



November 19, 2024

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# Claiborne

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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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# Claiborne



Claiborne County Courthouse

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

**Updated By:** Elaine Turner, Paralegal, 2007

# Chapter I - Administration

## Budget System

### Private Acts of 1939 Chapter 559

#### **SECTION 1.**

- (a) The Term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of Claiborne County.
- (b) The Term "County Court Clerk" when used in this Act shall mean the County Court Clerk of Claiborne County, Tennessee.
- (c) The Term "Sheriff" when used in this Act shall mean the Sheriff of Claiborne County, Tennessee.
- (d) The Term "Trustee" when used in this Act shall mean the Trustee of Claiborne County, Tennessee.
- (e) The Term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of Claiborne County, Tennessee.
- (f) The Term "Register of Deeds" when used in this Act shall mean the Register of Deeds of Claiborne County, Tennessee.
- (g) The Term "Highway Commissioners" when used in this Act shall mean the Commissioners of Highways of Claiborne County, Tennessee.
- (h) The Term "Tax Assessor" when used in this Act shall mean the Tax Assessor of Claiborne County, Tennessee.
- (i) The Term "Commissioner" when used in this Act shall mean any superintendent or person or persons appointed or elected by the Quarterly County Court over any department or institution of Claiborne County.
- (j) The Term "Quarterly County Court" when used in this Act shall mean any body or group of people having jurisdiction over the operation of the fiscal affairs of Claiborne County, Tennessee.
- (k) The Term "Clerk and Master" when used in this Act shall mean the Clerk of The Chancery Court of Claiborne County, Tennessee.
- (l) The Term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of Claiborne County.
- (m) The Term "School Board" when used in this Act shall mean the County Board of Education of Claiborne County.
- (n) The Term "Budget" when used in this Act shall mean the appropriation of money appropriated by the County Court for each department or activity of Claiborne County for the period shown by the adoption of the budget by the Quarterly County Court and any appropriation authorized by Statute.
- (o) The Term "Official of the County" when used in this Act shall mean any Official authorized by the Quarterly County Court or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Claiborne County.
- (p) The Term "Budget Committee" when used in this Act shall mean a Committee of three (3) members of the Quarterly County Court appointed by the Quarterly County Court of Claiborne County as hereinafter provided.
- (q) The Term "Expenditure or Expend" when used in this Act shall mean the Act of committing Claiborne County to expend monies then and there in the County Treasury or to come into the County Treasury of Claiborne County.

**SECTION 2.** That at least ninety days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of Claiborne County shall prepare a budget containing a complete plan itemized and classified according to function and activity of all proposed expenditures and all estimated revenues by sources and borrowings for the County for the ensuing appropriation year, which shall begin on the first day of July of each year, or at such other date as may be provided for by law for the beginning of the appropriation year. Opposite each item of proposed expenditure, the budget shall show in separate

parallel columns the amount appropriated for the preceding appropriation year, the amount expended during that year, the amount appropriated for the current appropriation year, and the increases or decreases in the proposed expenditures for the ensuing year as compared with the appropriation for the current year. This budget shall be accompanied by:

*First:* A statement of the contemplated revenues and disbursements, liabilities, reserves and surplus or deficit of Claiborne County as of the date of the preparation of the budget.

*Second:* An itemized and complete financial balance sheet of each fund account of the said Claiborne County at the close of the last preceding appropriation year.

As amended by: Private Acts of 1941, Chapter 125

**SECTION 3.** That a brief synopsis of the budget shall be published in a newspaper having general circulation in Claiborne County or by notice posted in the lobby of the Court House in one or more conspicuous places, and notice given of one or more public hearings at least fifteen days prior to the date set for hearing, at which any citizen of the said Claiborne County shall have the right to attend and state his views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court with recommendation for adoption such budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a budget covering all expenditures for the County for the next appropriation year, itemized and classified as required by Section 2 of this Act, provided, however, that it is mandatory upon the Quarterly County Court to levy a tax rate, assuming that not more than 85% of the total tax aggregate produced by such rate will be collected during the ensuing appropriation year, which will produce, together with the usual miscellaneous revenues and any unexpended balances carried over from the preceding appropriation year, an amount at least equal to the amounts appropriated in the budget so adopted by the Quarterly County Court.

The Quarterly County Court at any regular or special session may make appropriations only in the event there is a surplus on hand in the general fund of the County sufficient to pay such appropriations or only when the Quarterly County Court shall levy a special tax to provide revenue sufficient to pay the appropriations as made. In the event the Quarterly County Court shall undertake to make an appropriation when no funds are thus available, such attempted appropriation shall be void and the County shall not be liable therefor. No funds set up in the budget as approved by the Quarterly County Court at the beginning of the fiscal year shall be transferred to any other item in the budget unless at the end of the fiscal year there shall remain a balance in said particular fund which might be needed to meet a deficiency in some other particular fund or appropriation carried in the budget. Nothing herein contained shall be construed as authorizing the Quarterly County Court to appropriate from the general funds of the County any sum of money to be used for any special County purpose.

As amended by: Private Acts of 1947, Chapter 444

**SECTION 4.** That the Budget Committee of Claiborne County, may require the heads or other responsible representatives of all departments, divisions, boards, commissions, agencies, or offices of said County to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

**SECTION 5.** That the Quarterly County Court shall cause to be made out immediately preceding the regular October session of such Court in each and every year hereafter a statement showing the aggregate amount of the receipts and itemized disbursements of the twelve months period ending on the immediately preceding August 31st. A copy of such statement shall be posted in the lobby of the Court House in a conspicuous place, or published in one or more newspapers of the County.

**SECTION 6.** That it shall, likewise, be the duty of the School Board on or before the first Monday in April of each year to prepare and file with the budget committee an itemized statement or budget, as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of September following the filing of such statement or budget.

**SECTION 7.** That the Quarterly County Court shall include in the County Budget required by law and as a part thereof, a budget for the schools of the County, a brief synopsis of which shall be posted as required in Section 4 of this Act.

**SECTION 8.** [Deleted by Private Acts of 1953, Chapter 209].

**SECTION 9.** That any Official of Claiborne County that has the power, right, or authority to expend County Funds from the Treasury of the County or funds coming into the County Treasury from the State of Tennessee in excess of the monies or funds then and there actually in the Treasury of the County to the credit of his or her department of the County government or in excess of the budget adopted by the Quarterly County Court of Claiborne County covering that certain period of time as shown by the budget,

such County Official making any overdrafts on the County Treasury or commitments in excess of the amount appropriated for the specific purpose for which the expenditure was made by the Quarterly County Court of Claiborne County, shall be personally liable, together with his sureties on his official bond, to Claiborne County for such overdrafts or over expenditures, and the County shall have cause of action of debt to recover from such official or officials and their bondsmen the amount of the overdraft or over expenditure with interest from date.

**SECTION 10.** That it shall be unlawful and a felony in office for any official or employee of Claiborne County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance, or delivery of any purchase order, warrant, or other commitment during the appropriation year when such warrant, purchase order or other commitment added to amounts previously expended shall exceed the appropriation made by the Quarterly County Court for the specific purpose for which the expenditure is made.

That it shall be mandatory upon the members of the Quarterly County Court to determine whether or not warrants or purchase orders or other commitments have been issued or made in violation of the intent of this Act and if Warrants, Purchase Orders, or other commitments are found to have been issued in violation of the intent of this Act, it shall be mandatory, upon the Court or its qualified representative, to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to the said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

As amended by: Private Acts of 1943, Chapter 291

**SECTION 11.** That it shall be a felony in office for any official of the County, including the members of the Highway Commission, the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other official of the County, to violate any provision of this Act, to fail or to refuse to perform any of the duties placed upon them or any of them by this Act, and any such officer or official failing to perform the duties imposed by this Act or otherwise violating this Act, or who procures aids or abets in the violation of any provision of this Act, provided further that any County official convicted under this Act, shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

As amended by: Private Acts of 1943, Chapter 291

**SECTION 12.** That the Quarterly County Court shall at the April 1939 regular session of such Court, and at the expiration of each second calendar year period thereafter, elect a Budget Committee consisting of three members of the Court, such Budget Committee to receive as compensation for their services a per diem fee of \$3.00 per each and every day spent in the preparation of the budget, as hereinbefore specified; provided, however, the total compensation of each member of the Committee shall not in any one appropriation year exceed the sum of \$48.00.

**SECTION 13.** That in order that the fiscal affairs of Claiborne County, Tennessee, may be placed on a cash basis, said County is hereby authorized and empowered to issue at one time or from time to time bonds of Claiborne County for the purpose of funding any or all warrants, notes, interest coupons, or other indebtedness of said County now outstanding or which are to be outstanding on or before August 31st, 1939. The holders of such indebtedness are directed at such time or times as they may wish, to present said indebtedness for payment and present said indebtedness to the County Judge, the County Court Clerk and the County Trustee of Claiborne County, Tennessee, for identification and verification; the County Judge, County Court Clerk and the County Trustee are authorized to examine such indebtedness so presented and if satisfied that such indebtedness is genuine, to issue their certificates certifying such indebtedness to be genuine. Such certificates are to be in any convenient form and may be issued as to the indebtedness of one holder or as to the indebtedness of a group of holders.

**SECTION 14.** That for the purpose of funding and retiring from time to time indebtedness of Claiborne County, Tennessee, certified to be genuine, as provided in Section 13, the Quarterly County Court may authorize not exceeding \$400,000.00 Funding Bonds of Claiborne County, Tennessee. Such bonds shall bear interest at not exceeding the rate of Six per cent (6%) per annum, shall be in denominations corresponding to the denominations of the indebtedness which is to be exchanged therefor, shall mature not more than twenty (20) years from their date of issuance, may be callable for redemption at the option of the County on any interest payment date at par and accrued interest pursuant to such notice as may be prescribed by the Quarterly County Court, and shall be in such form and in such details, not inconsistent with the provisions hereof, as may be prescribed by the Quarterly County Court in the resolution authorizing the issuance of the bonds.

**SECTION 15.** That the Funding Bonds herein authorized shall be executed in behalf of the County by the

County Judge and the County Court Clerk, under the County Seal, and shall be by the County Trustee of Claiborne County, Tennessee, deposited with a National Bank located in Nashville, Tennessee, as Escrow and Exchange Agent, with appropriate directions that as if and when the outstanding indebtedness hereinbefore mentioned and described and authorized to be funded, are surrendered, there shall be delivered in exchange therefor a like amount of Funding Bonds, all pursuant to appropriate resolutions to be adopted by the Quarterly County Court of Claiborne County, Tennessee, not inconsistent with the provisions of this Act. Said Bonds shall be issued in exchange for and upon the simultaneous cancellation of a like par principal amount of the indebtedness authorized to be funded.

**SECTION 16.** That the Funds Bonds herein authorized shall be fully registered as to principal and interest. The County Trustee shall act as Registrar and the name and address of the registered holder shall appear on the back of each bond and on the books of the County Trustee. Principal of and interest on each Funding Bond shall be payable only to the registered holder. Each bond may be assigned by the registered holder to other registered holders pursuant to procedure to be established by the Quarterly County Court in the resolution authorizing the bonds.

**SECTION 17.** That in order to facilitate the issuance of the Funding Bonds herein authorized and in order to establish the legality of the indebtedness to be funded thereby, all warrants, notes, and interest coupons of Claiborne County, Tennessee, which are to be funded under the provisions of this Act and which are herewith certified to be genuine by the County Judge, the County Court Clerk and the County Trustee in the manner provided in Section 13 hereof, are hereby validated and confirmed and declared to be the valid and enforceable obligations of Claiborne County, Tennessee.

**SECTION 18.** That the Quarterly County Court of Claiborne County is authorized and directed annually to levy taxes on all taxable property in Claiborne County at such rates and in such amounts as will be fully sufficient to pay interest on such funding bonds issued under the provisions hereof as may be from time to time outstanding and to provide a Sinking Fund adequate to retire said bonds at maturity.

**SECTION 19.** That any holder or holders of bonds issued under the provisions of this Act or any officers being a part in interest in either law or in equity by suit, action or mandamus may force and compel the performance of the duties requested by this Act of the governing body or any part or officer of the unit. Inasmuch as the purpose of this Act is to place and maintain the fiscal affairs of Claiborne County, Tennessee, on a cash basis, the provisions of this Act will constitute an irrevocable contract with the holders of the bonds issued under the provisions of this Act.

**SECTION 20.** That Clark and Company of Nashville, Tennessee, are hereby authorized to act as Fiscal Agents for Claiborne County, Tennessee, in the handling of this program in regard to the exchange of bonds, for which said Clark and Company shall be entitled to Two and one-half (2½%) per cent of the par value amount of indebtedness so exchanged in accordance with the provisions of this Act and which said fee shall be payable from any available funds of Claiborne County, Tennessee.

**SECTION 21.** That the holding of any section, or part thereof, or any subsection, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each section, sub-section, sentence, clause and phrase thereof, would have been passed and enacted, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, and phrases thereof would have been passed and enacted, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

**SECTION 22.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1939.

**COMPILER'S NOTE:** The above act was held not to be in contravention of the general law in Kivett v. Runions 191 Tenn. 62, 231 S.W. 2d 384 (1950).

## Building Permits

### Private Acts of 1967-68 Chapter 74

**SECTION 1.** Any person desiring to erect, construct, or reconstruct or to have erected, constructed, or reconstructed any building or other structure in Claiborne County, and any person desiring to alter or have altered any existing building or other structure in Claiborne County shall first apply to the County Executive of Claiborne County for a building permit for such erection, construction, reconstruction or



alteration.

The application shall be in a form to be prescribed by the County Executive 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 and 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 Executive shall prescribe.

A fee shall be charged of each applicant according to rates adopted by the Claiborne County Legislative Body. The fee shall be properly accounted for by the County Executive and shall be deposited with the County Trustee on a daily basis, to be deposited in the county general fund.

Upon proper application, duly made and filed, and payment of the proper fee, the County Executive shall then 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 property tax records and assess such improvements or construction in accordance with the provisions of general law.

As amended by: Private Acts of 1989, Chapter 33

**SECTION. 2.** [Deleted by Private Acts of 1989, Chapter 33].

**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 is a misdemeanor, punishable upon conviction thereof, by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Claiborne 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 6.** This Act shall take effect, for the purpose of ratifying it pursuant to the provisions of Section 5, upon its passage, the public welfare requiring it, and for all other purposes on July 1, 1967.

Passed: April 6, 1967.

## Cemeteries

### Private Acts of 1919 Chapter 628

**SECTION 1.** That in all counties of this State having a population of not less than 23,450 and not more than 23,550, and in counties having a population of not less than 13,600 nor more than 13,625, according to the Federal Census of 1910 or any subsequent Federal Census, the Trustees, or Commissioners of any cemetery, church, or graveyard, shall have the right to condemn any land adjacent to said cemetery or graveyard for burial purposes, the taking and condemning of said land shall be under the same laws and regulations as now required by law for the condemning of land by and for railroad purposes.

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

Passed: April 15, 1919.

## County Attorney

### Private Acts of 1943 Chapter 94

**SECTION 1.** That in counties of this State having a population of not less than 24,600, nor more than 24,700, by the Federal Census of 1940, or any subsequent Federal Census, there is hereby created the position of County Attorney. At the April Term of 1943, it shall be the duty of the quarterly county court

of counties to which this Act applies to elect some practicing attorney, possessing license to practice law to such position. The term of office of the person [sic] so elected shall be for four years and until his successor shall be elected and qualified. The minimum compensation of such County Attorney will be six thousand six hundred dollars (\$6,600.00) per annum, payable out of the county treasury in equal monthly installments. Furthermore, the County Court of such county shall have the authority to provide compensation for a legal secretary for such county official.

As amended by: Private Acts of 1978, Chapter 185

**SECTION 2.** That it shall be the duty of said County Attorney to advise all county officials upon matters affecting the conduct of their offices, to represent the county generally in litigation involving such county but this shall not inhibit the employment of special counsel to aid such County Attorney in cases where the Quarterly County Court shall authorize the same. Such employment shall be in accordance with existing law provided therefor. Such County Attorney shall likewise possess the power to investigate the accounts of county officials of counties to which this Act applies with reference to their payments of county revenue into the county treasury and may in his discretion, bring suits for the recovery of any delinquent revenue found owing by the county from any county official; but the County Attorney shall not be the attorney bringing suits for the collection of delinquent ad valorem taxes, it being the legislative intent that the general statutes providing for the selection of such delinquent tax attorney by the Trustee and County Judge shall not be affected by the provisions of this Act.

As amended by: Private Acts of 1953, Chapter 320

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

Passed: January 25, 1943.

## County Clerk

### Countersign All County Warrants

#### Private Acts of 1957 Chapter 98

**SECTION 1.** That in counties of this State having a population of not less than 24,700 nor more than 24,850 by the Federal Census of 1950, or any subsequent Federal Census, in addition to all other county officers required by the general law to countersign county warrants drawn against the county general fund the County Court Clerk shall also countersign the same.

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

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

Passed: February 20, 1957.

## County Mayor

### Private Acts of 1929 Chapter 532

**SECTION 1.** That there be and the same is hereby created the office of County Judge of Claiborne [sic] County, Tennessee, and that there shall be elected by the qualified voters of said county a person to be styled the County Judge of Claiborne County, and who shall be County Judge of said county. Such person shall be a citizen of said County, of moral character, a practicing attorney, and at least thirty years of age. He shall hold his office for a term of eight years.

As amended by: Private Acts of 1937, Chapter 351

**SECTION 2.** That the first election for County Judge of Claiborne County shall be held at the same place, and at the same time, and by the same officers as other county elections are held on the first Thursday in August, 1930, and under the same rules and regulations that are prescribed by law for other county elections, the person so elected to hold said office until his successor shall be elected and qualified at the regular August election in 1934. Subsequent elections shall be held for the election of such County Judge on the first Thursday in August, and every eight years thereafter, except vacancies, which shall be filled when they occur in the manner prescribed by law.

**SECTION 3.** That F. F. Overton, a citizen of Claiborne County, Tennessee, who possesses all of the qualifications provided for said County Judge be, and he is hereby named and appointed to said office of County Judge of Claiborne County, Tennessee, for the period commencing from and after the passage of this Act, and to serve as such County Judge until his successor is elected and qualified at the regular August election in 1930.

**SECTION 4.** That the County Judge of Claiborne County shall be commissioned in the same manner as other judges of the State, and before entering upon the duties of said office he shall take the oath prescribed by law and taken by other judges of the State, and shall also enter into bond in the sum of Ten Thousand Dollars (\$10,000.00) conditioned faithfully to account for all moneys and county property that may come into his hands as such County Judge.

**SECTION 5.** That the County Judge of Claiborne County shall have and exercise all the rights, powers and jurisdictions that are conferred by existing laws upon the county judges of this State, and in addition thereto the right to hear applications for writs of injunction, attachment, habeas corpus, and may hear and finally dispose of habeas corpus writs, and other writs, and to make and pass orders for the issuance of such writs as other judges and chancellors of the State.

As amended by: Private Acts of 1939, Chapter 299

**SECTION 6.** That all the powers and jurisdictions now vested in and belonging to the Chairman of the County Courts of this State be and the same are hereby conferred upon the County Judge of Claiborne County herein named and who are to be elected and qualified as hereinbefore provided.

As amended by: Private Acts of 1953, Chapter 317

**SECTION 7.** That the County Judge of Claiborne County shall receive a salary of Two Thousand, Four Hundred Dollars (\$2,400.00) per annum, to be paid quarterly out of the revenue collected for the year in which the services are rendered, the same to be paid by the county upon a warrant drawn by him out of the County Treasury, which shall be paid monthly.

Said County Judge shall receive One Hundred (\$100.00) Dollars per month as compensation for his services as financial agent of said County.

As amended by: Private Acts of 1941, Chapter 237

Private Acts of 1941, Chapter 238

**SECTION 8.** That the County Court Clerk of said County shall be and continue the Clerk of the County Court to be held by the County Judge, and shall perform all the duties and have all the powers, jurisdictions and authority now possessed by him.

**SECTION 9.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1929.

**COMPILER'S NOTE:** The requirement of Private Acts 1937, Chapter 351, stated that the County Judge be a practicing attorney was held unconstitutional by the Tennessee Supreme Court in Kivett v. Mason, 206 S.W. 2d 789 (1947).

## County Register

### Notice of Land Transfers

#### Private Acts of 1949 Chapter 893

**SECTION 1.** That in all Counties of this State having a population of not less than 24,650 and not more than 24,700, according to the Federal Census of 1940, or any subsequent Federal Census, the Register of Deeds shall notify the Tax Assessor of all land transfers effected by deeds of conveyance which are entered in the office of the Register of Deeds, to be recorded. That upon receipt of such notice the Tax Assessor shall adjust the tax records, accordingly.

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

Passed: April 14, 1949.

## Home Demonstration Agent

### Private Acts of 1933 Chapter 388

**SECTION 1.** That in counties of this State having a population of not less than 24,300 nor more than 24,400 by the Federal Census of 1930, or any subsequent Federal Census, that there shall be paid to the person chosen as Home Demonstration Agent by the Quarterly County Court out of the funds of the county Six Hundred (\$600.00) Dollars per annum, which shall be in lieu of the present appropriation by the county therefor, provided, however, that this Act shall affect only such portions of her total compensation as shall be paid by the county and shall not be construed as a limitation on her maximum compensation from all sources.

**SECTION 2.** That this Act shall take effect from and after April 1, 1933, the public welfare requiring the same.

Passed: April 10, 1933.

## Uniform Nepotism Policy Act

### Private Acts of 2000 Chapter 85

**SECTION 1.** This act shall be known and may be cited as the "Claiborne County Uniform Nepotism Policy Act."

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

- (1) "County employee" means any person who is employed or appointed by a governmental entity.
- (2) "Employee" means the governmental entity that appoints or employs the county employee.
- (3) "Governmental entity" means Claiborne County or any agency, authority, board, commission, department, or office of Claiborne County or an office of an elected county official; and
- (4) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.

**SECTION 3.** Within each governmental entity, no county employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that to the extent possible, the provisions of this act shall not be construed to prohibit two (2) or more such relatives from working within the same county governmental entity.

**SECTION 4.** When as a result of a marriage, county employees are in violation of the prohibition established by Section 3, such violation shall be resolved by means of such transfer within the governmental entity, transfer to another governmental entity, or resignation as may be necessary to remove such violation. The employer shall advise the county employee of each of the alternatives available to remove such violation. Such employees shall be given the opportunity to select among such available alternatives. If such employees are unable to agree upon any such alternative within sixty (60) days, then the employer shall take appropriate action to remove such violation.

**SECTION 5.** The prohibition established by Section 3 shall not be applied retroactively, but shall be adhered to by each employer in all appointing, hiring and employee transactions subsequent to this act being approved as provided in Section 7.

**SECTION 6.** The provisions of this act shall be applied uniformly and shall constitute the nepotism policy of each governmental entity. No such governmental entity shall adopt a nepotism policy which conflicts with the provisions of this act.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Claiborne County, prior to July 30, 2000. Its approval or nonapproval shall be proclaimed by the presiding officer of Claiborne 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 as provided in Section 7.

Passed: February 28, 2000.

## Administration - Historical Notes

### County Clerk

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

1. Private Acts of 1821, Chapter 175, authorized the county clerk of the Claiborne County to build an office on some part of the public square in the town of Tazewell.

**County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Claiborne 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, Chapter 16, changed the time of holding the courts of pleas and quarter sessions for Claiborne County to the first Mondays in January, April, July and October.
2. Acts of 1809, Chapter 93, set up the schedules for the terms of the courts of pleas and quarter sessions in every county of the state. In Claiborne County the court would meet on the fourth Monday in the February, May, August and November.
3. Acts of 1813, Chapter 134, set the time for holding the quarterly county court of Claiborne County to the second Mondays of February, May, August, and November.
4. Private Acts of 1823, Chapter 74, changed the time for holding county court to the third Monday in March, June, September, and December.
5. Private Acts of 1823, Chapter 153, authorized the county court of Claiborne County to sell the jail of said county.
6. Private Acts of 1823, Chapter 252, changed the time for holding the county court of Claiborne County to the second Mondays in March, June, September, and December.
7. Private Acts of 1829, Chapter 58, authorized the Claiborne County Court to lease the house attached to the jail.
8. Private Acts of 1913 (Ex. Sess.), Chapter 84, provided and regulated the compensation of justices of the peace in certain counties based on the 1910 Federal Census, Anderson County being one of them. The act authorized the justices of the peace to receive \$2.50 for each day in the quarterly court and an additional five cents per mile for traveling to and from the courts.
9. Private Acts of 1919, Chapter 29, amended Private Acts of 1917, Chapter 811, so as to make the act apply to counties in the state with a population of not less than 23,550 nor more than 23,600 according to the Federal Census of 1910.
10. Private Acts of 1923, Chapter 354, required the approval of the Claiborne County Court of all county warrants over \$500.00.
11. Private Acts of 1925, Chapter 560, authorized the Claiborne County Court to use unused highway funds to repair the courthouse.
12. Private Acts of 1927, Chapter 80, validated all actions of the Claiborne County Court in issuing warrants to build a memorial to soldiers of World War I.
13. Private Acts of 1929, Chapter 320, validated all actions taken by the Claiborne County Courts in reference to a \$200,000 bond issue dated January 1, 1929.
14. Private Acts of 1937, Chapter 607, validated all actions taken by the Claiborne County Court in issuing Claiborne County 1936 General Refunding Bonds in the amount of \$695,075.00.

**County Register**

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

1. Private Acts of 1831, Chapter 162, stated that all deeds of conveyance and other instruments of writing heretofore registered in Claiborne County shall be read in evidence on trials at law or in equity.

**County Trustee**

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

1. Private Acts of 1832, Chapter 20, authorized the county trustee of Claiborne County to pay Isom Simmons, Wesley Simmons and John Day the sum of \$39.00 for mistakenly paying circuit court fines.

**General Reference**

The following private or local acts constitute part of the administrative and political history of Claiborne 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 1809, Chapter 80, established James Roddye's Ferry, on Powell's River in Claiborne County, as a place of public inspection.
2. Acts of 1811, Chapter 127, authorized that any money which may be remaining in the hands of the treasurer of Claiborne County, after discharging the arrearages and repairs of the courthouse and jail of the same, may be applied to other county purposes.
3. Acts of 1817, Chapter 65, Section 3, divided the state into solicitorial districts. The counties of Hawkins, Grainger, Claiborne and Campbell composed the second district.
4. Private Acts of 1823, Chapter 254, provided for the relief of John Hunt, sheriff and collector of the public taxes of Claiborne County.
5. Private Acts of 1827, Chapter 238, established an inspection for tobacco and other articles at the mouth of Gap Creek on Powell River in Claiborne County.
6. Acts of 1849-50, Chapter 162, provided for the relief of Thomas L.W. Sawyers, former revenue collector for Claiborne County, by allowing him two years to collect all arrearages of taxes for the years 1845 and 1846.
7. Private Acts of 1911, Chapter 653, provided that women were eligible for election to the office of notary public.
8. Private Acts of 1923, Chapter 354, regulated the approval of county warrants over \$500.00. This act was subsequently repealed by Private Acts of 1941, Chapter 140.
9. Private Acts of 1953, Chapter 210, created a purchasing commission for Claiborne County. This act was subsequently repealed by the Private Acts of 1955, Chapter 18.
10. Private Acts of 1967, Chapter 74, establishing the system of building permits in Claiborne County. Private Acts of 2000, Chapter 156, would have amended this act, but never received local approval.

## Chapter II - Animals and Fish

### Livestock Inspectors

#### Private Acts of 1953 Chapter 523

**SECTION 1.** That in counties of this State with a population of not less than 24,750, nor more than 24,800, 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 two animal inspectors. It shall be the duty of such livestock inspectors 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.

### Permission to Hunt

## Private Acts of 1978 Chapter 196

**SECTION 1.** No person shall hunt, take, chase, trap, or kill deer, bear, wild hog, or any other species of large mammals that may be introduced or transplanted into this county for hunting, upon the land of another without having first obtained the written permission or approval of the owners of the land, or of the person or persons in charge of such land, and having authority from the owner to give such permission. Such written permission shall be carried by the hunter any time he is hunting big game, as defined by the first sentence of the section, upon the land of another. The provisions of this Act shall not apply to property owned by the State of Tennessee, nor to property in which the State of Tennessee is in charge or in control of said land as a result of a lease or other agreement with the property owner.

**SECTION 2.** The provisions of this Act may be enforced by any officer or authorized agent of the wildlife resources commission. Any person found hunting big game upon the land or [sic] another who does not have such written permission in his possession shall be subject to a fine not to exceed fifty dollars (\$50.00).

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

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

Passed: March 2, 1978.

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

1. Acts of 1829, Chapter 23, authorized Siles Williams of Claiborne County to build a fish trap in Powell River opposite his land, provided he did not obstruct navigation.
2. Private Acts of 1831, Chapter 132, made it illegal for non-residents to graze their cattle in Claiborne County. This act provided for a \$100.00 fine to be assessed against violators.
3. Private Acts of 1868-69, Chapter 26, authorized George P. Brooks to build a fish trap in Powell River, opposite his land provided he did not obstruct navigation.
4. Public Acts of 1889, Chapter 179, made it a misdemeanor for any non-resident of the state to hunt game in Claiborne County.
5. Public Acts of 1895, Chapter 161, provided that it was a misdemeanor to hunt deer in Claiborne County for five years after passage of the act.
6. Private Acts of 1897, Chapter 242, allowed county residents to catch fish by all means except wing net, poison, or dynamite, and prohibited all fishing from April 1 to June 1.
7. Public Acts of 1899, Chapter 170, allowed the residence of Claiborne County to catch fish in any waters, in any way, except by poison, dynamite, wing net or other explosives.
8. Public Acts of 1899, Chapter 333, provided that it was a misdemeanor to hunt deer in Claiborne County for a period of 10 years from passage of the act.
9. Acts of 1903, Chapter 52, prohibited owners of livestock from allowing their stocks to run at large. The owner was responsible for all damage done by his stock and any injured party was given a lien against the livestock.
10. Private Acts of 1915, Chapter 350, authorized residents of Claiborne County to catch fish by line, net, or trap, provided the mesh thereof, was more than 1½".
11. Private Acts of 1919, Chapter 137, made it unlawful for owners to allow their livestock to roam at large, except on unfenced lands in the summer. This act was amended by Private Acts of 1919, Chapter 390, to give the grand jury inquisitorial power over violations of this act.
12. Private Acts of 1919, Chapter 495, made it unlawful for owners of poultry to allow their poultry to roam at large. This act was subsequently repealed by Private Acts of 1921, Chapter 882.
13. Private Acts of 1919, Chapter 503, made it a misdemeanor for a dog owner to allow his dog to

room at large in Claiborne County. This act was subsequently repealed by Private Acts of 1921, Chapter 558.

14. Private Acts of 1921, Chapter 405, exempted Claiborne County from provisions of the general act requiring the licensing of dogs.
15. Private Acts of 1921, Chapter 559, provided that from November 15 through December 31, would be the open season for quails in Claiborne County.
16. Private Acts of 1925, Chapter 305, provided that henceforth it would be lawful to trap fish in Claiborne County, and further provided that it would be lawful to gig fish from November 1st to March 1st.
17. Private Acts of 1927, Chapter 37, provided that partridge and quail would be considered non-game birds in Claiborne County, and this protected them under the general act. This act was subsequently repealed by Private Acts of 1929, Chapter 61.
18. Private Acts of 1935, Chapter 222, regulated the hunting of quail and doves in Claiborne County. This act was subsequently repealed by Private Acts of 1937, Chapter 56.
19. Private Acts of 1945, Chapter 299, authorized W.M. Harris to practice veterinary surgery in Claiborne County.
20. Private Acts of 1953, Chapter 506, allowed the Claiborne County residents to gig rough fish ( as defined by the general law) from October 1 to January 31.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Buildings**

1. Private Acts of 1929, Chapter 921, authorized a bond issuance of \$150,000 to build a courthouse and jail. These bonds were to bear interest at a rate not to exceed 5% per year, and required approval by the voters.
2. Private Acts of 1931, Chapter 257, authorized a bond issuance of \$100,000 to build a courthouse and jail. These bonds were to bear interest at a rate not to exceed 5½% per year. This act was subsequently amended by Private Acts of 1931, Chapter 35 Second Extra Session, to change the maximum interest rate to 6% per annum.

#### **Debts**

1. Public Acts of 1867-68, Chapter 41, authorized the county court of Claiborne County to issue coupon bonds for the amount of the indebtedness of said county. However, no debt which had incurred during the Civil War was to be aided by these bonds.
2. Private Acts of 1917, Chapter 167, authorized Claiborne County by resolution of the quarterly county court to make certain unpaid county warrants interest bearing by registering same with the county trustee.
3. Private Acts of 1935, Chapter 377, authorized Claiborne County to issue \$200,000 in bonds to retire its outstanding debt. These bonds were to mature within 25 years and to bear interest at a rate not to exceed 6% per annum.
4. Private Acts of 1935, Chapter 614, was a bond issuance of \$200,000 to pay off the entire indebtedness of Claiborne County. These bonds were to mature within 25 years, and were to bear interest at a rate not to exceed 6% per annum.
5. Private Acts of 1937, Chapter 674, was a bond issuance of \$250,000 for the purpose of paying off the Claiborne County's outstanding debt. These bonds were to mature within 30 years, and were to bear interest at a rate not to exceed 6% per annum.
6. Private Acts of 1939, Chapter 559, authorized a bond issue not exceeding \$400,000, to pay off outstanding indebtedness. This act was subsequently amended by Private Acts of 1941, Chapter 125 and Private Acts of 1943, Chapter 291.
7. Private Acts of 1947, Chapter 126, authorized Claiborne County to borrow on interest bearing,



short term notes of a sum not to exceed \$250,000 for the purpose of constructing and repairing high schools.

### **Highways - Bridges**

1. Private Acts of 1901, Chapter 394, provided for locating and building macadamized roads in Claiborne County by authorizing the county court to issue interest-bearing coupon bonds in an amount not exceeding seventy-five thousand dollars. The bonds were issued with an annual interest rate of 5% and payable at such time from twenty to fifty years after their date. The act also provided for a board of commissioners to carry out the work and for levying a tax and creating a sinking fund to pay said bonds and interest.
2. Private Acts of 1913, Chapter 306, was a \$400,000 bond issuance for building and maintaining roads. These bonds were to bear interest at a rate not to exceed 6% per annum. This act was subsequently repealed by Private Acts of 1915, Chapter 547.
3. Private Acts of 1915, Chapter 69, as amended by Private Acts of 1915, Chapter 416, Private Acts of 1917, Chapter 178, Private Acts of 1917, Chapter 262, Private Acts of 1917, Chapter 518, Private Acts of 1917, Chapter 565, Private Acts of 1919, Chapter 343, Private Acts of 1919, Chapter 490, Private Acts of 1919, Chapter 646, Private Acts of 1921, Chapter 530, and Private Acts of 1921, Chapter 916, was a bond issuance of \$500,000 to construct and macadamize roads. These bonds were to bear interest at a rate not to exceed 6% per annum. The act was repealed by Private Acts of 1923, Chapter 352.
4. Private Acts of 1921, Chapter 383, validated the proceedings of the quarterly county court of Claiborne County, whereby the issuance of interest-bearing warrants to the amount not exceeding \$25,000 have heretofore been ordered in good faith to complete the highways of Claiborne County and to levy a tax to pay the same and the interest thereon.
5. Private Acts of 1919, Chapter 398, was a \$500,000 bond issuance for roads. These bonds were to mature within 30 years, and to bear interest at a rate not to exceed 6% per annum.
6. Private Acts of 1927, Chapter 592, was a bond issuance of \$135,000 to be used for roads. These bonds required approval by the voters and were to bear interest at a rate not to exceed 6% per annum.

### **Schools**

1. Private Acts of 1931, Chapter 238, was a bond issuance of \$100,000 to construct and maintain schools. These bonds were to bear interest at a rate not to exceed 6% per annum. This act was subsequently amended by Private Acts of 1931, Chapter 23, Second Session to specify some of the schools whereupon the money should be spent. This act was subsequently repealed by Private Acts of 1933, Chapter 325.
2. Private Acts of 1931, Chapter 64, Second Extra Session, was a bond issuance of \$25,000 to build an elementary school. These bonds were to bear interest at a rate not to exceed 5½% per annum.
3. Private Acts of 1947, Chapter 126, authorized Claiborne County to borrow in interest bearing, short term notes, an amount not to exceed \$250,000 for equipping and repairing high school buildings in the county. This act was subsequently amended by Private Acts of 1947, Chapter 787.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1801 Chapter 46

**SECTION 1.** That Hawkins and Grainger counties be divided by the following lines, (to wit.) Beginning on the north bank of Clinch river where the Hawkins and Grainger line crosses the same, thence down the north bank of said river Clinch, to a point opposite where the Knox and Grainger line strikes the said river, thence north, forty five degrees west, to the line which divides this state from the state of Kentucky, thence east with said line, to where it intersects with the line which divides this state from the state of Virginia, thence due east with said line to a point from which a direct line to the beginning will leave six hundred and twenty five square miles in the county of Hawkins, and all that part of the aforesaid counties of Hawkins and Grainger contained within the lines before described, shall be a separate and

distinct county by the name of Claiborne.

**SEC. 2.** That George Reel, John Vanbebber, Matthew Sims, Abel Langham, Joseph Webster, John Bullard, and Silas Williams, be, and they are hereby appointed commissioners, who, or a majority of them, are authorized to fix on a place the most central and convenient in said county of Claiborne, for the purpose of erecting a court house, prison and stocks, at which place the said commissioners are authorized and required to purchase land, and lay off a town to consist of forty lots, with proper streets and alleys, which town shall be known by the name of Tazewell.

**SEC. 3.** That said commissioners are authorized and required, as soon as may be, after agreeing on the place whereon the court house, prison and stocks are to be erected, and they have purchased land and laid off a town as aforesaid, to contract with suitable workmen for the purpose of erecting and building a court house, prison and stocks at the place aforesaid, for the benefit of said county; and the better to enable the commissioners aforesaid, to carry this act into effect:

**SEC. 4.** That they are authorized and empowered to sell the said lots at public sale, giving such credit as they in their wisdom may deem necessary. And for the securing the monies arising from the same of the aforesaid lots:

**SEC. 5.** That the said commissioners are hereby authorized and empowered to take obligations with sufficient security from the respective purchasers thereof, payable to themselves as commissioners, which said monies, the said commissioners are to collect and apply to the use of paying for the land whereon the said town shall have been laid off, and defraying the expences of erecting a court house, prison and stocks aforesaid, and in case the monies arising from the sale of the said lots, should not be sufficient to pay for the said land, and defray the expences as aforesaid:

**SEC. 6.** That the court of Claiborne county are hereby authorized and empowered to lay a tax, not exceeding twelve and a half cents on each white poll, twenty five cents on each black poll, twelve and a half cents on each hundred acres of land, twenty five cents on each town lot, and one dollar on each stud horse kept for covering mares, which tax shall not be laid for more than three years, and shall be collected, accounted for, and paid into the hands of the said commissioners, under the same rules and restrictions as are observed in collecting, accounting for, and paying public taxes.

**SEC. 7.** That said commissioners before entering on the duties of their appointment, shall enter into bond, in the sum of fifteen hundred dollars, payable to the chairman of the court of Claiborne County, and his successors in office, for the use of said county of Claiborne, conditioned for the faithful discharge of the trust reposed in them, and shall take and subscribe the following oath: *I, A.B. do swear ( or affirm as the case may be) that I will, as a commissioner to act for the county of Claiborne, do equal and impartial justice to the citizens of said county to the best of my skill and judgment.* SO HELP ME GOD: which bond, together with a copy of the said oath, shall be filed in the clerk's office, for said county of Claiborne.

**SEC. 8.** That the first court of Claiborne county, shall be held by the justices of the said county, on the first Mondays in March, June, September, and December, in every year, and the justices thereof are hereby authorized and empowered to hold the first court for the same at the dwelling house of John Owens, on the first Monday in December next, and all subsequent courts for said county on the days above mentioned, for holding courts therein, at any place to which the said justices from court to court may adjourn themselves, until a court house shall be built for the said county of Claiborne, then all matters and things pending in said court, and all manner of process returnable to the same, shall be adjourned to said court house, and all courts held in & for said county of Claiborne 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 powers and jurisdiction, as are or shall be prescribed for the courts in the several counties in this state.

**SEC. 9.** That the aforesaid county of Claiborne, be, and the same is hereby declared to compose a part of the district of Hamilton, in the same manner, and for all purposes civil or military, as other counties in the said district doth. *Provided*, nothing herein contained shall be so construed as to prevent the sheriffs or collectors of the said counties of Hawkins and Grainger from collecting all arrearages of public and county tax within the limits of the said county of Claiborne, in the same manner as if this act had not been passed.

**SEC. 10.** That Walter Evans, be, and is hereby appointed a commissioner on the part of the county of Claiborne, to act with one from the county of Anderson, to run the line between the aforesaid counties, from the river Clinch, to the Indian boundary line, for which services he shall be allowed the sum of two dollars for each day he may be necessarily employed running said line, which expence [sic] is to be paid by the county of Claiborne.

**SEC. 11.** That all proceedings now pending in the county courts of Hawkins and Grainger, shall be proceeded on and determined in the same manner as if this act had not been passed.

**SEC. 12.** That the said county of Claiborne be a part of the districts for electing governor, representative or representatives to congress, a senator and representative to the general assembly to which it has heretofore belonged; and the election shall be held at the court house or usual place of holding courts in said county, at the time and in the manner by law directed, and the sheriff or returning officer shall make a return of the polls at the court house in Rutledge, on the succeeding day of the election to the sheriff or proper returning officer for Grainger county, which shall be received and considered to be a part of the election of the said county of the said Grainger, any law to the contrary notwithstanding.

**SEC. 13.** That Clinch river, and the path leading from the mouth of Greasy Rock creek to the head of Mulberry creek, shall be the dividing line between the county of Hawkins and the county of Claiborne, until the true line shall be ascertained.

**SEC. 14.** That it shall be the duty of the sheriff of Claiborne county to hold an election at the place of holding courts, on the last Friday and the day succeeding, in February next, for the purpose of electing one colonel and two majors for the regiment of said county, which election shall be held under the same rules, regulations and restrictions, as prescribed by law for holding elections for such officers.

**SEC. 15.** That the commissioners by this act appointed for fixing on the place for erecting a court house, prison & stocks, shall, when they have performed the duties enjoined on them by this act, lay before the court of said county of Claiborne, a regular statement of all their proceedings, and the said court are hereby required to allow them a reasonable compensation for their services, to be paid out of any county monies not otherwise appropriated.

**SEC. 16.** That Joseph Cobb, and Andrew Evans, esquires, or either of them, or any other justice of the peace of Grainger county, are hereby required to attend at the first court to be held for Claiborne county, for the purpose of qualifying the members of said court.

**SEC. 17.** That this act shall be in force from and after the sixth day of December next.

Passed: October 29, 1801.

## Change of Boundary Lines

### Acts of 1806 Chapter 21

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

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

**SECTION 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 purposes of erecting a court house, prison and stocks.

**SECTION 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 center 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 successor in office, and shall make titles to the purchasers, and the proceeds (sic) of the sales of said lots, shall go towards defraying the expence [sic] of the public buildings in the same, and contract and 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, 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.

**SECTION 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.

**SECTION 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.

**SECTION 6.** And for the due administration of justice in said county, 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.

**SECTION 7.** That the aforesaid county of Campbell, shall be, and is 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 be 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.

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

**SECTION 9.** That the present sheriffs and collectors of the counties of Anderson and Claiborne, be authorized to collect all arrearages of public taxes, which by law they were 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, were taken off of said counties of Anderson and Claiborne.

**SECTION 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 ad respondendum*, writs of *capias ad satisfaciendum*, writs 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.

Passed: September 11, 1806.

## Acts of 1809 Chapter 20

**Sec. 1st.** That the middle of Clinch river shall hereafter be the dividing line between the counties of Grainger and Claiborne, so far as the north bank of said river is at present the line between said counties, any law, custom or usage, to the contrary notwithstanding.

**Sec 2d.** That this act shall be in force, from and after the passing thereof.

19th October, 1809.

## 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 1824 Chapter 121

**SECTION 1.** That the line between said counties, from the mouth of Greasyrock creek to the Virginia line, shall hereafter be as follows: beginning at the mouth of Greasyrock creek, and thence to run northwardly along a road of the third class, to Mulberry gap in Powel's mountain, so as to include a six hundred and forty acre tract of land, granted by the state of North-Carolina, to Matthew Willeby, so as to leave said tract of land in Hawkins county, and thence along the extreme height of said Powel's mountain eastwardly to the Virginia line.

Passed: October 15, 1824.

## Acts of 1849-50 Chapter 61

**SECTION 1.** That a new County be and the same is hereby established, to be composed of fractions taken from the counties of Grainger, Claiborne, Campbell, Anderson and Knox, and to be known and designated by the name of Union county.

**SEC. 2.** That the county of Union, shall be bounded as follows, to wit: Beginning at a sweet gum, in the Knox county line, at the end of Clinch mountain, and four chains south of the Nance's ferry road; thence running north thirty-eight, east one mile, and thirty-four poles, to the top of a chain of Clinch mountain; thence north, twenty-five east, one mile and forty-two poles, to the top of a spur, of said mountain; thence north six west, three quarters of a mile, crossing the main range of Clinch mountain; thence north forth-five [sic] east, along the side of the mountain one mile, to a white oak on the top of a spur, leading down the mountain opposite Wm. Donehue's; thence north, crossing Flat creek two miles and twenty poles, to a beech on the bank of Dyer's branch; thence north ten west, two hundred and twenty poles, to the top of the Copper ridge; thence north one mile and three quarters, to the top of the Log mountains; thence north twenty-five, east one hundred and ninety-two poles to a sugar tree near John Bullard's; thence north eighty, east one hundred poles to a stake, near John Wolfinbarger's house; thence north eighteen, east five miles and eight poles to Clinch river, three quarters of a mile above Capp's ford; thence down the south bank of said river, as it meanders, five miles and a quarter, to a large double sycamore, below Dodson's island; thence north twenty-five, west, crossing Clinch river, one hundred and eighty-two poles, to a white oak, four poles north of the Big Valley road; thence north thirty-five, west five miles, to Powell's river, at a Spanish oak, forty poles below the mouth of Camp creek; thence down the

south bank of Powell's river, as it meanders, twenty-nine miles and a quarter, to a walnut, at Thomas's ford; thence south ten east, four miles and a quarter, to Clinch river, eight poles above a large spring; thence crossing said river the same course, twenty poles, to a beech on the south bank of said river; thence down said river, as it meanders, two miles, to the line of Henderson & Co's survey, about two miles above the mouth of Powell's river; thence with the line of Henderson & Co., south forty-five, east a half mile, to a white oak in said line; thence south, thirty-eight east, four miles and one hundred and ten poles, to Byram's fork, on Hynes's creek, four poles above a large white oak; thence south fifty west, one hundred and forty poles, to a stake, in Charles Mitchell's field; thence south twenty-eight east, two miles and one half, to the Knox county line, on top of the Chestnut or Hynd's ridge; thence along the top of said ridge, with the Knox county line, two hundred and thirty poles, to a road crossing from Martin Gentry's to Knoxville; thence south thirty-five east, two miles, crossing Raccoon Valley road and Bull-run creek, to a stake, near Marvil Hill's house; thence south seventy-five east, four miles and twenty poles, to a white oak, east of Gorden Mynatt's; thence north seventy-eight east, two miles and fourteen poles, to an ash, in J. Gibb's field; thence south eighty-one east, four miles and three hundred and ten poles, to the top of House mountain; thence with the extreme height of said mountain, to the east end of the same; thence north fifteen east, four miles and twenty poles, to the Knox county line at Nelson Mynatt's; thence with said line to the beginning.

Passed : January 3, 1850.

**COMPILER'S NOTE:** The remaining sections to this act did not apply to Claiborne County and are, therefore, not included herein.

## 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.

**COMPILER'S NOTE:** Sections 4 and 5 of this act did not effect Claiborne County and are therefore not reproduced here.

Passed: January 26, 1852.

## Acts of 1853-54 Chapter 128

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.

**COMPILER'S NOTE:** The remaining sections of this act did not concern Claiborne County and are, therefore, not printed herein.

## Public Acts of 1869-70 Chapter 88

**SEC. 2.** That the lines between the counties of Union and Claiborne, be so changed as to include, in Union

County, all the territory south of the following lines, viz: Beginning at a point above Silas Williams', on the north bank of Powell River, where the Union County line crosses the said Powell River; then running a north-westerly course, to the head of Long Branch, so as to include James Smith's and William M. Wright's lands in Union County; then running a westerly course to the north-west corner of Elisar Ellison's field, to the Campbell County line; then with the Campbell County line to Powell River.

**SEC. 8.** That the line between Claiborne and Grainger counties be so changed as to include in Claiborne county that part of the lands of George W. Johnson and Isaac West, lying in the bend of Clinch river (known as Grisom's Island), Eleventh Civil District of Grainger county; and that said addition to Claiborne county shall be a part and parcel of the Seventh Civil District of Claiborne county.

**COMPILER'S NOTE:** All other sections in this act did not concern Claiborne County and therefore, are not included herein.

Passed: February 28, 1870.

## Public Acts of 1881 Chapter 42

**SECTION 1.** That the county line between the counties of Campbell and Claiborne be changed as follows, to wit: Beginning on the Kentucky line where it crosses the Laurel Fork, thence down the Laurel Fork to the head of Rose's creek, thence down Rose's creek to the mouth of said creek, including John Buchanan's land in Campbell county, thence a straight line to the Campbell county line on the Step Rock in Childress' Gap.

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

Passed: March 26, 1881.

## 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 line 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.

## Public Acts of 1899 Chapter 144

**SECTION 1.** That the county line between the counties of Campbell and Claiborne be so changed 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, beginning on Cumberland mountain at a chestnut oak and hickory in the county line known as W. S. Needham's corner; thence N. 42 W. 160 poles to a stake; thence N. 50 W. 96 poles to a stake; thence N. 80 W. 58 poles to a stake; thence N. 40 W. 60 poles to a stake; thence N. 63 W. 60 poles to a stake; N. 28 W. 60 poles to a stake; thence N. 49 W. 50 poles to a stake; thence W. 60 poles to a stake; thence S. 70 W. 38 poles to a white oak in the old county line.

**Sec. 2.** That all laws and parts of laws in conflict with this act is hereby repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed: March 29, 1899.

## Private Acts of 1965 Chapter 156

**SECTION 1.** That the boundary line between the counties of Claiborne and Union is changed by detaching the following described tracts of land from Claiborne County and attaching same to Union County:

BEGINNING at and on a point where the Union County-Claiborne County line crosses the TVA Contour 10-44 line; thence running an easterly course with the Union County-Claiborne County line, 80° 15 Min E. a distance of 406 feet at a point in the Union County-Claiborne County line; thence running a straight line eastwardly designated as the Union County-Claiborne County line, a southward direction to a point where the said Union County-Claiborne County line crosses the contour (TVA) 1044 line; thence following the TVA Contour line 1044, a northerly direction approximately 400 feet to the BEGINNING point, and containing three-fourths of an acre, more or less.

*Parcel No. 2*

BEGINNING at a metal marker in the 1044 contour on the northeast shore of the Little Barren Creek Embayment and in the boundary between the lands of the United States of America and Elbert B. Shelby from which US-TVA Monument 1417-4 (Coordinates: N. 721,121; E. 2,662,158) at an angle in the said boundary bears S. 55° 55' E. at a distance of 23 feet; thence with the 1044-foot contour as it meanders in a northwesterly direction to a metal marker on the southwest side of a road; thence leaving the contour and with a line marked by the United States of America's boundary N. 12° 55' W., 42 feet to a point immediately east of a junction of roads; thence with the United States of America's boundary S. 55° 55' E., 140 feet to the point of BEGINNING and containing 0.1 acre, more or less.

Reference to the above described tracts is recorded in Book of Deeds "K", Vol. 3, page 183-85 Register of Deeds Office, Union County, Tennessee, by United States of America, TVA, to W. H. Shelby.

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

Passed: March 8, 1965.

## Boundaries - Historical Notes

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

1. Acts of 1801, Chapter 45, Section 14, appointed William Hogshead as commissioner by Claiborne County to run the line between Anderson and Claiborne counties from the Clinch River to the Indian boundary line. Mr. Hogshead was paid two dollars for each day of work to be paid by the treasurer of Anderson County.
2. Acts of 1811, Chapter 116, established the true line between James Devers property in Powell Valley to the Clinch River in Claiborne County.
3. Private Acts of 1835-36, Chapter 61, authorized that all grants issued by the State of Virginia, for lands in that tract of country situated between Henderson's and Walker's lines in Claiborne, Hawkins and Sullivan counties shall be received as evidence in any of the courts of Tennessee.
4. Acts of 1845-46, Chapter 31, altered the county line between Claiborne and Hawkins counties, so as to place the farms of Robert Campbell and William Seals in Hawkins County.
5. Acts of 1845-46, Chapter 137, authorized the survey of the dividing line between Claiborne and Campbell counties. Both counties appointed a commissioner and a surveyor for the purpose of marking the dividing line.
6. Acts of 1847-48, Chapter 66, altered the boundary line between Campbell and Claiborne counties, to place the farm of James Cooper in Campbell County.



7. Acts of 1855-56, Chapter 166, Section 2, changed the line between the counties of Claiborne and Union so as to include Drury Laffoon in Claiborne County.
8. Public Acts of 1867-68, Chapter 60, changed the boundary line between Claiborne and Union counties to as to include the farm and dwelling of Silas Williams in Union County.
9. Public Acts of 1870, Chapter 41, altered the boundary line between the counties of Campbell and Claiborne to include the farms of Peter Childress and F. P. McNew in Campbell County.
10. Public Acts of 1871, Chapter 10, altered the boundary line between Campbell and Claiborne counties, so as to place the farms of George Cooper and J. B. Little in Campbell County.
11. Public Acts of 1873, Chapter 77, attempted to create the county of Webster out of portions of Campbell, Union and Claiborne counties, however, the act never took effect.
12. Public Acts of 1879, Chapter 111, altered the boundary line between Claiborne and Union counties, so as to place the farm of Benjamin Pike in Claiborne County.
13. Public Acts of 1879, Chapter 137, altered the boundary line between Union and Claiborne counties so as to place the farms of Issac Holloway, John D. Parker, and Jacob Leach in Claiborne County.
14. Public Acts of 1883, Chapter 40, altered the boundary lines between Claiborne and Union counties so as to place the farms of Andrew Pary, Richard Pary, Mary McBee, Jasper Woods, John Houston, William Shoffner, Henry Kick, and William Brown in Claiborne County.
15. Public Acts of 1887, Chapter 45, altered the boundary line between Union and Claiborne counties, to place the farm of Benjamin Pike in Claiborne County.
16. Public Acts of 1887, Chapter 227, altered the boundary line between Union and Claiborne counties, to place the farms of Harvey Williamson, Berry Ellison, and Joseph Smith in the county of Union.
17. Public Acts of 1891, Chapter 53, altered the boundary line between Union and Claiborne counties, to place the farms of Andrew Pary, Richard Pary, Mary McBee, Jasper Wood, John Houston, William Shoffner, Henry Kick, and William Buson in Union County.
18. Public Acts of 1891, Chapter 255, altered the boundary line between Union and Claiborne counties, to place all the land of Alvin Bryans in Union County, and all the land of Franky Collins in Claiborne County.
19. Public Acts of 1895, Chapter 7, altered the line between Claiborne and Union counties, to place the farms of John Woods, Lida Broguns, William Bullad, Isaac and Hiram Shoffner in Union County, and the farms of R. P. Rucker and T. N. Cheatham in Claiborne County.
20. Public Acts of 1895, Chapter 195, altered the line between Hancock and Claiborne counties, so as to include the farms of John Clark, John Epperson, and William Farmer in Claiborne County.
21. Public Acts of 1895, Chapter 215, altered the boundary line between Claiborne and Union counties, so as to place the farms of J. J. Woods, W. J. Woods, and S. C. Woods in Union County, and the farm of Margaret E. and W. A. Cheatham, and John Rollins in Claiborne County.
22. Public Acts of 1899, Chapter 132, altered the boundary line between Claiborne and Hancock counties, so as to place the farm of John K. Punkey and Martha Moles in Hancock County, and all the land of William Myers in Claiborne County.
23. Acts of 1905, Chapter 68, altered the boundary line between Union and Claiborne counties, to include all the land of J. M. Whited within Union County.
24. Acts of 1909, Chapter 257, altered the boundary line between Campbell and Claiborne counties, to place all the lands of W. M. Ellison in Campbell County.
25. Acts of 1909, Chapter 394, altered the boundary line between Union and Claiborne counties, to place all the farm of F. M. Williams in Union County.
26. Private Acts of 1917, Chapter 36, altered the boundary line between Hancock and Claiborne counties, so as to include the farms of John Green, William Earls, and Matilda Myers in Hancock County. This act was subsequently repealed by Private Acts of 1949, Chapter 891.
27. Private Acts of 1919, Chapter 393, altered the boundary line between Claiborne and Union counties, so as to include within Claiborne County, the entire farm of William Russel and to include within Union County, the entire farm of G. S. Stiener.
28. Private Acts of 1923, Chapter 378, altered the boundary line between Campbell and Claiborne counties, so as to place the farm of Marshall Ellison within Claiborne County.
29. Private Acts of 1937, Chapter 175, altered the boundary line between Claiborne and Union

- counties, so as to place the farm of Mrs. J. M. Kick in Union County.
30. Private Acts of 1945, Chapter 319, altered the boundary line between Campbell and Claiborne counties, so as to include the M. J. Monday farm in Campbell County.
  31. Private Acts of 1947, Chapter 441, altered the boundary line between Claiborne and Union counties, so as to place the lands of E. B. Shelby in Union County.
  32. Private Acts of 1951, Chapter 52, altered the boundary line between Claiborne and Union counties, so as to place 14 acres owned by William A. Brogan, 50 acres owned by the Tennessee Valley Authority, and 24.4 acres owned by James A. Harness into Union County.

## Chapter V - Court System

### Criminal Court Clerk

### Workhouse Bonds

### Private Acts of 1933 Chapter 329

**SECTION 1.** That in certain counties of this State having a population of not more than 24,310, nor less than 24,320, according to the Federal Census of 1930, or any subsequent Federal Census, all Workhouse Bonds shall be received, approved and collected by the Criminal Court Clerk of said counties, who shall have and exercise the powers now had or exercised by the various officials of said respective counties in respect to the receiving, approval and collection of such bonds. And such Clerk shall account for the funds so collected in the same manner as such collections are accounted for under the present or existing law.

**SEC. 2.** That before any such Clerk is authorized to accept, approve or receive any Workhouse Bond he shall first satisfy himself that said bond contains the name of at least two good solvent sureties, and the willful violation of this provision of this Act shall render said Clerk and his official bondsmen liable for such bond or bonds so taken.

**SEC. 3.** That such Clerk shall not take or receive any such bond while his Court is in session for any fine or judgment imposed at such session of said Court; provided, however, that this Section shall not prevent the securing of fine or judgment in open Court, as is now provided by existing law.

**SEC. 4.** That said Clerks shall receive as compensation for their services in receiving, approving and collecting said Workhouse Bonds, in addition to any compensation they may now receive, a commission of ten per cent (10%) on all sums collected and reported, which commission shall be deducted by such Clerks in and at the time of making and reporting such collections to the County Trustee of said respective counties.

**SEC. 5.** That each and every Workhouse Bond shall bear, and there shall be incorporated therein the following words and figures: "And if this bond is placed in the hands of an attorney for collection, or if suit is instituted thereon, we, the principal and sureties, agree to pay 15% attorney fees in addition to the principal and interest, and all other fees and charges." And in case any Workhouse Bond is placed in [sic] the hands of an attorney for collection or suit is instituted thereon, that said 15% attorney fees, in addition to the principal, interest and other fees and charges on and of said Workhouse Bonds shall become due and payable.

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

Passed: April 5, 1933.

## Court System - Historical Notes

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

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

1. Acts of 1801, Chapter 59, stated that Claiborne County send three jurors to the superior court. This act was repealed by Private Acts of 1978, Chapter 163.

2. Acts of 1804, Chapter 25, stated in the preamble that it was difficult to obtain freeholders to serve as jurors in Claiborne and Anderson counties because of the very extensive holdings of *Henderson & Company* in these two counties, therefore, it would be lawful hereafter to appoint householders to serve as jurors in these areas.
3. Acts of 1905, Chapter 344, created a board of jury commissioners for Claiborne County.
4. Private Acts of 1917, Chapter 180, brought Claiborne County under the provisions of the board of jury commissioner act passed for other counties.
5. Private Acts of 1919, Chapter 441, fixed the time for appointing the board of jury commissioners and extended the appointments of the board.
6. Private Acts of 1949, Chapter 343, set the compensation of the grand jury foremen at a rate of \$5.00 per day.
7. Private Acts of 1963, Chapter 105, fixed the compensation of jurors at \$6.00 for each day's service.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Claiborne 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 (Ex. Sess.), Chapter 14, authorized the appointment of two more supreme court justices who would hold chancery court in each of the divisions twice a year instead of just once. The chancery court was held at Rogersville on the first Monday in May and November for Sullivan, Hawkins, Grainger and Claiborne counties.
2. Public Acts of 1827, Chapter 88, Section 3, changed the time of holding the chancery court in Claiborne County to the first Monday in May and November at Rogersville.
3. Public Acts of 1835-36, Chapter 4, created the fourth chancery district which included the counties of Claiborne, Grainger and Campbell. The times of which were set to the fourth Mondays of February and September at Tazewell.
4. Private Acts of 1835-36, Chapter 94, Section 2, changed the times of holding the chancery court of Claiborne County to the first Monday of March and the fourth Monday of September.
5. Acts of 1837-38, Chapter 116, changed the times of holding the chancery courts in the state. The chancery courts of the fourth district, which included Claiborne County, were to be held on the first Mondays in June and December.
6. Public Acts of 1857-58, Chapter 88, prescribed the times and places for holding the chancery courts in the state. The times for holding the chancery court of Claiborne County was changed to the first Mondays of June and December at Tazewell.
7. Public Acts of 1865-66, Chapter 41, altered the first chancery district and changed the time of holding the courts in the same. The times for holding the chancery court for Claiborne County was changed to the second Mondays of April and October.
8. Public Acts of 1870, Chapter 32, divided the state into chancery districts. Claiborne County was placed in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Grainger, Jefferson, Cocke, Powell and Hamblen counties.
9. Public Acts of 1870, Chapter 47, fixed the time for holding the chancery courts of the state. The time for holding the Claiborne County Chancery Court was set to the second Mondays of April and October.
10. Public Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits and chancery divisions. Claiborne County was placed in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Grainger, Jefferson, Cocke, Hamblen and Unicoi counties. The time for holding the Claiborne County Chancery Court was set for the second Mondays in April and October.
11. Public Acts of 1891, Chapter 135, established a chancery district out of the third and fourth civil districts of Claiborne County. The was held at the town of Cumberland Gap by the chancellor of the first chancery division of the state on the fourth Monday of January and the third Monday in June of each and every year. This act was repealed by Public Acts of 1893, Chapter 112.
12. Public Acts of 1891, Chapter 165, amended Public Acts of 1891, Chapter 135, by changing the times of the chancery court to the second Monday in April and October.
13. Public Acts of 1893, Chapter 100, created and placed Claiborne County within the twelfth

chancery division. The court was held on the second Monday April and October.

14. Public Acts of 1899, Chapter 427, divided the state into chancery divisions and provided the times for holding the chancery court in each district. Claiborne County was placed in the first chancery division along with Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins, Hancock, Grainger, Hamblen and Cocke counties. The times for holding the chancery court of Claiborne County was set to the first Monday in May and November.
15. Acts of 1901, Chapter 438, amended Public Acts of 1899, Chapter 427 by moving the counties of Claiborne, Hawkins, Hamblen, Grainger, Hancock, Union, Campbell, Anderson, Roane, Loudon and Scott into the second chancery division. The times for holding said court in Claiborne County was changed to the second Monday in April and October.

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

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

1. Private Acts of 1915, Chapter 138, set the minimum salary of the clerk and master of the Claiborne County Chancery Court at \$800 per annum.
2. Private Acts of 1925, Chapter 292, increased the clerk and master's salary to \$1,200 per annum.

### **Circuit Court**

The following acts were once applicable to the circuit court of Claiborne 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 (1st Sess.), Chapter 49, formed five judicial circuits in the state assigning the counties of Greene, Washington, Carter, Sullivan, Hawkins, Grainger, Claiborne and Campbell to the fifth circuit. The time of holding the circuit court of Claiborne County was set to the third Monday in the months of April and October.
2. Public Acts of 1835-36, Chapter 5, established circuit courts throughout the state and prescribed the time for holding said courts. The counties of Claiborne, Greene, Washington, Carter, Johnson, Sullivan, Hawkins and Grainger made up the first judicial circuit. The time for holding the Claiborne County Circuit Court was set to the fourth Monday in April, August and December.
3. Acts of 1837-38, Chapter 3, amended Public Acts of 1835-36, Chapter 5, by placing Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell counties in the twelfth judicial circuit. The times for holding the circuit court of Claiborne County was set for the third Monday in May, September and January.
4. Acts of 1837-38, Chapter 116, change the times of holding the circuit courts in the state. The times for holding the circuit court of Claiborne County was changed to the second Mondays in May, September and January.
5. Acts of 1847-48, Chapter 132, set the times for holding the Claiborne County Circuit Courts to the first Monday in January, May and September.
6. Acts of 1851-52, Chapter 167, Section 5, changed the times for holding the circuit court in Claiborne County to the second Mondays in January, May and September.
7. Public Acts of 1857-58, Chapter 98, prescribed the times of holding the circuit courts in the State. The circuit court of Claiborne County was set to the second Mondays in January, May and September.
8. Public Acts of 1870, Chapter 31, divided the state into fifteen judicial circuits. The second judicial circuit was comprised of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne and Hamblen counties.
9. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts in the state. The circuit court of Claiborne County was set to the first Monday in January, May and September.
10. Public Acts of 1879, Chapter 110, set the time for holding the Claiborne County Circuit Court to the Monday next preceding the first Monday of March, July and November.
11. Public Acts of 1881, Chapter 18, set the time for holding the Claiborne County Circuit Court to the fourth Monday in March, July and November.
12. Public Acts of 1885, Chapter 20, Extra Session, divided the state into judicial circuits and chancery divisions. Claiborne County was placed in the second judicial circuit along with Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Anderson and Sevier counties. The times for holding the Claiborne County Circuit Court was set to the first Mondays in March, July and November.
13. Public Acts of 1899, Chapter 409, detached Claiborne County from the second judicial circuit and

attached it to the first judicial circuit. Furthermore, the time for holding the court was changed to the third Monday in June, October and February.

14. Public Acts of 1899, Chapter 427, divided the state into judicial circuits and fixed the time for holding the terms of the circuit courts. Claiborne County was placed into the first judicial circuit along with Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins and Hancock counties. The times for holding the circuit court of Claiborne County was set to the fourth Monday in March, July and November.
15. Acts of 1903, Chapter 198, set the time for holding the Claiborne County Circuit Court to the fourth Monday in March, July and November.
16. Private Acts of 1917, Chapter 768, detached Claiborne County from the second judicial circuit and created the nineteenth judicial circuit which included Claiborne.
17. Private Acts of 1933, Chapter 197, required the circuit court of Claiborne County to be held by the circuit judge of the second judicial circuit. This act was subsequently repealed by Private Acts of 1937, Chapter 824.
18. Public Acts of 1939, Chapter 61, amended Section 159 of the 1932 Official Code of Tennessee by changing the circuit court times for Claiborne County to the third Monday in March, July and November.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Claiborne 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 1824, Chapter 30, authorized the Claiborne County Circuit Court Clerk to build an office for the safe keeping of the records of said court.
2. Private Acts of 1831, Chapter 42, provided for the relief of the clerk of the circuit court of Claiborne County.
3. Private Acts of 1831, Chapter 202, released Wesley Simmons, Isham Simmons, John Day and William Day of Claiborne County from paying a fine of \$40, each, which was imposed on them on the April term of the Claiborne County Circuit Court.
4. Private Acts of 1927, Chapter 391, set the compensation of the circuit court clerk at \$800 plus fees.
5. Private Acts of 1927, Chapter 602, increased the minimum salary of the circuit court clerk to \$1,800 per annum.
6. Public Acts of 1929, Chapter 89, Section 4, stated that the circuit court clerk of Claiborne County shall be the clerks of the newly established criminal court. The clerks were assigned to perform the same duties and receive the same compensation as was provided by law in all criminal cases, as it applied to Claiborne County.
7. Private Acts of 1937, Chapter 295, fixed the compensation of the circuit court clerk at \$1,800 per annum, payable out of county funds and required the clerks to turn over all fees collected to the county.

### **Criminal Court**

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

1. Public Acts of 1867-68, Chapter 90, created a criminal court for Claiborne County. This act, as it effected Claiborne County, was subsequently repealed by Public Acts of 1867-68, Chapter 49.
2. Public Acts of 1913, Chapter 13, created a criminal court for the counties of Hancock, Claiborne, Morgan, Scott, and Anderson which was named the criminal and law court for the second judicial circuit of Tennessee. The time for holding the court in Claiborne County was set to the fourth Monday in March, July and November.
3. Public Acts of 1929, Chapter 89, established a criminal court in Fentress, Anderson, Campbell, Morgan, Scott and Claiborne counties. The times for holding the criminal court of Claiborne County was set for the third Mondays in April, August and December at Tazewell.
4. Private Acts of 1937, Chapter 178, set the time for holding the Claiborne County Criminal Court on the first Mondays in April, August and December.
5. Public Acts of 1937, Chapter 59, amended Public Acts of 1929, Chapter 89, by providing the criminal court of Claiborne County be held on the first Mondays in April, August and December.

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

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

1. Public Acts of 1929, Chapter 91, established the position of assistant attorney general for the nineteenth judicial circuit of the state to which Claiborne County belonged.

### **General Sessions Court**

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

1. Private Acts of 1957, Chapter 411, created a general sessions court for Claiborne County. This act did not take effect as it was rejected by the local authorities.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1961 Chapter 326

**SECTION 1.** That in counties having a population of not less than 19,000 nor more than 19,100, the election of the members of the County Board of Education shall be by the qualified voters of said counties as the terms of the present members of the Board of Education in said counties expire as hereinafter provided.

**SECTION 2.** That the county is by this Act divided into seven school districts. The First Civil District in said county shall be the First School District; the Second and Third Civil Districts shall be the Second School District; the Fourth Civil District shall be the Third School District; the Fifth Civil District shall be the Fourth School District; the Sixth Civil District shall be the Fifth School District; the Seventh and Tenth Civil Districts shall be the Sixth School District; and the Eighth and Ninth Civil Districts shall be the Seventh School District.

Chapter 96, Private Acts of 1953, is hereby repealed and no vacancy shall exist because of the expiration of the terms of the two Board members whose positions were created by said Private Act when the terms of said Board members expire April 1, 1961. Provided, however, if these two positions are filled again before this Act can be approved as provided for in Section 5 below these two positions shall become non-existent as of April 1, 1963. The transition from the Board as it now exists except for the Private Act mentioned above to the new Board provided for by this Act, shall be effected as hereinafter prescribed.

The first Board member from these new districts shall be elected by the qualified voters of the entire county at the regular August election 1962 from the Second School District created by this Act, who shall take office September 1, 1962, following the election for a period of four years. To fill the vacancy resulting from the expiration of the term of the position on the School Board ending July 1, 1961, the County Courts of such counties shall appoint a Board member to serve until September 1, 1962. There shall also be elected by the qualified voters of the entire county at the regular election August 1962 a Board member from the Third School District created by this Act whose term of office shall begin September 1, following the election for a period of four years.

A school board member shall be elected by the qualified voters of the entire county from the Fourth School District created by this Act at the regular August election 1964, whose term of office shall be for a period of four years beginning September 1 following the election. To fill the vacancy created by the expiration of the term ending July 1, 1963, the County Courts of said counties shall appoint a member from the Fourth School District to serve until September 1, 1964. There shall also be elected by the qualified voters of the entire county at the regular election August 1964 a Board member from the Sixth School District created by this Act, whose term of office shall be for a period of four years beginning September 1, 1964.

A Board member shall be elected from the Fifth School District created by this Act by the qualified voters of the entire county at the regular August election 1966, whose term of office shall be for a period of four

years beginning September 1, 1966. To fill the vacancy in the position created by the expiration of the term July 1, 1965, there shall be appointed by the County Courts a Board member from the Fifth School District to serve until September 1, 1966. There shall also be elected by the qualified voters of the entire county at the regular August election 1966, a Board member from the Seventh School District created [sic] by this Act whose term of office shall be for a period of four years beginning September 1, 1966.

There shall be created from the First School District created by this Act by the qualified voters of the entire county at the regular August election 1968, a Board member whose term of office shall be for a period of four years beginning September 1, 1968. To fill the vacancy created by the expiration of the term ending July 1, 1967, the County Courts shall appoint a Board member from the First School District to serve until September 1, 1968.

The terms of all Board members after the term provided for in this Act shall be for a term of four years, and all incumbents shall remain in office during the transition period and thereafter until their successors are elected and qualified.

**SECTION 3.** That the powers, duties, qualifications, and mode of procedure of the County Board of Education of such counties, shall be the same as those provided for a County Board of Education under the General Education Laws of the State of Tennessee, not inconsistent with the provisions of this Act.

**SECTION 4.** That it is the intent of the General Assembly of the State of Tennessee to provide a County Board of Education for such counties elected by the qualified voters composed of seven (7) members having four year terms, by the County Board of Education membership may, during the period of transition from the former system of election, exceed for a time a membership of seven (7). In addition, it is the intent of the General Assembly of the State of Tennessee that this Act and all legislative Acts relating to County Boards of Education be construed in Pari Materia for the purpose of obtaining these objectives.

**SECTION 5.** That this Act shall be of no force and effect until the same shall be approved in an election by a majority of those voting in said election in counties affected within sixty (60) days after the same shall have been signed by the Governor of Tennessee. Ballots used in such election shall have printed thereon the caption, title, or substance of this Act together with the words

FOR ADOPTION

AGAINST ADOPTION

and voters shall vote for or against adoption. The said election is declared to be for a county governmental purpose and the counties shall expend from their general funds the monies necessary to conduct the election. The votes cast shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five or more days next after the date of such election and the result shall be proclaimed by such Board and certified to the Secretary of State.

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

Passed: March 15, 1961.

## Private Acts of 1980 Chapter 249

**SECTION 1.** As the terms of the incumbent members of the Claiborne County Board of Education, created by Chapter 326 of the Private Acts of 1961, expire or as a vacancy occurs on the board, members of the board from such districts shall be elected by the qualified voters of the school district in which such term expires or such vacancy occurs. Each member of such board shall be a resident of the school district from which he is elected. If any member ceases to reside in the school district from which such member is elected, the office of such member shall become vacant.

**SECTION 2.** No provision of this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

**SECTION 3.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the act should be approved. The ballots used in the regular election to be held on August 7, 1980, shall have printed on them the caption of this Act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State, as provided by law in the case of General Elections. The qualifications of voters voting on the question shall be the same as those required for participation in General Elections. All laws applicable to General Elections shall apply to the determination of the approval or rejection of this

Act. The cost of the election shall be paid by Claiborne County.

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

PASSED: March 24, 1980.

## Superintendent or Director of Schools Election of County Superintendent Private Acts of 1961 Chapter 327

**SECTION 1.** That in counties of this state having a population of not less than 19,000 nor more than 19,100 according to the Federal Census of 1960 or any subsequent Federal Census, the County Superintendent of Schools shall be elected by popular vote of the qualified voters of such counties at the general election in August 1964. The term of the first superintendent elected under this Act shall commence on January 2, 1965 following the expiration of the term of the present Superintendent of Schools. The term of office thereafter shall be for a period of four (4) years beginning September 1, 1968. Superintendents elected under the provisions of this Act shall possess the same qualifications, powers, and duties as that required by the general law of this State.

**SECTION 2.** That all vacancies occurring in said office because of death or resignation shall be filled by the Quarterly County Courts in said counties until the next regular election following the vacancy.

**SECTION 3.** That this Act shall be of no force and effect unless the same shall be approved in an election by a majority of those voting in said election in the counties affected within sixty (60) days after the same shall have been signed by the Governor of Tennessee. Ballots used in such election shall have printed thereon the caption, title, or substance of this Act together with the words

FOR ADOPTION

AGAINST ADOPTION

and voters shall vote for or against adoption. The said election is declared to be for a county governmental purpose and the counties shall expend from their general funds the monies necessary to conduct the election. The votes cast shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five or more days next after the date of such election and the results shall be proclaimed by said Board and certified to the Secretary of State.

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

Passed: March 15, 1961.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Acts of 1806, Chapter 8, established Speedwell Academy and appointed the first board of trustees to superintend the school.
2. Acts of 1807, Chapter 56, appointed William Graham and Abel Longham as additional trustees of Speedwell Academy.
3. Acts of 1827, Chapter 169, established a female academy in Claiborne County called the Pleasant Grove Female Academy.
4. Private Acts of 1827, Chapter 237, appointed John Hunt and John Hodge as trustees to Speedwell Academy in Claiborne County.
5. Acts of 1839-40, Chapter 98, incorporated an academy in Claiborne County known as the Powell Valley Male Academy.
6. Acts of 1847-48, Chapter 196, directed the trustees of the counties of Claiborne and Hawkins to



- pay all school monies now in their hands to the trustees of Hancock County which were transferred to the common school commissioners of Hancock County.
7. Acts of 1853-54, Chapter 213, incorporated the Tazewell Female Academy and appointed a board of trustees. This act was subsequently amended by Public Acts of 1879, Chapter 41, to repeal sections 11, 12 and 13 of the act.
  8. Acts of 1855-56, Chapter 124, changed the name of Tazewell Academy to Tazewell College and made the necessary changes in degrees granted.
  9. Acts of 1855-56, Chapter 204, amended the act incorporating Tazewell Female Academy to provide that if the academy were to cease to function, then its moneys would go to any other academies in Tazewell.
  10. Private Acts of 1897, Chapter 163, provided for the relief of Harrow School in Claiborne County which exempted the school from paying \$21 in state, county, road and school taxes for 1893.
  11. Acts of 1905, Chapter 483, was a compulsory school attendance law that required all parents to send their children to school at least 14 weeks a year.
  12. Acts of 1907, Chapter 266, established a school district in Claiborne County out of parts of the sixth and seventh civil districts which became the Willow Springs School District.
  13. Acts of 1911, Chapter 332, was another compulsory school attendance law that required all parents of children ages 8 through 16 to send their children to school at least 16 weeks a year.
  14. Acts of 1911, Chapter 566, was an act to make each school a separate school district and to provide for election of school trustees, and to define their powers and duties. This act was subsequently amended by Private Acts of 1919, Chapter 279, and Private Acts of 1919, Chapter 448, to clarify its provisions.
  15. Private Acts of 1919, Chapter 685, authorized the county superintendent to pay off all existing indebtedness of the common schools.
  16. Private Acts of 1923, Chapter 479, gave the county superintendent of education responsibility for enforcing the compulsory attendance law and gave him a bonus of \$5.00 for every conviction thereunder.
  17. Private Acts of 1933, Chapter 327, prohibited county boards of education from hiring a truant officer. This act was subsequently repealed by Private Acts of 1937, Chapter 170.
  18. Private Acts of 1953, Chapter 96, added two members to the county board of education. This act was repealed by Private Acts of 1961, Chapter 326.
  19. Private Acts of 1961, Chapter 35, provided for the election of the county superintendent of education. This act never took effect as it was not ratified locally.
  20. Private Acts of 1961, Chapter 42, provided for a county school board and regulated their election. This act did not become operative as it was rejected by the local authorities.
  21. Private Acts of 1992, Chapter 149, authorized Claiborne County to contribute funds to the Douglas Tripp Scholarship Fund.

## Chapter VII - Elections

### Districts - Reapportionment

#### Acts of 1903 Chapter 94

**SECTION 1.** That the First Civil District, the Fourth Civil District, the Fifth Civil District, the Seventh Civil District, the Tenth Civil District, the Twelfth Civil District, the Thirteenth Civil District and the Sixteenth Civil District of Claiborne County, as the same have heretofore and up to this time been constituted and existed, be and are hereby abolished.

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

As amended by:

Private Acts of 1963, Chapter 60

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

**SEC. 4.** That from and after this date the offices of Justices of the Peace and of all other civil district officers in the districts hereby abolished, shall cease to exist; that all the officers in the districts hereby abolished shall turn over to the officers of the new districts all the books, papers and records appertaining to their offices in the abolished districts, and that all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 6, 1903.

## Acts of 1907 Chapter 344

**SECTION 1.** That the following bounded section shall compose the Ninth Civil District in Claiborne County, Tenn.: Beginning on the top of Cumberland Mountain where the Campbell and Claiborne County line crosses the same; thence eastwardly with the crest of Cumberland Mountain to where the Carr Gap road crosses the same; thence leaving the crest of Cumberland Mountain and with the Carr Gap road northwestwardly, crossing Tackett's Creek; thence continuing with said road to where the same crosses Cooper's Ridge; thence with the crest of Cooper's Ridge to the top of Log Mountain; thence with the crest of Log Mountain, passing Bryson's Point to the State line between Kentucky and Tennessee; thence leaving Log Mountain and with the Kentucky-Tennessee State line westwardly to the Campbell and Claiborne County line; thence leaving the State line and running with the said Claiborne and Campbell County line southwardly to the beginning.

**SEC. 2.** That the Election Commissioners of Claiborne County shall, within thirty days after the passage of this Act, open and hold an election in said district for the purpose of electing two Justices of the Peace and one Constable and three School Directors for said district, who shall hold their offices until the next general election for said offices, respectively.

**SEC. 3.** That the old voting place in the old First Civil District of Claiborne County on Clear Fork, near the mouth of Straight Creek, shall be the voting precinct in said district.

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

Passed April 9, 1907.

## Private Acts of 1917 Chapter 440

**SECTION 1.** That the following boundary in Claiborne County, Tennessee, shall be and hereafter constitute the Tenth Civil Districts of said county:

Beginning on top of the Cumberland Mountain at Hopper's Gap, thence running southwardly with Sam Alexander's lane to the Valley road so as to include Dorsey Alexander in the Tenth Civil District hereby created, thence up said road northeastwardly to Branscomb lane to the back valley road so as to leave F. R. Dunn's farm in the Seventh Civil District of said county, thence eastwardly with said Back Valley road to Toney Hollow, thence with said Toney Hollow to the top of the dividing ridge, thence with said ridge southwardly to the Union County line, thence with Union County line to Powell's River, thence eastwardly with Powell's River to the Sixth District line; then with the Sixth District line northwardly to the top of the Cumberland Mountain, then with the top of Cumberland Mountain and the Ninth District line westwardly to the beginning, hereby creating a new Civil District as provided by Chapter 94 of the Acts of the General Assembly of 1903.

**SEC. 2.** That the Election Commissioners of Claiborne County shall on the first Thursday in May, 1917, open and hold an election in said district for the purpose of electing two Justices of the Peace and one Constable for said district, who shall hold their offices until the next regular election, *provided, however,* that in the event said Election Commissioners shall fail or refuse to call an election as above provided, the qualified voters of said district hereby created shall have the right to hold said election on said date.

**SEC. 3.** That the voting place for said district hereby created shall be at Vanbibbers Spring the present voting place for the Seventh Civil District of said county.

**SEC. 4.** 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: March 28, 1917.

## Private Acts of 1919 Chapter 730

**SECTION 1.** That the following bounded section shall compose the Tenth Civil District of Claiborne County, Tennessee, beginning at a white oak in the Grant line in the Hopper Gap of Cumberland mountain; thence running southwardly with the east line of Dorsey Alexander's farm to the Powells Valley pike road; thence southwardly with the line of Dicy Branscomb and Horace Russell to the farm of William Russell; thence westwardly with the east line of J. P. Edwards via the Russell Schoolhouse and with William Russell's line to the top of the ridge of John Pierce's farm; thence southwardly to the head of Big Branch Hollow; thence with said hollow to the Union County line near Powells river; thence with the Union County line to the Campbell County line, and thence with the line between Campbell and Claiborne County to the Grant line, and thence with said Grant line to the beginning.

(a) The Alexander farm is to be in the 7th District.

(b) The I. R. Dunns Branscombs farm is to be in the 7th District.

As amended by: Private Acts of 1923, Chapter 495

**SEC. 2.** That the Election Commissioners of Claiborne County shall, within sixty days after the passage of this Act, open and hold an election in said district for the purpose of electing two Justices of the Peace, and one Constable, and any other district officer or officers common to all the other districts of Claiborne County, Tennessee, for said district, who shall hold their offices until the next general election for such offices, respectively.

**SEC. 3.** That Rogers' mill shall be the voting place in said district.

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

Passed: April 10, 1919.

## Private Acts of 1963 Chapter 60

**SECTION 1.** That Section 2, Chapter 94, Acts of the General Assembly 1903 be amended by abolishing the Eighth Civil District of Claiborne County, Tennessee, and making the area embraced therein a part of the Ninth Civil District of said county from and after September 1, 1966, the expiration of the term of the present Justices of the Peace representing said district.

**SECTION 2.** That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within 15 days after the approval of this Act by the Governor, or after its otherwise effective date, it shall be the duty of the county board of election commissioners of the county to which this Act applies, to call an election for the county to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and

voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the county board of election commissioners upon the first Monday occurring 5 or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder. The cost of said election shall be paid by the county to which this Act applies.

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

Passed: February 25, 1963.

## Elections - Historical Notes

### **Districts - Reapportionment**

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

1. Acts of 1803, Chapter 51, authorized citizens of Claiborne County north of the Clinch River to vote at Charles Davis's house.
2. Acts of 1806, Chapter 23, authorized Claiborne citizens living north of the old Grainger-Hawkins line to vote at the house of Henry Sumpter.
3. Acts of 1806, Chapter 47, authorized the citizens of Claiborne County living below old Town Creek to vote at the home of James Vanhebler.
4. Private Acts of 1830, Chapter 268, established a precinct election at the house of Abraham Vanderpole.
5. Private Acts of 1831, Chapter 57, established a precinct election at John Brock's house in Claiborne County.
6. Private Acts of 1957, Chapter 97, consolidated certain civil districts in counties of the state with populations between 24,700 and 24,850 according to the Federal Census of 1950. Civil districts numbered eight and nine were consolidated and formed into the ninth civil district.

### **Elections**

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

1. Acts of 1803, Chapter 24, prescribed the mode of choosing electors to vote for president and vice-president of the United States. The counties of Hawkins, Claiborne, Grainger, Jefferson and Cocke composed the second electoral district and elected one elector.
2. Acts of 1803, Chapter 51, recited that, because of the mountainous terrain and large boundaries of the counties of Claiborne and Anderson, it was a great inconvenience for residents living north of the Clinch River to attend at the courthouse in Claiborne County. Therefore, it would hereafter be lawful for that portion of Claiborne County and all that part of Anderson County which formerly belonged to Grainger County to hold an election in the house where Charles Dever now lived in Powell's Valley for all national, state and county elections.
3. Acts of 1809, Chapter 16, Section 2, stated that the citizens of Claiborne County residing south of Powell's River and west of the town of Tazewell where to vote at the courthouse for the election of governor, members of the general assembly, members to congress and electors of president and vice-president of the United States.
4. Acts of 1812, Chapter 5, established eight electoral districts for the purpose of electing electors to vote for the president and vice-president of the United States. The second electoral district was composed of the counties of Cocke, Jefferson, Sevier, Grainger and Claiborne.
5. Acts of 1812, Chapter 57, apportioned the representation of the general assembly into 20 senators and 40 representatives. The counties of Grainger, Claiborne and Campbell composed one election district and jointly elected one senator. The polls were counted at Rutledge and Tazewell alternately beginning with Rutledge.
6. Acts of 1815, Chapter 18, authorized the people of Claiborne County to vote at any election place that suited their convenience.
7. Public Acts of 1819, Chapter 69, provided for the representation in the general assembly to

compose of 20 senators and 40 representatives. The counties of Claiborne, Grainger and Campbell composed one election district and elected one senator. Furthermore, Claiborne and Campbell counties jointly elected one representative.

8. Public Acts of 1822, Chapter 1, divided the state into congressional districts for the election of representatives to the United States Congress. The Second Congressional District was composed of the counties of Grainger, Claiborne, Cocke, Jefferson, Knox, Sevier and Blount.
9. Public Acts of 1823, Chapter 47, provided for the election of electors of president and vice-president of the United States and to divide the state into 11 electoral districts. The second electoral district was composed of the counties of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell and would elect one elector.
10. Public Acts of 1824, Chapter 1, provided for the election of electors of a president and vice-president of the United States. The state was divided into eleven electoral districts. The second electoral district was composed of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell counties which elected one elector.
11. Public Acts of 1826, Chapter 3, divided the state into election districts for the election of state senators and representatives. The counties of Jefferson, Grainger, Claiborne and Campbell composed one election district and elected one senator. Claiborne and Campbell counties would jointly elect one representative.
12. Public Acts of 1827, Chapter 17, provided the election of electors of president and vice president of the United States. The state was divided into eleven electoral districts. The counties of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell composed the second electoral district.
13. Public Acts of 1833, Chapter 71, divided the state into representatives and senatorial districts. The counties of Cocke, Jefferson, Grainger and Claiborne composed one election district and elected one senator. Furthermore, Claiborne and Grainger counties composed one election district and elected one representative.
14. Public Acts of 1833, Chapter 76, provided for the calling of a state convention for the purpose of revising the state constitution. The counties of Campbell, Claiborne, Grainger and Jefferson composed one district and elected three delegates.
15. 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 counties of Sullivan, Hawkins, Grainger and Claiborne composed the second electoral district. One elector resided in this district.
16. Acts of 1842, Chapter 1, apportioned the representation in the general assembly of the state. The counties of Grainger, Jefferson and Claiborne composed the fourth senatorial district and elect one senator. Furthermore, Claiborne County was authorized to elect one representative, the polls were compared at the courthouse in Tazewell.
17. Acts of 1842, Chapter 7, divided the State into districts for the election of representatives to the Congress of the United States. The second congressional district was composed of the counties of Claiborne, Jefferson, Grainger, Campbell, Anderson, Morgan, Sevier, Blount and Monroe.
18. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the several counties of the state into senatorial and representative districts. Claiborne County was to elect one representative and was also placed in the fourth senatorial district along with Grainger, Union, Campbell and Scott counties.
19. Private Acts of 1923, Chapter 496, dispensed with the requirement of having to re-register before each election.

## Chapter VIII - Health

### Health - Historical Notes

The following summary is included herein for reference purposes.

1. Private Acts of 1921, Chapter 330, allowed all pharmacists with over 10 years practice to be entitled to be registered as pharmacists, no other requirements notwithstanding.

## Chapter IX - Highways and Roads

# Road Law

## Private Acts of 1943 Chapter 436

**SECTION 1.** That in all counties having a population of not less than 24,650 nor more than 24,665 by the 1940 Federal Census or any subsequent Federal Census, there shall be elected at the regular election in August 1944 by the qualified voters of said county a road superintendent who shall hold his office for a period of four (4) years and until his successor shall be elected and qualified. Until September 1, 1944, Brownlow Leach, Jr., is named as road superintendent.

Before entering upon his duties as such superintendent of roads whether appointed to fill a vacancy or elected for a full term, he shall execute a bond in the sum of \$50,000.00 conditioned upon the faithful performance of his duties as such, and if such bond be executed with a corporate surety, the premium therefor may be paid from road funds. The superintendent shall be paid the sum of \$10,000.00 per annum, payable monthly from highway funds, and said road superintendent shall be allowed a maximum of \$814.52 per month for clerical hire.

As amended by: Private Acts of 1979, Chapter 57  
Private Acts of 1981, Chapter 20  
Private Acts of 1982, Chapter 265

There is hereby created the office of Assistant Clerk to the Claiborne County Road Superintendent who shall be a legal resident of Claiborne County. Such Assistant Clerk shall be appointed by the County Road Superintendent and shall hold office at the will and pleasure of such Road Superintendent. The salary of the Assistant Clerk to the County Road Superintendent shall be \$758.36 a month payable monthly from county funds. Such Assistant Clerk shall perform such duties as shall be designated and appointed to the Assistant Clerk by the County Road Superintendent.

As amended by: Private Acts of 1979, Chapter 58  
Private Acts of 1981, Chapter 20  
Private Acts of 1982, Chapter 265

The road superintendent shall have charge of the handling of all road funds in counties to which this Act applies, made available to them by the Quarterly County Court under the Budget Law, Chapter 559 of the Private Acts of 1939, and shall generally supervise, build, maintain and construct the roads in said counties and keep the same in repair and shall be vested with authority to cooperate with the Department of Highways and Public Works of the State. They shall not enter into any contract in any fiscal year exceeding the funds available for such year nor shall the superintendent of roads expend more funds in any fiscal year than the reasonably anticipated revenues for highway purposes. Any violation of this provision shall subject the superintendent of roads to ouster and shall likewise be a felony for which he may be punished criminally.

He shall have charge of the expenditure of the general road funds of such County as set up in the budget adopted by the Quarterly County Court as provided in the Budget Law, Chapter 559 of the Private Acts of 1939, for the purpose of building, maintaining and repairing such road and in expending the same he shall distribute the funds as nearly as possible in the different sections of the County. All payments made by the superintendent of roads shall be made out on warrants signed by the superintendent of roads, such warrants being drawn on the County Trustee. It shall be the duty of the Superintendent to make a detailed itemized report of all receipts and expenditures, which reports shall be made to each regular term of the Quarterly County Court of such County at least five days before the date fixed by law for such meeting of the said Quarterly County Court.

That in said counties there is hereby created the office of Clerk to the County Road Superintendent who shall be a legal resident of Claiborne County. This Clerk shall be appointed by the County Road Superintendent and shall hold office at the will and pleasure of the County Road Superintendent. The salary of the Clerk to the County Road Superintendent shall be a \$125.00 a month payable monthly from any road funds of the county to which this Act applies, whether made available to the County Road Superintendent by action of the Quarterly County Court of such counties or from gas tax monies provided for such counties by the State of Tennessee.

The said Clerk to the County Road Superintendent shall perform such duties as shall be appointed to the Clerk by the County Road Superintendent.

All Warrants and purchase orders issued by the Superintendent of Roads shall be countersigned by the County Judge and no Warrant or purchase order shall be issued for any purposes except upon certification by the County Judge that the Road Superintendent has on hand currently sufficient funds to pay said Warrants, and it shall be the duty of the County Judge to maintain such records and to keep account of the funds of the Office of County Road Superintendent so that he will be able to determine whether or not

there are sufficient current funds available to pay any particular warrants issued by the County Road Superintendent. All purchases made by the Superintendent of Roads in excess [sic] of the sum of Five Hundred Dollars (\$500.00) must be let on competitive sealed bids and it shall be the duty of the Superintendent of Roads to advertise all purchases in excess of Five Hundred Dollars (\$500.00), at least one (1) time in the County newspaper, at least ten (10) days before said purchase is to be made. It is hereby declared to be a misdemeanor for any public official to fail to carry out the duties of this office as set forth above and upon conviction thereof he shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

As amended by:

- Private Acts of 1947, Chapter 125
- Private Acts of 1949, Chapter 342
- Private Acts of 1951, Chapter 58
- Private Acts of 1953, Chapter 319
- Private Acts of 1961, Chapter 199
- Private Acts of 1967-68, Chapter 144
- Private Acts of 1972, Chapter 334
- Private Acts of 1974, Chapter 214
- Private Acts of 1978, Chapter 208

**SEC. 2.** That each section, subdivision, paragraph and sentence of this Act is hereby declared to be a separate and independent portion hereof, and the invalidity of any section, subdivision, sentence or paragraph hereof shall not affect any other portion of this Act.

**SEC. 3.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 10, 1943.

## Highways and Roads - Historical Notes

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

1. Acts of 1805, Chapter 40, appointed commissioners to oversee a section of Bean's Station Turnpike in Claiborne and Grainger counties.
2. Acts of 1807, Chapter 92, prescribed the oath to be taken by the person employed to be keeper of the Bean's Station Turnpike and provided for annual reports of the commissioners of said turnpike.
3. Acts of 1813, Chapter 48, authorized William Cocke to build a toll bridge over the Powell River.
4. Acts of 1815, Chapter 134, prescribed the manner in which that section of the Bean's Station Turnpike in Claiborne and Grainger counties should be kept in repair.
5. Acts of 1815, Chapter 185, authorized a bridge to be built across Powell River and set the rate of toll.
6. Acts of 1817, Chapter 41, appointed Hugh G. Moore as commissioner of Bean's Station Turnpike in place of Thomas Gill and also appointed Samuel Branch as an additional commissioner.
7. Private Acts of 1819, Chapter 42, directed the commissioners of the Bean's Station Turnpike to make a full report to the legislature on the level of maintenance of said road.
8. Private Acts of 1819, Chapter 83, authorized Dennis Condrey and William Hill to open a turnpike road, build a toll gate and to collect tolls. This act was subsequently repealed Private Acts of 1820, Chapter 7.
9. Private Acts of 1824, Chapter 110, appointed William Graham, Beverly Mariom, and Joseph Rach as commissioners of the Bean's Station Turnpike Road.
10. Private Acts of 1835-36, Chapter 87, provided for the viewing and laying off of a road from the Cumberland Gap to the Smokey Mountain Turnpike Road in Claiborne County.
11. Acts of 1841-42, Chapter 190, Section 3 and 4, allowed the citizens of Grainger and Claiborne counties to pass toll free on the Bean Station turnpike whenever on attendance at the courts of either of said counties. Furthermore, the citizens of Claiborne County who were working on the Bean Station Turnpike Road were required to work on said turnpike road from the Clinch River to the top of Cumberland Mountain, two days in each year, in the month of October. The citizens of Claiborne County were allowed to pass through additional tolls, toll free.

12. Acts of 1843-44, Chapter 116, appointed commissioners for the improvement of the Clinch River. John Bullard of Claiborne County was one of those appointed. Section 7 authorized the commissioners to use the unexpended portion of their funds to improve a road leading from Claiborne County to Campbell County.
13. Acts of 1845-46, Chapter 139, appointed commissioners for the Bean's Station Turnpike Road which ran through Claiborne County from Cumberland Gap to the Clinch River.
14. Acts of 1851-52, Chapter 61, authorized a public toll turnpike road from Tazewell to Knoxville.
15. Acts of 1855-56, Chapter 142, amended the act chartering the turnpike road from Tazewell to Knoxville to specify the necessary upkeep and overseers.
16. Private Acts of 1865-66, Chapter 88, incorporated the Knoxville-Tazewell Turnpike Company to construct the macadamize road from Knoxville to Tazewell.
17. Private Acts of 1869-70, Chapter 45, exempted the citizens of Claiborne County from paying the toll at the Thorn Hill Toll Gate.
18. Private Acts of 1917, Chapter 811, provided that all male inhabitants between the age of 18 and 50 would work on the county roads eight days per year. Those persons subject to road service could be exempted by paying \$2.00 per year. This act was amended by Private Acts of 1919, Chapter 29.
19. Private Acts of 1919, Chapter 339, validated all actions of the Claiborne County Court in their authorization of interest bearing highway warrants.
20. Private Acts of 1919, Chapter 403, was a general road law for Claiborne County which provided for the laying out of public roads and the repair and maintenance as well. This act abolished the office of district road commissioners.
21. Private Acts of 1921, Chapter 541, was another general road law for Claiborne County, and further provided for a tax to pay for road construction and maintenance.
22. Private Acts of 1923, Chapter 353, was a general road law for Claiborne County which provided among other things for abolishing free labor.
23. Private Acts of 1925, Chapter 18, was a general road law for Claiborne County. The act was subsequently amended by Private Acts of 1929, Chapter 533 and Private Acts of 1941, Chapter 155. Private Acts of 1929, Chapter 533, was subsequently repealed by Private Acts of 1941, Chapter 154. This act was repealed by Private Acts of 1943, Chapter 434.
24. Private Acts of 1937, Chapter 615, validated all actions taken by the Claiborne County Courts in issuing \$250,425.00 in highway bonds.
25. Private Acts of 1951, Chapter 576, validated certain promissory notes through which the Claiborne County Highway Department had purchased certain pieces of equipment.
26. Private Acts of 1963, Chapter 58, was an act to amend Private Acts of 1943, Chapter 436, to increase the salary of the road superintendent. This act did not become operative because it was rejected by the local authorities.
27. Private Acts of 1967-68, Chapter 104, amended Private Acts of 1943, Chapter 436, to lengthen the times of the county road superintendent from 2 to 4 years. This act did not become operative because it was rejected by the local authorities.
28. Private Acts of 1970, Chapter 233, amended Private Acts of 1943, Chapter 436, to lengthen the times of the county road superintendent from 2 to 4 years. This act did not become operative because it was rejected by the local authorities.
29. Private Acts of 1972, Chapter 335, amended Private Acts of 1943, Chapter 436, to increase the salary of the county road superintendent. This act did not become operative because it was rejected by the local authorities.

## Chapter X - Law Enforcement

### Fireworks

#### Private Acts of 1992 Chapter 163

**SECTION 1.** It shall be unlawful to sell fireworks in Claiborne County unless:



- (1) Such fireworks are sold from a permanent structure that is not less than twenty feet (20') by twenty feet (20');
- (2) Such permanent structure has permanent utility services; and
- (3) The vendor intends to conduct business in such permanent structure on a continuing basis throughout the year.

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

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

Passed: March 5, 1992.

## Law Enforcement - Historical Notes

### **Jails and Prisoners**

The following act once affected jails and prisoners in Claiborne County, but is no longer operative.

1. Public Acts of 1867-68, Chapter 77, authorized the election of a jailer for Montgomery and Claiborne counties by the qualified voters. The jailor held his office for two years or until his successor was elected and qualified.

### **Militia**

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

1. Acts of 1801, Chapter 87, established a regiment of calvary which consisted of the counties of Cocke, Jefferson, Grainger and Claiborne which was known as the second regiment of the Hamilton District.
2. Acts of 1803, Chapter 1, divided the militia of the state into companies, regiments, brigades and divisions and prescribed the times and modes of electing officers. Claiborne County composed the ninth regiment, which regiment constituted the second brigade.
3. Acts of 1813, Chapter 44, annexed the militia company commanded by Captain John Brock, in the county of Claiborne, to the first battalion of the ninth regiment in said county.
4. Acts of 1815, Chapter 119, was new military code and militia law for Tennessee which incorporated most of the features of the preceding militia act. Some organizational changes were made and internal disciplinary rules were tightened. Claiborne County's militia unit composed the ninth regiment and part of the second brigade along with Cocke, Grainger and Jefferson counties.
5. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Claiborne County composed the ninth regiment and held its regimental muster on the second Thursday in the month of October. The counties of Claiborne, Jefferson, Grainger and Cocke composed the second brigade.
6. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Claiborne County composed the ninth regiment and held a regimental muster on the second Thursday in October; which regiment constituted the second brigade and held their regimental musters annually.
7. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, regiments, brigades and divisions and prescribed the times and modes of electing officers. Claiborne County was composed of the seventeenth and eighteenth regiment of the state.
8. Acts of 1837-38, Chapter 157, amended the militia laws of the state by setting the county drills for Claiborne County, the fourth brigade, to the first Friday and Saturday in September. This act was repealed by the Public Acts of 1978, Chapter 595.
9. Acts of 1849-50, Chapter 194, released the Clear Fork Company of Claiborne County from attending the battalion and regimental musters because of the inconveniences of crossing the Cumberland Mountain. However, the company was required to muster at its respective company muster ground, on the same days that the battalion and regimental musters were held.

### **Offenses**

The act briefly summarized below fell into this category in Claiborne County.

1. Private Acts of 1949, Chapter 869, regulated the possession, storage, use, manufacture or sale of pyrotechnics, in all counties having a population of not less than 24,600 and not more than 24,700 according to the Federal Census of 1940. This act was repealed by Private Acts of 1991, Chapter 23.

**Sheriff**

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

1. Private Acts of 1823, Chapter 252, authorized the sheriff of Claiborne County to remain in office, even though his term was to expire in February of 1824, until the sitting of the next county court of Claiborne County on the second Monday in March of 1824.
2. Private Acts of 1826 (Ex. Sess.), Chapter 43, authorized the sheriff of Claiborne County to summon 26 men from said county to attend the next term of the county court as jurors.

## Chapter XI - Taxation

### Assessor of Property

### Secretary to Assessor

### Private Acts of 1949 Chapter 892

**SECTION 1.** That in all Counties of this State having a population of not less than 24,650 and not more than 24,700, according to the Federal Census of 1940, or any subsequent Federal Census, the Tax Assessor is hereby authorized to employ a Secretary who shall be paid from the general funds of the county a salary which shall not exceed the salary established for the Deputy Trustee, or, in the event there is no Deputy Trustee in any particular period, the salary paid to the Deputy Trustee during the last period such position was filled, whose duty it shall be to perform and discharge all the usual secretarial duties as required by said Tax Assessor. Provided, however, that said Secretary shall remain in the Tax Assessor's office for at least six hours a day, five days a week, before becoming eligible to draw the salary as set out.

As amended by: Private Acts of 1973, Chapter 109

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

Passed: April 13, 1949.

## Litigation Tax

### Private Acts of 1976 Chapter 218

**SECTION 1.** There is imposed upon each case of any description filed in any of the following courts sitting in Claiborne County, a tax of five dollars (\$5.00), to be assessed and collected as a part of the costs of the case; circuit court, chancery court, county court, general sessions court, and any municipal court of Claiborne County.

As amended by: Private Acts of 1982, Chapter 250

**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 Claiborne County, the payment of which shall be a condition precedent to the recordation of said instrument.

As amended by: Private Acts of 1982, Chapter 250

**SECTION 3.** The litigation taxes provided for herein shall be collected by the clerks of the respective courts in which cases are filed, and the registration tax herein provided for shall be collected by the County Register. Each of the said officials shall be accountable for and shall pay over said 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.** It is hereby expressly provided that the term "case" shall include ex parte as well as adversary or contested proceedings.

**SECTION 5.** The Trustees shall deposit the taxes herein collected in a special fund hereby created, to be known as the "Courthouse Remodeling and Refurbishing Fund", and shall be subject to appropriation by the county legislative body for the purpose of providing for the remodeling and refurbishing of the Claiborne County Courthouse and for no other purpose.

The taxes collected shall only be used for capital improvements to the courthouse and cannot be used for maintenance or supplies. The county executive shall have the authority to expend such funds, but such expenditures shall be made only with the approval of the county attorney and the county legislative body.  
As amended by: Private Acts of 1982, Chapter 250

**SECTION 6.** The taxes provided for herein shall expire at the conclusion of the quarter in which the cost of the remodeling and refurbishing of the courthouse 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 to 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 remodeling and refurbishing of the courthouse building and the necessarily related expenses.

**SECTION 7.** This act is hereby declared to be severable, and if any portion thereof be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions, it being the intent that the latter would have been enacted in the absence of the invalid portions.

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Claiborne County. 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 9.** For the purpose of approving this act as provided in Section 8, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect upon being approved as provided in Section 8.

Passed: February 19, 1976.

## Hotel/Motel Tax

### Private Acts of 1984 Chapter 183

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

(a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

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

(d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.

(e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

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

**SECTION 2.** The legislative body of Claiborne 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 three percent (3%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this Act.

**SECTION 3.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the county.

When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

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

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

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

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

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

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

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Title 67, Chapter 23, it being the intent of this Act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this Act. The county trustee shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, for the county clerks with respect to the adjustment and settlement with taxpayers all errors of county taxes collected by him under authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the county trustee and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 10.** The county trustee is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in the county general fund; provided, however, that such funds shall only be obligated or expended to contract with community service organizations for the sole purpose of tourist development and promotion.

**SECTION 11.** 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 12.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county

legislative body of Claiborne County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by him to the Secretary of State.

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

Passed: March 29, 1984.

## Motor Vehicle Tax

### Private Acts of 2003 Chapter 45

**SECTION 1.** For the privilege of using the public roads and highways in Claiborne County, Tennessee, there is levied upon motor-driven vehicles, and upon the privilege of the operation thereof, except motorcycles, motor-driven bicycles and scooters, farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, and motor-driven vehicles owned by any governmental agency or governmental instrumentality, and except for other exemptions provided by general law, a special privilege tax for the benefit of such county for each such motor-driven vehicle, the owner of which resides within said county. This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which resides within said county.

**SECTION 2.** The tax herein levied shall be paid to and collected by the county clerk of Claiborne County, who is authorized by T.C.A. § 67-4-103 to collect such privilege taxes. The county clerk shall collect this tax at the same time he or she collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this state. The county clerk shall deduct a fee of five percent (5%) , or such higher or lower fee as may from time to time be authorized under T.C.A. § 8-21-701(55) for receiving and paying over county revenue, from the amount of taxes collected and paid over to the county trustee.

The proceeds of the tax levied by this act shall be placed in such county fund as the county legislative body shall designate by appropriate resolution and shall be used for the purposes of such fund.

**SECTION 3.** Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the county clerk, the original of which shall be kept by the owner of the motor-driven vehicle and, if required by the county legislative body by resolution pursuant to T.C.A. § 55-4-103, by a decal or emblem also issued by the county clerk, which shall be displayed in the manner required by resolution of the county legislative body. The design of the decal or emblem shall be determined by the county clerk. The expense incident to the purchase of such decals herein required, as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein incumbent upon the county clerk, shall be paid from the general fund of the county.

**SECTION 4.** The privilege tax or wheel tax herein levied, when paid, together with full, complete and explicit performance of and compliance with all provisions of this act by the owner, shall entitle the owner of the motor-driven vehicle for which said tax was paid and on which any required decal or emblem has been affixed, as herein provided, to operate or allow to be operated this vehicle over the streets, roads and highways of the county for a period of one (1) year which shall run concurrently with the period established by T.C.A. § 55-4-104 for state registration fees.

In the event a wheel tax decal or emblem is sold by the clerk for more or less than a twelve-month period, the tax imposed shall be proportionate to the annual tax fixed for the vehicle and modified in no other manner, except that the proportional tax shall be rounded off to the nearest quarter of a dollar.

**SECTION 5.** In the event any motor-driven vehicle for which the wheel tax has been paid and any required decal or emblem issued and placed thereon become unusable or is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets or highways of said county, or in the event that the owner transfers the title to such vehicle, or completely removes therefrom and destroys the decal or emblem issued for and placed thereon, and the owner makes proper applications to the clerk for the issuance of a duplicate decal or emblem to be used by him on another vehicle for the unexpired term for which the original decal or emblem was issued, and the clerk is satisfied that the applicant is entitled to the issuance of a duplicate decal or emblem and the owner pays into the hands of the clerk the sum of ten dollars (\$10.00), the clerk will then issue to such owner a duplicate receipt, canceling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the motor-driven vehicle for which it is issued, as herein provided, and such duplicate decal or emblem shall entitle the owner to operate or allow to be operated the vehicle upon the

streets, roads and highways of said county for the remainder of the period for which the original decal or emblem was issued. Likewise, in the event a decal or emblem becomes obliterated, erased or defaced, or is destroyed under the provisions of this act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the clerk, showing such circumstances and facts to be true, then the clerk, upon receipt from the owner of ten dollars (\$10.00), may issue and deliver to the owner a duplicate decal or emblem.

**SECTION 6.** Any person violating the provisions of this act, or any part thereof, is subject to being assessed a civil penalty not in excess of fifty dollars (\$50.00) for each violation.

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

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Claiborne County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him or her 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 law, the public welfare requiring it. For all other purposes, it shall become effective upon approval as provided in Section 8.

Passed: May 15, 2003.

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

1. Private Acts of 1921, Chapter 890, set the salary of the county tax assessor at \$1,000 per annum.
2. Private Acts of 1925, Chapter 265, increased the salary of the county tax assessor to \$1,250 per annum.
3. Private Acts of 1931, Chapter 407, fixed the salary of the tax assessor at \$1,800 per annum.

### **Taxation**

1. The following is a listing of acts pertaining to taxation in Claiborne County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.
2. Acts of 1809, Chapter 72, authorized the county court of Claiborne County to levy a tax to pay off the outstanding debt resulting from the repair of the courthouse and jail.
3. Acts of 1819, Chapter 28, authorized the county court of Claiborne County to levy a tax for building a jail.
4. Private Acts of 1857-58, Chapter 127, Section 2, allowed D.C. Bullard an additional two years to collect the taxes of Claiborne County.
5. Private Acts of 1915, Chapter 13, authorized a special tax of 1½ mills on each dollar of taxable property to raise money for county high schools. This act was subsequently amended by Private Acts of 1917, Chapter 186, to raise the tax to 2½ mills.
6. Private Acts of 1917, Chapter 733, authorized an additional tax of 65¢ on each hundred dollars of taxable property to support the common schools.
7. Private Acts of 1931, Chapter 254, created the office of delinquent poll tax collector for Claiborne County.
8. Private Acts of 1931, Chapter 102, authorized a tax of 30¢ on each \$100 taxable property for general county purposes.
9. Private Acts 1931, Chapter 223, created the office of delinquent poll tax collector for counties having a population of not less than 22,193 and not more than 30,000, according to the Federal Census of 1930. The act further provided the fees of said officer and how said office shall be filled.
10. Private Acts 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, by limiting the duty

of the delinquent poll tax collector.

11. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223.

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