on the days above mentioned for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house shall be built for said county of Campbell; and then all causes, matters and things, depending in said court, and all process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county of Campbell, shall be held by commission to the said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are or shall be prescribed for the courts for the several counties in this state.

**SEC. 7.** That the aforesaid county of Campbell, shall be, and it hereby declared to compose a part of the district of Hamilton, in the same manner, and for all purposes civil and military, as the said counties of Anderson and Claiborne did previously to this county being taken off of them; and the said county of Campbell shall furnish two jurors to the superior courts of law and equity, for the district of Hamilton aforesaid.

**SEC. 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.

**SEC. 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 authorized to collect, in the same manner that he might or could do, before the said sectional parts, that now compose the county of Campbell, was taken off of said counties of Anderson and Claiborne.

**SEC. 10.** That in future the courts of Claiborne county shall be held on the fourth Mondays of November, February, May and August, in each and every year, and all suits, causes, indictments, matters, and things, of what nature and kind soever, now pending in said court, shall, after the rise of the present term of said court, be adjourned over, and continued till the fourth Monday of November next, to all intents, constructions, and purposes; and in case the clerk of said court shall issue any writ or writs of *capias* as *respondendum*, writ of *capias ad satisfaciendum* writ of *fieri facias*, or any other writ or process whatsoever, returnable to any other day than the fourth Monday of November next, the same shall be

returned on the said fourth Monday of November, and shall be as good and as valid in law, as if the same had been made returnable on the said fourth Monday of November; any law, usage or custom to the contrary notwithstanding.

September 11, 1806.

## Change of County Lines

### 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.

**SEC. 2.** That from and after the passing of this act, the county of Campbell shall be comprehended within the following bounds, to wit: Beginning at the point where the lines of Anderson, which runs north forty five degrees west, will intersect the line of said county of Anderson, which runs south forty five degrees west; thence north forty five degrees east, to the northern boundary line of this state; thence east, with said northern boundary line, to a point on the same, from which, a line to be run at the angle of forty degrees southeast, will cross Powell's valley, at or near the house where James Devers formerly lived in said valley, leaving said house in Campbell county, not more than fifty poles; thence from said last mentioned point, south forty-five degrees east, crossing Powell's Valley at or near the house where James Devers formerly lived in said Valley, leaving said house in Campbell county, nor more than fifty poles to the line of Grainger county, on the north bank of Clinch river; thence down said river Clinch, to the Anderson county line, at the first bluff below the mouth of Cove creek; thence with the lines of Anderson county to the beginning.

**SEC. 3.** That Jesse Roysden shall be, and hereby is 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.

**SEC. 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.

**SEC. 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 officer 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.

**SEC. 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.

November 7, 1807.

## Acts of 1817 Chapter 20

**SEC. 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 for; 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 and Eleven, then with that line to New River, then down New River in 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.

**SEC. 2.** That the County of Campbell, shall defray all expenses 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.

September 24th, 1817.

## Acts of 1817 Chapter 159

**Sec. 1.** That Thomas R. M'Clary is hereby appointed surveyor, to survey, and cause to be plainly marked, the line hereafter mentioned, to wit: Beginning on Clinch river, at the lower end of Graves' bent, then to Powell's river, to the place where the present dividing line between Claiborne and Campbell crosses the same, so as to leave the house of Conrad Sharp one hundred poles in Campbell county, and the house of David Smith one hundred poles in Claiborne county; then to Powell's valley, so as to strike the creek on which James Walkers iron works stands, one hundred poles above said iron works; then a direct course to Cumberland mountain, so as to leave the house of Thomas M'Lean one hundred poles in Campbell county; then a direct course to the clear fork of Cumberland river, so as to leave the house of Isaac Owens in Campbell county; then north forty five degrees west to the Kentucky line.

**Sec. 2.** That the sheriffs of each of the before mentioned counties shall have full power to collect any arrearages of taxes that may remain due in such parts of territory as may have been exchanged by this act.

**Sec. 3.** That the said Thomas R. M'Clary, shall be allowed the sum of three dollars per day for running and marking the same.

Nov. 22, 1817.

## Private Acts of 1851-52 Chapter 249

**SECTION 1.** That the dividing line between the counties of Campbell and Claiborne be changed as follows, to wit: Beginning on the north bank of Powell's river on lot\_\_\_\_line letter D, in Henderson & Co's, Powell's Valley survey, running northward with said line letter D, to the grant line, thence north to the Kentucky line, so as to include the first civil district of Claiborne county, in the county of Campbell.

**SEC. 2.** That Alvis Kincaid, Jesse Rogers, Francis Ausmus, be and they are hereby appointed commissioners to run and mark said line as designated in the first section of this act, on or before the first day of April next; all persons living west of said line when run, and marked as above stated, be and they are hereby attached to, and shall have all the rights, privileges and immunities of other citizens of Campbell county.

**SEC. 3.** That said fraction of Claiborne county, shall not be attached to Campbell county until said section shall have employed the county surveyor, either of Claiborne or Campbell county to make an accurate survey of the remaining portion of Claiborne county, and after said surveyor shall have made said survey, and a report upon oath that Claiborne county will not be reduced below its constitutional number of square miles by said change of line between said counties; the surveyor shall receive the ordinary fees for his services to be paid by that part of Claiborne asking to be attached to Campbell county.

**SEC. 4.** That the lines between the counties of Carter and Johnson, be so changed as to include the tracts of land on which Joshua Perkins and Richard G. Perkins live, within the said county of Carter.

**SEC. 5.** That the county of Benton retain its original name in honor of David Benton, an old and

respectable citizen of said county.

Passed, January 26, 1852.

## Private Acts of 1853-54 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 Mussengill'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 Dherty'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.

**SEC. 2.** That the dividing line between the counties of Claibourne [sic] and Campbell shall be as follows: Beginning on the top of Cumberland mountain, where the county line now crosses the same; thence northward to the top of the dividing ridge, between White Oak and Taskett Creek to the Clearfork, at or near the old Hunter place; thence north to the Kentucky line.

Passed, February 20, 1854.

## Public Acts of 1871 Chapter 10

**SECTION 1.** That the County Line between the Counties of Campbell and Claiborne be changes as follows: Commencing on lot line "G". of Henderson & Co., Powell's Valley large survey, where the County line crosses the same; thence with said lot line north about 27<sup>o</sup> west to George W. Cooper's land; then with said Cooper's line, so as to include all the lands of George W. Cooper and J. B. Little in Campbell County. This Act to take effect from and after its passage, the public welfare requiring it.

Passed: October 26, 1871.

## Public Acts of 1871 Chapter 118

WHEREAS, An Act was passed by the General Assembly of the State of Tennessee on the 23d day of January, 1871, entitled, "An Act to change the line between the counties of Campbell and Scott, and

WHEREAS, by said change several voters were detached from the county of Scott and attached to the county of Campbell, contrary to the wishes and interest of said voters, and

WHEREAS, It has been clearly shown by petition and sworn testimony that it is the desire of all of said voters to be added to the county of Scott. Therefore,

**SECTION 1.** That the county line between the counties of Scott and Campbell be changed as follows, to-wit: Beginning on the top of Fork Ridge in the Scott and Campbell county line, where James Criscillis and Hiram Trammell's lands join; thence with their dividing line, crossing Capuchin Fork of Jellies to the top of the ridge dividing the water of Capuchin and Trammell's Fork; thence with the top of said last named ridge westwardly to the Scott and Campbell county line, including all of James Blankenship's lands in Scott county: *Provided, however*, that nothing in this Act shall be so construed as in any way to effect the farms of Danswell Trammell, James Smith, John Lay, David Baird, and Joseph Baird, who with their said farms are hereby declared to belong to the county of Campbell.

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

Passed December 13, 1871.

## Public Acts of 1891 Chapter 23

**SECTION 1.** That the line between the counties of Claiborne and Campbell be so changed as to detach from Claiborne and attach to Campbell the territory in the following boundaries, to wit: Beginning in the

center of the Clear Fork and Laurel Fork road at the point where same crosses the Tennessee and Kentucky State line, thence with the center of said road southwestwardly to the Clear Fork of Cumberland River, near the residence of Dant Hamblin; thence down said river to the Rogers or Wilson Gap road; thence with the center of said road to the top of Cumberland Mountain; thence with the top of said mountain a northeast course to a stake opposite the southwest line of the lands of Sam Alexander; thence with his said line, including all his lands on the Claiborne side, to a large oak on the Powell's Valley road corner between him and the heirs of William Wilton, deceased; thence with said road an east course to the southwest line of L. M. Carr; thence with his said line a southeast course to the southwest lines of B.F. Carr; thence with his said line to the southwest line of Mitchell Alexander's (Kincaid farm); thence with same to the southwest line of the old Harmon Davis farm, and with same to the Back Valley road, thence down said road to the Greasy Hollow road; thence with said road to the Greasy Hollow branch; thence with said branch to Powell's River, near what is known as the Greasy Hollow mill; thence down said river to the Union County line, thence with the Union County line to the Campbell County line.

**SEC. 2.** That nothing in this Act shall be so construed as to prevent the revenue collectors of said counties respectively from collecting any taxes already assessed against persons or lands in the same manner, and under the same process of law as if the change in the line between the counties had not been made by section 1 of this Act.

**SEC. 3.** That all future assessment of taxes against persons or lands shall be made by the proper officers of the respective counties, and the taxes collected in pursuance of such assessments with reference to this change in the county line between the counties of Claiborne and Campbell.

**SEC. 4.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed January 26, 1891.

## Private Acts of 1957 Chapter 142

**SECTION 1.** That the county line between Campbell County and Claiborne County is hereby changed so as to take from the 10th Civil District of Claiborne County and place in the 1st Civil District of Campbell County, the following described land:

"A tract of land owned by Newman Monday and being bounded on the West by the lands of M. J. Monday, North by State Highway No. 63, East by the lands of Luther Welch and South by the lands of Carrie Monday."

**SECTION 2.** That this Act shall have no effect unless the same shall be approved by a two-thirds vote of both the Quarterly County Court of Campbell and Claiborne Counties on or before the next regular meeting of such quarterly county court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officers of each of the bodies having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: February 28, 1957.

## Boundaries - Historical Notes

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

1. Acts of 1811, Chapter 56, changed the boundary lines between Anderson County and Campbell County as follows: beginning at a gap in the Cross Mountain where the main road leading from Clinton to Jacksboro crosses the same on the now line between Anderson and Campbell counties, thence on a direct course to Michael Laws so as to include Laws farm in Campbell County from thence a direct course to Benjamin Potters where he formerly lived on Brimstone Creek so as to include that said farm in Campbell County, from thence north, 45 degrees west, to the Anderson County line, thence with the same 45 degrees east to the Campbell County line. William Hogshead will run the line and Campbell County shall pay all the charges. Burr v. White Oak Lumber Company, 149 Tenn. 203, 258 S.W. 802 (1924).



2. Acts of 1811, Chapter 116, stated that the line run by Joab Hill, Esq. from James Devers old place, to Powell's Valley, to Clinch River is hereby established to be the true line between Claiborne and Campbell counties, any law to the contrary notwithstanding.
3. Acts of 1813, Chapter 101, provided that all that part of Anderson County which was annexed to Campbell County by an act passed in 1811, on October 28th is hereby returned to Anderson County and the act is repealed. The militia for that area is likewise returned to Anderson County.
4. Acts of 1837-38, Chapter 90, stated that the county courts of Anderson and Campbell counties were authorized to employ surveyors to run and plainly mark the line between the two counties as may be right and proper, when said line is so run and work and marked, and a plat prepared and reported, the same shall be recognized as the true line between the two counties. The surveyors shall be paid such compensation as may seem reasonable to the courts.
5. Acts of 1845-46, Chapter 137, recited that some doubt had arisen as to the accuracy of the line between Claiborne and Campbell counties, especially where Powell's Valley Road crosses the line at or near Franklin Smith's. Each quarterly court would appoint one commissioner and one surveyor to establish the line and to run and mark the same. Each county would pay one-half of the cost and are authorized to appropriate the same. The work specified shall be completed before the first Monday in July next.
6. Acts of 1847-48, Chapter 66, stated that the county court of Campbell County shall direct the county surveyor to run and mark a line between Campbell County and Claiborne County on the top of Pine Mountain, running north to the Kentucky line so as to include James Cooper, and the premises he owns in Campbell County. The cost is to be determined and paid by the county court out of the regular funds in the treasury and the line, when established, shall be the true line between the counties.
7. Acts of 1847-48, Chapter 99, Section 3, amended Acts of 1837-38, Chapter 90, so as to make it the duty of said courts to carry into effect the provisions of the act.
8. Acts of 1855-56, Chapter 156, transferred the residence and land of James Ball, James Walden, Jesse T. Lay, and Leander Herd from Scott County into Campbell County, and that of Ewel Smith from Campbell County into Scott County.
9. Acts of 1855-56, Chapter 173, Section 6, declared that the line run by Samuel C. Young, according to an act dated February 20, 1854, 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 which was marked by James Wilson, was to be recognized as the true line between Anderson and Campbell counties.
10. Public Acts of 1857-58, Chapter 36, stated that the line run from Ewel Smith's to William Massengills by Stanfield be considered as the line between Scott and Campbell counties so as to include all the citizens west of said line in Scott County and they shall enjoy all the rights and privileges of all other citizens of that county.
11. Private Acts of 1859-60, Chapter 196, Section 5, changed the line between Campbell and Union counties so that William Albright's present farm be included in Union County and the line, thus changed, be the line between the two counties. Section 8 of this same act, again changed the line between Union and Campbell counties so as to leave John Lay's bend of the Powell River in Campbell County, the line leaving Powell's River at the narrows of said bend below William Sweat's, and running across the said narrows to Powell's River at the lower end of John Lay's farm.
12. Private Acts of 1859-60, Chapter 211, Section 7, simply states that the lands of Larkin W. Cross would be in Campbell County and doesn't say anything else.

13. Private Acts of 1865, Chapter 29, moved the present residence and farm of Silas L. Arthur from Campbell County into Anderson County.
14. Public Acts of 1866-67, Chapter 9, Section 3, changed the boundaries between Campbell and Scott County so as to include the lands of John Patterson, Austin L. Keath, William Cross, William Keatherly, John McGee, Henry Goodman, James McGee, and William Thompson in Campbell County.
15. Public Acts of 1867-68, Chapter 60, Section 4, altered the lines between Campbell and Scott County so as to include the land and residence of Henry Thompson, and the lands and residence formerly owned by Ewel Smith, and Riley and Jack Queenor, but now owned by John E. Hudson and Isaac Nealy wholly within Scott County. Section 8, transferred all the property of Williab Webb out of Anderson County into Campbell County.
16. Public Acts of 1868-69, Chapter 36, Section 2, amends Section 3 of an act, passed December 6, 1866, so as to include Martin Kennedy in Campbell County and the citizens north of said line shall be citizens of Campbell County, and the citizens south of said line shall be citizens of Anderson County but any citizen who is now a resident of Campbell County but is changing to Anderson County does not have to pay the railroad tax.
17. Public Acts of 1870, Chapter 41, moved all the lands of the heirs of Peter Childers (place where Marble Childers now lives) and all the lands of F. P. McNew into Campbell County from Claiborne County.
18. Public Acts of 1870, Chapter 84, changed the lines between Campbell and Scott County so as to include all the lands of William A. Cross and Levi L. Adkins in Scott County.
19. Public Acts of 1870-71, Chapter 91, changed the lines between Campbell and Scott County so as to include all the waters of the Capuchin Fork of Tellico Creek in Campbell County.
20. Public Acts of 1871, Chapter 7, transferred all the lands of John S. Spangler and John K. Farris, from Campbell County into Union County.
21. Public Acts of 1873, Chapter 71, changed the boundary between Campbell and Scott County so as to include the farm of William Trammell in Scott County but this act shall not affect the rights of any other citizen than Trammell, nor reduce the size of the county below its constitutional limits, nor bring the county line nearer that eleven miles to the county seat.
22. Public Acts of 1873, Chapter 77, created a new county to be called Webster County, out of portions of Claiborne, Campbell, and Union counties, giving a metes and bounds description of the new county, granting to it all the power and authority given to others. The commissioners appointed were required to hold an election in the fragments of the counties from which it was formed which apparently was not approved.
23. Public Acts of 1873, Chapter 99, detached the land and farms of John Low, Jr. and William Keithlay from Campbell County and attached them to Scott County under the provision that no constitutional requirements be violated and no other people affected than the ones named herein.
24. Public Acts of 1879, Chapter 137, moved the residence and farm of J. Q. Cross from Campbell County into Scott County.
25. Public Acts of 1881, Chapter 42, changed the boundaries between Campbell County and Claiborne County to include John Buchanan's land in Campbell County; thence on a straight line to the Campbell County line on the Step Rock in Childress Gap.
26. Public Acts of 1883, Chapter 51, transferred the portions of land belonging to Richmond Kennedy which were in Scott, Anderson, and Campbell County into Campbell County.
27. Public Acts of 1883, Chapter 100, changed the boundary between Scott and Campbell counties so

- that the residence and lands of John Lay, and John Laudermilk would all be included in Campbell County.
28. Public Acts of 1883, Chapter 195, moved all the property of Milton S. Cross from Campbell County to Scott County which was lying on the waters of Strait Fork Creek and on the line between the said counties consisting of about 200 acres known as the Larkin W. Cross farm.
  29. Public Acts of 1887, Chapter 35, changed the line between Campbell and Anderson County so as to include all the lands of Calaway Byrge and Loranzy Kennedy in Anderson county.
  30. Public Acts of 1887, Chapter 46, detached the residence and farm belonging to Bart Neal, W. C. Adkins, and Peter Adkins from Campbell County and attached them to Scott County.
  31. Public Acts of 1893, Chapter 60, expressly repealed Acts of 1887, Chapter 35, Item 29, above, which transferred the lands of Calaway Byrge and Laranzy Kennedy into Anderson County, thus restoring the old boundary line.
  32. Public Acts of 1895, Chapter 93, moved the farm and residence of J. L. McCarty from Claiborne County into Campbell County.
  33. Private Acts of 1897, Chapter 278, changed the line between Campbell County and Scott County "beginning on a dogwood and rock in the present line between the counties, then running west 160 poles to a stake; thence south 40, west 250 poles to a stake in the present county line so as to include the lands of Calvin Allen and David Lay in Campbell County.
  34. Public Acts of 1899, Chapter 144, altered the boundary between Claiborne and Campbell County so as to include all the lands of J. E. Smith, R. B. Rogers, and R. L. Childress, together with the county road leading from Well Spring, by way of Childress Gap to Jellico in Campbell County. There is a detailed description of the area changed in the act.
  35. Acts of 1903, Chapter 386, took the land described as follows: on the north by the farm of Thomas, south and west by the farm of Craig, on the east by the farm of Lindamond, consisting of some 50 acres, out of Union County and placed it in the second civil district of Campbell County.
  36. Acts of 1909, Chapter 257, detached the lands of W. M. Ellison from Claiborne County and attached the same to Campbell County.
  37. Private Acts of 1919, Chapter 95, changed the lines with Anderson County from top of Cumberland Mountain westward to New River as was described in the act. This act was repealed by Private Acts of 1933, Chapter 612.
  38. Private Acts of 1923, Chapter 378, transferred the residence and farm belonging to Marshall Ellison from Campbell County into Claiborne County.
  39. Private Acts of 1927, Chapter 398, took all those lands of Barbra M. Sharp out of the fifth civil district of Anderson County and placed them in the third civil district of Campbell County.
  40. Private Acts of 1933, Chapter 612, specifically repealed Private Acts of 1919, Chapter 95, which changed the boundary lines between Anderson and Campbell counties.
  41. Private Acts of 1945, Chapter 319, changed the line between Campbell and Claiborne counties so that the land of the M. J. Monday farm, which adjoins the lands of S. A. Mars and Silas Cupp in Campbell County, and is now on both sides of the county line, would all be included in Campbell County.

## Chapter V - Court System

### General Sessions Court

# Private Acts of 1947 Chapter 769

**SECTION 1.** That there is hereby created and established a Court in and for Campbell County, Tennessee, which shall be designated Court of General Sessions of Campbell County, Tennessee.

Campbell County 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. One of said rooms shall be located at Jacksboro, Tennessee, the others in LaFollette and Jellico.

**SEC. 2.** That said Court of General Sessions is on and after September 1, 1948, hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of Campbell County are on and after September 1, 1948, hereby divested of all such jurisdiction and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in nowise affected by this Act.

Provided that the Justices of the Peace of Campbell County, Tennessee, shall have the right and power, and it is declared their duty, to issue criminal and civil warrants, attachments, writs of replevin and all other processes over which they have jurisdiction under the general laws of the State of Tennessee, but return of all said writs and processes shall be made by the Sheriff or Constable serving the same to the General Sessions Judge, who shall have exclusive jurisdiction to try the issues raised in all such cases. Said Justices of the Peace shall have the power and authority, and it declared their duty, to issue mittimus to the county jail and to approve appearance bonds in any proper case wherein he issued the criminal warrant. The compensation for services of the Justices of the Peace shall inure to them and shall be the same as provided by the general law pertaining to fees for Justices of the Peace.

As amended by: Private Acts of 1949, Chapter 381

**SEC. 3.** That said Court shall sit at Jacksboro at least one day each week, at LaFollette at least one day each week, and at Jellico at least one day each week. One of the Deputy Clerks for said Court shall reside and be available at LaFollette, and one of the Deputy Clerks for said Court shall reside and be available at Jellico, for the performance of the duties of the Court.

**SEC. 4.** That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases and the manner, time and place of which process shall be returnable, and the time and place in which such cases shall be heard, and such other rules as will enable the Court to function properly.

**SEC. 5.** That the jurisdiction of said Court shall be co-extensive within the boundaries of Campbell County, Tennessee, and the said Judge shall have power and authority to hear and try all cases over which he has jurisdiction at any courtroom established therefor, or at such other place or places in Campbell County as he may determine to be more feasible and convenient for the parties.

**SEC. 6.** That before the issuance of any warrant in a civil case, the plaintiff shall execute a cost bond with good security in the sum of \$25.00, or in lieu thereof, make a cash deposit with the Judge or Clerk of not less than \$2.50, or more than \$25.00, to secure the costs, or take the oath prescribed for poor persons, and on motion, the Court may increase the security.

**SEC. 7.** That the rules of pleadings and practice, form of writs and process, stay of judgments, and appeals in civil cases of said Court shall be the same as of Justices of the Peace.

**SEC. 8.** That in all matters the costs and fees of said Court of General Sessions, including the services of the Clerks of this 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 of the Courts of Justices of the Peace.

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

**SEC. 9.** That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process, and return on the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens, and State Highway Patrolmen for their services, fees of witnesses for attendance, etc., and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the

dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner.

**SEC. 10.** That there shall be one Judge of said Court, who shall be a resident and a citizen of Campbell County, Tennessee, and who shall be a lawyer duly licensed to practice law in all the Courts of Tennessee, and who shall otherwise have the same qualifications and term of office as provided by the Constitution of the State of Tennessee for inferior Courts, who shall before entering upon his duties as such take and subscribe an oath of office similar to that prescribed for Circuit Judges and Chancellors; and who shall also before entering upon his duties execute an official bond in the penalty of \$5,000.00, payable to the State of Tennessee, with good and solvent sureties thereon, conditioned upon his faithfully accounting for all money coming into his hands.

Nothing in this Act shall prohibit the person elected to said Judgeship from appearing as counsel or attorney in any of the Courts of this State, or otherwise engaging in the practice of law; except that he shall not practice in the Court of General Sessions of Campbell County, or the Circuit and Criminal Courts of Campbell County, and neither shall he appear as counsel or attorney in the Chancery Court of Campbell County in any case or proceeding in which said Court of General Sessions of Campbell County has concurrent jurisdiction with said Chancery Court.

As amended by: Private Acts of 1967-68, Chapter 213  
Private Acts of 1970, Chapter 230

**SEC. 11.** That due to the large increase in number of cases to be tried and increase in other work to be performed by the Judge of said Court since September 1, 1950, brought about by changed conditions since said date, and further brought about by virtue of the jurisdiction of said Court having been enlarged by virtue of the enactment into law of Chapter 39 of the Public Acts of Tennessee for the year 1953, the salary or compensation for said Judge shall be and the same is now fixed at the sum of \$5,000.00 per annum, payable in equal monthly installments on the first of each month out of the ordinary funds of the County.

As amended by: Private Acts of 1949, Chapter 381  
Private Acts of 1951, Chapter 624  
Private Acts of 1955, Chapter 229

**SEC. 12.** That the first Judge of said Court of General Sessions shall be elected in the General Election to be held in Campbell County, Tennessee on the first Thursday in August, 1948, and the term of office of such Judge so elected shall be computed from the first day of September, 1948, and shall hold said office until the first day of September, 1950, or until his successor is elected and qualified.

His successors shall be elected every eight years at such election for the term provided by law for Judges of inferior Courts.

In case of a vacancy in said office of Judge of said General Sessions Court for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy until the next general County election, when a Judge shall be elected by the people for the unexpired term of office.

**SEC. 13.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold said Court, a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion.

**SEC. 14.** That the Clerk of the Circuit Court of Campbell County, Tennessee shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Campbell County". Such Clerk is authorized and required to designate to serve at his pleasure one Deputy Clerk, who shall reside and be available at LaFollette, Tennessee, and one Deputy Clerk who shall reside and be available at Jellico, Tennessee, for the performance of the duties of said Court of General Sessions, and the authority of said Deputy Clerks at LaFollette and Jellico is restricted to that of Deputy Clerks of said Court of General Sessions.

The Circuit Court Clerk of said county is authorized and empowered to designate, nominate and appoint an additional deputy to serve at the pleasure of the Circuit Court Clerk as a deputy clerk of the General Sessions Court, who shall maintain his office in Jacksboro, Tennessee, and devote his full time and attention to the office of deputy General Session Court Clerk, he having the duties and powers herein vested in the other deputy clerks herein provided. Said Deputy Clerk shall be entitled to be paid and shall receive a salary of \$250.00 per month of service, which sum shall be paid monthly out of the General Funds of said county upon warrant of the County Judge.

As amended by: Private Acts of 1949, Chapter 381  
Private Acts of 1963, Chapter 48

Said Clerk and his said Deputy Clerks are hereby authorized to perform the duties of said Court of General Sessions; except the Clerk and his Deputy Clerks shall not hear and determine cases. The Clerk and his

Deputy Clerks shall not have authority to issue any writ or other process which under the Constitution and laws are restricted to issuance only by the Judge of said Court.

For his or her additional duties and service as Clerk of said Court of General Sessions, such Clerk shall receive as compensation the sum of Twelve Hundred (\$1,200.00) Dollars per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Campbell County. Said Deputy Clerk at LaFollette shall receive as compensation for his or her services the sum of Twelve Hundred (\$1,200.00) Dollars per annum; and said Deputy Clerk at Jellico shall receive as compensation for his or her services the sum of Fifteen Hundred Dollars (\$1,500.00) per annum; said compensation to each of said Deputy Clerks payable in equal monthly installments on the first day of each month, out of the ordinary funds of Campbell County.

As amended by: Private Acts of 1951, Chapter 624  
Private Acts of 1963, Chapter 49

Said Clerk and Deputy Clerks shall perform all duties required of them by the Court of General Sessions, and shall receive, safely keep and account for all funds received by said Court, and shall pay over to Campbell County quarterly all fees, commissions, and emoluments of said Court.

The Clerk and Deputy Clerks of said Court shall have concurrent jurisdiction and authority with the Judge of said Court in the filing of all papers, pauper oaths, appeal bonds, etc., and in the issuance of all processes required to be issued from said Court, except such processes as under the Constitution and laws can only be issued by the Judge.

**SEC. 15.** That before entering upon their duties, said Clerk of said Court and his Deputy Clerks shall each subscribe an oath for the faithful performance of their duties, and each shall execute a bond payable to the State of Tennessee in the penalty of \$5,000.00, secured by good and solvent sureties, conditioned for the faithful accounting of all funds coming into his or her hands and for the faithful performance of his or her duties.

**SEC. 16.** The Sheriff of Campbell County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court, or issued by the Clerk or any Deputy Clerk thereof, with the same authority as provided by law in the other inferior Courts.

**SEC. 17.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Campbell County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when the Justices of the Peace of Campbell County, Tennessee, are divested of their jurisdiction and authority to hear and determine civil and criminal cases on and after September 1, 1948, as provided in this Act.

**SEC. 18.** That said Court of General Sessions of Campbell County, Tennessee, shall have jurisdiction and authority to hear and determine all undisposed of cases on and after September 1, 1948, arising before said Justices of the Peace as if said cases had originated in said Court of General Sessions, and to issue executions and other necessary writs and orders on unsatisfied judgments on the dockets of said Justices of the Peace, and to certify to said judgments.

**SEC. 19.** That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of the Justices of the Peace at the close of business on the last day of August, 1948, shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said county in cases which have been completed shall be turned over to Campbell County as provided by law.

**SEC. 20.** That the Legislature expressly declares that each section, subsection, paragraph and provision 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 portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SEC. 21.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1947.

## Private Acts of 1974 Chapter 232

**COMPILER'S NOTE:** For the current minimum compensation for General Sessions Judges, see [Tennessee Code Annotated §16-15-5003](#).

**SECTION 1.** Chapter 769 of the Private Acts of 1947, as amended by Chapter 381 of the Private Acts of 1949, Chapter 624 of the Private Acts of 1951, Chapter 229 of the Private Acts of 1955, Chapter 188 of the Private Acts of 1959, Chapter 48 and 49 of the Private Acts of 1963, Chapters 133 and 213 of the

Private Acts of 1967 and Chapter 230 of the Private Acts of 1970, is hereby amended to provide that the total pay of the General Sessions Judge for Campbell County, Tennessee, including his Domestic Relations and Juvenile duties, shall be eighteen thousand five hundred dollars (\$18,500.00) per year, plus travel allowance as now provided by law.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-third ( $\frac{2}{3}$ ) vote of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this Act as provided in Section 2 it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective September 1, 1974.

Passed: March 12, 1974.

## Juvenile Jurisdiction

### Private Acts of 1967-68 Chapter 133

**SECTION 1.** The General Sessions Court for Campbell County shall be the Juvenile Court for Campbell County and shall have jurisdiction in all juvenile cases and proceedings and all powers, authority, and duties in regard thereto as set forth in Sections 37-101 through 37-108 [These sections of the code have been repealed], 37-242 through 37-274 [These sections of the code have been repealed], Tennessee Code Annotated, and all other general laws relating to the jurisdiction, authority, conduct, procedure, powers, duties, and (appellate review) of Juvenile Courts.

The County Judge and chairman of the county court of Campbell County is hereby divested of all jurisdiction and authority in all juvenile cases and proceedings except that he shall have concurrent jurisdiction and authority with the General Sessions Court respecting the property and estates of juveniles.

**SECTION 2.** The General Sessions Court for Campbell County shall have concurrent jurisdiction, power and authority with the Chancery and Circuit Courts to hear and determine all cases of divorce, annulment, alimony and separate maintenance, and all other proceedings and all other relief incident thereto together with the full power and authority conferred upon the Circuit and Chancery Courts to enforce all its orders, decrees and judgments.

Appeals from the judgment of the General Sessions Court arising under this section shall be to the Court of Appeals or to the Supreme Court of this state in the same manner as provided in such cases from the Circuit and Chancery Courts.

All cases brought in the General Sessions Court under this section shall be according to the form for pleadings and practice in the Chancery and Circuit Courts of this state and said cases shall be tried as like cases are tried in the Chancery and Circuit Courts of this state. The clerk of the General Sessions Court shall keep a docket of cases filed in the General Sessions Court, and the procedure in each case, and shall enter orders and decrees according to the practice and rules of the Chancery and Circuit Courts. The judge of the General Sessions Court shall make and cause to be entered on record all such orders and decrees as may be passed by him, according to the practice and rules now obtaining in the Chancery and Circuit Courts in order to effect and complete the jurisdiction herein conferred.

**SECTION 3.** The General Sessions Court for Campbell County shall have the power and authority to empanel juries to try cases, the same as the Circuit and Chancery Courts now have, in all cases, and issue subpoenas for witnesses, and to do and perform any and all acts authorized by law to be done in such cases in the Chancery and Circuit Courts, and to compel the attendance of witnesses, and to enforce judgments, orders, and decrees, and do all acts necessary to complete the jurisdiction herein conferred.

**SECTION 4.** The General Sessions Court shall have authority to hear and determine all undisposed cases over which jurisdiction is conferred by this act and which are pending in the county court of Campbell County at the time this act takes effect as if such cases had originated in the General Sessions Court.

**SECTION 5.** The General Sessions Court judge shall receive compensation of Three Thousand Dollars (\$3,000.00) per year payable in equal monthly installments in addition to the compensation provided by Chapter 769 of the Private Acts of 1947, as amended, for his additional duties and services conferred upon him by this act.

**COMPILER'S NOTE:** The minimum compensation for General Sessions judges and the minimum compensation for judges that have additional jurisdictions is provided in Tennessee Code Annotated § 16-15-5003.

**SECTION 6.** If any provision of this act or 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 provisions or application, and to this end the provisions of this act are declared to be severable.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county quarterly court of Campbell 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 8.** This act shall take effect upon becoming a law, the public welfare requiring it, but the provisions herein shall not become operative until approved as provided by Section 7.

Passed: May 4, 1967.

## Court System - Historical Notes

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

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

1. Private Acts of 1911, Chapter 74, amended Acts of 1903, Chapter 552, by making the terms and provisions of that act applicable to Campbell County by using the 1910 Federal Census figures. The 1903 Act created a board of jury commissioners for Cocke County, all the specifications of which were extended into Campbell County except that the board would consist of three discreet members in Campbell County, and their appointments would be made by the quarterly county court at its April term. The provisions of the 1903 Act were very similar to the current state act on this subject.
2. Private Acts of 1915, Chapter 415, amended Acts of 1903, Chapter 552, as it was amended, in Section 8, by adding the general language "if it becomes necessary to have additional jurors whose names haven't been taken from the box, or an additional panel from which to select a jury for a pending case, the presiding judge may, in his discretion, select from citizens of the county, or direct the sheriff to summon persons to make up the jury in accordance with the general law."
3. Private Acts of 1915, Chapter 659, amended Private Acts of 1911, Chapter 74, Item 1, above, by striking "April" and inserting "May" so that the appointment of the members of the board of jury commissioners by the county court would take place in May instead of at the April term as provided previously.
4. Private Acts of 1947, Chapter 545, stated that the compensation of jurors in Campbell County, using the 1940 Federal Census figures, shall be, and is, fixed at \$4.00 per day for each day's attendance as a juror. This act was repealed in the caption of Private Acts of 1957, Chapter 130, which was properly ratified, but no mention is made of the repeal in the body of the act.
5. Private Acts of 1955, Chapter 228, amended Private Acts of 1947, Chapter 545, above, by increasing the daily compensation of jurors in Campbell County from \$4.00 to \$9.00 a day. This act was rejected by the quarterly county court of Campbell County and therefore never became a law.
6. Private Acts of 1957, Chapter 130, provided that those people in Campbell County serving on both grand and petit juries shall receive \$6.00 per day as compensation for their services, the foreman of the grand jury would be paid \$10.00 per day. This act was properly ratified by the quarterly court.
7. Private Acts of 1970, Chapter 301, set the compensation of the officer in attendance upon grand and petit juries to \$10.00 for each day's attendance.
8. Private Acts of 1972, Chapter 238, repealed Private Acts of 1947, Chapter 545, and Private Acts of 1970, Chapter 301. This act also set the compensation of jurors at \$15 per day for each day's attendance as a juror, and this provision also included all juries which may have been summoned as a special panel to hear cases in chancery court. Our information is that this act was not acted on prior to the publication of the printed volume of private acts which was confirmed by contact with the circuit court clerk's office.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Campbell 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. Public Acts of 1824, Second Session, Chapter 14, added two justices to the supreme court of Tennessee which would hold its meetings thereafter at Knoxville, Sparta, and Nashville. The court judges must arrange among themselves to have chancery court twice a year in every district. This court of equity would convene in Kingston for Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe, and Blount counties on the first Monday in June and December to remain in session for two weeks, or longer, to conclude its docket.
2. Public Acts of 1827, Chapter 79, divided the state into two chancery divisions. The first division was made up of those courts which met at Rogersville, Greenville, Kingston, Carthage, and McMinnville.
3. Public Acts of 1827, Chapter 88, provided that the chancellors would hold the court at Kingston on the first Monday in June and December for the counties of Knox, Blount, Anderson, Rhea, Morgan, Roane, Hamilton, Campbell, McMinn, and Monroe.
4. Public Acts of 1829-30, Chapter 27, stated that the chancery court at Kingston would thereafter be held on the fourth Monday of November and May.
5. Private Acts of 1831, Chapter 217, provided for the chancellor of the eastern chancery division to hold the chancery court at Knoxville for the counties of Campbell, Anderson, Knox, and Sevier. He would appoint a clerk for this court whose duty it would be to receive all the causes filed in other courts to transfer them to this court.
6. Public Acts of 1832, Chapter 19, stated that the district chancery court for Kingston will be held on the second Monday in June and December.
7. Public Acts of 1835-36, Chapter 4, divided Tennessee into three chancery divisions which were then divided into smaller districts, which courts would be held by chancellors who would be appointed for each of the three divisions. Grainger, Claiborne, and Campbell counties were in the fourth district of the eastern division whose court would convene at Tazewell on the fourth Monday of February and September.
8. Acts of 1841-42, Chapter 74, repealed so much of the 1835 Act, above, which placed Campbell County in the fourth district of the eastern division and made Campbell County a separate chancery district alone. The chancellor of the eastern division would hold the court on the fourth Monday of June and December each year at Jacksboro.
9. Acts of 1849-50, Chapter 213, Section 2, abolished the chancery court established at Jacksboro in Campbell County and repealed Acts of 1841-42, Chapter 74 Item 9, above, which created it. Citizens of Campbell County, were authorized to file their chancery bills in Knoxville, or in Tazewell. The clerk and master was required to transfer the records in all the causes to one of those two courts as the parties may agree.
10. Acts of 1851-52, Chapter 306, reestablished the chancery court at Jacksboro, and attached Anderson and Scott counties to it to join Campbell. All suits pending in those three counties will be transferred by the clerks and masters to Jacksboro on or before the fourth Monday in June next. If the litigants should so desire, the court at Jacksboro would begin on the fourth Monday in June and December of each year.
11. Public Acts of 1857-58, Chapter 27, Section 4, required that all cases in chancery which were pending in Jamestown, Montgomery, and Jacksboro, wherein the subject matter was real estate located in Scott County, or where the defendant, or any of them, lived in Scott County, the cause, and all the records, will be transferred by the clerks and masters of the above named courts to the clerk and master at Huntsville, in Scott County, there to be tried and determined.
12. Public Acts of 1857-58, Chapter 88, divided the state into the eastern, middle, fourth, fifth, and sixth chancery divisions. Campbell County was in the eastern division with court scheduled to begin on the fourth Monday in June and December at Jacksboro.
13. Public Acts of 1865-66, Chapter 41, attached Campbell County to the eighth chancery district changing court terms in Roane, Blount, Union, and Campbell counties whose court at Jacksboro would begin on the fourth Monday in April and October.
14. Public Acts of 1866-67, Chapter 33, Section 8 reset the terms of the chancery court in Roane County and in Campbell County which went to the third Monday in April and October instead of the fourth.
15. Public Acts of 1870, Chapter 32, reorganized the lower court system of Tennessee into twelve chancery districts. The second chancery district was made up of Knox, Sevier, Campbell, Union,

- Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress, and Christiana counties, if it were established.
16. Public Acts of 1870, Chapter 47, set the terms of the chancery court for every county in the state. Campbell County's Court would commence on the third Monday in April and October.
  17. Acts of 1872, Extra Session, Chapter 15, Section 4, changed the beginning dates for the chancery courts in the second division switching Campbell County to the third Monday in June and December.
  18. Acts of 1885, Extra Session, Chapter 20, was the next act which restructured the lower court system of the state. Of the eleven chancery divisions created by this act, the second was made up of Knox, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan, Scott, and Campbell counties whose court would start on the first Monday in May and November. This act was the subject of the litigation in *Flynn v. State*, 203 Tennessee 341, 313 S.W.2d 249 (1958).
  19. Public Acts of 1887, Chapter 92, changed the times for holding the chancery courts in the second chancery division. The chancery court of Campbell County was set to the first Mondays in May and November.
  20. Public Acts of 1899, Chapter 212, abolished the second chancery division of the state which would take effect forty days after adjournment of the general assembly.
  21. Public Acts of 1899, Chapter 214, stated that in order to distribute equity responsibility more justly, Sevier, Blount, and Loudon counties were added to the first chancery division, and Union, Campbell, Anderson, Knox, Roane, Morgan, and Scott were added to the twelfth chancery division. Court would begin in Campbell on the third Monday in May and November.
  22. Public Acts of 1899, Chapter 427, reorganized the entire lower court system again as new counties were created and litigation grew. There were ten chancery divisions. The second was composed of the counties of Sevier, Blount, Loudon, Anderson, Roane, Morgan, Scott, Union, Fentress, Jefferson, and Campbell whose courts would begin on the fourth Monday in January and July. See *Flynn v. State*, 203 Tenn. 341, 313 S.W. 2d 249 (1958).
  23. Private Acts of 1901, Chapter 438, amended Public Acts of 1899, Chapter 427, above, by rearranging the first and second chancery divisions. The second division consisted of Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Anderson, Roane, Loudon, Scott, and Campbell counties. The chancery court of Campbell County was set to the third Monday in May and November.
  24. Private Acts of 1911, Chapter 397, amended Section 2, Private Acts of 1901, Chapter 438, by changing the time for holding the chancery court in Roane and Campbell County which would begin on the second, instead of the third, Monday in May and November.
  25. Private Acts of 1927, Chapter 344, changed the court terms of the chancery court in Campbell County so that the said court would begin on the third Monday in May and November each year, instead of the second, and all conflicts are repealed.
  26. Public Acts of 1931, Second Extra Session, Chapter 38, created fourteen chancery divisions for the State of Tennessee. The second division was made up of the counties of Loudon, Hawkins, Claiborne, Hancock, Anderson, Roane, Scott and Campbell. Court terms in Campbell County would continue to start on the third Monday in May and November.

#### **Chancery Court: Clerk and Master**

The reference list below contains an act which once applied to the clerk and master in Campbell County.

1. Private Acts of 1915, Chapter 163, stated that all women over 21 years of age and residents of the county appointing them, shall be eligible in Morgan, Haywood, and Campbell counties, to be appointed as deputy clerks and masters and to serve as such with all the rights, powers, obligations, and liabilities as other deputy clerks and masters.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Campbell 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, Second Session, Chapter 49, divided Tennessee into five judicial circuits with the provisions that the circuit courts would be held twice a year. The first circuit contained the counties of Greene, Washington, Carter, Sullivan, Hawkins, Grainger, Claiborne, and Campbell, whose terms of court would begin at Jacksboro on the fourth Monday in April and October. The jurisdiction of the circuit courts was defined and provisions were made for the judges to be appointed by joint ballot of both houses of the general assembly, and to be commissioned by the

- governor. The judges would appoint the clerks of the court, the court of pleas, and quarter sessions would summon 39 jurors for it, and the solicitor generals would be appointed by the general assembly.
2. Public Acts of 1835-36, Chapter 5, stated that the circuit court would hereafter be held three times a year and divided the state into eleven judicial circuits. The second judicial circuit was composed of the counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Morgan, and Campbell counties, where the court would commence on the fourth Monday in February, June, and October.
  3. Acts of 1837-38, Chapter 3, divided the state into fourteen judicial circuits. The twelfth judicial circuit was made up of Cocke, Sevier, Jefferson, Grainger, Claiborne, and Campbell counties. Circuit court terms in Campbell would begin on the fourth Monday in May, September, and January.
  4. Acts of 1837-38, Chapter 116, Section 8, rescheduled the terms of the circuit courts in the twelfth judicial circuit. Campbell County changed to the first Monday in January, May, and September.
  5. Acts of 1847-48, Chapter 132, Section 5, rearranged the dates for the terms of the circuit court in Claiborne and Campbell counties in order to give the court two weeks instead of one. Campbell would start the circuit court terms in Jacksboro on the third Monday in January, May and September.
  6. Acts of 1851-52, Chapter 73, provided that all suits at law pending in the circuit court of Campbell County between citizens of Scott County would all be transferred to the circuit court of Scott County. The clerks of the respective courts would see that all the records were properly transferred.
  7. Acts of 1851-52, Chapter 167, Section 5, provided that, after the next May term of the circuit court in Campbell County, the regular terms would begin on the first Monday in January, May, and September.
  8. Public Acts of 1857-58, Chapter 98, created sixteen judicial circuits in the State of Tennessee. Claiborne, Union, Grainger, Sevier, Cocke, Jefferson, and Campbell counties were all in the second judicial circuit. The circuit court in Campbell County would begin on the Monday after the fourth Monday of April, August, and December.
  9. Private Acts of 1865-66, Chapter 129, Section 3, stated that the circuit court for Campbell County at Jacksboro would hereafter be held on the third Monday of April, August, and December but the next term of the court would begin on the days constituted.
  10. Public Acts of 1865-66, Chapter 8, created a new seventeenth judicial circuit with Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland counties in it. Former judges would continue to hold the courts until a new judge could be appointed for the circuit. The court for Campbell County would be on the first Monday in January, May, and September.
  11. Public Acts of 1869-70, Chapter 25, repealed Public Acts of 1865-66, Chapter 8, which created a new seventeenth judicial circuit. Each county in that circuit would be returned to the circuit from which it was taken before that law was passed. See McCulley v. State, 102 Tenn. 555, 53 S.W. 145 (1899).
  12. Public Acts of 1870, Chapter 31, reorganized the lower court system of the state into fifteen regular, and one special, judicial circuits. The second circuit was composed of the counties of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Claiborne, Campbell, and Hamblen, if it were established.
  13. Public Acts of 1870, Chapter 46, scheduled the days for the start of the terms of the circuit court for every county in the state. Campbell County would begin at Jacksboro on the third Monday in January, May, and September.
  14. Public Acts of 1873, Chapter 22, created the sixteenth judicial circuit, composed of the counties of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland. The judge, and the district attorney, for the new circuit would both be appointed by the governor. Campbell County would begin the terms of her circuit court on the third Monday in March, July, and November, at Jacksboro. All bonds and process would be made to conform to the terms of this act.
  15. Acts of 1885, Extra Session, Chapter 20, reorganized the lower judicial system into fourteen regular, and special, judicial circuits. Campbell County, whose court would be held on the third Monday in February, June, and October, was in the second judicial circuit with the counties of Claiborne, Union, Grainger, Hamblen, Jefferson, Cocke, Anderson, and Sevier. This act was considered by the courts in the case of Flynn v. State, 203 Tenn. 341, 313 S.W. 2d 249 (1958).

16. Public Acts of 1891, Chapter 5, amended Acts of 1885, Extra Session, Chapter 20, so as to change the court terms for the circuit courts of Anderson and Campbell County, the latter being assigned to the second Monday in February, June, and October. All process would be changed accordingly.
17. Public Acts of 1899, Chapter 427, concerned all the lower courts in the state, dividing Tennessee into fourteen judicial circuits. The second circuit included Jefferson, Sevier, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Union, and Fentress. Court terms would begin in Campbell County on the second Monday in March, July, and November.
18. Acts of 1903, Chapter 227, amended Public Acts of 1899, Chapter 427, by changing the times for holding court in Campbell County of the second judicial circuit to the third Monday in February, June, and October.
19. Acts of 1905, Chapter 477, changed the terms of the circuit court in all the counties of the second judicial circuit. Campbell County would start circuit court terms on the first Monday in March, July, and November.
20. Acts of 1907, Chapter 205, changed the starting dates again for the terms of the circuit courts in the Second judicial circuit. Campbell would start the circuit court terms on the second Monday in April, August, and December.
21. Public Acts of 1931, Second Extra Session, Chapter 18, corrected some errors which appeared in the 1932 Code. It appeared in the code that Anderson, Scott, Morgan, and Campbell counties were a part of the second judicial circuit, when they each belonged to the nineteenth judicial circuit. Hancock County was listed in the sixteenth circuit when it should have been in the second.
22. Public Acts of 1931, Second Extra Session, Chapter 38, created twenty judicial circuits of which the nineteenth judicial circuit was made up of Fentress, Anderson, Campbell, Scott, Morgan, and Claiborne counties. Circuit Court commenced at Jacksboro on the second Monday in February, June, and October.

#### **Circuit Court Clerk**

The following acts have no current effect, but once applied to the Campbell 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. Private Acts of 1826, Chapter 49, authorized David Richardson, the circuit court clerk of Campbell County, to build a clerk's office, at his own expense, upon such part of the public square in Jacksboro as shall be designated by the county court. Upon his resignation, removal, or death, the office may be disposed of and will not be considered as a part of county property.
2. Private Acts of 1829-30, Chapter 90, authorized Joseph Peterson, who was the circuit court clerk of Campbell County, to build a clerk's office at his own expense on such part of the public square in Jacksboro as may be set aside by the court of pleas and quarter sessions, and, upon his resignation, removal, or death, his representative may dispose of this property on a fair evaluation by disinterested appraisers.
3. Acts of 1903, Chapter 255, established the salaries of the circuit court clerks in the various counties according to the population of the county. The circuit court clerks of Campbell County received \$750.00 per annum, provided the clerks filed a sworn, itemized statement with the county judge, or chairman, showing the total amount of fees collected by the office.
4. Private Acts of 1911, Chapter 675, amended Acts of 1903, Chapter 255, above, by inserting a proviso with the population figures 25,000 to 30,000 which would include Campbell County, and which county already has a law court established where a separate office is required for the law court and is kept by the circuit court clerk, then the salary of the clerk shall be \$1,500 a year.
5. Private Acts of 1915, Chapter 569, authorized the criminal and law court clerks to employ a deputy clerk to assist in the transaction of the business of said office at a salary not to exceed \$50 per month.
6. Private Acts of 1919, Chapter 273, amends the above act, Private Acts of 1915, Chapter 569, by striking "Deputy Criminal and Law Court Clerk," and inserting "Deputy Circuit Court Clerk," thus creating the position of deputy circuit court clerk who could be hired at the same salary as prescribed in the above act.
7. Private Acts of 1921, Chapter 31, also created the office of deputy circuit court clerk and authorized the circuit court clerk to appoint someone to the job at a salary of \$50 per month which would be paid out of the trustee's office to the circuit court clerk who would make the settlement with the deputy.

8. Private Acts of 1925, Chapter 667, provided that, in Obion and Campbell counties, the circuit court clerk would be the secretary of the workhouse commission and have all the powers of the county judge in the collection and settlement of fines and costs, and in the management of convicts in the workhouse. All collections and all decisions made on these matters would be reported to the county judge. All conflicting acts were repealed.

### **Criminal Court**

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

1. Acts of 1905, Chapter 359, created a criminal court for Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union counties to be known as the criminal court for the second judicial circuit. The court was given general common law and statutory jurisdiction, original and appellate, over all criminal cases in the county. Starting dates for court terms were specified for each county and arrangements were incorporated for a judge, clerk, and attorney general. This court would cease to exist and be abolished on September 1, 1906 and all the criminal jurisdiction herein conferred would on that date revert to the circuit court wherein it was exercised before the passage of this act.
2. Public Acts of 1913, Chapter 13, created a criminal and law court for Hancock, Claiborne, Campbell, Morgan, Scott, and Anderson counties, and fixed the time for holding the said court in each county. The act stated a judge would be appointed to hold until September 1, 1914, when a popularly elected judge would take over. Hancock and Claiborne were taken from the first judicial circuit, and Campbell, Scott, Morgan and Anderson were taken from the second judicial circuit. This act was amended in some minor particulars by Public Acts of 1915, Chapters 64 and 87.
3. Private Acts of 1917, Chapter 768, amended Public Acts of 1913, Chapter 13, above, as it was previously amended, by making those counties named therein the nineteenth judicial circuit, criminal division.
4. Public Acts of 1929, Chapter 89, restated the creation of the criminal division of the nineteenth judicial circuit, including Campbell County, and was amended by Public Acts of 1937, Chapter 59.
5. Private Acts of 1937, Chapter 178, also amended Acts of 1929, Chapter 89, in Section 3 by changing the starting dates for the terms of court in the several counties. Campbell County would begin the criminal division on the third Monday in February, June, and October.

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

The following acts once affecting Campbell 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 solicitorial districts in the State of Tennessee. The counties of Dickson, Stewart, Humphreys, Montgomery and Robertson composed the tenth solicitorial district.
2. Public Acts of 1929, Chapter 91, created the position of assistant attorney general for the counties of the judicial circuit to which Campbell County was assigned at the time.
3. Public Acts of 1937, Chapter 74, created the position of criminal investigator for the attorney general of the nineteenth judicial circuit, criminal division.
4. Public Acts of 1965, Chapter 364, declared that all the assistant district attorneys general and criminal investigators for the nineteenth judicial circuit of the state receive a salary of \$4,800 per annum, payable monthly out of the treasury of the state upon the warrant of the director of accounts. Furthermore, the said assistant district attorneys general and criminal investigators shall be reimbursed for their necessary traveling expenses, including board and lodging when absent from the county of their residence upon official business. The amount of such reimbursement shall not exceed \$600.00 in any calendar year.
5. Public Acts of 1973, Chapter 322, created on criminal investigator for the nineteenth judicial circuit of the state.

### **General Sessions Court**

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

1. Private Acts of 1955, Chapter 229, amended Private Acts of 1947, Chapter 769, in Section 11, by deleting that section and adding a new section which increased the annual salary of the general sessions court judge from \$3,600 to \$5,000, because of a large increase in the member of cases

being handled by the said court and by virtue of a broadening of the jurisdiction of the same by act of the general assembly. Our report is that no action was taken on this act by the quarterly court which would render it ineffective.

2. Private Acts of 1959, Chapter 188, amended Private Acts of 1951, Chapter 624, which is incorporated into the published act, by striking the last paragraph in Section 2, and inserting a new one which set the salary of the clerk who served as the clerk of general sessions court at \$1,800 a year; the deputy clerk at LaFollette would get \$1,500 and the deputy clerk at Jellico would get the same, each to be paid monthly on the first day of the month out of the regular county funds. This act was rejected by the quarterly county court and did not become a law.
3. Private Acts of 1963, Chapter 48, amended Private Acts of 1949, Chapter 381, which in incorporated into the base act, by increasing the salary of the deputy general sessions court clerk at Jacksboro from \$100 to \$250 a month. This act was properly ratified and became part of the law.
4. Private Acts of 1963, Chapter 49, amended Private Acts of 1951, Chapter 624, in Section 2, by increasing the salary of the deputy general sessions court clerk at Jellico from \$900 to \$1,500.
5. Private Acts of 1967-68, Chapter 132, amended Private Acts of 1947, Chapter 769, Section 10, by inserting a prohibition against the judge of the general sessions court from practicing law in any of the courts of this state in the same manner and to the same extent to which the prohibition applies to other judges and chancellors. Our report is that no action had been taken by the quarterly court at the time of the publication of the printed volume. However, this act was later repealed by Private Acts of 1967-68, Chapter 213.
6. Private Acts of 1967-68, Chapter 213, amended Section 10, Chapter 769, Private Acts of 1947, stated that the general sessions judge could not appear as counsel for any litigant in any of the courts of this state, but was not otherwise limited in the practice of law. This section was repealed by Private Acts of 1970, Chapter 230.

#### **Secretarial Assistance**

The following acts 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. Public Acts of 1951, Chapter 86, created the office of secretary to the chancellor of the second chancery division. The salary of the secretary was set to \$1,800.00 per annum, payable in equal monthly installments out of the treasury of the state.
2. Public Acts of 1963, Chapter 332, increased the salary of the secretary to the chancellor of the second chancery division to \$3,000 per year, by amending Public Acts of 1951, Chapter 86, published herein.
3. Public Acts of 1963, Chapter 340, authorized the circuit judge and the criminal judge of the nineteenth judicial circuit to appoint a secretary. Each such judge was entitled to be reimbursed out of the state treasury for the amounts expended for such secretarial assistance, not to exceed \$3,000.00 per year.

## Chapter VI - Education/Schools

### School Districts

#### Private Acts of 1993 Chapter 15

**SECTION 1.** Chapter 323 of the Private Acts of 1927, Chapter 292 of the Private Acts of 1943, Chapter 228 of the Private Acts of 1949, as amended by Chapter 191 of the Private Acts of 1957, Chapter 293 of the Private Acts of 1978, Chapter 102 of the Private Acts of 1987, and all other acts amendatory thereto, are hereby repealed. Chapter 348 of the Private Acts of 1955, Chapter 183 of the Private Acts of 1959 and Chapter 309 of the Private Acts of 1961, all three of which failed to gain local approval, are repealed.

**SECTION 2.** Campbell County shall be divided into five (5) school districts which shall be coextensive

with the county commissioner districts established by the County Legislative Body of Campbell County. The Campbell County Board of Education shall consist of ten (10) members, with two (2) members being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the term of one (1) board member from each school district shall expire. Persons elected in the regular August elections shall take office on September 1 following the election.

As amended by: Private Acts of 2000, Chapter 94

**SECTION 3.** To accomplish the transition between the former five (5) member board to the new ten (10) member board, the board members in office on the effective date of this act shall continue to serve until the expiration of their respective terms, and the seats they occupy shall be designated seat "A" for their respective school districts. At the August 2000 election, one (1) new board member will be elected to fill seat "B" in each district for the following initial terms:

- District 1 – 4 years
- District 2 – 2 years
- District 3 – 4 years
- District 4 – 2 years
- District 5 – 4 years

Thereafter, all board members shall be elected to four (4) year terms.

As amended by: Private Acts of 2000, Chapter 94

**SECTION 4.** To accomplish the transition between the former seven (7) school districts to the present five (5) school districts following the 1990 census, the provisions of Section 3 of this act shall be followed so that the board members in office on the effective date of this act shall continue to serve until the expiration of their respective terms. At the August, 1992 election, board members from the new even-numbered districts shall be elected to four (4) year terms. At the August, 1994 election, board members from the new odd-numbered districts shall be elected to four (4) year terms. Any action taken to implement the provisions of this act are hereby ratified and validated as though such action had occurred after the ratification of this act.

**SECTION 5.** Except as otherwise provided herein, the Campbell County board of education shall have the same powers, duties, privileges and qualifications as the board of education established pursuant to Tennessee Code Annotated, Title 49.

**SECTION 6.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of 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 7.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the board of county commissioners of Campbell County. Its approval or nonapproval shall be proclaimed by the presiding officer of the board of county commissioners of Campbell County and certified to the Secretary of State.

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

PASSED: February 18, 1993.

## Tenure

### Private Acts of 1949 Chapter 384

**SECTION 1.** That in all counties of this State having a population of not less than 31,130 and not more than 31,135 according to the Federal Census of 1940, or any subsequent Federal Census, Civil Service or Permanent Tenure shall apply to all employees of the Boards of Education of said counties occupying the positions or principals, teachers, supervisors, clerks, secretaries, stenographers, and chief maintenance men; provided, that no persons occupying the positions of principals, teachers, or supervisors shall be deemed to be under civil service or permanent tenure unless they have been employed by the Board of Education of the counties coming within the provisions of this Act for the third year from the time of their appointment or employment; and, provided further, that no persons occupying the positions of clerks, secretaries, stenographers, or chief maintenance men shall be deemed to be under civil service or permanent tenure until after they have occupied such positions for a period of two years from the time of their appointment or employment.

**SEC. 2.** That, upon election, the Superintendent of Schools of any of the counties coming within the provisions of this Act shall have the right to recommend supervisors and successors thereof, for employment as such by the Board of Education of his county pursuant to TCA Section 49-214 (1), such supervisors and successors thereof to be recommended from certified personnel employed by the Board of Education of his county. In recommending and employing a supervisory staff, the Superintendent of Schools and Board of Education may replace a supervisory employee made subject to civil service or permanent tenure by the provisions of this Act, by changing such employee to a teaching position within the county. Such employee shall receive a salary appropriate to that teaching position, considering his degrees held and years of teaching and supervisory service. Provided, however, that the provisions of this section regarding the replacement of supervisors and the changing of such supervisors to a teaching position with a salary appropriate to that teaching position shall not apply to those who, at the date this law becomes effective, are currently tenured personnel. That in all other instances, neither the Board of Education, nor any member thereof, nor the Superintendent of Schools, nor any other official of the Board or Department of Education of any of the counties coming within the provisions of this Act, shall have any right to dismiss, discharge, demote or change any employee made subject to civil service or permanent tenure by the provisions of this Act, from one position or class to another position or class within the Department of Education of said counties at a reduced salary, unless and until charges as specified herein shall have first been filed and sustained against such employee in the manner hereinafter provided; provided, however, that in making up the school budget the Board of Education of any such counties ascertain that there is a surplusage of employees in the system, by reason of a natural diminution of the number of pupils in any school, or otherwise, the Board of Education of any such counties may reduce the number of employees in the system to the number required by first dismissing any or all of those who have not been appointed or employed for the third year in the case of principals, teachers, or supervisors, or for the period of two years in the case of clerks, secretaries, stenographers or chief maintenance men, from the time of their appointment or employment. If the reduction so made is inadequate or insufficient in the opinion of the Board of Education of any of such counties, the Board may then dismiss civil service employees without charges being filed or sustained, but such dismissals shall be made according to seniority of service.

As amended by:

Private Acts of 1982, Chapter 295

**SEC. 3.** That employees under civil service or permanent tenure by the provisions of this Act may be suspended, discharged from service, demoted or fined not exceeding an amount equal to one-twelfth of one month's salary, upon conviction of any crime, or for inefficiency, incompetency, neglect of duty, use of narcotics or intoxicating liquors, insubordination, immorality, conduct unbecoming to their profession, failure or refusal to pay his or her taxes, or failure or refusal to pay his or her honest debts, in the following manner:

(a) The principal, or any ten patrons of the same school may file charges against any teacher subject hereinafter defined "against any such employee." Anyone filing such charges against any teacher and it shall be proved such charges are without foundation, said persons shall be subject to the liabilities and penalties as further set forth in this Act. Such charges shall be in writing but may be in any written form and no charge shall ever be dismissed because lacking in form. A copy of such charges shall be delivered to the employee so charged, and a certificate of the principal stating that he has delivered a copy of such charges shall be sufficient evidence of the fact of delivery. No charge shall ever be dismissed for insufficiency, and any charge may be amended at any time, but if the said charge is amended after the employee has testified, the employee shall be given a reasonable time in which to make defense to the amended charge. The principal of any school may file charges against the principal of any other school, and the Superintendent of Schools of any such Board of Education or counties shall have the right to request in writing the principal of any school to prefer charges against any employee of the Board of Education of such county or counties, and upon the failure or refusal of any such principal to prefer such charges he or she shall be guilty of neglect of duty and may be proceeded against under the provisions of the civil service or permanent tenure laws of any such county coming within the provisions of this Act.

(b) After the filing of charges as hereinbefore set out, the employee charged shall be entitled to a hearing before the Superintendent of Schools. Pending this hearing, the employee may be suspended by the Superintendent, but charges shall be filed and a copy thereof furnished the employee within twenty-four hours after such suspension. The Superintendent of Schools shall hear all charges within five days after a copy of such charges have been furnished the employee so charged, unless the hearing is further postponed at the request of, or with the consent of, the employee under charge. At such hearing the employee under charge may appear and defend in his own right, or he may appear and defend by counsel. The Superintendent shall render his decision within ten days after the conclusion of the hearing, exclusive of the day of hearing.

(c) Any person dissatisfied with the decision of the Superintendent shall have the right to appeal



therefrom to the Board of Education of such county, within three days thereafter, excluding the day upon which such decision is rendered. Upon written notice of such appeal being given to the Superintendent it shall be his duty to prepare a copy of the proceedings, evidence, etc., before him and transmit the same to the Board of Education of any such county, who shall hear the appeal on such record. No new evidence shall be introduced, but the Board may send the record back if they are of the opinion that additional evidence is necessary to reach a correct decision.

(d) The Superintendent shall issue writs of subpoena on request of either party to compel attendance of witnesses to testify at the hearing of such investigation; such subpoena shall be signed by him and be served by any Constable, the Sheriff or any Deputy Sheriff of said county, and shall be obeyed by the witnesses in the same manner as subpoenas issued by Justices of the Peace or the clerks of Common Law Courts of this State under the general statutes of Tennessee, and any failure to obey such subpoenas may be enforced in the same manner and to the same extent as is now provided by law for the enforcement or the punishment for failure to obey subpoenas issued by Justices of the Peace or the clerks of the Common Law Courts of this State. The cost of the service of such subpoenas by any lawful officer shall be the same as provided by existing laws for services of like character and shall be paid by the Board of Education of any such county. The Superintendent is authorized and empowered to administer oath to the witnesses and parties at such hearings. Such hearings shall be held at such places in said counties as may be designated by the said Superintendent and shall be public unless private hearings are agreeable to the Superintendent and employee so charged, regardless of whether such hearing is being conducted before the Superintendent or the Board of Education. The decision of the Board of Education shall be final; except that anyone who may be aggrieved by such order, judgment or decision of said Board may have such action reviewed by the Courts to the extent and in the manner provided by Sections 27-901 to 27-914 inclusive of the Tennessee Code Annotated.

As amended by: Private Acts of 1957, Chapter 90

**SEC. 4.** That if on final disposition of the case the employee so charged is not dismissed nor suspended on final hearing, any unpaid salary accruing during his or her suspension before final hearing shall be paid in full by the Board of Education of such county.

**SEC. 4-A.** That the provisions of this Act shall not apply to teachers living outside of the State of Tennessee. The probationary period begins for all teachers from the date this Act becomes law. All teachers coming under the poll tax age must have a poll tax receipt for the preceding year before signing a contract.

**SEC. 5.** That if any sentence, clause, or section of this Act be held unconstitutional, or the application of this Act be held unconstitutional, with respect to any person or circumstance, such holding shall not affect any other person or circumstance.

**SEC. 6.** That all laws or parts of laws in conflict with this Act be, and they are, hereby repealed, and that this Act take effect from and after January 1, 1950, the public welfare requiring it.

Passed: March 29, 1949.

**COMPILER'S NOTE:** The transfer of a high school principal from one high school to another with a reduction in salary but without timely notice or charges was termed a demotion and prohibited under this act in State, ex rel. John F. Taylor v. Rasnake, 209 Tenn. 229, 352 S.W.2d 427 (1961), and was further distinguished in State, ex rel. Pemberton v. Wilson, 481 S.W.2d 767 (1972).

## Superintendent or Director of Schools

### Private Acts of 1939 Chapter 265

**SECTION 1.** That in all counties of this State having a population of not less than 26,800 nor more than 26,850 according to the Federal Census of 1930 or any subsequent Federal Census, the County Superintendent of Education shall hereafter be elected by popular vote.

**SECTION 2.** That at the August election in 1940, there shall be elected a County Superintendent of Education by popular vote, who shall take office January 1, 1941, and serve until September 1, 1942.

**SECTION 3.** That at the August election in 1942, and each four years thereafter, there shall be elected a County Superintendent of Education by popular vote, who shall take office September 1, 1942, and serve for a term of four years.

As amended by: Private Acts of 1943, Chapter 293

**SECTION 4.** That the present holder of said office shall serve until his present term expires on January 1,

1941.

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

Passed: February 16, 1939.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Private Acts of 1915, Chapter 294, created a high school system for Campbell County, authorized a special tax levy, or high school tax, of not less than fifteen cents, and not more than twenty cents, per \$100 of valuation, and vested the management, operation and control of the high schools in a three member county high school board, whose secretary in an ex-officio capacity would be the superintendent of public instruction. The members would serve three year terms arranged so that one would be elected in January of each year. The superintendent would be paid by the board for his duties as secretary, and the members would be paid by the quarterly court, not to exceed \$100 a year. There would be at least two high schools, one at the county seat, and the other at Jellico. The county superintendent would supervise the schools into which would be admitted all eligible pupils.
2. Private Acts of 1915, Chapter 433, stated that it would not be lawful in Campbell County and the board of education was not authorized to use any part of the common school fund derived from taxes, privileges, or from the state, to purchase sites for, or to erect public school buildings. This could be done only with funds coming from the sale of bonds under the terms and conditions set up by public law.
3. Private Acts of 1925, Chapter 395, allowed the county board of education to establish and maintain one or more junior high schools of the seventh and eighth grades from the elementary system and of the ninth grade from the high school system, and with the authority to operate them in collaboration with any city school system. A curriculum would be set up for these schools which will contain all the essential requirements demanded by state law, and, in addition, would add home economics, agriculture, vocational, civics, and industrial courses.
4. Private Acts of 1927, Chapter 323, created a seven member board of education for Campbell County and repealed all conflicting laws. One member would be elected from each of the five civil districts of the county and the other two at large to take office on Sept. 1, 1928, and every two years thereafter. Each member would be paid according to the state law but, if no state law provided for such, then as the county court might determine. County superintendent would serve as ex-officio secretary and the members would select their own chairman from among their members. The board was authorized to employ a superintendent who would be an employee and not an official, and who must meet the standards enumerated in this law, the old position being abolished. The salary for the new position would be established by the county court.
5. Private Acts of 1943, Chapter 292, declared that all the counties of the state having a population of not less than 31,125 nor more than 31,140 by the Federal Census of 1940, the board of education shall meet at the county seat at such times as it may deem necessary or upon call of the chairman for transaction of any and all business of the board. The board members received a compensation of \$3.00 per day and ten cents per mile one way, except the chairman of the board who received \$150.00 per annum, payable monthly out of the general school funds of the county. The act further outlined the election of teachers and all other employees of the board of education only upon recommendation of the county superintendent of education .
6. Private Acts of 1949, Chapter 228, created a county board of education in counties of this state with a population of not less than 31,000, nor more than 32,000 by the Federal Census of 1940. The act also established school districts in said counties; provided for the election of the members from each district by the voters; and provided for the rights, powers and duties of the members of such school board.
7. Private Acts of 1955, Chapter 348, would have amended Private Acts of 1949, Chapter 228, published herein, by setting the compensation of the members of the board of education at the rate of \$10 per day for each day spent in attendance at their meetings and twelve cents a mile for each mile traveled one way, between home and county seat. The chairman of the board would receive \$35 a month plus twelve cents a mile, all of which would come from the general fund of the county but this act was rejected and disapproved by the quarterly court and therefore never

became a law.

8. Private Acts of 1959, Chapter 183, would have amended Private Acts of 1949, Chapter 228, also by setting the compensation of the board of education at \$10 per day, the salary of the chairman at \$35 per month, and all members to be paid twelve cents per mile for each mile traveled, one way, between home and the county seat, the same to come out of school funds, but this act was also rejected by the quarterly county court of Campbell County.
9. Private Acts of 1961, Chapter 309, created a five member board of education, one to be elected by the people residing in each of five school districts, likewise created by the act and composed of whole civil districts. Arrangements were also included which staggered the terms of board members, it being the intention of the general assembly to confer upon the board and the superintendent the control and administration of the school system. The act called it to be submitted to the people in a referendum but the quarterly county court did not allow it to get that far, having rejected it themselves.
10. Private Acts of 1987, Chapter 102, outlined the election of the seven member school board of Campbell County. Each member was elected for four year staggered terms. School districts three and six held elections on August, 1988; school districts one, four and seven held elections on August, 1990; and school districts two, five, three and six held elections on August, 1992. Biennially thereafter, at the regular August, 1988, election school board members were elected for four year terms from the districts as provided.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Campbell 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, Second Session, Chapter 8, incorporated James Groat, Hugh Montgomery, Hutchins Burton, Michael Huffacre, and Sampson David, as a body corporate and politic, to be known as trustees of Franklin Academy in Campbell County. They were given all the powers incidental to corporations to execute the purposes of this act.
2. Private Acts of 1827, Chapter 237, appointed Thomas Wheeler, John Philips, David Richardson, and Abraham Hayter as trustees of Franklin Academy in Campbell County.
3. Public Acts of 1875, Chapter 122, authorized and empowered the trustees of the Franklin Academy in Jacksboro to expend all or any part of the funds of the said academy at any time, and, in any manner in which they, or a majority of them, deem best.
4. Acts of 1905, Chapter 176, created a special school district to be known as the Elk Valley School District, described in metes and bounds, and located in Campbell County. The board of election commissioners were required to hold an election for the people to choose the three school directors to serve said district. This school district would have all the rights, privileges and emoluments of other school districts in the state.
5. Acts of 1907, Chapter 236, abolished all the positions of district directors of the schools in the state and created a board of education and district advisors in all counties. The counties would be divided into five, or less, school districts, composed of whole civil districts, from each of which one member of the board of education would be elected. If less than five districts were in the county the other members would run at large so that all boards of education would have five members. The county superintendent would be secretary to the board, and would fill vacancies on the board, if one should occur. The basic duties of the chairman, whom the board would select from their own number, the secretary, and the members are enumerated in the bill. Compensation would be set by the county court and be between \$1.50 and \$3.00 per day for each day spent in actual service, up to 30 days per year. The voters in each district would elect a three member advisory board who were given certain duties to perform. Some counties exempted themselves from the provisions of this act but Campbell County was not one of them. This law was tested in Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
6. Acts of 1907, Chapter 604, provided for and enforced the education of all children between the ages of eight and sixteen years in counties of the state which had a population of not less than seventeen thousand three hundred and not more than seventeen thousand and four hundred according to the Federal Census of 1900.
7. Private Acts of 1925, Chapter 445, provided the quarterly county court of Campbell County, using 1920 Federal Census figures, with the authority to levy an additional tax in excess of the

aggregate state tax for all purposes, for the purpose of creating a school fund sufficient to extend the elementary schools of the county to eight months out of the year.

8. Private Acts of 1927, Chapter 630, created a special school district known as the Caryville High School District to which the junior high school located in Caryville would be given. The district would be managed by three trustees to be elected by the people at the general August election in 1928, and every two years thereafter. L. C. Sharp, J. M. Newport, and H. P. Pickle were named in the act to serve until the election. The powers and duties of the board of trustees are specified along with those of the secretary who would be the county superintendent of schools. The county trustee would pay the pro rata share of school funds to the district and, in addition, the county court must levy an annual tax on all the property in the area to operate the high school. All white children in the region were eligible to attend and others out of the district could attend when designated by the board.
9. Private Acts of 1939, Chapter 396, recited that the TVA condemned the Caryville High School in 1936, leaving the area without a school and, since that date, school has been conducted in the Baptist and Methodist Churches in 1936, 1937, and 1938. On December 6, 1937, the Caryville Baptist Church was destroyed by fire, and the cause was determined to be from a fire which had been banked on Sunday night after church in order to have the building warm for school on Monday. The building carried no insurance but \$35,000 was forthcoming from the state, and the county court, by resolution, appropriated \$7,000 to contribute to the rebuilding of the burned church. This act ratified the resolution and granted the authority to the county court to appropriate this amount for the purpose specified under these circumstances.
10. Private Acts of 1943, Chapter 205, allowed all counties having the population mentioned, which included Campbell County, to take over and operate the elementary schools of any and all incorporated towns and cities in the county, upon the recommendation of the board of education that same be done. The counties were further empowered to acquire by purchase, gift, or condemnation, or otherwise, any suitable property therefor, and to make settlements for the same.
11. Private Acts of 1951, Chapter 10, permitted the county board of education, with the concurrence of the quarterly court, to purchase certain properties, therein described, from Kolo and Eliza Wier Davis, in the city of La Follette, provided the Davis' execute a release from all claims they may have against the county on a school construction contract, and, provided further, that the grantors execute proper deeds of conveyance together with the furnishing of a fee simple title to the grantees, the consideration for all of which shall not exceed \$26,877.64.

## Chapter VII - Elections

### Civil Districts

#### Acts of 1903 Chapter 235

**SECTION 1.** That the First, Third, Sixth, Seventh, Eighth, Ninth, Twelfth, Thirteenth, Fourteenth, Fifteenth and Sixteenth Civil Districts of Campbell County, as the same have heretofore and up to this time been constituted and existed, be and the same are hereby abolished.

**SEC. 2.** That the territory heretofore and up to this time embraced in the Sixth, Seventh and Eighth Civil Districts of said county be and the same is hereby attached to what has heretofore and up to this time been the Fifth Civil District of said county, and that the combined territory be hereafter known and nominated the First Civil District of said county; that the territory heretofore and up to this time embraced in the First Civil District of said county be and the same is hereby attached to what has heretofore and up to this time been the Second Civil District, and that the said combined territory be hereafter known and nominated the Second Civil District of said county; that the territory heretofore and up to this time embraced in the Third and Fourteenth Civil Districts of said county be and the same is hereby attached to what has heretofore and up to this time been the Fourth Civil District of said county, and that said combined territory be hereafter known and nominated the Third Civil District of said county that the territory heretofore and up to this time embraced in the Ninth, Twelfth and Thirteenth Civil Districts of said county be and the same is hereby attached to what has heretofore and up to this time been the Eleventh Civil District of said county, and that the said combined territory be hereafter known and nominated the Fourth Civil District of said county; that the territory heretofore and up to the time embraced in the Fifteenth and Sixteenth Civil Districts of said county be and the same is hereby attached to what has

heretofore and up to this time been the Tenth Civil District of said county, and that the said combined territory be hereafter known and nominated the Fifth Civil District of said county.

**SEC. 3.** That no civil district in excess of the number five hereby created out of any of the territory of said county shall be established or created unless by Act of the General Assembly of the State of Tennessee.

**SEC. 4.** That from and after this date the office of Justice of the Peace, of constable and school directors in what has heretofore and up to this time been the First, Third, Sixth, Seventh, Eighth, Ninth, Twelfth, Thirteenth, Fourteenth, Fifteenth and Sixteenth Civil Districts of Campbell County, heretofore abolished, be and the same are hereby abolished and shall cease to exist, and that the justices, constables and school directors of the districts abolished by this Act shall turn over the books and papers pertaining to their offices to the justices in the districts to which they are attached.

**SEC. 5.** That the following places be designated for holding elections in the districts herein established: In the First District at LaFollette, Fincastle, Well Spring and Forge Chapel; in the Second District at Baker's Forge, Walnut Grove and Hatmaker; in the Third District at Jacksboro, Careyville, Block, Lindsay's Mills, Better Chance and Beach Fork; in the Fourth District at Lowes, Pioneer and Elk Valley; in the Fifth District at Newcomb, Jellico and Falls of White Oak; that all elections hereafter had, to be held at the places hereinabove designated.

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

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

Passed: March 24, 1903.

## Private Acts of 1929 Chapter 834

**SECTION 1.** That this Act shall apply to all counties of the State having a population of not less than 28, 250 nor more than 28, 275, according to the Federal Census of 1920, or any subsequent Federal Census.

**SEC. 2.** That the eastern boundary line of the Fourth Civil District and the western boundary line of the Fifth Civil District of any county to which this Act applies (said districts lying adjacent to each other) shall be as follows:

Beginning at Bolton Gap on the Pine Mountain southeast of Jellico; thence running a straight line to a concrete bridge on Hickory Creek on the Dixie Highway at the mouth of Davs Creek; thence southwardly a straight line to a concrete bridge on Dixie Highway across Lick Creek; thence southwardly a straight line to the chimney rock on the side of Cumberland Mountain above Duff; thence due south to the line of the First Civil District on the top of Cumberland Mountain.

**SEC. 3.** That all laws and parts of laws in conflict herewith are hereby repealed; and this Act shall take effect from and after its passage, the Public Welfare requiring it.

Passed: April 11, 1929.

## Private Acts of 1935 (Extra Session) Chapter 105

**SECTION 1.** That the following boundary of land be detached from the First Civil District of Campbell County, Tennessee, and attached to the Second Civil District of said Campbell County, all of that territory described as follows:

"Beginning at the mouth of the Joe Gray hollow, the Second and Third District line on Indian Creek, and running up said creek to Hunter's Branch, thence up Hunter's Branch to highway 25 W, thence north with said highway to J. N. Millers, thence east to Esau Savage, and with said Savage line to the road or land leaving property of Norvell Hill, J. T. Hill and E. E. Hill in the First District, thence to the Broyles Road, and with said Broyles Road to the Haun place at River Road, thence with said River Road to the Charles Burris Road, and running with said Burris Road to Andy Baird's place on Indian or Big Creek, and up said creek to the mouth of the Watery Branch, thence up said branch to the Watery Brance Hollow Road, thence east with said road to the present Second District line at the R. L. Chadwell heir's farm."

**SEC. 2.** That the territory described in Section 1 of this Act shall be and constitute a part of the Second Civil District of Campbell County, Tennessee, and the voters of said territory shall participate in and be required to vote in said Second Civil District instead of the First Civil District, in all elections hereafter held in said district or in Campbell County of which said district is a part.

**SEC. 3.** 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: July 30, 1935.

## Private Acts of 1937 Chapter 562

**SECTION 1.** That there be and is hereby created and established for and within the County of Campbell, State of Tennessee, an additional Civil District to be known as the Sixth Civil District of Campbell County.

**SEC. 2.** That the boundaries of said Sixth Civil District of Campbell County shall be as follows:

"Beginning at a point on the top of Big Cumberland Mountain, at the water divide, and where the public highway leading from Caryville to Clinchmore crosses same; thence running in a Southerly direction along the top of said Big Cumberland Mountain in the general direction of Coal Creek, Tennessee to the Anderson-Campbell County line; thence running in a westerly direction following the Anderson-Campbell County line to a point where said line joins the Scott County line; thence running in a northerly direction along the Campbell-Scott County Line to a point in the center of the main public highway which leads from Pioneer to Huntsville; thence running in an easterly direction following the center of said Pioneer-Huntsville main highway to the top of Big Cumberland Mountain at what is known as the Pioneer Gap; thence running along the top of said Big Cumberland Mountain along the water divide thereof in a southerly direction to the beginning point."

The territory embraced in the foregoing boundaries is hereby designated as the Sixth Civil District of Campbell County, Tennessee.

**SEC. 3.** That within sixty days after the passage and approval of this Act the Commissioners of Election of Campbell County, Tennessee, shall call and hold an election in said Sixth Civil District of Campbell County and there shall be elected at said special election two Justices of the Peace, one Constable, and one District Road Commissioner for said Campbell County and for said Sixth Civil District, and the persons elected to said offices shall qualify and assume office within ten days after said election. The election precincts now established, known as "Clinchmore" and "Shea," shall continue and be legal election precincts in and for said Sixth Civil District of said Campbell County as herein and hereby established.

**SEC. 4.** That the district hereinabove set out shall remain unchanged until repealed or changed by an Act of the Legislature.

**SEC. 5.** That all laws or parts of laws in conflict with this Act are hereby repealed.

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

Passed: May 14, 1937.

## Polling Place Boundary

## Private Acts of 1980 Chapter 306

**SECTION 1.** The officer of elections in Campbell County shall measure off five hundred feet (500ft.) from the entrances to the building in which an election is to be held and place boundary signs at that distance. Within five hundred foot boundary and the building in which the polling place is located, display of campaign materials, and solicitation of votes for or against any person or political party or position on a question are prohibited. No campaign posters, signs or other campaign literature may be displayed on or in any building or on the grounds of any building in which a polling place is located.

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

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

PASSED: April 16, 1980.

## Elections - Historical Notes

### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Campbell County, but are no longer operative

regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1949, Chapter 644, changed the boundaries between the second civil district and the third civil district of Campbell County so that all the farm properties belonging to Tom Prater, Lewis Ayers, and Brice Heatherly, which adjoin the farms of Emma Walker, and Hodge Claiborne, were taken out of the second and placed in the third civil district.
2. Private Acts of 1949, Chapter 841, changed the boundary between the first and the second civil district of Campbell County so as to take the lands of Hobart Miller out of the second civil district and place them in the first civil district, giving only a general description of the land involved.
3. Private Acts of 1961, Chapter 72, would have repealed Private Acts of 1937, Chapter 562, published herein, and provided that the area included in the sixth civil district would revert to the civil districts from which it was taken and all boundaries would conform to that position notes in Acts of 1903, Chapter 253. This act must be approved by a referendum and then would not take effect until September 1, 1966. The act was rejected and disapproved by the quarterly court of Campbell County.

### **Elections**

The following is a listing of acts for Campbell 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 1812, Second Session, Chapter 27, divided Tennessee into six U. S. congressional districts. The third district was composed of the counties of Anderson, Campbell, Roane, Rhea, Bledsoe, Overton, White, Warren, and Franklin.
2. Acts of 1812, Second Session, Chapter 57, apportioned the state for representation in the general assembly. Out of the twenty state senators, Grainger, Claiborne, and Campbell counties would elect one jointly and the polls would be counted at Rutledge and Tazewell, alternately. There were to be forty representatives of which every county would elect one for themselves except Davidson, Rutherford, and Bedford counties which would each elect two for themselves.
3. Acts of 1813, Chapter 126, provided that the sheriff, or his deputy would hold an election on the days prescribed by law at the house of Robert Glen in Powell's Valley, and also at the house of George Baker, to elect a president, vice-president, members of the state legislature, and local officers of the militia. All persons eligible to vote in any election in Campbell county were declared eligible to vote here, too. The officer holding the election would count the votes and report the returns to the sheriff at Jacksboro. Anyone violating the terms of this act was subject to a \$10 fine.
4. Public Acts of 1819, Chapter 69, reorganized the representative processes in the general assembly to twenty senators and forty representatives. Grainger, Campbell and Claiborne counties would jointly elect a state senator and one representative together.
5. Public Acts of 1822, Second Session, Chapter 1, delineated the state into eight U. S. congressional districts. The third congressional district was made up of the counties of Campbell, Anderson, Morgan, Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe counties.
6. Public Acts of 1823, Chapter 47, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The second district was composed of the counties of Campbell, Cocke, Sevier, Jefferson, Grainger and
7. Public Acts of 1824, Second Session, Chapter 1, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The second district was composed of the counties of Campbell, Cocke, Sevier, Jefferson, Grainger and Claiborne and elected one elector.
8. Public Acts of 1826, Chapter 3, apportioned Tennessee into the same number of state senators and representative as before. Jefferson, Grainger, Claiborne and Campbell counties would jointly elect one senator, while Claiborne and Campbell counties would share one representative.
9. Public Acts of 1827, Chapter 17, divided the state into eleven electoral districts for the purpose of electing electors of president and vice president of the United States. The counties of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell composed the second district and elected one elector.
10. Public Acts of 1832, Chapter 4, divided Tennessee into thirteen U. S. congressional districts assigning Sullivan, Hawkins, Grainger, Claiborne, and Campbell to the second district.
11. 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 districts with Knox, Anderson, Campbell, Morgan and Roane composing the fourth district.
12. Public Acts of 1833, Chapter 71, provided that Knox, Anderson, Campbell, and Morgan counties would join together to elect one of twenty state senators while Campbell, Anderson, and Morgan counties would share one of the forty representatives.
  13. Public Acts of 1833, Chapter 76, stated that Campbell, Claiborne, Grainger, and Jefferson counties would join together to elect three delegates to the upcoming state constitutional convention.
  14. Public Acts of 1835-36, Chapter 39, 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.
  15. Acts of 1842, Extra Session, Chapter 1, provided for the election of 25 state senators, the first senatorial district being made up of Campbell, Anderson, Roane, and Morgan counties with the polls being counted at Clinton. Campbell and Anderson counties would jointly elect one representative but these votes would be counted at Jacksboro.
  16. Acts of 1842, Extra Session, Chapter 7, separated the state into eleven U. S. congressional districts. The second district included Jefferson, Grainger, Claiborne, Campbell, Anderson, Morgan, Sevier, Blount, and Monroe counties.
  17. Acts of 1845-46, Chapter 144, stated that in the election of a representative to the general assembly for Campbell and Anderson County the polls will be compared at Jacksboro in Campbell County of the next Saturday after the election instead of on the first Monday, as was previously the law.
  18. Acts of 1849-50, Chapter 234, changed the above so that the polls in the election for a state representative for Campbell and Anderson counties would hereafter be compared at Clinton on the Monday following the election.
  19. Acts of 1851-52, Chapter 196, divided the state into congressional districts. The counties of Grainger, Claiborne, Campbell, Scott, Anderson, Knox, Morgan, Fentress and Overton, composed the second congressional district.
  20. Acts of 1851-52, Chapter 197, divided the state into representative and senatorial districts. Campbell and Anderson counties jointly elected one representative, and the polls were compared at Rossville. The counties of Claiborne, Grainger, Anderson and Campbell composed senatorial district in which the polls were compared at the Widow Sharp's Mill.
  21. Public Acts of 1865, Chapter 34, was the first post Civil War apportionment, dividing Tennessee into eight U. S. congressional districts. The second district was made up of the counties of Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Monroe, Polk, McMinn, Bradley, and Roane counties.
  22. Public Acts of 1867-68, Chapter 5, stated that the place heretofore set to compare the polls for the fourth senatorial district composed of Grainger, Claiborne, Campbell, Anderson, and Union counties be changed from Sharp's Mill to Maynardsville in Union County and the polls would be compared on the first Monday after each senatorial election.
  23. Public Acts of 1871, Chapter 146, reapportioned Tennessee for the general assembly according to the Federal Census of 1870. Scott, Union, and Campbell counties will jointly elect one representative, and the fifth state senatorial district would include Campbell, Morgan, Scott, Roane, Fentress, Overton, Putnam, White, and Cumberland counties.
  24. Acts of 1872, Extra Session, Chapter 7, divided the state into nine U. S. congressional districts. The second district included the counties of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon, and Clay.
  25. Public Acts of 1873, Chapter 27, realigned Tennessee into ten U. S. congressional districts. Campbell County stayed in the second district with Jefferson, Sevier, Blount, Monroe, Loudon, Roane, Knox, Anderson, Scott, Morgan, and Union counties.
  26. Acts of 1881, Extra Session, Chapter 6, reapportioned the state to conform to the 1880 Census data. Campbell and Union counties would jointly elect a state representative, while Claiborne, Union, Grainger, Scott, and Campbell counties made up the fourth state senatorial district.
  27. Public Acts of 1882, Second Session, Chapter 27, rearranged the state into ten U. S. congressional districts. The second district included the counties of Jefferson, Union, Sevier, Blount, Knox, Loudon, Roane, Anderson, Morgan, Campbell, and Scott.
  28. Acts of 1891, Extra Session, Chapter 10, reapportioned Tennessee according to the 1890 Federal



- Census figures. Campbell County would elect one representative to the general assembly alone, and share a state senator with Hancock, Grainger, Claiborne, and Union counties in the third senatorial district.
29. Public Acts of 1891, Chapter 131, divided the state into congressional districts. The counties of Jefferson, Union, Sevier, Blount, Knox, Loudon, Roane, Anderson, Morgan, Campbell and Scott composed the second Congressional district.
  30. Public Acts of 1901, Chapter 109, apportioned the state for the U. S. Congress according to the 1900 Federal Census. Of the ten U. S. congressional districts, the second was made up of the counties of Hamblen, Jefferson, Knox, Blount, Loudon, Roane, Scott, Anderson, Campbell and Union.
  31. Public Acts of 1901, Chapter 122, divided the state for representation in the general assembly. There were thirty-three senatorial districts of which Hancock, Grainger, Claiborne, Union, Scott, and Campbell counties made up the third. Scott, Union, and Campbell County would elect one of the 99 representatives.
  32. Private Acts of 1911, Chapter 419, stated that no registration of voters shall be had in Campbell County, using the 1900 Federal Census figures, and the registration of a voter shall not be a prerequisite to voting in the county, in a national, state, county, city, or any other election.
  33. Private Acts of 1915, Chapter 420, provided that in all elections in the first school district of Campbell County for school officers it is unlawful for any resident of LaFollette to vote. In elections for city, county, or state officer in the same precinct the election officer shall prepare a separate ballot box for the school election.
  34. Private Acts of 1923, Chapter 295, declared that no registration of voters shall be had in Campbell County except in incorporated cities of 2,500, or more, as the state law required, and registration shall not otherwise be a prerequisite to voting in any national, state, county, city, civil district, or in any other election.
  35. Private Acts of 1943, Chapter 206, provided that all bonafide residents, property owners, and taxpayers of Campbell County, owning property in La Follette, who have been residents of said county for six months prior to the said election and who are entitled to vote for members of the general assembly are entitled to vote in La Follette. All laws in conflict with this act were repealed.
  36. Private Acts of 1947, Chapter 546, stated that the compensation of registrar's charged with the registration of voters prior to the dates of the elections and the compensation of the officials conducting the elections in Campbell County is fixed at \$3.00 a day for each day's attendance and service at the place of registration, or at the polls.
  37. Private Acts of 1953, Chapter 579, stated that the residents of the first civil district in Campbell County named in this act are authorized to vote in the second civil district in all elections in which they qualify because the waters of the T.V.A. Dam have cut them off from their regular voting place and the one designated in much nearer. They are the residents and voters of the Maynard and Taylor Parker farm, The Harvey Parker farm, the Robie White farm the Sam White farm, the Mrs. Amanda McNeeley farm, and the P. L. Miller farm.

## Chapter VIII - Health

### County Health Department

#### Private Acts of 1957 Chapter 189

**SECTION 1.** That the Quarterly County Court of Campbell County shall create and establish a County Health Department and shall elect a County Health Officer in accordance with Section 53-308, Tennessee Code Annotated. The term of the Health Officer shall commence on July 1, 1957.

**SECTION 2.** That the Campbell County Health Department shall be vested with the same powers and functions as are other local health services under the general law, and the County Health Officer shall have the same powers, duties, and responsibilities as provided by the general law.

**SECTION 3.** That the Quarterly County Court of Campbell County shall appropriate from its general fund a minimum of \$\_\_\_\_\_ for general administrative and salary expenses for the fiscal year

commencing on July 1, 1957, and shall made adequate appropriations for every succeeding year.

**SECTION 4.** That this Act shall have no effect unless the same shall have been approved by two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Campbell County on or before the next regular meeting of said Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having the jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: February 26, 1957.

## Garbage Disposal

### Private Acts of 1990 Chapter 221

**SECTION 1.** (a) It shall be unlawful to carry or haul trash or garbage into Campbell County for the purpose of disposing of the trash or garbage in public garbage receptacles owned or provided by Campbell County. Only trash or garbage generated in Campbell County may be disposed of in public garbage receptacles owned or provided by Campbell County.

(b) Venue for a violation of this act shall be the county in which the garbage or trash was deposited.

(c) Any person violating the provisions of this act shall be subject to a civil penalty of two hundred fifty dollars (\$250).

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

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

PASSED: April 11, 1990.

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1947 Chapter 159

**SECTION 1.** That there is hereby created a County Road Superintendent in Counties of this State having a population of not less than 31,125 nor more than 31,140 by the 1940 Federal Census, or any subsequent Federal Census, that the said County Road Superintendent shall be elected by the qualified voters of said County, the first election under this Act is to be held at the regular August election 1948, and said term shall commence on the first day of September, 1948, and shall be elected for a term of two years and shall serve until his successor is duly elected and qualified. In the event there is a vacancy in said office, the Quarterly County Court shall have authority to appoint the successor, who shall serve until the next regular election, at which time the vacancy shall be filled by the qualified voters of said County.

As amended by: Private Acts of 1949, Chapter 714

**SEC. 2.** That the compensation for said County Road Superintendent shall be Sixty Five Hundred Dollars ( \$6,500.00) per annum, payable monthly out of the road funds of said County, by a warrant drawn upon the County Trustee, payable out of said funds and signed by said County Road Superintendent. Said County Road Superintendent shall have the exclusive control over the maintenance, management, and supervision of county rock quarries in said County, but shall receive no added compensation therefor, it being the intent of this Chapter that the compensation fixed herein shall be the total compensation for such County Road Superintendent.

As amended by: Private Acts of 1951, Chapter 632

Private Acts of 1953, Chapter 588

Private Acts of 1961, Chapter 357

Private Acts of 1963, Chapter 141

**SEC. 3.** That the County Road Superintendent provided for under this Act shall be a person of not less

than 25 years of age; shall have at least two years engineering work in an accredited school, or four years of practical experience in road building and/or road maintenance.

**SEC. 4.** That the said County Road Superintendent shall have full and complete control and supervision over all of the roads and bridges of said County which are not a part of the State Highway System. Said County Road Superintendent shall have the exclusive control over the maintenance, management, and supervision of the Road Department in said County, with complete power to employ and discharge employees as he may see fit. He shall also have power to employ such personnel as may be deemed necessary by him to properly carry out his functions and duties as County Road Superintendent and the salaries and expenses shall be paid out of the General Road Fund of said County upon a warrant signed by the County Road Superintendent.

**SEC. 5.** That it shall be the duty of the County Road Superintendent to keep an accurate and complete record of all receipts and disbursements made by him, and he shall keep separate accounts and records of all purchases made for the building, repairing and maintenance of said roads and bridges as well as an account and record of all machinery and equipment which he purchases. Said Road Superintendent shall make a detailed report to the Quarterly County Court of said County, setting forth the financial status, including receipts and disbursements made by him out of the County Road Fund. This report is to be made quarterly at the regular meeting to the Quarterly County Court.

**SEC. 6.** That in the event of the cessation of work on the roads of said County for any reason, said County Road Superintendent shall have the right to immediately suspend payment of the salaries of any employees whom he might have working under him, and said salaries shall remain suspended until the road work in said County is resumed.

**SEC. 7.** That all funds received by the County Trustee, including gas tax and all State road funds now and hereafter levied for the use and benefit of the roads and highways of said County, shall be kept in a separate fund to be known as "The General Road Fund" of said County and the same shall be expended upon such roads and bridges as the County Road Superintendent may designate.

**SEC. 8.** That any person obtaining gasoline belonging to said County by fraudulent representation, or who uses for private purposes any equipment or machinery belonging to said County shall be guilty of misdemeanor and punished accordingly. That such person, if he be an employee of said County, shall be immediately discharged, and it shall be the duty of the County Road Superintendent to carry out the provisions of this Act.

**SEC. 9.** That the County Road Superintendent herein created may allocate not more than 15% of the road funds to be expended on the rural district roads of the County not heretofore designated as gas tax roads.

**SEC. 10.** That the County Road Superintendent hereunder elected, before entering upon the discharge of his duties, shall take and subscribe to an oath that he will perform the duties of his office faithfully and impartially and without prejudice against or in favor to any section of said County or individual, and shall execute to the State of Tennessee a good and solvent bond in the amount of Seventy-five Hundred (\$7,500.00) Dollars, payable to the State of Tennessee for the benefit of that particular County in which he is elected, and that he will faithfully and impartially execute and perform all the duties imposed upon him without fear, favor or partiality and that he will honestly and faithfully expend and account for all moneys coming into his hands, and honestly and faithfully discharge all duties required of him by law.

**SEC. 11.** That said County Road Superintendent shall have the right and power to purchase such equipment as he deems may be necessary to be used in the building and maintenance of the roads and bridges of said County, and said equipment shall be paid for out of any road funds available to said County, provided that all purchases of equipment of any character, as well as oil, and gas and other supplies, shall contemplate the expenditure of more than One Hundred (\$100.00) Dollars, the same shall be purchases upon competitive bids and in such quantities as will give said County the benefit of the best possible prices.

**SEC. 12.** That this Act take effect from and after September 1, 1948, except that portion of the Act providing for the election to be held and the same shall become effective August 1, 1948, the public welfare requiring it.

Passed: February 3, 1947.

## Highways and Roads - Historical Notes

### **Highways and Roads**

The following is a listing of acts which once had some effect upon the county road system in Campbell

County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1829-30, Chapter 136, authorized Allen M'Donald to open a turnpike road from Pleasant Chitwood's and the Kentucky line in Campbell County, crossing New River at John Reed's, up Brimstone Creek and across the mountain, and thence down Emery River to Montgomery in Morgan County. The road was to be 20 feet wide, clear of stumps, and marshes were to be bridged. The work was to be completed by July 1, 1831, at which time a schedule of tolls to be charged, as set out in the act, would go into effect.
2. Private Acts of 1831, Chapter 20, allowed the county court of Campbell County to pay \$23.86 to William McCoy, which was money expended by him on behalf of the government in the prosecution of three lawsuits against overseers of the public roads, provided, however, that in the event said money has already been refunded to McCoy, then this act ratifies and confirms such actions.
3. Private Acts of 1832, Chapter 77, directed the county court of Campbell County to appropriate and pay to William McCoy the sum of \$23.86 which represented the money expended by him in court costs incurred in the defense of three lawsuits brought against three road hands who were assigned to him when McCoy was an overseer of roads in Campbell County.
4. Acts of 1843-44, Chapter 83, Section 4, gives free passage to all citizens of Campbell County at all times on the road from Montgomery in Morgan County running in the direction of the salt works and to the Kentucky line, for which Hiram Marcom and Daniel Chitwood of Campbell County, and Jesse Triplett of Morgan County had been appointed commissioners.
5. Private Acts of 1843-44, Chapter 116, Section 7, permitted the commissioners who had been appointed for the improvement of Powell's River to expend the remainder of the appropriated money in the best interests of Claiborne and Campbell counties, so as to improve the road leading from Knoxville, by way of Clinton and Jacksboro, to Cumberland Gap, and also to erect a bridge across Coves Creek in Campbell County. Other commissioners, not to exceed three in number, may be appointed at a compensation of no more than \$1.00 per day to supervise the work in each county. Contracts were to be let according to the law and the money shall be spent in proportion to the length of the Powell River in each county.
6. Private Acts of 1845-46, Chapter 152, Section 6, appointed as commissioners to receive stock subscriptions up to \$150,000, certain people in Knox and Anderson counties, and John Carey, Jordan Smith, Thomas Weir, Robert Morrow, John Phillips, and William D. Crawford, all of Campbell County, which money would be used to build a turnpike road from Campbell's Station to Cumberland Gap, to be called the Campbell Station and Powell's Valley Turnpike Road, all the conditions and specifications for the issue of said stock being incorporated in the act.
7. Private Acts of 1847-48, Chapter 186, incorporated James Archer, William Perkins, Labon Sharp, and William Walker, all of Campbell County, plus three from Anderson County, and such others as they may associate with them, to open and operate a turnpike from the Kentucky line in Campbell County near the lot running through the Big Creek Gap to the road running through Powell's Valley to the Cumberland Gap, and further to Lay's Roads. Toll gates will be permitted on the said road and tolls charges according to a schedule in the Act.
8. Private Acts of 1867-68, Chapter 101, Section 13, incorporated James M. Bilin, Jonathan Linsey, Reuben Rogers, Henry Myers, Eli Brown, John Meadows, George Heatherly, O. T. Cliburn, and James J. Maris, as the "Jacksboro, Powell's Valley, and Cumberland Gap Turnpike Company," which would run from the Knoxville and Kentucky Railroad near Jacksboro in Campbell County, to Cumberland Gap, same to have all the powers and privileges incidental to other corporations.
9. Public Acts of 1868-69, Chapter 11, provided for a state grant of aid to the corporation formed above, of \$70,000 provided they were organized as their charter of incorporation directed and have at least that amount in subscribed stock. William Scruggs, Frederick Detavener, William C. Hall, and Henry Sharp were added to the list of incorporators.
10. Public Acts of 1901, Chapter 136, was a statewide road law applicable to all counties under 70,000 in population. A road commissioner would be elected from each road district which were made co-extensive with the civil districts. The duties of the commissioners were specified and their compensation set at \$1.00 per day, not to exceed ten days in one year. The county court would assign road hands to work and specify the number of days between five and eight for which each male between 21 and 45 years of age were required to work. A road tax of two cents per \$100 property valuation would be levied each year. The commissioners would appoint road overseers in his district, who would also get \$1.00 per day, limited to \$6.00 a year. Roads would be classified and indexed, prisoners could be worked under certain conditions, and specifications

for roads were all included in the law. Petitions to open, close, or change a road must follow procedures outlined in the act, and contracts could be awarded to perform road work if certain conditions were observed. Methods were prescribed for the purchase and use of tools and machinery on the roads. An early test for this law came in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).

11. Acts of 1905, Chapter 478, amended the 1901 act, in several minor particulars but primarily in the methods of disposition for the petitions to open, close, or change a road, concerning public hearings and condemnation procedures, if they became necessary.
12. Acts of 1907, Chapter 515, applied to both Scott and Campbell counties and provided for the appointment of three road commissioners who were not justices of the peace, who were experienced in road building, who came from different civil districts of the county, and who were given general supervision over the roads and bridges in the county. The county court could designate one, or more, roads as county highways and they would be treated as turnpikes. Specifications were established concerning the width, paving, ditching, and grading of the roads which would be done by road hands, or under a contract arrived at in accordance with certain bid procedures and award measures set out. After county highways are fixed, the work could proceed to the next most important road, but no contract could be awarded which exceeded the funds available. A special road tax from ten to twenty-five cents, and an ad valorem tax to two cents, per \$100 valuation of property could be levied to produce the road funds. The commission would dispose of all applications to open, close, or change roads and would classify the roads into four classes according to width and surfacing material. All males outside cities between 21 and 45 years of age were required to work on the roads and pay \$1.00 per day for each one defaulted.
13. Private Acts of 1911, Chapter 420, also applied to Campbell and Scott counties. The act has a general repealer which should dispose of conflicts between it and the previous 1907 Act. The act creates a three member board of road commissioners, presided over by the county judge, or chairman. There would be a superintendent of roads, and a secretary to the board, both to be chosen by the county court. Sam Davis, William Baird, and Joseph Gaylor were named as commissioners to serve until the August, 1912, elections would determine their successors, who would serve two year terms. The road superintendent, who would work full time, would be paid \$750 a year, and the secretary would receive \$300. If the county judge were not paid a salary, he would get \$300 a year. The superintendent would examine and inspect all the county roads and report to the county court. He could employ an engineer to assist him whose duties were prescribed, if one was retained, and he could also hire road hands at \$1.25 per day, or less. The county court could levy a road tax from 10 to 25 cents, while males, outside cities, between the ages of 21 and 50 were required to work three days on the roads, or pay three dollars. A \$5.00 vehicle tax was levied on all types with some few exemptions and failure to acquire one could lead to fines. Methods for handling petitions to open, close, and change the roads, and to work prisoners in the roads under certain arrangements with the sheriff were incorporated into the act.
14. Private Acts of 1917, Chapter 767, stated that all persons confined in the jails of Campbell County, subject to work either before or after conviction shall be put upon the public roads in and around rock crushers or quarries, to prepare paving materials for the roads. If a sufficient number of convicts are available to form a chain gang, the sheriff was authorized to turn them over to the road supervisors to labor upon the roads under a suitable person as a guard. This act was repealed by Private Acts of 1925, Chapter 263.
15. Private Acts of 1917, Chapter 784, created the position of supervisor of roads for the county to be elected by the quarterly court to two year terms beginning in August, 1918. He would be paid no less than \$900 nor more than \$1,200 a year, would devote full time to his duties, and could be removed by action of the county court. He would appoint overseers in each road district same as civil districts to supervise work in that area. He would be paid \$1.00 per day, up to 75 days per year, for each one spent on the job. All males, 21 to 45, were required to work on the roads unless physically disabled, or have paid the commutation fee, no less than six nor more than ten days as determined by the court. Supervisor would have charges of all roads and bridges, machinery, tools, supplies, and perform all other necessary administrative work. Roads would be classified, graded, divided into sections and an overseer would be placed on each section. A road tax of 10 to 25 cents would be levied on good roads and 10 to 25 cents on common roads. The remainder of the act is almost identical with the provisions of other former laws on bids, contracts, damages, condemnation, petitions to open, close, or change a road.
16. Private Acts of 1919, Chapter 692, seems to be the next road law for Campbell County providing that the county court elect at its April term each year a county road commission composed of one citizen, not a justice of the peace, from each civil district. The present superintendent of roads

would serve until his term was out. The chairman, the secretary, and three members would constitute a quorum. They must take an oath, not be interested in any business of the county and would be paid \$250 a year. Each member would have charge of the roads, funds, tools, and hands in his district, and no one shall incur debts beyond the amount of funds on hand. These provisions do not apply to the work being done under bond funds and legislation. Males, age 21 to 50, would work four days, or pay \$6.00. A special road tax from 15 to 25 cents per \$100.00 for paved roads were authorized. Road overseers were required to work four days free and than would be paid \$2.00 per day, but no more than \$6.00 per year after that.

17. Private Acts of 1923, Chapter 371, stated that all persons in Campbell County using the 1920 Federal Census figures, who were confined in jail, imprisoned for punishment, or for failure to pay fine or costs, or sentenced to the workhouse instead of the penitentiary to work out a sentence, shall be turned over to the road superintendent by the sheriff, at any and all times when needed, and they shall work at repairing and improving the public roads. Guards may be employed at \$3.00 a day when necessary to work and control the prisoners who would be credited with fifty cents for each ten hour day worked.
18. Private Acts of 1923, Chapter 449, allowed the road commission of Campbell County to close certain streets or portions of them, in Jacksboro, namely North, Liberty, Valley and East Street.
19. Private Acts of 1925, Chapter 193, specifically repealed Private Acts of 1923, Chapter 449, Item 22, above, in its entirety.
20. Private Acts of 1925, Chapter 263, repealed Private Acts of 1917, Chapter 767, Item 18, above, expressly and entirely.
21. Private Acts of 1927, Chapter 115, amended Private Acts of 1919, Chapter 692, the road law of the Campbell County by repealing Section 1. The new section created a road commission of five members serving two year terms. George Comer, Dowe Hiken, Fred Vinsent, Jesse H. Baird, and William Sowders, were named to serve until their successors, elected in November, 1928, would assume office, one from each civil district. No justice of the peace could be a member. Starting on January 1, 1929, this commission would be in charge of opening, closing, changing, grading, working, macadamizing, and maintaining roads. A chairman and secretary would be elected and all members would be paid \$360 a year, payable monthly. No commissioner was allowed to have a personal interest in any of the businesses of the county. The high age limit for working on roads was lowered from 50 to 45, and all commutation money would be spent in the district where it was collected. All funds collected from public sources would be divided equally. This act was repealed by Private Acts of 1943, Chapter 42.
22. Private Acts of 1933, Chapter 340, amended Private Acts of 1927, Chapter 115, above, by reducing the compensation of the members of the county road commission from \$360 to \$180 annually. This act was repealed by Private Acts of 1935, Chapter 622.
23. Private Acts of 1935, Chapter 90, created the office of superintendent of roads who would be elected to the quarterly county court for a four year term, the first to occur at the April term, 1935, whose salary would be \$1,800 a year, payable monthly out of the road funds. He would supervise and control all gas tax funds received from the state but was not to interfere with the authority of the county road commission to expend funds in the road account. He may employ a bookkeeper at \$75 a month, and road hands as may be needed. This act was repealed by Private Acts of 1939, Chapter 148, below.
24. Private Acts of 1935, Chapter 622, expressly repealed Private Acts of 1933, Chapter 340, which amended Private Acts of 1927, Chapter 115, thus restoring the annual wage of commissioners to \$360 a year.
25. Private Acts of 1939, Chapter 148, expressly repealed Private Acts of 1935, Chapter 90, which created the office of road superintendent.
26. Private Acts of 1939, Chapter 149, created a three member county highway commission whose members would be paid \$1,800, the secretary, \$900, and the vice-chairman, \$1,800 a year out of regular county funds. J. F. Baird, Fred Lynch, and Roy Sharp were appointed to serve until others could be elected, Sharp as acting secretary. This commission would supervise and control all funds from the gas tax and perform all duties heretofore done by the road superintendent. The commissioners would devote full time to their duties, employ road hands as needed, and a master mechanic at \$100.00 per month. This act was repealed by Private Acts of 1943, Chapter 384.
27. Private Acts of 1943, Chapter 42, specifically repealed Private Acts of 1927, Chapter 115, which was the current road law for Campbell County.
28. Private Acts of 1943, Chapter 43, expressly repeals Private Acts of 1919, Chapter 692, Item 20,

above, in its entirety.

29. Private Acts of 1943, Chapter 383, created a three member county highway and road commission to be elected by popular vote and to be paid \$250 per year. Three road districts were created which were composed of whole civil districts, one to be elected from each district. Don Claiborne was named for district one, Luther Richardson for district 2, and James H. Cantrell for district three, to serve until their successors were elected. Charles Waldon and Frank Baird were appointed as road superintendents at \$1,800 a year, and Taylor Oaks was appointed as clerk to the commission. These would have control of the roads through August 31, 1944, and would purchase all supplies and equipment. Upon proper resolution of the county court, they would become the board of workhouse commissioners. This act was repealed by Private Acts of 1947, Chapter 158.
30. Private Acts of 1943, Chapter 384, expressly repealed Private Acts of 1939, Chapter 149, which concerned the highway commission, in its entirety. This act was effective immediately.
31. Private Acts of 1947, Chapter 158, expressly repeals Private Acts of 1943, Chapter 383, in its entirety which was the then existing road law for Campbell County, effective September 1, 1948.
32. Private Acts of 1949, Chapter 714, amended Private Acts of 1947, Chapter 159, by changing the term of the county road superintendent from four years to two years and provided that the law not become effective until September 1, 1952. This act was repealed by Private Acts of 1951, Chapter 632.
33. Private Acts of 1951, Chapter 632, repealed Private Acts of 1949, Chapter 714, above, and amended Private Acts of 1947, Chapter 159, by increasing the salary of the county road superintendent from \$2,400 to \$3,000.
34. Private Acts of 1959, Chapter 211, amended Private Acts of 1947, Chapter 159, by increasing the compensation of the county road superintendent from \$3,000 to \$5,000 annually, but this act was rejected by the quarterly county court of Campbell County and never became a law.
35. Private Acts of 1961, Chapter 357, amended Private Acts of 1947, Chapter 159, as amended, in Section 2 by adding a paragraph which reimbursed the county road superintendent for the use of his personal vehicle in the discharge of his duties at the rate of ten cents per mile, not to exceed \$100 per month. He would file a sworn statement on the number of miles driven on county business at the end of the month and the trustee would pay him that amount. This was repealed by Private Acts of 1963, Chapter 141.
36. Private Acts of 1969, Chapter 179, amended Private Acts of 1947, Chapter 159, Section 2, by raising the compensation of the county road superintendent from \$6,500 to \$10,000 but this act was also rejected by the quarterly county court and did not become effective.

## Chapter X - Law Enforcement

### Offenses

#### Fireworks

### Private Acts of 1949 Chapter 294

**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 31,130 and not more than 31,135 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.

**SEC. 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.

**SEC. 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 \$50.00 and not more than

\$400.00, 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.

**SEC. 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.

**SEC. 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.

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

Passed: February 23, 1949

## Law Enforcement - Historical Notes

### **Militia**

Those acts once affecting Campbell 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 1807, Chapter 47, assigned Campbell County as the thirty-third regiment of the militia of the state which would make it also a part of the third brigade.
2. Acts of 1809, First Session Chapter 19, declared that the regiment of infantry of Campbell County shall hold a regimental muster at the town of Jacksborough in said county on the third Thursday in November, in each and every year. Furthermore, regimental courts martial were held on the same day.
3. Acts of 1809, First Session, Chapter 89, amended the militia laws of the state. The militia of Campbell county composed the thirty-third regiment and held regimental musters at the place of holding court.
4. Acts of 1815, Chapter 119, was a very lengthy act containing the whole military code for the State of Tennessee. The act also cited the different organizational units of the state militia. Campbell County was again assigned as the thirty-third regiment in the third brigade.
5. Public Acts of 1819, Chapter 68, revised and amended the militia law of the state. The militia of Campbell County composed the thirty-third regiment and held a regimental muster on the fourth Saturday of October.
6. Public Acts of 1825, Chapter 69, was another military law for the state, giving the organizational structure of the militia. Campbell County remained as the thirty-third regiment and would hold their regimental muster on the first Saturday of October every year until changed.
7. Public Acts of 1833, Chapter 63, Section 5, exempted the two companies commanded by captains Jefreys and Dunkin, in the second battalion of the thirty third regiment of infantry in the county of Campbell, from attending regimental musters.
8. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalions, regiments, brigades and divisions, and prescribed the times and modes of electing officers. Campbell County was composed of the twenty-fifth regiment.
9. Acts of 1837-38, Chapter 157, Section 3, stated as a part of an amendment to the militia law that the fourth brigade in Campbell County shall have the county muster on the Tuesday and Wednesday following the first Friday and Saturday in September of each year.
10. Acts of 1839-40, Chapter 56, divided the militia of the state into companies, battalions, regiments, brigades and divisions, and prescribed the times and modes of electing officers. Campbell County composed the twenty-fifth regiment and placed in the fourth brigade. The regimental musters for Campbell County were held on the second Thursday in October.
11. Public Acts of 1861, Chapter 1, was an overall militia law which divided the militia of the state into regiments and brigades. The militia of Campbell County was placed in the twenty-fifth regiment which was in the sixth brigade. The time of holding regimental musters was on the second



Thursday in October.

### **Offenses**

The acts briefly summarized below fell into this category in Campbell County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1931, Chapter 475, declared it unlawful to operate any vehicle on the public highways and streets of the county seat of Campbell County, using population figures of the 1930 Federal Census, at a greater speed than 15 miles per hour, and also in that territory lying along the Dixie Highway at or near the Campbell County Bank and Trust Company building south by way of Central High School to the L and N Railroad Station. It would be the duty of the proper officials to post signs declaring this speed limit in the affected areas and fines for the violators were set from \$5.00 to \$25.

### **Sheriff**

The following act has no current effect but is included here for reference purposes since it once applied to the Campbell County Sheriff's office.

1. Private Acts of 1823, Chapter 261, made it the duty and responsibility of the treasurer of East Tennessee to redeem the lands heretofore sold by the sheriff of Campbell County under an execution issued by the state of Tennessee against the estate of Robert Delop for costs, and the land so redeemed shall be exposed for sale after the advertising required by law has been done and the money derived from the said sale shall be placed in the public treasury.

## Chapter XI - Taxation

### Assessor of Property

#### Private Acts of 1943 Chapter 444

**SECTION 1.** [Deleted by Private Acts of 1969, Chapter 112].

As amended by: Private Acts of 1947, Chapter 160

**SEC. 2.** That the tax assessor shall keep his office open for business at all reasonable hours and it shall be the duty of the first assessor elected under this Act to make up an assessment by going upon the property and reviewing same as is provided in the general laws of the State and he shall in all things not specifically mentioned or required in this Act be governed by the general laws of the State covering such matters.

**SEC. 3.** That the salary of the county tax assessor in counties to which this Act applies shall be \$5,000.00 per year, \$1,800.00 of which shall be payable monthly on the order of the County Judge on warrant drawn on the Trustee and the balance of said salary shall be paid in a lump sum immediately upon certification by a majority of the members of the Board of Equalization, that the assessment has been made in compliance with the general assessment laws.

As amended by: Private Acts of 1953, Chapter 589  
Private Acts of 1959, Chapter 209

**SEC. 4.** That this Act shall take effect from and after the expiration of the term of office of the present tax assessor and the Quarterly County Court shall elect a tax assessor to take the present incumbent's place at its July term before the expiration of said term September 1, 1944, the public welfare requiring it.

Passed: February 3, 1943.

#### Private Acts of 1953 Chapter 483

**SECTION 1.** That the Quarterly County Court of each county of this State having a population of not less than 34,300 nor more than 34,400 according to the Federal Census of 1950 or any subsequent Federal Census, is hereby authorized to elect a Deputy Tax Assessor for said county and fix his compensation. The first election shall be held at the first meeting of the Quarterly County Court after the effective date of this Act and the person elected shall serve until the expiration of the term of the present Tax Assessor.

The term of office of the Deputy Tax Assessor shall be the same as that of the Tax Assessor of said County and subsequent elections shall be had at the session of the Quarterly County Court immediately preceding the expiration of the term of office of said Deputy Tax Assessor.

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

Passed: April 8, 1953.

## Private Acts of 1953 Chapter 584

**SECTION 1.** That in all counties of the State of Tennessee having a population of not less than 34, 355 nor more than 34,385 by the 1950 Federal Census, or any subsequent Federal Census, no deed or other instrument of conveyance of property, except mortgages and deeds of trust, shall be placed of record in the County Register's Office unless the same shall have been first presented to the County Tax Assessor and have placed thereon a certificate signed by the Tax Assessor reflecting that such deed or other instrument of conveyance has been presented to him and pertinent data obtained therefrom and entered by him as required by law.

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

Passed: April 9, 1953.

## Coal Severance Tax

### Private Acts of 1979 Chapter 9

**SECTION 1.** It shall be the duty of the chief administrative officer to ensure that the portion of the revenues collected through the coal severance tax that are designated for highway and stream cleaning systems in accordance with Tennessee Code Annotated, Title 67, Chapter 59, shall only be allocated for such highways and streams that exist in those districts from which the coal products were originally severed from the ground. The chief administrative officer shall have prepared and submit to the county legislative body an annual report disclosing the disbursement and usage of the coal severance tax revenues for the highways and streams in the various districts of the county.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Campbell County before September 6, 1979. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Campbell County and certified by him to the Secretary of State.

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

PASSED: February 26, 1979.

## Hotel/Motel Tax

### Private Acts of 2004 Chapter 102

**SECTION 1.** For the purposes of this act:

- (a) "Clerk" means the county clerk of Campbell County, Tennessee or such other officer as the county legislative body may direct.
- (b) "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.
- (c) "County" means Campbell County, Tennessee.
- (d) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, campground, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (e) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise, and shall include governmental entities.

(g) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.

(h) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, spaces, or accommodations in a hotel for a period of less than thirty (30) continuous days.

**SECTION 2.** The legislative body of Campbell County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in an amount not to exceed five percent (5%) of the rate charged by the operator. The tax imposed is a privilege tax upon the transient occupying such room or other accommodation and is to be collected and distributed as herein provided. The rate of the tax may be modified by the county legislative body such to the five percent (5%) limitation. Such tax shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

**SECTION 3.** Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy of the hotel. Such invoice shall be given directly or transmitted to the transient, a copy thereof to be retained and filed by the operator as provided in Section 8.

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

**SECTION 4.** 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 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 not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. 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 county clerk for collecting the tax, the clerk shall be allowed five percent (5%) of the amount of the tax remitted by the operators.

(c) The clerk shall faithfully account for, make proper reports of, and pay over to the trustee of the county at monthly intervals, all funds paid to, and received by, such clerk for the privilege tax authorized by this act.

**SECTION 6.** The county clerk shall be responsible for the collection of the tax and shall place the proceeds of such tax in accounts as designated in Section 10 for the purposes stated therein. 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 per 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.**

(a) 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 is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted.

(b) Each occurrence of knowing refusal of an operator to collect or remit the tax or knowing refusal of a transient to pay the tax imposed is a separate violation of this act and may result in the imposition of a civil penalty, to be imposed separately for each violation, not to exceed fifty dollars

(\$50.00) upon a finding of such knowing refusal by a court of competent jurisdiction. As used in this section, "each occurrence" means each day.

(c) Nothing in this section shall be construed to prevent the county clerk or other authorized collector of the tax from pursuing any civil remedy available to the collector by law, including issuing distress warrants and the seizure of assets, to collect any taxes due or delinquent under this act.

**SECTION 8.** It shall be the duty of every operator liable for the collection and payment to the county of any tax levied pursuant to this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the clerk shall have the right to inspect at all reasonable times.

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

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Title 67, Tennessee Code Annotated, 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 pursuant to 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 10.** The proceeds of the tax authorized by this act shall be deposited in the fund of the county to be used for such purposes as specified by resolution of the county legislative body.

**SECTION 11.** 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 12.** 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 13.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Campbell County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body to the secretary of state.

**SECTION 14.** 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 take effect on the first day of the month following approval as provided in Section 13, the public welfare requiring it.

Passed: March 29, 2004.

## Litigation, Marriage, and Registration Taxes

### Private Acts of 1975 Chapter 176

**COMPILER'S NOTE:** This Act may be superseded by Private Acts of 1979, Chapter 107, which follows.

**SECTION 1.** There is imposed upon each case of any description filed in any of the following courts sitting in Campbell County, a tax of one dollar and fifty cents (\$1.50), to be assessed and collected as a part of the costs of the cause: Circuit court, chancery court, monthly county court, justice of the peace court, general sessions court, domestic relations court, juvenile court, criminal court, or any other court of Campbell County. Upon all marriage licenses issued within Campbell County, there is imposed a special privilege tax of one dollar and fifty cents (\$1.50).

**SECTION 2.** There is imposed a special privilege tax of one dollar and fifty cents (\$1.50) upon and with respect to each and every instrument offered for recordation in the office of the County Register of Campbell County, the payment of which shall be a condition precedent to the recordation of such instrument.

**SECTION 3.** The litigation taxes shall be collected by the clerks of the respective courts in which cases are filed, the registration tax shall be collected by the County Register, and the marriage license issuance tax shall be collected by the County Court Clerk when a marriage license is issued. Each of the officials

shall be accountable for and shall pay over the revenue to the County Trustee quarterly, not later than the tenth day of the month following the quarter in which collections are made.

**SECTION 4.** The term "case" shall include ex parte as well as adversary or contested proceedings.

**SECTION 5.** The Trustee shall deposit the taxes herein collected in a special fund hereby created, to be known as the Campbell County Comprehensive High School Bond Issue of 1975, and shall be subject to appropriation by the quarterly county court for the purpose of providing for the construction and/or equipment of such school and for no other purpose.

**SECTION 6.** The tax shall expire at the conclusion of the quarter in which the cost of the construction and/or equipping of the school for which it is levied shall have been paid, and the fact of such payment shall have been certified by the County Judge to the Trustee and the respective officers charged with the collection of the respective taxes. It is hereby made the duty of the County Judge to make such certification promptly upon the discharge of all financial obligations attending the construction of the school and the necessarily related expenses.

**SECTION 7.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provision of this Act are declared to be severable.

**SECTION 8.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Campbell County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county court and certified by him to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

PASSED: May 21, 1975.

## Private Acts of 1979 Chapter 107

**SECTION 1.** There is imposed upon each case of any description filed in any of the following courts sitting in Campbell County, tax of five dollars (\$5.00), to be assessed and collected as a part of the costs of the cause: Circuit court, Chancery court, monthly county court, general sessions court, domestic relations court, juvenile court, criminal court, or any other court of Campbell County. Upon all marriage licenses issued within Campbell County, there is imposed a special privilege tax of ten dollars (\$10.00).

As amended by: Private Acts of 1982, Chapter 377

**SECTION 2.** There is imposed a special privilege tax of five dollars (\$5.00) upon and with respect to each and every instrument offered for recordation in the office of the County Register of Campbell County, the payment of which shall be a condition precedent to the recordation of such instrument.

As amended by: Private Acts of 1982, Chapter 377

**SECTION 3.** The litigation taxes shall be collected by the clerks of the respective courts in which cases are filed, the registration tax shall be collected by the County Register, and the marriage license issuance tax shall be collected by the County Clerk when a marriage license is issued. Each of the officials shall be accountable for and shall pay over the revenue to the County Trustee quarterly, not later than the tenth day of the month following the quarter in which collections are made.

**SECTION 4.** The term "case" shall include ex parte as well as adversary or contested proceedings.

**SECTION 5.** The Trustee shall deposit the taxes herein collected in the County General Fund, and shall be subject to appropriation by the county legislative body for the operation and expense of the various accounts within the County General Fund.

**SECTION 6.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of 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 7.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Campbell County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

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

PASSED: May 3, 1979.

# Wheel Tax

## Private Acts of 1985 Chapter 48

**SECTION 1.** No resident of Campbell County who is a member of the Tennessee association of rescue squads or qualifies for issuance of a special license plate under Tennessee Code Annotated, Section 55-4-222 (d), or who is a member of a volunteer fire department qualifying for a special license plate under Tennessee Code Annotated, Section 55-4-222 (b), shall pay Campbell County wheel tax.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Campbell County before July 1, 1985. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective July 1, 1985, upon being approved as provided in Section 2.

PASSED: April 18, 1985.

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

1. Private Acts of 1915, Chapter 234, ratified, confirmed, and legalized the prior actions of the quarterly county court in increasing the salary of the tax assessor to \$1,800 a year during each year of his term, which action took place at the July Term, 1913.
2. Private Acts of 1921, Chapter 118, stated that the tax assessor of Campbell County, using the 1920 Federal Census figures, shall receive as compensation for his services the sum of \$2,800 a year, payable \$700 a quarter, on the first day of January, April, July, and October, on the warrant of the county judge, or chairman, out of the regular county funds. This act was repealed by the act below.
3. Private Acts of 1933, Chapter 514, expressly repealed Private Acts of 1921, Chapter 118, Item 2, above, in its entirety.
4. Private Acts of 1937, Chapter 148, provided that all the tax assessors in Campbell County, quoting 1930 Federal Census figures, shall receive as full compensation for their services the sum of \$1,800 per year, payable monthly out of the regular general funds of the county.
5. Private Acts of 1953, Chapter 589, amended Private Acts of 1943, Chapter 444, Section 3, by increasing the salary of the tax assessor of Campbell County from \$2,400 to \$3,600, per year.
6. Private Acts of 1959, Chapter 209, would have amended Private Acts of 1943, Chapter 444, as amended, by raising the compensation of the Campbell County Tax Assessor from \$3,600 to \$5,000 per annum, but this act was not approved by the quarterly county court, and consequently never became an effective law.
7. Private Acts of 1959, Chapter 210, stated that any person desiring to erect, or to have erected, any building or structure, or any person desiring to remodel, or to have remodeled any building or structure, wherein the cost of doing the same exceeds \$500, that person shall first obtain from the tax assessor, after having filed an application therefor which contained certain information and which was in the form provided in the act, a permit to do so for which one must pay a fee of fifty cents. This act was rejected and disapproved at the local level and did not become a law.
8. Private Acts of 1961, Chapter 75, would have amended Private Acts of 1943, Chapter 444, Section 3, by providing that the county tax assessor shall be reimbursed for official travel done in the course of assessing county property at the rate of eight cents per mile upon presenting to the presiding officer of the quarterly court a sworn statement containing the number of miles actually traveled. This act was rejected by the quarterly court even though it had to be ratified in a referendum under its terms.
9. Private Acts of 1961, Chapter 76, would have repealed Private Acts of 1953, Chapter 483, which

provided for the appointment of a deputy tax assessor, published herein. The act called for approval by referendum vote but the quarterly county court rejected it.

10. Private Acts of 1963, Chapter 47, would have provided that the county tax assessor of Campbell County, using the 1960 Federal Census figures, shall be elected by the quarterly county court at its July term in 1964, taking office on September 1, 1964, for four years, and he may be reelected at that time, or afterwards. The assessor must be 30 years of age, a high school graduate, and meet other specified qualifications of education and experience and devote full time to the duties of the office. A secretary could be employed for the assessor whose salary would be paid by the county court out of the regular county funds. The authority and duties of the assessor are the same as those prescribed in the general Tennessee law. The salary would be \$7,500 a year but this does not constitute a waiver of T.C.A. 67-1713. He would be paid seven cents per mile for official travel, but not over \$100 per month, upon submission of an itemized statement. He would be furnished an office in the county court house at county expense and may be given a deputy and clerical help if they are needed to accomplish the objectives. This act was rejected by the quarterly county court.
11. Private Acts of 1963, Chapter 50, would have repealed Private Acts of 1953, Chapter 483, specifically and entirely but this act was also rejected by the county court.

### **Taxation**

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

1. Public Acts of 1870-71, Chapter 50, authorized the counties and the cities in Tennessee to levy taxes for county and city purposes upon the following conditions; (1) that all property be taxed according to its value on the principles which were then applied to state taxation, and (2) that the credit of no county, or city, could be given, or loaned, to any person, firm, or private corporation unless a majority of the quarterly county court should first agree to submit the question to the people through a referendum, and then the people approve the same by a three-fourths approval vote for the next ten years, requiring that only a majority of the people vote affirmatively. Campbell County was exempted from the provisions of this act.
2. Private Acts of 1931, Chapter 223, created in counties between the population figures of 22,193 and 30,000 including Campbell County, the office of delinquent poll tax collector, who would be appointed by the county judge, or chairman, for a term of two years. All poll taxes not paid on or before March 1 of the year following the year they were due were declared to be delinquent. The collector would be paid seventy cents, plus the fees paid to others for serving process, for each delinquent poll tax collected. The county trustee was required to compose a list of those who were in arrears on their taxes and give the same to the delinquent poll tax collector. The appearance of one's name on the list was sufficient grounds for the issuance of a distress warrant to collect them. The collector could use only the regular official receipt books of the county which would also be furnished to him by the trustee. All collections would be turned over to the trustee as were other revenues. The collector was given the power to examine any and all records in the county, including payrolls, could summon witnesses, place them under oath, and conduct hearings.
3. Private Acts of 1931, Chapter 518, amended Chapter 223, above in Item 2, by extending the deadline for delinquency in the payment of poll taxes from March 1 to May 1 of the succeeding year after the due date, before they were to be turned over to the delinquent poll tax collector and, further, by requiring the collector to proceed against any person he personally knew to be delinquent whether their names appeared on the trustee's list or not.
4. Private Acts of 1931, Chapter 612, was an act used by several counties, which quoted the 1930 Federal Census figures, to provide the power and authority to levy and collect a tax on all taxable property, where an appropriate order is made by the quarterly county court which authorized the tax for county purposes, and which could not exceed thirty cents per \$100.00 of property valuation.
5. Private Acts of 1931, Chapter 757, specifically repealed Private Acts of 1931, Chapter 223, as it was amended, and restored to efficacy all prior private acts which might have been repealed by them.

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