



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

November 19, 2024

Administration - Historical Notes

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

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

Sincerely,

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Administration - Historical Notes

County Clerk

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

1. Private Acts of 1931 (2nd Ex. Sess.), Chapter 3, allowed the County Clerks in Carter, McMinn, Obion and Weakley Counties to appoint a Deputy County Court Clerks who were to execute bonds in the amount of \$1,000 and be empowered with the same rights as County Court Clerks. The Deputy Clerk would be paid a salary of \$1,500 per year out of the excess fees of the office. If the fees were insufficient to pay the salary, the County would pay the difference out of the regular county funds.
2. Private Acts of 1935, Chapter 349, provided that in Carter County the County Court Clerk would countersign all warrants drawn by the County Chairman or any other lawful officer of the County. The act prohibited the Trustee from paying any warrants unless the County Clerk had countersigned. The Trustee and his official bondsmen would be liable to the County in full if the Trustee paid any warrant that was not countersigned by the County Court Clerk.
3. Private Acts of 1937, Chapter 504, permitted the County Court Clerk's office in Carter County to appoint Clerks for that office. The salary could range from \$70 to \$90 per month. It was fixed at \$80 per month in Carter County. The County Clerk was given the duty to modify the Clerk's salary, who was prohibited from accepting any pay except in the form of county warrants. This act repealed Sections 10731 and 10732 of the Tennessee Code. Excess fees were paid over to the Trustee to be credited to the proper county fund.
4. Private Acts of 1937, Chapter 724, amended the 1932 Code of Tennessee, Sections 10725, 10726 and 10727, by classifying Carter County as a Class 3-A County, entitling County Trustees and County Court Clerks to an annual salary of \$3,000, payable in county warrants issued by the County Judge or Chairman of the County Court. Persons who announced themselves a candidate for either office did so only on the condition that he accept the \$3,000 annual salary. Acceptance of the official duties prohibited officers from claiming any further compensation.
5. Public Acts of 1978, Chapter 262, repealed Private Acts of 1935, Chapter 349, above, by declaring the 1935 Act inapplicable to Carter County.
6. Private Acts of 1982, Chapter 325, assigned jurisdiction of probate matters and the administration of estates to the General Sessions Court and the County Clerk in Carter County. The act specified the authority it gave the County Clerk in probate matters and administration of estates. Action taken by the County Clerk in probate matters was subject to review by the Chancellor. This act was not approved by the Carter County Legislative Body and did not become effective.

County Legislative Body

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

1. Acts of 1796 (Mar. Sess.), Chapter 31, provided that the County Court of newly formed Carter County would meet at the home of Samuel Tipton on the first Monday in January, April, July and October until a courthouse could be built.
2. Acts of 1797, Chapter 6, stated that the Court of Pleas and Quarter Sessions for Carter and Sevier Counties would meet on the second Monday in February, May, August and November.
3. Acts of 1809, Chapter 93, rearranged the starting dates for the Courts of Pleas and Quarter Sessions in all the counties of the state. Carter County would meet on the second Monday in February, May, August and November.
4. Private Acts of 1822, Chapter 124, required the Justices of the County Court of Carter County to take bond in double the amount of Jesse Humphreys' personal estate so as to qualify his wife, Mary Humphreys, as his guardian since said Jesse Humphreys had been adjudged a lunatic.
5. Private Acts of 1823, Chapter 92, amended Private Acts of 1822, Chapter 124, above, by repealing the requirement of a bond in order for Mary Humphreys to qualify as the guardian of Jesse Humphreys. If it appeared to the Court that Mary Humphreys was wasting or squandering the estate, then bond would be demanded of her. Failure to execute bond would result in her removal and a successor appointed.
6. Public Acts of 1827, Chapter 81, provided that the Justices of the Court of Pleas and Quarter

Sessions for the County Courts of Carter and Monroe Counties, at their first meeting in each year, to elect five of their number to hold Court during the year and the Clerk would enter their names upon the record.

7. Private Acts of 1832, Chapter 68, made it lawful for the County Court of Carter County, upon receipt of a petition from Mary Humphreys, to emancipate Glasgow, Marie, Delph and Lucy, all persons of color, provided that Mary Humphreys gave bond equal to the cost and value of said persons, which would be used to indemnify any County for their maintenance and upkeep and to guarantee their good behavior.
8. Private Acts of 1921, Chapter 921, declared that the Justices of the Peace in Washington, Greene, Carter, Johnson and Unicoi Counties are entitled to receive \$4 per day for each day of attendance at a regular or called meeting of the Quarterly County Court, plus five cents per mile for each mile traveled to and from their homes to the meeting place.
9. Private Acts of 1955, Chapter 23, permitted the qualified voters of Elizabethton in Carter County to elect five additional Justices of the Peace having the same powers as the other Justices of the Peace. The County Election Commissioners had the duty of calling for the election. Their successors were to hold office for a term of six years.
10. Private Acts of 1972, Chapter 389, amended Private Acts of 1921, Chapter 921, above, by substituting the census figures required to make it applicable to Carter County in 1972. Then the act deletes the name "Carter" from Section One of the 1921 Act. The act fixed the per diem payments of the Justices of the Peace in Carter County at \$25 per day for each day of attendance at meetings of the Quarterly Court plus ten cents per mile for travel to and from their homes to the Court house. This act was not approved locally and did not become effective.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Carter County. They are included herein for historical purposes only.

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state, the official to be elected by the people for four-year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of those Courts were assigned to the County Judges who would preside over the sessions of the various county Quarterly Courts. The jurisdiction of the County Courts was specifically outlined in the act. The County Judge would be the accounting officer and general agent of the County and would be responsible for discharging the duties as enumerated in the act.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, above, in its entirety and restored the Quorum Courts to their former status.
3. Private Acts of 1925, Chapter 458, set the length of term and the salary for the office of Chairman of the County Court in Carter County. The term of office was fixed at four years and the salary was set at \$1,200 per year, payable monthly out of the County Treasury.
4. Private Acts of 1933, Chapter 255, amended Private Acts of 1925, Chapter 458, above, by reducing the term of the County Chairman from four years to two years, leaving all other provisions as they were.
5. Private Acts of 1939, Chapter 296, amended Private Acts of 1925, Chapter 458, above, by striking the section which dealt with the salary of the County Chairman.
6. Private Acts of 1941, Chapter 146, created the office of County Judge in Carter County and appointed James N. Julian to hold the office until the next regular election was held. The term of office was set at eight years. The act abolished the office of Chairman of the County Court, giving the County Judge authority to preside over all sessions of the Carter County Court and the duty to perform all duties imposed upon the County Chairman. The act provided that the County Judge would be paid \$2,400 annually as compensation for his services as a judicial officer and County Financial Agent. The County Judge had the authority to appoint a Clerk to assist him in his duties at a salary not to exceed \$90 per month. The County Judge had to execute bond in the amount of \$10,000 and take oath before taking office.
7. Private Acts of 1947, Chapter 736, allowed the County Judge in Carter County to be paid \$600 per year in addition to the compensation received under Private Acts of 1941, Chapter 146, herein, for his increased duties as Financial Agent of the County and for such other ex-officio duties not judicial, as may be imposed upon him from time to time by the County Court.
8. Private Acts of 1953, Chapter 127, amended Private Acts of 1941, Chapter 146, above, by increasing the salary of the Clerk from \$90 a month to \$250 per month.

9. Private Acts of 1978, Chapter 280, amended Private Acts of 1941, Chapter 146, above, by deleting the sections that set the annual compensation of the County Judge and Clerk in Carter County.

Register of Deeds

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

1. Private Acts of 1831, Chapter 162, provided that all deeds of conveyance and other instruments of writing that were registered in the Counties of Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, McMinn, Morgan, Roane and Sullivan whose certificates may not have specified an acknowledgment by the grantor or bargainer, were to be as good and valid in law and equity as if the same had been endorsed and certified in the most formal and legal manner and would be considered as competent proof of the transactions they represented.
2. Private Acts of 1939, Chapter 455, provided that in Carter County a deed for conveyance of land could not be registered in the Register's office until it had been taken to the Tax Assessor's office first, where the Tax Assessor was to note the change of ownership in his books and note such on the deed by stamp or otherwise. The act prohibited the Register of Deeds from accepting any deed for registration without the notation of changed ownership on the deed. Violation of this act by the Register was a misdemeanor with a fine ranging from \$2 to \$50.

County Trustee

The following acts once affected the office of county trustee in Carter County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 382, set the salary of the County Trustee in Carter County. The salary was set at \$2,000 annually, to be paid quarterly in the amount of \$500. Payments were to be made on the first Monday of January, April, July and October. The County Judge or the Chairman of the County Court were authorized to draw warrants upon the county funds to pay the County Trustee. All fees, costs, commissions and emoluments then paid to the County Trustee for his services would be turned into the Public Treasury. The Supreme Court of Tennessee held this act to be unconstitutional since the Trustee was individually affected and not Carter County in its governmental capacity. *Peters v. O'Brien*, 152 Tenn. 466, 278 S.W. 660 (1925).
2. Private Acts of 1933, Chapter 54, required that the County Trustee in Carter and Weakley Counties collect all delinquent land taxes then provided by law at his own expense. Any attorney's fees incurred by virtue of the collection was to be borne by the County Trustee.
3. Private Acts of 1933, Chapter 639, provided that the Trustee in Carter County would execute one official bond which would cover all the different funds which were or may come into his hands and which would replace the several bonds then in existence. If the actual cash on hand was \$100,000 or less, the bond would be in the amount of \$200,000. If the cash exceeded the above amount, the bond would be raised to twice that sum, whatever it was. The bond would be made by some company authorized to do business in Tennessee and the County would pay the premium.
4. Private Acts of 1935, Chapter 712, provided that in Carter County warrants issued and outstanding for any purpose had to be registered with the Trustee before payment could be made. Holders of county warrants who failed to register their warrants within six months of having been ordered to do so, would be barred from receiving payment from the Trustee.
5. Private Acts of 1937, Chapter 502, made it the duty of the County Trustee in Carter County to follow the school budgets in cashing school warrants and make monthly school reports to the Chairman of the School Board of Education and the County Judge or Chairman of the County Court. The reports were to show the proportional amount of all tax collections due teachers on salaries. The County School Superintendents were paid on the same pro rata basis as teachers, which was to be paid directly to them at the end of each month. The Chairman and Secretary of the School Board had the responsibility of dividing the pro rata collections due to teachers and superintendents after receiving the Trustee's school reports. The monthly report had to include a list of all the school warrants cashed, the number of each paid school warrant, date issued, date paid by Trustee and to whom paid as evidenced by the last endorser. County Trustees in violation of this act were guilty of a misdemeanor, punishable by a fine ranging from \$50 to \$200 and would forfeit his office. The Supreme Court of Tennessee held this act to be unconstitutional because it imposed special burdens upon the County Trustee in Carter County, whereas no other Trustee was subject to such burdens. The act was ruled unconstitutional for lack of uniformity in application. *Anderson v. Carter County*, 172 Tenn. 115, 110 S.W.2d 322 (1937).

6. Private Acts of 1937, Chapter 724, amended the 1932 Code of Tennessee, Sections 10725, 10726 and 10727, by classifying Carter County as a Class 3-A county, entitling County Trustees and County Court Clerks to an annual salary of \$3,000, payable in county warrants issued by the County Judge or Chairman of the County Court. Persons who announced themselves a candidate for either office did so only on the condition that he accept the \$3,000 annual salary. Acceptance of the official duties prohibited officers from claiming any further compensation.
7. Private Acts of 1941, Chapter 259, provided that in Carter County, all excess fees turned back to the County Treasurer by the Trustee, would revert to the General Fund of the County. The County Judge or Chairman were authorized to draw warrants against the fund to use as much as necessary to install a modern, efficient and complete system of records in the Trustee's office, with the approval of the County Trustee and County Auditor.
8. Private Acts of 1984, Chapter 215, repealed Private Acts of 1935, Chapter 712, above, and any amendatory acts.

General Reference

The following private or local acts constitute part of the administrative and political history of Carter 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 1799, Chapter 5, established the town of Elizabethton by validating a deed conveyance of fifty acres from Samuel Tipton to the Commissioners of the town, who would lay out a town which would be called Elizabethton. Landon Carter, Andrew Greer, David McNabb, Zachariah Campbell, Reuben Thornton, Rowland Jenkin, William Cunningham and Samuel Tipton were named as Commissioners of Elizabethton and had full power to establish the necessary regulations for its government.
2. Acts of 1803, Chapter 33, stated that John Wilson, Jr. of Carter County, a convicted horse thief, was to be restored to all of his privileges and capacities of citizenship.
3. Acts of 1803, Chapter 42, appointed Julius Dugard as an additional Commissioner for the town of Elizabethton, who would have the same power and authority to act as the other commissioners. Dugard was authorized to lay out and regulate said town.
4. Acts of 1804, Chapter 15, declared it lawful for the inhabitants in the eastern section of Carter County, who lived within the bounds of Captain Waites, Captain Tompkins and Captain Keys areas, to hold their election for militia officers at the home of William Moreland. The Sheriff, Coroner or a Deputy would open the polls at that place for that purpose.
5. Acts of 1805, Chapter 70, established the place for holding general musters and elections in the eastern section of Carter County. The act authorized the Lt. Colonel Commandant of Carter County to issue a written notice to the commanding officer of each company within the second battalion, indicating the day in which there would be an election held at the house of William Moreland. The purpose of the election was to fix the place for holding general musters and elections at either Moreland's house or the plantation of Thomas Johnson. The site receiving the majority vote was to be the lawful place where the separate general musters and elections would be held.
6. Acts of 1811, Chapter 109, appointed Alexander Doran, Benjamin C. Herron, Godfrey Carriger, John Nave and Jeremiah Campbell as Commissioners with full power and authority to settle all accounts with persons appointed to contract for public buildings. They would give a twenty day notice to all to appear before them and settle their contracts and if they failed to do so, the Commissioners could bring suit against them. The Commissioners were to take oath and their compensation for expenses was to be paid out of the Carter County Treasury.
7. Acts of 1813, Chapter 10, authorized Abraham Hendry and John Miller of Carter County to conduct a lottery to raise not more than \$1,200, which would be used to locate or procure salt. They had to execute a bond, publish the notice and scheme of the lottery, make prompt payment to the winner and use the proceeds for no other purpose than the one mentioned. The managers of the lottery were named as George Duffield, William Carter, Charles Reno, Henry McCray, Nathan Shipley, Elkanah H. Dulany and John Punch.
8. Acts of 1813, Chapter 15, named George Duffield, Abraham Hendry, Samuel Tipton, Leonard Bowers and Charles Reno as Commissioners to settle with the person previously named to contract for the public buildings and the regulation of Elizabethton. They were each vested with all the power and authority granted to prior Commissioners.
9. Acts of 1813, Chapter 61, named Charles Reno, Robert Blackmore and William B. Carter as

- additional Commissioners for Elizabethton giving them the same powers the existing Commissioners possessed. Five of them would constitute a quorum to do business and vacancies in the Commission could be filled by at least three Commissioners appointing other persons.
10. Private Acts of 1820, Chapter 4, allowed Alfred M. Carter and James P. Taylor of Carter County to keep up and repair their mill dams on the Watauga River, provided they did not obstruct the usual and normal boating channel thereby.
 11. Private Acts of 1820, Chapter 5, allowed the Carter County Court to appoint Jeremiah Campbell, William Carter, James Keys, Johnson Hampton and Alfred M. Carter as Commissioners with the authority to superintend the building of a courthouse in Elizabethton, to sell the old courthouse at a public or private sale and to use the proceeds on the new courthouse. It was lawful to hold county or circuit courts in any house in the county until the new courthouse was completed.
 12. Private Acts of 1820, Chapter 74, authorized Joseph Renfro of Carter County to build a mill dam on the Watauga River adjoining his own land, provided he did not interfere with or obstruct the principal channel for boating, all other laws to the contrary notwithstanding.
 13. Private Acts of 1821, Chapter 79, Section 2, allowed Lenoard Heart and James Range of Carter County to each build a fish dam on the Watauga River provided their dams did not obstruct the free passage of boats up and down the river or interfere with other river traffic.
 14. Private Acts of 1823, Chapter 120, repealed the portion of Private Acts of 1820, Chapter 4, above, which required Adam Boyd of Sullivan County to remove obstructions from the other side of the Watauga River.
 15. Private Acts of 1823, Chapter 234, declared that John L. Williams, William McNabb, Jr. and David McNabb, sons of William McNabb, Sr., would have the prior right of entering upon 50 acres of any vacant land on which they may have discovered lead ore in Carter County, prior to September 3, 1823, provided they recorded their entry within three months after the entry office opened. The County Court would also set aside by condemnation 200 acres of unfit, uncultivated land to be used as a lead works in the same manner as the law prescribed in the case of iron works. The standard fees for the Clerk, Sheriff and Surveyor applied. Williams and McNabb had to mark the tracts and file such with the surveyor of Carter County.
 16. Private Acts of 1827, Chapter 67, stated that the taxes due on 3,000 acres of land entered by William H. Carter for the benefit of Carter's Iron Works in Carter County, were thereby remitted in the same manner and to the same extent as was agreeable to the law authorizing lands to be condemned for the encouragement of the establishment of iron works.
 17. Private Acts of 1831, Chapter 28, declared that the Clerk of the Carter County Court refund \$40.23 to Carrick W. Nelson, the same being the residue of the full sum paid to the Clerk for a license to sell merchandise in Carter County for one year of which time the said Nelson used only about six weeks. This was to be done in the event the Clerk had not paid over the money to the Treasurer, who in that event, would return the money.
 18. Acts of 1849-50, Chapter 241, made it lawful for Thomas C. Johnson to turn one-half of the water out of the Doe River for the purpose of propelling a saw mill, a grist mill and other machinery, provided he turn it out and turn it into the original stream upon his own land.
 19. Acts of 1851-52, Chapter 191, allowed for the incorporation of the Nashville, Franklin and Columbia Rail Road Company. The provisions of this act allowed Lawrence, Maury, Davidson and Williamson Counties to invest money in railroads running through those counties. The County Court of the county would take stock and issue bonds for the purchase of the stock. The act authorized Carter, Jefferson, Greene, Hawkins, Washington, Sullivan, Grainger and Warren Counties to take stock in railroads and to issue the bonds for the purchase of such stock.
 20. Acts of 1853-54, Chapter 143, stated that it would be the duty of the Directors of the Bank of Tennessee to appoint a Director for the Branch Bank at Rogersville, who would come from Carter County.
 21. Public Acts of 1867-68, Chapter 27, gave Carter County the authority to issue county coupon bonds up to \$50,000 to take stock in the East Tennessee & Western North Carolina Railroad. The bonds would carry a six percent interest rate and would run between 15 and 30 years. The bonds issued were to be used solely for the purpose of paying the county stock taken in the railroad.
 22. Private Acts of 1867-68, Chapter 46, created a corporation in Carter County to be styled as the "Carter County Agricultural Society." This act established a Board of Directors and the members were John R. Miller, C. C. Wilcox, David Patton, Dr. David Bell, Jesse S. White, B. B. Ferguson, H. H. Hendrin, H. C. Ivce and I. W. Williams. The Society had the power to own and hold real estate not exceeding ten acres, to purchase and hold fairs on its fairgrounds, to sponsor exhibits and to

- do other things calculated to promote agricultural interests in Carter County. The Society's capital could not exceed \$20,000. To raise the capital, Carter County was authorized to issue stock up to \$20,000.
23. Private Acts of 1867-68, Chapter 54, amended Public Acts of 1867-68, Chapter 27, above, to require the County Court of Carter County to be governed by the same rules in taking stock in East Tennessee & Western North Carolina Railroad as was Johnson County. The County Court of Carter County was authorized to subscribe to a sum not exceeding \$25,000 worth of the capital stock in the railroad company. Qualified voter approval was necessary before a subscription could be made. After approval, the County Court was authorized to issue coupon bonds to the county, to run between 15 and 30 years, bearing interest up to the rate of six percent annually. The act did not prevent the County from redeeming the bonds prior to the expiration of the 15 years, if the County deemed it proper.
 24. Private Acts of 1867-68, Chapter 106, created a corporation named the "Carter County Bridge Company." Those persons who comprised the Company were A. J. Tipton, A. P. Hart, J. G. Fellers, J. D. Smith, Solomon Hart, S. A. Cunningham and B. A. Miller. The Company was empowered to erect and keep in repair a toll bridge across the Watauga River in Carter County at some suitable point between the Renfro Ford and the Taylor Ford.
 25. Private Acts of 1869-70, Chapter 52, created a corporation named the "Carter County Agricultural and Mechanical Association of Elizabethton", which was composed of John H. Smith, Jesse L. White, A. J. Campbell, John W. Hyder, C. C. Bowman, M. D. L. Boren, J. K. Miller, Samuel Cunningham, C. P. Toncray, J. F. M. Lewis and H. H. Housley, as incorporators, with their associates, successors and assigns being a body corporate and politic for 99 years.
 26. Acts of 1909, Chapter 315, authorized those cities and towns in Carter County, which were engaging in furnishing light, power and electrical current to their inhabitants, to construct dams and intakes in non-navigable streams or in non-navigable portions of other streams, provided the town, city or company is the owner of the land on both sides of the stream where such dam or intake is located, or where the owner's consent has been obtained.
 27. Private Acts of 1929, Chapter 712, removed the disability of minority and infancy from James N. Barnes, Jr., conferring upon him all the rights, privileges and liabilities of an adult 21 years of age.
 28. Private Acts of 1933, Chapter 130, removed the disability of minority and infancy from Mrs. Wanda Wood Roseberry, conferring upon her all the rights, privileges and liabilities of adult 21 years of age.
 29. Private Acts of 1937, Chapter 504, provided that in all the offices of County Trustees, County Court Clerk, County Superintendent of Schools and the Chairman or County Judge of the County Court shall be named or appointed by the above respective offices and for a sum fixed at \$80 per month but could range between \$70 and \$90 per month in any of the offices upon modification by the County Courts. The fees were to be paid from the General County Fund on warrants issued by the County Judge or Chairman. The County Board of Education had the option to pay its clerical assistance fees from school funds. This act repealed Section 10731 and 10732 of the Code and provided that all excess fees be paid over monthly to the County Trustee to be credited to the proper county fund.
 30. Private Acts of 1937, Chapter 724, amended the 1932 Code of Tennessee, Sections 10725, 10726 and 10727, by classifying Carter County as a Class 3-A County, entitling County Trustees and County Court Clerks to an annual salary of \$3,000, payable in county warrants issued by the County Judge or Chairman of the County Court. Persons who announced themselves a candidate for either office could do so only on the condition that he accept the \$3,000 annual salary. Acceptance of the official duties prohibited officers from claiming any further compensation.
 31. Private Acts of 1949, Chapter 597, provided that in Carter and Johnson Counties all drivers and those in charge of transporting coal for delivery or sale must have a ticket in their possession issued by the scales operator in the County where the gross, net and tare weight or load and date of the coal was taken. One copy of the coal weight ticket had to be delivered to the person purchasing or receiving the coal. Owners of the scales were allowed to charge a fee not in excess of \$1 for weighing the coal. The scale owners were required to keep on file for six months copies of weight tickets they issued and such file was to be open for inspection by inspectors of the Department of Agriculture or County or City Sealers and the general public upon demand. Violation of the act constituted a misdemeanor with a fine that ranged from \$10 to \$50 for each offense.

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