



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Davidson

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Dear Reader:

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

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

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# Davidson



Davidson County Courthouse

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# Chapter I - Administration

## Board of Fair Commissioners

### Acts of 1909 Chapter 490

**COMPILER'S NOTE:** This general law established the Board of Fair Trustees of the State of Tennessee. Sections 2 and 7 directly pertain to Davidson County.

SECTION 2. That the said Board of Fair Trustees is hereby invested with the power, authority, and duty to take complete charge and control, in behalf of the State of Tennessee, of any property which may hereafter be purchased by Davidson County and conveyed or leased by Davidson County to the State of Tennessee for the holding thereon of a State Fair, and they shall use and maintain said property by holding thereon at least once a year for not less than six days a fair or exposition for the benefit of the people of Tennessee, at which shall be exhibited, as far as possible, the resources and developments of the State of Tennessee and the progress of its people in all kinds of enterprise and endeavor. ...

SECTION 7. That should any property be conveyed or leased by Davidson County to the State of Tennessee as aforesaid, for the purpose of holding thereon said annual fairs, the said Board of Fair Trustees shall use and maintain said property for the purpose set forth in this Act, and should said property, without good and sufficient cause, such as bad weather, fire, storm, pestilence war, etc. cease to be used for the purpose herein set forth for a period of two years, beginning with the last day of any annual fair, then and in that event said property, with all fixtures thereon, shall revert back to and become the absolute property of the donor or conveyor, and all right, title, and interest whatever in said property which shall have been acquired by the State of Tennessee shall become null, void, and extinguished. This provision shall constitute a condition of the acceptance and use of said property by the State of Tennessee. In this manner and upon this condition the State of Tennessee through its said Board of Fair Trustees, shall accept and use such property as may be conveyed, leased, or otherwise tendered to the State of Tennessee by Davidson County for the purpose of holding thereon an annual State Fair; ...

Passed: May 1, 1909.

### Private Acts of 1923 Chapter 515

**SECTION 1.** That counties having a population of not less than One Hundred and Sixty-five Thousand (165,000) inhabitants nor more than Two Hundred Thousand (200,000) inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, be and hereby are authorized to establish, maintain and operate a divisional fair for the benefit of the people of said counties, at which shall be exhibited, for the education of the people of said counties, the resources and developments of said counties and the State of Tennessee; and the progress of its people in all kinds of enterprises and endeavor, the agricultural, mineral, live stock, commercial, industrial, educational and all other interests, shall be duly exhibited, and every reasonable effort shall be made to develop, improve, encourage and stimulate all lawful and substantial interests and industries.

**SECTION 2.** That there shall be, and there hereby is, created a Board of Fair Commissioners, which shall be known as the "Board of Fair Commissioners," and shall consist of seven (7) members, one of whom shall be the County Judge, who shall ex officio be a member thereof; the remaining six (6) members shall be elected by the Quarterly County Court for a term of six (6) years, when and as the terms of office of the present members of said Board expire. Not more than two members of the County Court shall be eligible to election and to serve on said Board at one time. The members of said Board shall serve without compensation, but they shall be entitled to have all expenses actually incurred in the performance of their duties as such Commissioners, on properly certified statements submitted to and approved by the Financial Agent of such Court. These expenses, as all others, are to be paid out of the Fair funds.

As amended by:

Private Acts of 1931, Chapter 178

**SECTION 3.** That said Board of Fair Commissioners shall have full power to prescribe rules and regulations for its own government and organization, and for the holding of said fairs and expositions, and shall elect officers for the fairs, and shall choose whatever employes (sic) it may deem necessary and fix their compensation; provided it shall not be lawful for the Board, or any authority, to issue free passes to said fair to any person or persons other than employes (sic) in connection with said fair, including exhibitors and persons holding concessions and their bona fide employes (sic) upon the grounds.

Provided that it shall be lawful for said Board to issue personal passes to members of the County Court, to the Governor of the State, to the Commissioner of Agriculture of the State, and to the Mayor of the City of

Nashville.

As amended by: Private Acts of 1931, Chapter 178

**SECTION 4.** That the members of said Board shall meet at the office of the County Judge on the first Tuesday in April and November of each year, and may meet whenever called together upon five days' notice by the Chairman upon his own motion, or upon written request of three members. A majority of the members of the Board shall constitute a quorum for the transaction of business.

**SECTION 5.** That said Board of Fair Commissioners, through its Chairman and Secretary, shall make a full report to the Quarterly County Court only at the January term of said Court of the condition of the property and the operation of the fair, accompanied by a statement of all receipts and expenditures, verified by the oath of the Chairman and the Secretary, which accounts shall be at all times open to inspection and examination by the County Auditor, or any committee the County Court may appoint for that purpose.

**SECTION 6.** That said Board of Fair Commissioners shall require its Secretary to execute a good and solvent bond in the sum of Five Thousand Dollars (\$5,000.00), payable to the State of Tennessee for the use and benefit of said county, conditioned upon the faithful performance and discharge of his duties as Secretary of said fair, the premium on said bond to be paid by the Board of Fair Commissioners out of the fair funds.

**SECTION 7.** That the said Board of Fair Commissioners shall install such system of accounting as the Auditing Commission of such counties coming under the provisions of this Act may direct.

**SECTION 8.** That the County Court of such counties may at the July term of the 1923 Court, and of each year thereafter, levy a tax upon all taxable property of the county of not more than two-tenths of a mill, to be known as the "Fair Tax," for the purpose of maintaining and operating a divisional fair. Said funds derived from the levy of this tax shall be expended under the direction of the Board of Fair Commissioners. Said Board shall have control of the disbursement of all funds collected by taxation, received from the State of Tennessee, or collected from gate receipts, concessions, or leases of the said fair property for educational or amusement purposes, for the operation, maintenance or improvement of the fair property.

Said Board of Fair Commissioners is hereby vested with the power and authority to borrow money for the purpose of making permanent improvements in and on any property held and owned by the county for fair purposes, to purchase additional property for fair purposes, and to secure the payment of money so borrowed by mortgages or deeds of trust on the whole or any part of said fair property. Provided, that before buying any additional property, or borrowing any money, or executing any such mortgages or deeds of trust, said Board of Fair Commissioners shall first obtain the approval of the County Court of the county, which approval shall be in the form of a resolution duly and legally adopted by said County Court, authorizing the purchase of said additional property, designating the officers of said Board of Fair Commissioners who shall sign and execute the evidences of any such indebtedness and the mortgages or deeds of trust securing the payment of same, and fixing the amounts to be borrowed and the maximum rate of interest to be paid therefor. And provided further, that any such obligations created in conformity with this provision, shall not be held or considered as the general obligation of the county, but shall be repaid only from the proceeds of the tax levy herein provided, and funds collected from gate receipts, concessions, or leases of said Fair Property for educational or amusement purposes. And provided further, that not more than \$250,000.00 shall be so borrowed, and when borrowed, shall mature in annual installments not more than six (6) years from date. And provided further, that until said loan is discharged, the tax levy of two-tenths (2/10) of a mill heretofore authorized shall be mandatory and shall be levied each and every year until said loan is liquidated or paid. And provided further, that the title to any property purchased under the provisions of this Act shall be taken in the name of Davidson County.

Provided, however, that all funds received by the Board of State Fair Commissioners shall rotate through the County Trustee's Office, for the more efficient and accurate accounting thereof.

As amended by: Private Acts of 1925, Chapter 235  
Private Acts of 1927, Chapter 203

**SECTION 9.** That the Board of Fair Commissioners shall have authority to cooperate with the State Division of Fairs on all matters, but if the expenditure of funds is contemplated beyond the amount raised by any tax levy made by the County Court, hereinbefore provided, such matter shall be referred to the County Court for its approval or disapproval.

**SECTION 10.** That said Board of Fair Commissioners is hereby vested with the power, authority and the duty to enter into negotiations with the Commissioner of Agriculture of the State of Tennessee, for the surrender and cancellation of any lease now held by the State of Tennessee of any fair property in such counties, and to take complete charge and control on behalf of such counties, and they shall use and maintain said property by holding thereon, at least once a year, for not less than six days, a fair or

exposition for the benefit of the people of such counties, and they may lease for amusement purposes said property at such times and in such ways as not to interfere with the operation of said fair, the proceeds received from said leases to be used in the maintenance of said fair, at which shall be exhibited, as far as possible, the resources of said county and the State of Tennessee, and the progress of its people in all kinds of enterprises and endeavor. The agricultural, mineral, live stock, commercial, industrial, and all other interests, shall be duly exhibited, and every reasonable effort shall be made to develop, improve, encourage and stimulate all lawful and substantial interests and industries.

**SECTION 11.** That said Board of Fair Commissioners shall have power to formulate rules for the offering, and to offer special premiums, and in every other way possible promote the best interest of said counties in the conduct and management of said divisional fair.

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

Passed: March 28, 1923.

## Private Acts of 1933 Chapter 502

**SECTION 1.** That the Board of Fair Commissioners of Davidson County, Tennessee, be and it is hereby authorized by and with the approval of the Finance Committee of said County to borrow money on short time loans at a rate of interest not exceeding six percent (6%), provided that in no event shall the amount borrowed exceed any special tax levy levied by the County Court of Davidson County for State Fair purposes, for the current year for which loan is made; and provided, further, that the money so borrowed for any one year shall be paid back out of revenue derived for fair purposes during said current year.

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

Passed: April 18, 1933.

## Board of Parks and Recreation

### Public Acts of 1974 Chapter 754

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

WHEREAS, there are no public recreational access areas on the Cumberland River where it flows through urban northwest Nashville; and

WHEREAS, the United States Army Corps of Engineers is able to participate on a cost-sharing basis in the construction of a boat launching and recreational facility on the Cumberland River; and

WHEREAS, the land area on either side of Glade Branch where it flows into the Cumberland River is owned by the state of Tennessee, and administered by the Department of Correction; now, therefore,

**SECTION 1.** The Commissioner of the Department of Corrections shall transfer and convey to the Metropolitan Government of Nashville and Davidson County or to the United States Government for the use and benefit of the Secretary of the Army, Corps of Engineers, any and all interest, including any reversionary interest, held by the State of Tennessee in and to certain tract or parcel of land of approximately fifty (50) acres lying and being situated on the Cumberland River and formerly constituting a part of the state penitentiary property, the same being more particularly described as follows:

"Bounded on the east by the property of the Tennessee Tufting Company; bounded on the west by the property of the State of Tennessee; bounded on the north by the site of a proposed Cockrell Bend industrial road subject to survey; and bounded on the south by the Cumberland River."

Said conveyance shall be for the purpose of establishing a recreational facility as set out above.

**SECTION 2.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 28, 1974.

## Farmers' Market

## Private Acts of 1949 Chapter 400

**SECTION 1.** That Davidson County, State of Tennessee, be and is hereby authorized to borrow money and issue its bonds therefor in the aggregate amount of One Million (\$1,000,000.00) Dollars, bearing interest at not more than three per centum per annum, payable semi-annually, both bonds and interest to be payable at such place or places in Nashville, Tennessee, or elsewhere, as may be designated by resolution of the Quarterly County Court of Davidson County, Tennessee, for the purpose of establishing a public market or marketing facilities, to provide grounds therefor, to build, improve and construct thereon a modern public market or marketing facilities for use by farmers, transient produce dealers and licensed produce dealers as herein defined for the sale and distribution of fresh fruits and vegetables and other agricultural products and paying the expenses in connection with the issuance and sale of said bonds.

Said bonds shall mature in such annual installments not more than twenty-five years from their date, and shall be in such form and amount, registered or coupon, and shall be sold in such manner and for such prices as the Quarterly County Court of said County may determine, but in no event shall the bonds be sold for less than par, nor shall they be sold until the issue be first advertised at least once in some newspaper of general circulation in the City of Nashville, Tennessee, and once in some financial journal in New York City, said advertisement be published at least fourteen days before the sale of said bonds. The proceeds from the sale of said bonds shall be paid to the Trustee of said County to the credit of a fund to be designated as the "Davidson County Farmers' Market and Building Fund," and shall be used exclusively for the purposes above recited.

As amended by:

Private Acts of 1949, Chapter 650

Private Acts of 1959, Chapter 305

**COMPILER'S NOTE:** Private Acts of 1949, Chapter 650, amended the first Section of this act by striking the phrase "and produce dealers" so that the act applied to a market for farmers only. The amendatory act was declared unconstitutional in 1956 because it failed to refer to the caption of the act it sought to amend or otherwise properly refer to it. Private Acts of 1959, Chapter 305, added the phrase, "transient produce dealers and licensed produce dealers" to Section 1. See Baxter v. Jenkins, 199 Tenn. 625, 288 S.W.2d 701 (1956).

**SECTION 2.** That said bonds shall not issue until and unless authorized by Resolution of the County Court and the proposition of the issuance of such bonds shall have been approved by a majority of the qualified voters of Davidson County voting on that proposition at an election called for that purpose. At any election called for this purpose those voters desiring the issuance of said bonds shall vote in said election: "For Farmers' Market Building Bonds," and those opposing the issuance of said bonds shall vote: "Against Farmers' Market Building Bonds."

Such election or elections shall be held in conformity with the laws controlling elections in said Davidson County. Should a majority of the qualified voters upon said proposition in such election or elections vote "For Farmers' Market Building Bonds," then said bonds shall be issued as herein provided in this Act. Should a majority of such voters vote "Against Farmers' Market Building Bonds," then such bonds shall not be issued unless and until they shall have been presented by the Quarterly County Court and approved by a majority of the legal voters as herein provided.

**SECTION 3.** That the principal and interest of any such bonds falling due before the proceeds of the first tax levy becomes available shall be paid from the ordinary or general funds of the County, and in each year during the life of said bonds the said Quarterly County Court of Davidson County is required mandatorily to include in the annual tax levy over and above all other taxes authorized by law a special tax levy of sufficient size on all property in Davidson County to meet the principal and interest thereof falling due in the ensuing year, and a sum sufficient to reimburse the ordinary or general fund for the payment of any such interest or principal.

**SECTION 4.** That said Quarterly County Court may in its discretion provide that the owner or holder of any such bond may register the same both as to principal and interest, or as to principal alone, in his name on the books of the County in the office of the County Court Clerk, or in any bank or trust company in the City of New York that may be designated for such purpose, under such regulations as said Quarterly Court may provide.

**SECTION 5.** That said bond issue shall be called the "Farmers' Market Building Bonds."

**SECTION 6.** That no fees, commissions, or charges shall be made or paid to any officer of Davidson County for receiving, disbursing or handling said bonds, or the proceeds thereof.

**SECTION 7.** That the proceeds of said bonds placed to the credit of the Trustee of Davidson County shall be administered and expended by the Davidson County Farmers' Market Commission for the purposes herein provided.



**SECTION 8.** That there is hereby created the "Davidson County Farmers' Market Commission." The County Judge of Davidson County shall be an ex officio member of said Commission. The first Commission shall be composed of five qualified and competent persons, to-wit: J. D. Peay, Henry Neuhoﬀ, W. A. Strasser, Jack Hitt, and C. R. Bramwell, who shall serve until the next meeting of the Quarterly County Court, at which time there shall be elected one Commissioner for a term of one year, one Commissioner for a term of two years, one Commissioner for a term of three years, one Commissioner for a term of four years, and one Commissioner for a term of five years. As the respective terms of office of said Commissioners expire there shall be elected annually one Commissioner for a term of five years.

The membership of said commission is hereby increased from five (5) members to seven (7) members. Not less than two (2) members of said commission shall be licensed wholesale fresh fruit and vegetable distributors, or shall be officers of a corporation which is so licensed. The two (2) additional members of said commission shall be elected by the Quarterly County Court of Davidson County at its July term, 1959, and shall serve for the same term as the other members of said commission.

The members of said Commission shall possess the following qualifications: they shall be citizens of the United States of America, citizens of Davidson County, Tennessee, and shall be at least thirty years of age, and shall have been freeholders and taxpayers of Davidson County for at least three years.

Three Commissioners shall constitute a quorum for the transaction of business, provided, however, no action shall be taken by the Commission except by the concurrence of a majority of the entire Commission.

The Commissioners shall receive as compensation a per diem of Five (\$5.00) Dollars per day for each meeting of the Commission, but shall be paid for not more than twelve meetings in any one year.

The Commission, upon its election, shall organize by the election of a Chairman, Vice Chairman, and a Secretary from among the members of the Commission by a majority vote of all the members thereof, and a new Chairman and new Vice Chairman, and a new Secretary, shall thereafter be elected in like manner by the Commission each year.

All minutes of the Commission shall be recorded in a well-bound book, and shall be open for inspection.

All vacancies in the Commission shall be filled by the County Court for the unexpired term.

The Commission shall have authority to adopt rules and regulations for its government and for the management and operation of the Davidson County Public Market or Marketing Facilities not inconsistent with the provisions of this Act. Said rules and regulations, upon adoption by the Commission, shall be submitted to the County Attorney of Davidson County for approval, as to form and legality and, upon this approval, a copy of said rules and regulations shall be filed with the County Court Clerk of Davidson County and a copy shall be kept in a well-bound book at the office of the Commission and copies shall be posted on the market premises in at least three prominent places. The Commission shall have authority to revise such rules and regulations at any time and these revisions shall be approved, filed and posted in the prescribed manner.

The Commissioners shall be ineligible for appointment as Manager, or to hold any other position created by the Commission.

No person, firm or corporation shall be permitted to use or occupy any space of facility under the jurisdiction of said Commission except: (1) farmers as herein defined, (2) transient produce dealers as herein defined and (3) licensed produce dealers as herein defined.

The word "farmer" as used in this Act is defined to be an individual or individuals who are primarily engaged in producing products of the soil, dairy farming, the production of poultry or live stock and the principal part of whose income is derived from any one or more of the foregoing operations. The burden of establishing that he is a bona fide farmer within the foregoing definition shall be upon the person seeking to use such marketing facilities as a farmer. The General Manager shall have authority to determine whether or not any applicant is a bona fide farmer, subject to review by the Commission.

The term "transient produce dealer" as used in this Act shall mean every person or persons who engages in the sale or distribution of or who exposes or offers for sale, distributes or otherwise deals in any fresh fruit, vegetable or produce as a temporary business and who holds a license issued by the County Court Clerk of Davidson County under Item 65(b) of Section 67-4203 of Tennessee Code Annotated and a license as a transient and temporary merchant issued by the City of Nashville.

The term "licensed produce dealer" as used in this Act is defined to be an individual, firm or corporation duly licensed to buy, sell, store, handle or transport agricultural products in this state and who holds a license issued by the County Court Clerk of Davidson County, Tennessee, under Item 84 of Item 112 of Section 67-4203 of Tennessee Code Annotated, or under both of said Items, if applicable, and who holds a

license as a produce dealer issued by the City of Nashville, Tennessee; and who regularly pays state, county and city merchants ad valorem taxes.

The said General Manager shall have full authority to exercise control over the type, weight and measure, designation, labeling and quality grade of commodities brought on the market consistent with the standards of the United States Department of Agriculture, the State Department of Public Health, the Davidson County Department of Public Health, and the rules of the Commission. This authority of the General Manager shall include the right to condemn and dispose of substandard commodities, without personal liability to him or the Commission and without liability to Davidson County, Tennessee.

The Commission shall be authorized and empowered to construct, expand, remodel and extend marketing facilities.

The term, "marketing facilities" as used in this Act shall include marketing space for farmers; wholesale stores for fruit, vegetable, poultry, egg, dry grocery, and meat dealers; service stations, barber shops, restaurants, banks and space for telephone and telegraph service; and other like business enterprises deemed essential to the operation of the market by the Davidson County Farmers' Market Commission.

The Quarterly County court shall be authorized to borrow money in anticipation of the revenues from the market for the purpose of constructing (sic), expanding, remodeling and extending such market facilities.

The Commission shall be authorized to execute leases of unimproved real estate under its jurisdiction to licensed produce dealers for the purpose of constructing facilities. No such lease shall be executed for a period of time less than five (5) years. Such leases may be pledged as security for loans for the construction, renovation, improvement and extension of buildings or for improvements or equipment, with the approval of the Finance Committee of the Quarterly County Court of Davidson County, Tennessee.

As amended by: Private Acts of 1959, Chapter 305

**SECTION 9.** That the "Davidson County Farmers' Market Commission" shall not have authority to incur any obligations, nor shall they receive any compensation for services rendered unless and until the bonds authorized to be issued under authority of this Act have, by resolution of the County Court, been issued and submitted to a vote of the people on a referendum election called for that purpose and have been approved by the people.

**SECTION 10.** That the Commission created by this Act shall have the sole and exclusive control of the operation and management of the Farmers' Market authorized herein and other marketing facilities in Davidson County and over the acquisition, construction and establishment of such Farmers' Market or other marketing facilities.

As amended by: Private Acts of 1959, Chapter 305

**SECTION 11.** That the Commission may employ a Building Manager who shall supervise the construction of the Farmers' Market and other marketing facilities. Upon the completion of the construction of such Farmers' Market and other marketing facilities, the Commission is authorized to employ a General Manager who shall be in charge of the management and operation of such Farmers' Market and Marketing Facilities when constructed and established under the direction and supervision of the Commission as may be provided from time to time by rules and regulations.

Said General Manager shall be chargeable with the enforcement and execution of all rules and regulations, programs, plans and decisions made or adopted by the Commission. He shall make and keep full and complete books and records which shall at all times adequately reflect the affairs of the Commission, which books shall at all times be subject to the supervision, direction and control of the Commission.

**SECTION 12.** That the Commission shall have full power to regulate charges to be made for rental space on the market and shall prescribe the rules and regulations in connection therewith, and it shall be the duty of the General Manager to carry out the policies of the Commission with respect to such rentals and rental charges, including the power to negotiate contracts and licenses for the construction of marketing facilities and the occupation of space, from time to time with all tenants of the Commission.

As amended by: Private Acts of 1959, Chapter 305.

**SECTION 13.** That the confines of said market are hereby specifically declared to be within the police jurisdiction of the City of Nashville as well as within the jurisdiction of the Sheriff of Davidson County. It shall be the duty of the Police Department of the City of Nashville and the Sheriff of Davidson County and his deputies to enforce the provisions of this Act and to enforce the law and preserve the peace on said premises. Any violation of this Act, including the occupation or use of space on said market without the payment of the prescribed rental or license fee, is hereby declared to be a misdemeanor, punishable by a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars or by imprisonment not to exceed ninety (90) days, or both, such fine and imprisonment within the discretion of the Court.

As amended by: Private Acts of 1959, Chapter 305.

**SECTION 14.** That said Commission is expressly authorized to exercise the power of eminent domain on behalf and in the name of Davidson County within the boundaries of said County, in order to acquire any property, real or personal, necessary or useful in exercising the power and authority conferred by this Act. The title to all property taken for the purpose of exercising the powers conferred by this Act, whether acquired by contract or by the exercise of the power of eminent domain, shall be taken in the name of Davidson County, Tennessee, and such condemnation proceedings as may be deemed necessary or proper shall be pursuant to and in accordance with the provisions of Section 3109 to Section 3134, inclusive, of the Code of Tennessee. Provided, however, that in no event shall said Farmers' Market Commission have authority beyond the amount of the funds made available to it by the issuance and sale of the bonds authorized by the provisions of this Act, with the exception that, for the purpose of constructing, expanding, remodeling and extending such marketing facilities, the Davidson County Quarterly Court is specifically authorized to borrow money at a rate not to exceed six (6%) per cent per annum in anticipation of the revenues from the market, and leases may be used as collateral for such loans as hereinabove provided.

As amended by: Private Acts of 1959, Chapter 305

**SECTION 15.** That the County of Davidson is hereby authorized to acquire by purchase, gift, condemnation, or otherwise, and to construct, maintain, operate and use such buildings, works, lands, property and conveyance as in the judgment of the Commission will provide an efficient and satisfactory Farmers' Market and/or marketing facilities for the inhabitants of Davidson County.

The Commission is authorized to accept Federal and State aid.

**SECTION 16.** That the Commission is hereby authorized to charge and collect rents, rates, fees or other charges for its services and facilities.

Such rents, rates, fees and charges being in the nature of use or service charges, shall, as nearly as the Commission shall deem practicable and equitable, be uniform for the same type, class and amount of use or service of the facilities of the Commission.

The Commission shall prescribe and from time to time, when necessary, revise a schedule of such service charges or rentals, a copy of which shall at all times be kept on file and open to public inspection at the office of the Secretary of the Commission and at the office of the County Court Clerk of Davidson County.

**SECTION 17.** That the Commission, in addition to its authority for the employment of a General Manager for the management and operation of such marketing service, shall have the authority to employ such other necessary personnel in the operation of said marketing facilities, with the right to establish the pay scale for such employees; provided, however, that they shall confine themselves within the annual operating revenue of said marketing facilities, and provided, further, that the employees of the Davidson County Farmers' Marketing Commission shall not be subject to the provisions of the Davidson County Civil Service Act, nor of the Davidson County Pension Plan.

**SECTION 18.** That it shall be the duty of the General Manager of said marketing facilities to collect, report and pay into the County Trustee's office of Davidson County all monies received as rents, rates, fees and charges, monthly, and within ten days from the end of each month, said payments to be placed to the credit of a special fund to be designated "Farmers' Market Operating Fund." All expenditures of said Commission authorized by this Act shall be on vouchers signed by the Chairman or Vice Chairman of the Commission and countersigned by the Secretary.

**SECTION 19.** That any funds received from rents, rates, fees and charges remaining unexpended in the hands of the Trustee in the Special Account designated "Farmers' Market Operating Fund," and unexpended on April 1st of each year may, by resolution of the County Court be transferred from said fund and applied towards the retirement of any outstanding Farmers' Market Building Bonds, provided that said fund may not in this manner be reduced to less than Five Thousand (\$5,000.00) Dollars, or the Court may, by resolution, authorize its expenditure by the Farmers' Market Commission for betterments, extensions and repairs.

**SECTION 20.** That the Commission shall fix the amount of bonds to be required by the General Manager, and all others who are to handle or be responsible for the funds and/or property of the Commission, or the County hereunder, and all such bonds shall have as surety thereon some approved bonding or surety company.

**SECTION 21.** That all of the Commission's facilities and property are hereby declared to be public property of a political subdivision of the State devoted to an essential public and governmental function and purpose and shall be exempt from all taxation by the State or any subdivision thereof. All bonds issued pursuant to this Act are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose, and such bonds, and the interest thereon and the income therefrom and all service charges, funds, revenues, and other monies pledged or available to pay or

secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxation by the State or any subdivision thereof, except for transfer, inheritance and estate taxes.

Nothing in this Act shall be construed as relieving the users of said marketing facilities from the payment of all licenses, fees and taxes imposed upon such business by state and local laws, including rules and regulations prescribed by the Commission, and the failure of any user to pay said licenses, fees and taxes when due will operate to suspend his right to use said marketing facilities until said licenses, fees and taxes are paid.

As amended by: Private Acts of 1959, Chapter 305

**SECTION 22.** That when and if the bonds herein provided shall be authorized by the County Court, approved by referendum election of the people, and sold, then in that event, the said Farmers' Market Commission shall have the right to place to the credit of the "Farmers' Market Operating Fund" Ten Thousand (\$10,000.00) Dollars of said proceeds of the bond sale to be used in making necessary surveys and investigations required preliminary to the building of said Market Facility; and provided, that not less than Five Thousand (\$5,000.00) Dollars shall be reserved for the operation of said marketing facilities until such time as the rents, rates and fees charged for said services may make such facility selfsupporting.

**SECTION 23.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 30, 1949.

## Retirement Benefits

### Private Acts of 1961 Chapter 381

**COMPILER'S NOTE:** Private Acts of 1961, Chapter 381, amended Private Acts of 1943, Chapter 274, by rewriting the entire body of the act.

**SECTION 1.** That the caption of Chapter 274 of the Private Acts of 1943, as amended, which caption is set forth in the caption hereof, is hereby amended by inserting after the phrase "and to define its powers and duties," the following "to coordinate said system with the Federal Social Security program, to authorize two divisions of the system with provisions applicable there to, and to prescribe penalties and punishment for any violations of the terms of this Act,"

**SECTION 2.** That Chapter 274 of the Private Acts of 1943, as amended, the caption of which is set out in the caption of this Act, be and the same is hereby amended by striking out all of said Act following the caption, as hereby amended, and substituting in lieu thereof, the following:

#### ARTICLE 1.

#### GENERAL PROVISIONS.

**"SECTION 1.01** Definitions. That as used in this Act, the following words and phrases shall have the meaning indicated unless otherwise defined or required by the context:

(a) System shall mean the Davidson County Pension System created by this Act.

(b) Employer shall mean Davidson County. Any department of Davidson County, other than the Department of Education, or any board of Davidson County, other than the Board of Education, shall be deemed to be Davidson County for the purpose of this Act.

(c) Employee shall mean any person who is regularly employed by the Employer; any person who is an official of the Employer and who is elected by popular vote or by the Davidson County Quarterly Court; any person who is regularly employed in the service of the Employer by an elected official of the Employer; and any person who is regularly employed in the service of the Employer and who is appointed by an elected official of the Employer. In all cases of doubt, the Pension Commission shall determine whether or not a person is an "Employee" as defined herein.

(d) Member shall mean either a Member of Davidson (sic) A or a Member of Davidson B.

(e) Member of Division A shall mean any Employee who becomes a Member of Division A as provided in Article 2 of this Act.

(f) Member of Division B shall mean any Employee who becomes a Member of Division B as provided in Article 3 of this Act.

(g) Retired Member shall mean any person who is no longer an Employee and is receiving a benefit provided by this Act, or any Act amendatory thereof.

(h) Fund shall mean the Davidson County Pension fund created by this Act which shall consist of all assets of the System.

(i) Fiscal Year shall mean the fiscal year of the employer.

(j) Pension Commission, or Commission shall mean the Pension Commission established by this Act which shall administer (sic) the System in accordance with the provisions of this Act.

(k) Effective Date shall mean July 1, 1961, which shall be the effective date of this Act.

(l) Earnings shall mean the total compensation paid to an Employee for his personal services rendered to the Employer, excluding overtime payments, fees of office paid to an Employee who is not elected by popular vote or by the Davidson County Quarterly Court, compensation paid to members of boards or commissions of the Employer for personal services rendered as members of such boards or commissions, prerequisites (sic), or other compensation not a part of the set scale for an established normal working period; provided however, that any compensation paid by the State of Tennessee or the Employer upon which benefits under the Tennessee State Retirement System or any other retirement system, other than this System, are based shall be excluded from "Earnings" as defined herein.

(m) Service shall mean years and completed calendar months of service of an Employee of the Employer.

**"SECTION 1.02.** Introduction. That there is created and established, as of the Effective Date of this Act, a pension system for Employees of Davidson County to be known as the "Davidson County Pension System." All transactions by the Davidson County Pension System shall be in the name of the System. The System shall have all the powers and privileges of a corporation, and the System shall function as hereinafter provided. All benefits payable to Retired Members and their Survivors under Chapter 274 of the Private Acts of 1943, and all amendatory Acts thereof, shall continue unimpaired, and such benefits shall be an obligation and liability of this System, subject to the provisions of this Act. All funds held by the Davidson County Trustee in connection with Chapter 274 of the Private Acts of 1943, and all amendatory Acts thereof, shall be deposited in the Fund established by this Act and be administered in accordance with (sic) the provisions of this Act.

The Davidson County Pension System provides for two (2) classifications of membership: Division A and Division B. Division A, set forth in Article 2 of this Act, shall cover Employees who have not been covered, prior to Effective Date of this Act, by any pension plan of the Employer; all persons who become Employees after the Effective Date of this Act; and Employees who are Members of Division B, as provided in this Act, and who voluntarily elect to transfer their membership to Division A in accordance with the provisions of this Act. Division B, set forth in Article 3 of this Act, shall cover persons who are Employees on the Effective Date of this Act and who were covered by the Davidson County Employees' Pension and Insurance Fund as it existed on the day before the Effective Date of this Act. Article 1 of this Act shall apply to Members of Division A and Members of Division B. Article 2 of this Act shall apply to Members of Division A. No Employee shall be a member of both Division A and Division B, notwithstanding anything in this Act to the contrary. Any benefit payable to a Retired Member in accordance with the provisions of this Act shall not be payable during any period of time he becomes or is an Employee, notwithstanding anything in this Act to the contrary.

**"SECTION 1.03.** Composition and Organization of Pension Commission. That the Pension Commission shall consist of the Davidson County Judge, the Davidson County Trustee, and the Davidson County Court Clerk. The Davidson County Judge shall be chairman of the Commission, and the Davidson County Court Clerk shall be secretary of the Commission. A majority of the members of the Commission shall constitute a quorum, and all action taken by the Commission shall be by affirmative vote of the majority of all members of the Commission. The Pension Commission shall meet at least once in each quarter of each calendar year, and the Commission may meet in special session upon call by any member of the Commission. Any two (2) members of the Commission shall execute any certificate, statement, or written direction on behalf of the Commission, and any person interested in the System shall be entitled to rely upon such execution as being an action of the Commission.

**"SECTION 1.04.** Duties and Powers of Pension Commission. That the Commission shall have complete control of the administrative of the System, subject to the provisions of this Act, with all powers necessary to enable it properly to carry out its duties in that respect. Not in limitation, but in amplification of the foregoing, the Commission shall have the power, not inconsistent with the provisions of this Act, to construe this Act and to determine all questions that may arise hereunder, including questions relating to eligibility of Employees to become Members and the amount of benefit to which any Member, Beneficiary, Survivor or Contingent Annuitant may become entitled hereunder. The decisions of the Commission upon all matters within the scope of its authority shall be final. The Commission shall establish rules and procedures to be followed by Members, Beneficiaries, Survivors and Contingent Annuitants in filing applications for benefits, in furnishing and verifying proofs necessary to determine age, Earnings, or in any

other matters required to administer the System.

The Commission shall receive all applications for benefits. Upon receipt by the Commission of such an application, it shall determine all facts which are necessary to establish the right of the applicant to benefits under the pro-visions of the System and the amount thereof as provided in this Act. Upon request, the Commission will afford any applicant the right of a hearing with respect to any findings of fact or determination. The Commission, as it sees fit, shall prepare from time to time information concerning the System and distribute such information to Employees and Members. The Commission shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities of the System. All proceedings and records of the Commission shall be open for inspection by the public.

To enable the Commission to perform its functions, the Employee shall supply full and timely information to the Commission on all matters relating to the Earnings of Members, their length of Service, their retirement or other causes of termination of employment, contributions to the Fund by Members, and such other pertinent facts as the Commission may require.

The Commission shall certify to the Davidson County Trustee the signatures of all members of the Commission. The Davidson County Trustee shall be entitled to rely on the last received such certification of signatures until written notice to the contrary from the Commission has been received by the Davidson County Trustee.

The Commission shall be empowered to employ the services of legal counsel, investment consultants, actuarial (sic) consultants, and the services of others which, in the sole discretion of the Commission, may be necessary to maintain a soundly designed, administered and financed pension system. All expenses incurred by or on behalf of the Pension Commission in the administration of the System during each Fiscal Year shall be paid from the Fund upon receipt by the Davidson County Trustee of written authorization by the Pension Commission. Members of the Commission shall serve without compensation as members of the Commission, but members of the Commission shall be reimbursed for the actual expenses incurred by them in the performance of their duties.

As soon as practicable after the Effective Date, the Commission shall adopt such actuarial (sic) and other tables as are necessary for the administration of the System. An annual actuarial (sic) valuation shall be made to determine the contingent assets, contingent liabilities and funding requirements of the System. At least once in each five (5) year period, the Commission shall cause an actuarial (sic) investigation to be made of the experience under the System. The Commission shall adopt from time to time, as it sees fit, new actuarial (sic) and other tables necessary for the administration of the System.

The Commission shall be entitled to rely upon all tables, valuations, certificates, and reports furnished by any consultant or actuary; all opinions given by the any legal counsel selected or approved by the Commission; and any advice of a qualified investment consultant. The Commission shall be fully protected with respect to any action taken or suffered by the Commission in good faith in reliance upon the advice or opinion of any such consultant, actuary, legal counsel, or investment consultant, and all actions so taken or suffered shall be conclusive upon each of them and upon all Members of other persons interested in the System.

The Commission shall have no power in any way to modify, alter, add to or subtract from any provision of this Act.

The Pension Commission shall be authorized and empowered to do all things and to take all actions necessary to meet all requirements of Section 218 (d) of the Social Security Act in order to effect retroactive coverage to January 1, 1956 for Members of Division B who voluntarily elect to become covered by the Social Security Act and to transfer their coverage to Division A as provided in Article 3. The Employer shall be authorized and empowered to negotiate coverage; and the Employer shall act in accordance with the directions of the Commission in all matters relating to any agreements or modifications of any existing agreement which may be necessary to accomplish such retroactive coverage and which shall be executed by the Employer on or before December 31, 1961. The Commission shall be authorized and empowered to pay from the Fund to the Social Security Administration the amount of any retroactive Social Security taxes as required by such agreement or agreements or modifications of any existing agreements.

The Commission shall determine whether any Employee meets the health examination requirements an Employee must meet to become eligible for participation as provided in Section 2.03 or Section 2.05; and the Commission shall determine all questions relating to the disability of any Member applying for disability benefits under this Act. The Commission shall employ from time to time, upon such terms and conditions as the Commission may prescribe, one or more physicians who are not Members of the System. The duties of such physician or physicians shall be to perform all medical examinations required by the Commission, and to investigate all health and medical statements and certificates made by or on

behalf of any Employee applying for membership in the System or any Member applying for or receiving disability benefits under this Act. The conclusions and recommendations on all matters submitted to such physician or physicians shall be reported in writing to the Commission; provided, however, the Commission shall not be bound by the conclusions and recommendations of such physician or physicians.

The Pension Commission shall be the trustee of the Fund and shall have the power to invest and reinvest the principal and income of the Fund, subject to the limitation that no investment shall be made except in securities and properties which at the time of making the investment are permitted by statute for the investment of funds by fiduciaries in the State of Tennessee. Subject to such limitations, the Pension Commission shall have full power to hold, purchase, sell, assign, transfer, or dispose of any assets of the Fund.

**SECTION 1.05.** Personal Interest of Members of Pension Commission Prohibited.

That no member of the Pension Commission shall have any interest, direct or indirect, in the gains or profits of any investment made by the Commission, except to the extent any member of the Commission may be a Member, Survivor, or Beneficiary of the System. No member of the Commission shall receive, directly or indirectly, any pay or emolument for his services except as expressly provided in this Act. No member of the Commission shall, directly or indirectly, for himself or as an agent, use in any manner the funds or deposits of the System, except to make such payments therefrom as are authorized by the Commission, nor shall any member of the Commission become an endorser or surety or in any manner or obligor for monies loaned or borrowed from the System.

**"SECTION 1.06.** Payments from Fund. That the Davidson County Trustee shall be the custodian of the Fund. All registered securities of the Fund shall be registered in the name of the Davidson County Pension System; every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the authorized signatures of members of the Pension Commission; and such securities shall be delivered by the Davidson County Trustee when directed in writing by the Pension Commission. All payments from the Fund shall be made on authority of the Pension Committee. For the purpose of making payments from the Fund, there may be kept available sufficient cash on deposit to the credit of the System in one (1) or more banks or trust companies located in Davidson County, organized under the laws of Tennessee or of the United States, and qualified as State depositories.

**"SECTION 1.07.** Members' Contribution Account. That the Members' Contribution Account shall be the account to which all Members' contributions, as provided in this Act, shall be credited. From this account shall be paid any refund of contributions to a Member terminating his Service other than by retirement or death; and at the time a Member retires or dies, his account balance shall be transferred to the Retirement Allowance Account as defined in Section 1.08. Contributions by a Member shall be deducted from his Earnings for each payroll period subsequent to his becoming a Member; and the amount so deducted shall be deposited in the Fund by the Davidson County Trustee and credited to the Member's individual account of the Members' Contribution Account. Contributions by Members provided for in this Act shall be made notwithstanding that the minimum compensation provided by law for any Member shall be reduced thereby. Every member shall be deemed to consent and agree to the payroll deductions made as provided in this Act; and payment of salaries or wages, less such deductions, shall be a full and complete discharge of all claims for services rendered by such Members during the period covered by such payment.

In the case of a Member of Division B who voluntarily elects to transfer his membership to Division A in accordance with the provisions of this Act, an amount equal to the required taxes under the Federal Insurance Contributions Act payable by such Member of Division B for the period beginning January 1, 1956, and ending on the date coverage under the Social Security Act is extended to such Member of Division B shall be deducted from amounts credited to his individual account of the Members' Contribution Account.

**"SECTION 1.08.** Retirement Allowance Account. That the Retirement Allowance Account shall be the account in which all Employer contributions, all amounts transferred from the Members' Contributions Account, and all income from the invested assets of the Fund shall be accumulated. From this account shall be paid the expense of the Pension Commission in administering the System, death benefits, retirement benefits, and any other benefits payable after a Member's retirement or death.

**"SECTION 1.09.** Employer Contributions. That the Employer shall contribute monthly to the Fund an amount equal to a certain percentage of the monthly Earnings of Members of Division A and Members of Division B, based on a rate to be known as the Employer Contribution Rate. The employer Contribution Rate applicable for any Fiscal Year shall be established by the Pension Commission prior to the commencement of such Fiscal Year on the basis of an actuarial valuation of the System made as of a valuation date within three (3) years of the beginning of such Fiscal Year. The Employer Contribution Rate shall be determined actuarially based on a normal contribution rate and five per cent (5%) of unfunded

past service liabilities as of the date an actuarial valuation is made.

The normal contribution rate and unfunded past service liabilities shall be determined by a qualified actuary on the basis of such actuarial assumptions last adopted by the Pension Commission prior to said actuarial valuation date and on the basis of accepted actuarial methods. Based on the Employer Contribution Rate, the Pension Commission shall determine (sic) its best estimate of the contribution required by the Employer for the Fiscal Year then beginning and of estimated expenses of the Pension Commission. Such estimated amounts shall be included in the budget of the Employer for such Fiscal Year, and the Employer shall make actual Employer contributions to the Fund each month based on the Employer Contribution Rate applicable to Earnings of the Members in the Month.

**"SECTION 1.10.** Correction of Errors. That if any change in records or error results in any Member, Survivor, Contingent Annuitant, or Beneficiary receiving from the System more or less than he would have been entitled to receive had the records been correct or had the error not been made, the Commission, upon discovery of such error, shall correct the error by adjusting, as far as practicable, the payments in such manner that the benefits to which the Member, Survivor, Contingent Annuitant, or Beneficiary was correctly entitled shall be paid. If any change in records or error results in any Member or the Employer contributing to the Fund more or less than should have been contributed had the records been correct or had the error not been made, the Commission, upon discovery of such error, shall correct the error by adjusting, as far as practicable, the contribution payable by the Member or the Employer so that the total contributions paid will equal the amount payable had the records been correct or had the error not been made.

**"SECTION 1.11.** Retirement Benefits Exempt From Taxation, Execution or Assignment. That all retirement benefits and other benefits accrued or accruing to any person under the provisions of this Act, and the contributions by Members as well as the Employer, and other assets of the Fund are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court.

**"SECTION 1.12.** False Statements. That any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the System, in any attempt to defraud the System shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

**"SECTION 1.13.** Headings. That the headings and sub-headings of this Act have been inserted for convenience of reference only and are to be ignored in any construction of the provisions of this Act.

**"SECTION 1.14.** Construction. That in the construction of this Act, the masculine shall include the feminine and the singular the plural in all cases where such meanings would be appropriate.

**"SECTION 1.15.** Legally Incompetent. That if any Member, Retired Member, Survivor, Beneficiary or Contingent Annuitant is a minor, or is in the judgment of the Pension Commission otherwise legally incapable of personally receiving and giving a valid receipt for any payment due him hereunder, the Commission may, unless and until claim shall have been made by a duly appointed guardian or conservator of such person, direct that such payment or any part thereof be made to such person's spouse, child, parent, brother, or sister, deemed by the commission to have incurred expenses for or assumed responsibility for the expense of such person. Any payment so made shall be a complete discharge of any liability under the System for such payment.

**"SECTION 1.16.** Amendment or Repeal. That an amendment or repeal of any provision of this Act shall be made only following an actuarial determination of its effect on the soundness of the System's design as well as its effect on the cost of the System, and disclosure of such information to all interested persons. No amendment or repeal of a provision of this Act shall affect in any way the benefits then being paid to Members, Survivors, Contingent Annuitants or Beneficiaries or benefits based on Service completed prior to the date of such amendment or repeal, except as provided in Section 1.17; provided, however, that in determining such accrued benefits payable to Members of Division A, the Average Base Earnings and the Average Excess Earnings shall be determined as of the date of the amendment or repeal, as the case may be, and in determining such accrued benefits payable to Members of Division B, the Credited Earnings shall be determined as of the date of the amendment or repeal, as the case may be.

**"SECTION 1.17.** Repeal of Entire Act. That in even of repeal of this Act in its entirety including amendatory Acts thereto, the Pension Commission shall prepare a list of all Members, Retired Members, Survivors, Contingent Annuitants and Beneficiaries, showing for each, as of the date of such repeal, the following:

- (1) For each Retired Member, Survivor, Beneficiary or Contingent Annuitant receiving benefits, the amount and terms of payment of such benefits.
- (2) For each Member of Division A entitled to a deferred benefit as provided in Section 2.16 or



Section 2.55, the amount and terms of payment of such benefit; and for each terminated Member of Division B entitled to a deferred benefit as provided in Section 3.15 (c) (2), the amounts and terms of payment of such benefit.

(3) For each Member of Division B, the amount of his accrued benefit computed as of the date of such repeal in the same manner as set forth in Section 3.10; and for each Member of Division A, the amount of his accrued benefit computed as of the date of repeal in the same manner as set forth in Section 2.12.

The terms of payment of such benefit for a Member of Division A shall be the same as those of the deferred benefit described in Section 2.16 or Section 2.25, unless modified by a previous election of an option as provided in Section 2.26.

The benefits shown on the above list will then be separated into "priority classes" as follows:

Priority Class A: Benefits for Members who have reached their sixty-fifth birthdays, benefits for Retired Members who have reached their sixty-fifth birthdays, and benefits for Survivors, Beneficiaries and Contingent Annuitants of all deceased Members or Retired Members.

Priority Class B: Benefits for Members, Retired Members who are receiving benefits, terminated Members of Division B entitled to a deferred benefit as provided in Section 3.15 (c) (2), and Members of Division A entitled to a deferred benefit as provided in Section 2.16 or Section 2.25; provided, however, that they have reached their fifty-fifth but not their sixty-fifth birthdays and have completed twenty (20) years of Credited Service.

Priority Class C: Benefits for all Members, terminated Members and Retired Members the Commission will then arrange for the liquidation of all assets held in the Fund maintained in Connection with the System and prepare a statement of the liquidated value of such assets. The Commission will then arrange for the application of the assets of the Fund to purchase annuities from an insurance company or companies, to provide in full, if such assets are sufficient to do so, the benefits in Priority Class A. If such assets are not sufficient to purchase one hundred percent (100%) of benefits in Priority Class A, they shall be applied in full to purchase such uniform percentage as can be purchased. If the assets of the Fund are more than sufficient to purchase one hundred percent (100%) of the benefits in Priority Class A, the remainder shall be applied in the same manner to purchase all or a uniform percentage of benefits in Priority Class B. If the remaining assets are more than sufficient to purchase one hundred Percent (100%) of the benefits in Priority Class B, the remainder shall be applied in the same manner to purchase all or a uniform percentage of benefits in Priority Class C. If the remaining assets are more than sufficient to purchase one hundred percent (100%) of the benefits in Priority Class C, the remainder shall revert to the Employer. Upon completion of the steps specified above, this Act shall be considered repealed, and no Member, Retired Member, Survivor, Beneficiary or Contingent Annuitant shall have any further right or claim under this Act.

**"SECTION 1.18.** Termination of System by Default. That in the event the Employer fails for four (4) consecutive Fiscal Years to contribute in accordance with the provisions of Section 1.09, the System shall automatically terminate and the provisions of Section 1.17 shall apply in the same manner as though the Act in its entirety had been repealed.

**"SECTION 1.19.** Right of Employment. That nothing contained in this Act shall be deemed to give any Member or Employee the right to be retained in the employment of the Employer or to interfere with the right of the Employer to discharge any Member or Employee, regardless of the effect which such discharge would have upon him as a Member.

## **ARTICLE 2 DIVISION A**

**"SECTION 2.01.** Introduction. That Article 2 shall apply only to Employees eligible to participate in Division A and to Members of Division A as provided in Article 2. Article 2 shall not apply to Employees who are Members of Division B. Members of Division A shall be covered by the Social Security Act.

**"SECTION 2.02.** Definitions. That when used in Article 2, and in Article 1, the following words and phrases shall have the meaning indicated unless otherwise defined or required by the context:

(a) Prior Service shall mean all Service, whether continuous or not, prior to the Effective Date; provided, however, that any person who becomes an Employee after the Effective Date shall not be allowed credit for Prior Service.

(b) Current Service shall mean all continuous, uninterrupted Service after the Effective Date and prior to the date as of which Current Service is being determined; provided, however, after he has reached his seventieth birthday. Current Service shall not be deemed to be interrupted, but shall not include

extended sick leave or leave of absence granted by the appointing officer of the Employee and approved by the Pension Commission, or any service, voluntary or involuntary, in the Armed Forces of the United States, provided the Employee is entitled to re-employment under the provisions of the Universal Military Training and Service Act and amendments thereto, or any law applicable to such re-employment, and provided further that the Employee shall apply for re-employment with the Employer within the time specified by law and in the manner and under the conditions prescribed by law.

(c) Credited Service shall mean the sum of Prior Service, in any, and Current Service. Credited Service shall be expressed in years and a decimal fraction of a year based on completed calendar months.

(d) Base Earnings shall mean that part of Earnings in any calendar year which is subject to Social Security Tax.

(e) Excess Earnings shall mean that part of Earnings in any calendar year which is not subject to Social Security Tax.

(f) Average shall mean an arithmetic average determined for the full calendar years of Credited Service of a Member of Division A commencing with the Calendar year 1956 and ending with the calendar years of Credited Service actually completed by a Member of Division A; provided, however, that in no case shall such average be based on more than ten (10) full calendar years preceding the date as of which such average is being determined.

(g) Average Base Earnings shall mean the Average of Base Earnings; provided, however, that in the case of delayed retirement, such Average shall not to less than the Average of Base Earnings determined as of the Normal Retirement Date.

(h) Average Excess Earnings shall mean the Average of Excess Earnings; provided, however, that in the case of delayed retirement, such Average shall not to less than the Average of Excess Earnings determined as of the Normal Retirement Date.

(i) Normal Retirement Date shall mean the first day of the month next following the sixty-fifth birthday of a Member of Division A.

(j) Beneficiary shall mean the person last designated in writing by a Member of Division A in accordance with the provisions of Section 2.06 to receive benefits payable on the death of a Member of Division A.

(k) Contingent Annuitant shall mean the person last designated in writing by a Member of Division A to receive benefits payable under Option A or Option B as provided in Section 2.27.

**"SECTION 2.03.** Eligibility and Participation of a Person Becoming an Employee After the Effective Date. That each person becoming an Employee after the Effective Date shall, as a condition of employment, become a Member of Division A as of the first day of the month next following completion of six (6) full calendar months of Current Service, provided he meets the minimum health requirements established by the Pension Commission. Any Employee who does not meet such minimum health requirements shall become a Member of Division A on the date the Pension Commission certifies in writing that he does meet such requirements; provided, however, that all Service prior to such certification shall not be included as Current Service, notwithstanding anything in this Act to the contrary.

**"SECTION 2.04.** Eligibility and Participation of a Member of Division B who Transfers His Membership to Division A. That each Employee who is a Member of Division B and who voluntarily elects in writing to transfer his membership to Division A, in accordance with the provisions of Article 3 of this Act, shall thereafter be a Member of Division A. A Member of Division B who voluntarily elects to transfer his membership to Division A, in accordance with the provisions of Article 3 of this Act, shall cease to be a Member of Division B and shall thereafter have no rights under Article 3 of this Act.

**"SECTION 2.05.** Eligibility and Participation of Employees of the Effective Date Who Are not Members of Division B. That each Employee on the Effective Date who is not then a Member of Division B shall be eligible to become a Member of Division A as of the first day of the month next following completion of six (6) full calendar months of Credited Service, or on the Effective Date, whichever is later, provided he meets the minimum health requirements established by the Pension Commission. Any Employee who does not meet such minimum (sic) health requirements shall become a Member of Division A on the date the Pension Commission certifies in writing that he does meet such requirements; provided, however, that all Credited Service prior to such certification shall not be included as Credited Service, notwithstanding anything in this Act to the contrary.

An Employee on the Effective Date who is not then a Member of Division B shall deliver on or before September 15, 1961 written notice to the Pension Commission of his election to become a Member of Division A. In the case of an Employee on authorized leave of absence on the Effective Date, such written notice must be delivered to the Pension Commission within sixty (60) days of his return to active

employment. If an Employee does not deliver such written notice within the time limits prescribed in this Section, he shall be deemed to have refused membership in Division A, and he shall forfeit his right to any credit for Prior Service if he subsequently delivers such written notice, notwithstanding anything in this Act to the contrary. He may subsequently deliver such written notice to the Pension Commission, but he shall not have any right to credit for Prior Service and he shall pay into the Fund all contributions he would have made from the Effective Date to the date he delivers such written notice to the Pension Commission.

**"SECTION 2.06.** Beneficiary Designation. That a Member of Division A may designate any person as Beneficiary to receive benefits provided by Article 2 and payable upon the death of the Member of Division A. A change in such designation may be made at any time by the Member of Division A, subject to the provisions of Section 2.26. Such designation or change in designation shall be submitted in writing to the Pension Commission in such form and manner as the Commission may prescribe. No designation of Beneficiary shall be effective unless it has been received by the Pension Commission prior to the date of death of the Member of Division A. Upon any change in designation of Beneficiary, the rights of all previously designated Beneficiaries to receive any benefits provided by Article 2 shall cease.

**"SECTION 2.07.** Termination of Membership in Division A. That if a Member of Division A terminates his membership in Division A, he shall thereafter forfeit all rights to any benefit or benefits provided by Division A arising from Service completed prior to the date his membership is terminated. The membership of any Member of Division A shall terminate upon:

- (a) Withdrawal of his contributions at or any time after termination of employment, regardless of his length of Credited Service;
- (b) Termination of employment, unless at such termination of employment he has completed fifteen (15) years of Credited Services and he does not withdraw his contributions;
- (c) Retirement, except disability retirement followed by re-employment as an Employee subject to Section 2.17, or early retirement, if a monthly deferred early retirement benefit was elected, followed by re-employment as an Employee subject to Section 2.16;
- (d) Death;
- (e) Termination of employment at any time with prejudice, where "prejudice" shall mean the termination of employment of a Member of Division A as a result of his conviction in a court of competent jurisdiction of embezzlement or larceny of public funds or properties, or malfeasance in office, or shall mean the forcing of a Member of Division A to make restitution of any funds or properties similarly taken by the Member of Division A which resulted in his termination of employment.

**"SECTION 2.08.** Prior Service Certificates. That as soon as practicable after the Effective Date, the Pension Commission shall determine the Prior Service of each Member of Division A who was an Employee on the Effective Date and shall issue to such Member of Division A certificate of his Prior Service. If the Pension Commission discovers that the Prior Service recorded on a certificate is incorrect, a corrected certificate shall be issued promptly which shall supersede any certificate previously issued. Copies of such certificates shall become a part of the permanent records maintained by the Pension Commission for the purpose of determining benefits payable to Members of Division A or to their beneficiaries or Contingent Annuitants. In establishing such records, the Pension Commission may require, in its discretion, Members of Division A, Beneficiaries, Contingent Annuitants and other persons to submit affidavits as to any information and data which affect benefits payable to Members of Division A or their Beneficiaries or Contingent Annuitants. When a Member of Division A or their Beneficiaries or Contingent Annuitants. When a Member of Division A terminates his membership in Division A as provided in Section 2.07, his certificate of Prior Service shall become void.

**"SECTION 2.09.** Contributions Rates of Members of Division A. That each Employee who is a member of Division A shall contribute to the Fund in accordance with the contribution rate or rates per calendar year which shall be (a) and (b), as follows:

- (a) the contribution rate shall be three percent (3%) of Base Earnings;
- (b) the contribution rate shall be six percent (6%) of Excess Earnings.

The amount of contribution payable in any payroll period by each Member of Division A shall be computed, consistent with the provisions of this Section to the extent administratively feasible, in such manner as determined by the Pension Commission, and shall be made by payroll deductions in accordance with the provisions of Section 1.07 of this Act.

**"SECTION 2.10.** Application for Benefits. That before any benefit provided for in Article 2 can be paid, all conditions applicable to the payment of the benefit must be met, application for the benefit must be presented to the Pension Commission in such form and manner as the Commission shall determine, and the payment of benefit must be approved by the Pension Commission. If any retirement benefit provided

for in Article 2 is less than twenty dollars (\$20.00) per month, the Pension Commission in its discretion may pay the actuarially equivalent value of such benefit in one lump sum, or in such other manner as the Commission may determine.

**"SECTION 2.11.** Normal Retirement -- Conditions. That each Member of Division A shall be eligible to retire on his Normal Retirement Date and to receive a benefit as provided in Section 2.12.

**"SECTION 2.12.** Normal Retirement Benefit. That a Member of Division A shall, upon retirement on his Normal Retirement Date, receive a monthly normal retirement benefit which shall be payable on his Normal Retirement Date and on the first day of each month thereafter during his lifetime, computed as of his Normal Retirement Date as one-twelfth (1/12) of the product of (a) and (b):

(a) Credited Service.

(b) Seventy-five one hundredths percent (.75%) of Average Base Earnings, plus one and fifty one-hundredths percent (1.50%) of Average Excess Earnings.

Notwithstanding anything in this Act to the contrary, no amendment of this Act shall have the effect of changing either the ratio of the contribution rate applicable to Base Earnings (as provided in Section 2.09) and the benefit rate applicable to Average Base Earnings (as provided in this Section), or the ratio of the contribution rate applicable to Excess Earnings (as provided in Section 2.09) and the benefit rate applicable to Average Excess Earnings (as provided in this Section).

**"SECTION 2.13.** Delayed Retirement -- Conditions. That a Member of Division A may remain in the active employment of the Employer beyond his Normal Retirement Date, if requested in writing to do so by the head of his department and with the written approval of the Pension Commission, and shall be eligible to retire on his Delayed retirement Date, which shall be the first day of any month following the Effective Date and his Normal Retirement Date, and to receive a benefit as provided in Section 2.14. In no case shall a Member of Division A, other than an official of the Employer who is elected by popular vote, or by the Davidson County Quarterly Court, remain in the active employment of the Employer beyond his seventy-fifth birthday; provided however, that such Member of Division A who has reached his seventy-fifth birthday on the Effective date shall not be required to retire for a period of three (3) years after the Effective Date.

**"SECTION 2.14.** Delayed Retirement Benefit. That a Member of Division A shall, upon retirement on his Delayed Retirement Date, receive a monthly delayed retirement benefit, which shall be payable on his Delayed Retirement Date and on the first day of such computation shall be made as of his Delayed Retirement Date.

**"SECTION 2.15.** Early Retirement -- Conditions. That a Member of Division A who has reached his fifty-fifth birthday and completed twenty (20) years of Credited Service shall be eligible to retire on his Early Retirement Date, which shall be the first day of any month thereafter but prior to his Normal Retirement Date, and to receive a benefit as provided in Section 2.16.

**"SECTION 2.16.** Early Retirement Benefit. That a Member of Division A shall, upon retirement on his Early Retirement Date, receive either (a) or (b) as follows:

(a) a monthly deferred early retirement benefit, which shall be payable on his Normal Retirement Date, provided he is then living, and on the first day of each month thereafter during his lifetime, computed in the same manner set forth in Section 2.12, except that such computation shall be made as of his Early Retirement Date; provided, however, that if the date of death of such Member of Division A occurs after his termination of employment and prior to his Normal Retirement Date, his Beneficiary shall receive a refund of the contributions standing to the credit of such deceased Member of Division A; or

(b) an immediate monthly early retirement benefit, which shall be payable on his Early Retirement Date and on the first day of each month thereafter during his lifetime, the amount of which shall be the amount of the benefit provided in subparagraph (a) of this Section, but reduced by five-twelfths percent (5/12%) thereof for each full month in the period of time between his Early Retirement Date and his Normal Retirement Date.

If a Member of Division A who has elected a monthly deferred early retirement benefit as provided in subparagraph (a) of this Section is re-employed by the Employer, his Credited Service shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee.

**"SECTION 2.17.** Definition of Disability -- Requirements. That disability shall mean a physical or mental condition of a Member of Division A which has persisted for six (6) continuous months, which is likely to be permanent, and which has rendered him incapable of performing work which would provide income at a rate of twenty-five percent (25%) or more of his regular rate of Earnings at the time such disability began. Loss by severance of both hands at or above the wrists, or both feet at or above the ankles, or

one hand above the wrist and one foot at or above the ankle, or the complete irrecoverable loss of the sight of both eyes, shall conclusively determine disability, notwithstanding the extent of the income of the Member of Division A after the date of such loss.

Notwithstanding any provision of this Section to the contrary, disability as defined in this Section shall not include a physical or mental condition which results directly or indirectly from:

- (a) injury intentionally self-inflicted;
- (b) injury or disease resulting from military service; or
- (c) injury or disease suffered or contracted prior to the last date hired as an Employee by the Employer.

The Pension Commission shall have exclusive authority to determine the existence of disability. The Commission in its sole discretion, may secure such medical and other evidence as it deems necessary and appropriate. Once each calendar year, the Pension Commission may require any Retired Member who is receiving a disability benefit and who has not reached his Normal Retirement Date to undergo a medical examination by a physician or physicians designated by the Pension Commission; and such examination shall be made at the place or residence of such Retired Member or at any other place the Pension Commission designates. If the Pension Commission determines from such medical examination or any other evidence that the disability of the Retired Member has ceased, his disability benefit shall be discontinued as of the date of such determination. If a Retired Member refuses to submit to such medical examination, his disability benefit shall be discontinued until he shall actually undergo such medical examination; and if he fails to undergo such medical examination for one year from the date the Pension Commission requires such medical examination, his disability benefit shall be discontinued permanently. Prior to July 1 in each calendar year, each Retired Member who received a disability benefit in the preceding calendar year and who has not reached his Normal Retirement Rate shall submit proof satisfactory to the Pension Commission of the amount of his income earned in such preceding calendar year and derived from performing work. If the Pension Commission determines that such income is twenty-five percent (25%) or more of his regular rate of annual Earnings at the time such disability began, his disability benefit shall be discontinued as of the date of such determination; provided, however, that if the Retired Member reapplies for disability benefits and the Commission determines that disability exists, payment of his disability benefit shall resume as of the date of such determination. If a Retired Member refuses or fails to submit such proof to the Pension Commission prior to July 1, in each calendar year, his disability benefit shall be discontinued after such date and until he actually submits such proof; and if he fails to submit such proof within one year of such date, his disability benefit shall be discontinued permanently. If the disability benefit of a Retired Member is discontinued permanently prior to his Normal Retirement Date and he is re-employed by the Employer within six (6) months following the date his disability ceases, his Credited Services shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee.

**"SECTION 2.18.** Disability Not in Line of Duty -- Conditions. That a Member of Division A who is any Employee, who has completed fifteen (15) years of Credited Service, and who has become disabled as defined in Section 2.17 shall be eligible to retire from the active employment of the Employer on his Disability Retirement Date, which shall be the first day of the month following the determination by the Pension Commission that he is disabled, and to receive a disability benefit as provided in Section 2.19.

**"SECTION 2.19.** Disability Not in Line of Duty -- Benefit. That a Member of Division A shall receive a monthly disability retirement benefit, which shall be payable on his Disability Retirement Date, as defined in Section 2.18, and on the first day of each month thereafter during the period of his disability, as defined in Section 2.17, and during his lifetime. Such monthly disability retirement benefit shall be computed in the same manner set forth in Section 2.12 except that such computation shall be made as of his Disability Retirement Date and the amount of such benefit shall not be less than fifty dollars (\$50.00) per month. A Member of Division A shall also receive, upon retirement on his Disability Retirement Date, as defined in Section 2.18, a lump sum benefit equal to six (6) months of his monthly disability retirement benefits.

**"SECTION 2.20.** Disability in Line of Duty -- Conditions. That a Member of Division A who is an Employee and who becomes disabled, as defined in Section 2.17, as a direct result of any act or thing done which, as determined in the discretion of the Pension Commission, was required of him in the performance of his duty as an Employee shall be eligible to retire from the active employment of the Employer on his Disability Retirement Date, which shall be the first day of the month following the determination by the Pension Commission that he is disabled, and to receive a disability benefit as provided in Section 2.21.

**"SECTION 2.21.** Disability in Line of Duty -- Benefit. That a Member of Division A shall receive a monthly disability retirement benefit, which shall be payable on his Disability Retirement Date, as defined

in Section 2.20, and on the first day of each month thereafter during the period of his disability, as defined in Section 2.17, and during his lifetime. Such monthly disability retirement benefit shall be either (a) or (b) as follows, whichever is the larger amount:

(a) a monthly benefit computed in the same manner set forth in Section 2.12 except that such computation shall be made as of his Disability Retirement Date and the amount of such benefit shall not be less than fifty dollars (\$50.00) per month; or

(b) a monthly benefit equal to one-twelfth (1/12) of the sum of fifty percent (50%) of Average Base Earnings and fifty percent (50%) of Average Excess Earnings determined as of his Disability Retirement Date; provided, however, that such sum shall be reduced by the primary insurance amount being paid to such Member of Division A under the Social Security Act.

A Member of Division A who is eligible to receive a disability benefit in accordance with the provisions of subparagraph (b) of this Section shall submit proof satisfactory to the Pension Commission that he has filed with the Social Security Administration an application for disability benefits in accordance with the provisions of the Social Security Act. The Pension Commission may require from time to time a Member of Division A who is eligible to receive a disability benefit in accordance with the provisions of subparagraph (b) of this Section to file an application for disability benefits with the Social Security Administration. If such Member of Division A fails or refuses to file such application, the Pension Commission shall estimate what would have been his primary insurance amount if a valid application for disability benefits had been filed, and his monthly disability benefit payable as provided in subparagraph (b) of this Section shall be reduced by such estimated primary insurance amount.

**"SECTION 2.22. Death Benefits Before Retirement.** That if the date of death of a Member of Division A occurs prior to the commencement of any benefits provided by this Act and prior to the first day of the month following his fifty-fifth birthday and his completion of twenty (20) years of Credited Service, his Beneficiary shall receive a lump sum payment of the Member's contributions standing to the credit of the deceased Member of Division A. If the date of death of a Member of Division A, who was in the active employment of the Employer on such date, occurs prior to the commencement of any benefits provided by this Act, but subsequent to the first day of the month following his fifty-fifth birthday and his completion of twenty (20) years of Credited Service, his then living Beneficiary shall receive a monthly survivor benefit, which shall be payable on the first day of the month following the date of death of the Member of Division A and during the lifetime of such Beneficiary. Such monthly survivor benefit shall be computed as though the Member of Division A had retired on the day before his date of death and had elected Option B as provided in Section 2.27; provided, however, that if no Beneficiary is living on the date of death of the Member of Division A, a refund of his contributions shall be payable to his estate. In lieu of all other benefits payable to a Beneficiary upon the death of a Member of Division A, the Beneficiary may elect to receive a lump sum payment of the Member's contributions standing to the credit of the deceased Member of Division A.

**"SECTION 2.23. Death Benefits After Retirement.** That no death benefits shall be payable in the case of a Retired Member of Division A whose date of death occurs after retirement, unless the deceased Retired Member of Division A elected an optional form of benefit specifically provides for a death benefit.

**"SECTION 2.24. Termination of Employment Before Fifteen (15) Years of Credited Service.** That any Member of Division A who has completed less than fifteen (15) years of Credited Service at the time of his termination of employment shall receive, in lieu of all other benefits he is eligible to receive, a refund of the Member's contributions standing to his credit.

**"SECTION 2.25. Termination of Employment After Fifteen (15) Years of Credited Service.** That a Member of Division A who has completed at least fifteen (15) years of Credited Service at the time of his termination of employment may elect to receive, in lieu of all other benefits he is eligible to receive, either (a) or (b) as follows:

(a) a refund of the Member's contributions standing to his credit; or

(b) a monthly deferred vested retirement benefit, which shall be payable on his Normal Retirement Date, provided he is then living, and on the first day of each month thereafter during his lifetime, computed in the same manner set forth in Section 2.12, except that such computation shall be made as of his date of termination of employment; provided, however, that if the date of death of such Member of Division A occurs prior to his Normal Retirement Date, his Beneficiary shall receive a refund of the Member's contributions standing to the credit of such deceased Member of Division A.

Notwithstanding anything in this Section to the contrary, if the termination of employment of a Member of Division A is with prejudice, as defined in Section 2.07 (e), he shall not be entitled to elect a monthly deferred vested retirement benefit in accordance with subparagraph (b) of this Section. If a Member of Division A who has elected a monthly deferred vested retirement benefit as provided in subparagraph (b)

of this Section is re-employed by the Employer, his Credited Service shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee.

**"SECTION 2.26.** Election of Optional Retirement Benefits. That a Member of Division A entitled to a retirement benefit, other than the disability benefit as provided in Section 2.19 or Section 2.21, may elect ninety (90) days or more prior to his retirement date to have a retirement benefit payable under one of the options set forth in Section 2.27 in lieu of all the benefits he may otherwise be entitled to receive. The benefit shall be paid in accordance with the terms of the option elected. A Member of Division A may revoke his election of an option, and he may make a new election at any time at least ninety (90) days prior to retirement; provided, however, that if his Beneficiary or Contingent Annuitant, as the case may be, dies prior to retirement, he may elect a new option at any time prior to retirement. Election of any option shall be subject to the approval of the Pension Commission and shall be made by the Member of Division A in writing and in such manner and form as the Pension Commission may prescribe. The Beneficiary or Contingent Annuitant last designated by the Member of Division A prior to the date he delivers written application for an option to the Pension Commission shall be the Beneficiary or Contingent Annuitant, as the case may be, to receive any benefits payable after his death. The election of Option A or Option B by a Member of Division A shall be null and void if the Member of Division A or his Contingent Annuitant, as the case may be, dies before benefits commence.

**"SECTION 2.27.** Description of Options. That the amount of any optional retirement benefit set forth in this Section shall be based on option rates adopted from time to time by the Pension Commission and shall be actuarially equivalent in value to the benefit that would otherwise be payable to a Retired Member; provided, however, that an optional retirement benefit in lieu of the delayed retirement benefit as provided in Section 2.14 shall not be less than if based on the option rate and would have been applicable had retirement occurred at his Normal Retirement Date.

Option A: Joint and Survivor Option: a decreased retirement benefit payable to the Retired Member for life which shall continue after his death to the surviving Contingent Annuitant for for (sic) life in the same amount as that payable to the Retired Member.

Option B: Modified Joint and Survivor Option: a decreased retirement benefit payable to the Retired Member for life which shall continue after his death to the surviving Contingent Annuitant for life in the amount of fifty per cent (50%) of the amount that was payable to the Retired Member.

Option C: Social Security Option: an increased retirement benefit payable to the Retired Member during his lifetime until his Normal Retirement Date and a reduced retirement benefit payable thereafter for life in order to have a more level retirement income when such reduced retirement benefit is added to his primary insurance amount payable under the Social Security Act. The optional benefit shall be based on the Retired Member's estimated primary insurance amount payable under the Social Security Act as such Act exists on his Early Retirement Date.

Option D: 120 Payments Certain and Life Option: a decreased retirement benefit payable for life with the first 120 payments guaranteed. Any guaranteed payments due after the death of the Retired Member shall be payable to his Beneficiary.

**"SECTION 2.28.** Coverage by Social Security Act. That all Members of Division A shall be covered by the Social Security Act. Any Member of Division B who desires to transfer his coverage from Division B to Division A must do so by written notice of his election delivered to the Pension Commission prior to September 15, 1961. Each Member of Division B who elects to transfer his coverage from Division B to Division A shall, as a condition of such transfer, contribute retroactive Social Security taxes as provided in Section 1.07 of this Act, contribute Social Security taxes from the Effective Date, and make contributions to the Fund as provided in Section 2.09.

### **ARTICLE 3**

#### **DIVISION B**

**"SECTION 3.01.** Introduction. That this Article shall apply only to Employees eligible to participate in Division B and to Members of Division B as provided herein. This Article shall not apply to Employees who are Members of Division A. Members of Division B shall not be covered by the Social Security Act.

**"SECTION 3.02.** Definitions. That when used in this Article 3 and in Article 1, the following words and phrases shall have the meaning indicated unless otherwise defined or required by the context:

(a) Prior Service shall mean all Service, whether continuous or nor, prior to the Effective Date; provided, however, that Prior Service shall include all years and completed calendar months prior to the Effective Date during which an Employee was a member of the Davidson County Teachers' Retirement Plan. Prior Service shall include any service in the Armed Forces of the United States during World War II, provided the Employee was employed by the Employer immediately prior to entering such service.

- (b) Current Service shall mean all continuous, uninterrupted Service after the Effective Date and prior to the date as of which Current Service is being determined. Current Service shall not be deemed to be interrupted, but shall not include extended sick leave or leave of absence granted by the appointing officer of the Employee and approved by the Pension Commission, or any service, voluntary and involuntary, in the Armed Forces of the United States, provided the Employee is entitled to re-employment under the provisions of the Universal Military Training and Service Act and amendments thereto, or any law applicable to such re-employment, and provided further that the Employee shall apply for re-employment with the Employer within the time specified by law and in the manner and under the conditions prescribed by law.
- (c) Credited Service shall mean the sum of Prior Service, if any, and Current Service. Credited Service shall be expressed in years and a decimal fraction of a year based on completed calendar months.
- (d) Credited Earnings shall mean the highest Earnings in any full calendar year of Credited Service in which the Employee contributed to this Fund, as it existed prior to the Effective Date of this Act.
- (e) Dependent Child shall mean a child of a Member or Retired Member of Division B who is a natural born or adopted child and who has not reached his sixteenth birthday, including a natural born child of a Member or Retired Member of Division B who is born within ten (10) months after the date of death of the Member or Retired Member of Division B.
- (f) Dependent Mother shall mean the natural mother or the stepmother of a Member or Retired Member of Division B who received more than one-half ( $\frac{1}{2}$ ) of her support from the Member or Retired Member of Division B for the full calendar year next preceding the date of death of the Member or Retired Member of Division B; provided, however, that if such woman remarries after the date of death of the Member of Division B, she shall cease, for purposes of Article 3, to be the Dependent Mother of a deceased Member or Retired Member of Division B.
- (g) Widow shall mean the woman to whom a deceased Retired Member was married on his date of retirement and for five (5) full years prior to his date of retirement, or the woman to whom a deceased Member of Division B was married on his date of death and for five (5) full years prior to his date of death; provided, however, that if such woman remarries, she shall cease, for the purpose of this Article 3, to be the Widow of a deceased Member or Retired Member of Division B.
- (h) Survivor shall mean the Widow, or the Dependent Child, or the Dependent Mother or Retired Member of Division B who is eligible to receive any benefits payable upon the death of the Member or Retired Member of Division B as provided in this Article 3.
- (i) Normal Retirement Date shall mean the first day of the month next following the sixtieth birthday of a member of Division B and the completion of twenty-four (24) years of Credited Service, or the completion of thirty (30) years of Credited Service by a Member of Division B, whichever is the earlier date.

**"SECTION 3.03.** Eligibility and Participation. That each Employee, including any Employee who was on authorized leave of absence from the Employer as of the Effective Date, who was covered by the Davidson County Employees' Pension and Insurance Fund as of June 30, 1961 shall become a Member of Division b on the Effective Date. Each Employee who was not covered by the Davidson County Employees' Pension and Insurance Fund as of June 30, 1961 shall not be eligible to become a Member of Division B. Each person who becomes an Employee on after the Effective Date shall not be eligible to become a Member of Division B.

**"SECTION 3.04.** Transfer of Membership to Division A. That such Employee who is a Member of Division B as of the Effective Date may elect voluntarily to transfer his membership to Division A, subject to written application received by the Pension Commission on or before September 15, 1961. Following the receipt by the Pension Commission of such application, he shall become a Member of Division A as of the Effective Date; provided, however, that he shall not be eligible to receive any benefit provided by Division A unless and until coverage by the Social Security Act is effective. If a Member of Division B who transfers his membership to Division A retires, dies, or terminates his employment prior to the date coverage by the Social Security Act is effective, he shall be eligible to receive benefits provided by Division B, and he shall not be eligible to receive any benefit provided by Division A. After the date Social Security coverage is effective, he shall have no right thereafter to any benefit provided by Division B.

**"SECTION 3.05.** Termination of Membership in Division B. That if a Member of Division B terminates his membership in Division B, he shall not be eligible thereafter to become a Member of Division B. The membership of any Member of Division B shall terminate upon:

- (a) Termination of employment;
- (b) Retirement, except disability retirement followed by re-employment as an Employee subject to



Section 3.11 and Section 3.13;

(c) Death;

(d) Termination of employment at any time with prejudice, where "prejudice" shall mean the termination of employment of a Member of Division B as a result of his conviction in a court of competent jurisdiction of embezzlement or larceny of public funds or properties, or malfeasance in office, or shall mean the forcing of a Member of Division B to make restitution of any funds or properties similarly taken by the Member of Division B which resulted in his termination of employment.

**"SECTION 3.06.** Prior Service Certificates. That as soon as practicable after the Effective Date, the Pension Commission shall determine the Prior Service of each Member of Division B who was an Employee on the Effective Date and shall issue to such Member of Division B a Certificate of his Prior Service. If the Pension Commission discovers that the Prior Service recorded on a certificate is incorrect, a corrected certificate shall be issued promptly which shall supersede any certificate previously issued. Copies of such certificates shall become a part of the permanent records maintained by the Pension Commission for the purpose of determining benefits payable to Members of Division B or to their Survivors. In establishing such records, the Pension Commission may require, in its discretion, Members of Division B, Survivors and other persons to submit affidavits as to any information and data which affect benefits payable to Members of Division B and their Survivors. When a Member of Division B terminates his membership in Division B as provided in Section 3.05, his certificate of Prior Service shall become void.

**"SECTION 3.07.** Contribution Rates of Members and Retired Members of Division B. That each Employee who is a Member of Division B shall contribute to the Fund in accordance with the applicable contribution rate per calendar year which shall be (a) or (b) or (c), as follows:

(a) the contribution rate for each male Member of Division B shall be five percent (5%) of his Earnings in each calendar year during which he is a Member of Division B; or

(b) the contribution rate for each female Member of Division B who has elected to have benefits payable to her Survivor in accordance with the provisions of this Article 3 shall be five percent (5%) of her Earnings in each calendar year during which she is a member of Division B;; or

(c) the contribution rate for each female Member of Division B who has not elected to have benefits payable to her Survivor in accordance with the provisions of this Article 3 shall be two and one-half percent (2½) of her Earnings in each calendar year during which she is a Member of Division B.

The amount of contribution payable in any payroll period by each Member of Division B shall be computed, consistent with the provisions of this Section to the extent administratively feasible, in such manner as determined by the Pension Commission, and shall be made by payroll deductions in accordance with the provisions of Section 1.07 of this Act.

If a Member of Division B has not contributed to the Fund as of his retirement date for the required number of years in accordance with the applicable provisions of this Article, he shall continue to contribute each month to the Fund, until he has contributed for such required number of years, in accordance with the applicable contribution rate per month which shall be (d) or (e) or (f), as follows:

(d) the contribution rate for each male Retired Member shall be one-twelfth (1/12) of five percent (5%) of his Credited Earnings; or

(e) the contribution rate for each female Retired Member who has elected to have benefits payable to her Survivor in accordance with the provisions of this Article 3 shall be one-twelfth (1/12) of five percent (5%) of her Credited Earnings; or

(f) the contribution rate for each female Retired Member who has not elected to have benefits payable to her Survivor in accordance with the provisions of this Article 3 shall be one-twelfth (1/12) of two and one-half percent (2½) of her Credited Earnings.

The amount of contributions, if any, payable by a Retired Member shall be collected by deductions from retirement benefits payable to him or by contributions payable by the Retired Member on or before the first day of each month. The Pension Commission in its discretion may determine, with or without uniformity, the method of collecting contributions to the Fund by Retired Members, and the Commission shall have the right to change such method at any time.

The contribution rates of Members and Retired Members of Division B set forth in this Section shall be effective as of the Effective Date. The amount of contribution payable, in accordance with the provisions of the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date, by each Retired Member who retired prior to the Effective Date shall not be increased or decreased by the provisions of this Act; but such amount shall be payable to this Fund for the same period of time required by the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date.

The amount of contribution by a Member of Division B which was payable prior to the Effective Date, in accordance with the provisions of the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date, shall not be increased or decreased by the provisions of this Act; provided, however, that Members and Retired Members of Division B who retire on or after the Effective Date shall contribute to this Fund on and after the Effective Date in Accordance with the contribution rates set forth in this Section.

**"SECTION 3.08.** Application for Benefits. That before any benefit provided for in this Article 3 can be paid, all conditions applicable to the payment of the benefit must be met, application for the benefit must be presented to the Pension Commission in such form and manner as the Commission shall determine, and the payment of benefit must be approved by the Pension Commission. If any retirement benefit provided for in this Article 3 is less than twenty dollars (\$20.00) per month, the Pension Commission in its discretion may pay the actuarially equivalent value of such benefit in one lump sum, or in such other manner as the Commissioner may determine.

**"SECTION 3.09.** Normal Retirement -- Conditions. That each Member of Division B shall be eligible to retire on his Normal Retirement Date and to receive a benefit as provided in Section 3.10.

**"SECTION 3.10.** Normal Retirement Benefit. That a Member of Division B shall, upon retirement on his Normal Retirement Date, receive a monthly normal retirement benefit which shall be payable on his Normal Retirement Date and on the first day of each month thereafter during his lifetime and which shall be equal to one-twelfth (1/12) of fifty percent (50%) of his credited Earnings; provided, however, that if the Member of Division B has not contributed to the Fund as of his Normal Retirement Date for twenty-four (24) full years, he shall contribute to the Fund in accordance with the applicable contribution rate of a Retired Member as set forth in Section 3.07, and he shall contribute such amount during his lifetime or until he has made contributions to the Fund before and after retirement for twenty-four (24) full years, whichever is the shorter period of time.

**"SECTION 3.11.** Disability in Line of Duty -- Conditions. That disability in line of duty shall mean a bodily injury or injuries which was received by accidental means, which resulted directly or exclusively of all other causes during the time a Member of Division B was engaged in the regular duties of his employment, which is likely to be permanent, and which has rendered him incapable of performing the duties of his employment. The Pension Commission shall have exclusive authority to determine the existence of disability in line of duty.

The Pension Commission, in its sole discretion, may secure medical and other evidence as it deems necessary and appropriate. Once each calendar year, the Pension Commission may require any Retired Member who is receiving a disability benefit because of disability in line of duty and who has not reached his sixtieth birthday to undergo a medical examination by a physician or physicians designated by the Pension Commission, and such examination shall be made at the place of residence of such Retired Member or at any other place the Pension Commission designates. If the Pension Commission determines from such medical examination or any other evidence that the disability of the Retired Member has ceased or that he is able to resume employment with the Employer at an annual Earnings rate equal to or greater than that in effect at the time disability was initially determined, his disability benefit shall be discontinued as of the date of such determination. If a Retired Member refused to submit to such medical examination, his disability benefit shall be discontinued until he shall actually undergo such medical examination; and if he fails to undergo such medical examination for one year from the date the Pension Commission requires such medical examination, his disability benefit shall be discontinued permanently.

If the disability benefit of a Retired Member is discontinued permanently prior to his sixteenth (sic)\* birthday and he is re-employed by the Employer within six (6) months of the date his disability ceases, his Credited Service shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee.

**\*COMPILER'S NOTE:** The Compiler assumes that "sixteenth" is incorrect.

A Member of Division B who is an Employee and who becomes disabled as defined in this Section shall be eligible to retire on his Disability Retirement Date which shall be the first day of the month following the determination by the Pension Commission that he is disabled, and to receive a disability benefit as provided in Section 3.12.

**"SECTION 3.12.** Disability in Line of Duty -- Benefit. That a Member of Division B shall receive a monthly disability retirement benefit, which shall be payable on his Disability Retirement Date, as defined in Section 3.11, and on the first day of each month thereafter during the period of his disability, as defined in Section 3.11, and during his lifetime. Such monthly disability retirement benefit shall be equal to one-twelfth (1/12) of fifty percent (50%) of his Credited Earnings.

**"SECTION 3.13.** Disability Not in Line of Duty -- Conditions. That disability not in line of duty shall mean a physical or mental condition of a Member of Division B which has rendered him incapable of efficiently discharging the duties of his position, which is likely to be permanent, and which has rendered him incapable of being gainfully employed. The Pension Commission shall have exclusive authority to determine the existence of disability not in line of duty. The Pension Commission, in its sole discretion, may secure medical and other evidence as it deems necessary and appropriate. Once each calendar year, the Pension Commission may require any Retired Member who is receiving a disability benefit because of disability not in line of duty and who has not reached his sixtieth birthday to undergo a medical examination by a physician or physicians designated by the Pension Commission, and such examination shall be made at the place of residence of such Retired Member or at any other place the Pension Commission designates. If the Pension Commission determines from such medical examination or any other evidence that the disability of the Retired Member has ceased, his disability benefit shall be discontinued as of the date of such determination. If a Retired Member refuses to submit to such medical examination, his disability benefit shall be discontinued until he shall actually undergo such medical examination; and if he fails to undergo such medical examination for one year from the date the Pension Commission requires such medical examination, his disability benefit shall be discontinued permanently. Prior to July 1 in each calendar year, the Pension Commission may require any Retired Member who received a disability benefit in the preceding calendar year because of disability not in line of duty and who has not reached his sixteenth (sic)\* birthday to submit proof satisfactory to the Pension Commission of the amount of his income earned in such preceding calendar year and derived from gainful employment, his disability benefit shall be discontinued as of the date of such determination; provided, however, that if the Retired Member reapplies for disability benefits and the Commission determines that disability exists, payment of his disability benefit shall resume as of the date of such determination. If a Retired Member refuses to submit such proof to the Pension Commission prior to July 1 in each calendar year, his disability benefit shall be discontinued after such date and until he actually submits such proof; and if he fails to submit such proof within one year of such date, his disability benefit shall be discontinued permanently. If the disability benefit of a Retired Member is discontinued permanently prior to his sixtieth birthday and he is re-employed by the Employer within six (6) months of the date his disability ceases, his Credited Service shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee. A Member of Division B who is an Employee, who has completed at least five (5) years of Credited Service, and who becomes disabled as defined in this Section shall be eligible to retire on his Disability Retirement Date which shall be the first day of the month following the determination by the Pension Commission that he is disabled, and to receive a disability benefit as provided in Section 3.14.

\*Probably should have said sixtieth.

**"SECTION 3.14.** Disability Not In Line of Duty -- Benefit. That a Member of Division B shall receive a monthly disability retirement benefit, which shall be payable on his Disability Retirement Date, as defined in Section 3.13, and on the first day of each month thereafter during the period of his disability, as defined in Section 3.13, and during his lifetime; provided, however, that if the Member of Division B has not contributed to the Fund as of his Disability Retirement Date for twenty-four (24) full years, he shall contribute to the Fund in accordance with the applicable contribution rate of a Retired Member as set forth in Section 3.07, and he shall contribute such amount during his lifetime and during the period of his disability, as defined in Section 3.13, or until he has made contributions to the Fund before and after retirement for twenty-four (24) full years, whichever is the shorter period of time. Such monthly disability retirement benefit shall be equal to one-twelfth (1/12) of the applicable percent of his Credited Earnings (set forth in the table below) and based on his years of Credited Services, as follows:

<b>Years of Credited Service</b>	<b>Credited Earnings</b>
Five (5) years	20%
Six (6) years	25%
Seven (7) years	30%
Eight (8) years	35%
Nine (9) years	40%
Ten (10) years or more	50%

**"SECTION 3.15.** Termination of Employment. That if the employment of a Member of Division B is terminated with prejudice, as defined in Section 3.05 (d), he shall not be eligible to receive any benefits provided by this Section, notwithstanding anything in this Section to the contrary. A Member of Division B shall not be eligible to receive benefits provided by more than one of the subparagraphs set forth below in this Section.

(a) Any Member of Division B who has completed less than twenty-three (23) months of Credited Service at the time of his termination of employment, voluntary or involuntary, shall not receive any benefits provided by this Section.

(b) Any Member of Division B who has completed twenty-three (23) months or more of Credited Service at the time of his termination of employment, voluntary or involuntary, may elect to receive, in lieu of all other benefits he is eligible to receive, a refund of seventy-five percent (75%) of the Member's contributions to the Fund standing to his credit less any benefits paid to him prior to his date of termination of employment.

(c) Any Member of Division B who has completed ten (10) years or more of Credited Service at the time of his termination of employment and who is involuntarily deprived of his employment without fault on his part or terminates his employment voluntarily may elect to receive, in lieu of all other benefits he is eligible to receive (1) or (2), as follows:

(1) a refund of seventy-five percent (75%) of the Member's contributions to the Fund standing to his credit less any benefits paid to him prior to his date of termination of employment; or

(2) a monthly retirement benefit which shall be payable on the first day of the month following his sixtieth birthday and on the first day of each month thereafter during his lifetime and which shall be computed in the same manner set forth in Section 3.10; provided, however, that he shall contribute to the Fund in accordance with Section 3.07, as such Section applied to a Retired Member, and he shall contribute such amount during his lifetime or until he has made contributions to the Fund before and after retirement for twenty-four (24) full years, whichever is the shorter period of time.

(d) Any Member of Division B who has completed more than twenty-three (23) months of Credited Service but less than Fifteen (15) years of Credited Service and who is involuntarily deprived of his employment without fault on his part may elect to receive, in lieu of all other benefits he is eligible to receive, a refund of eighty-five percent (85%) of the Member's contributions to the Fund standing to his credit, less any benefits paid to him prior to his date of termination of employment.

(e) Any Member of Division B who has completed fifteen (15) years or more of Credited Service, who has reached his sixtieth birthday and who is involuntarily (sic) deprived of his employment without fault on his part or terminates his employment voluntarily may elect to receive, in lieu of all other benefits he is eligible to receive, a monthly retirement benefit, which shall be payable on the first day of the month following his date of termination of employment and each month thereafter during his lifetime, equal to one-twelfth (1/12) of the applicable percent of his Credited Earnings (set forth in the table below) which shall be based on his years of Credited Service as of his date of termination of employment for the applicable number of full years (set forth in the table below), he shall contribute to the Fund in accordance with Section 3.07, as such Section applies to a Retired Member, and he shall contribute such amount during his lifetime or until he has made contributions to the Fund before and after retirement for such number of full years, whichever is the shorter period of time.

Credited Service	Percent of Credited Earnings	Number of Full Years Member Shall Contribute to the Fund
15 years	30%	15 years
16 years	32%	16 years
17 years	34%	17 years
18 years	36%	18 years
19 years	38%	19 years
20 years	40%	21 years
21 years	42%	21 years
22 years	44%	22 years
23 years	46%	23 years
24 years or more	48%	24 years

(f) Any Member of Division B who has completed twenty-eight (28) years or more of Credited Service and who is involuntarily deprived of his employment without fault on his part may elect to receive, in lieu of all other benefits he is eligible to receive, a monthly retirement benefit which shall be payable on the first day of the month following his date of termination of employment and each month thereafter during his lifetime and which shall be computed in the manner set forth in Section 3.10; provided, however, that he shall contribute to the Fund in accordance with Section 3.07, as such Section applies to a Retired Member, and he shall contribute such amount during his lifetime or until he has made contributions to the Fund before and after retirement for twenty-four (24) full years, whichever is the shorter period of time.

**"SECTION 3.16.** Survivor Benefits -- Conditions. That the Survivor of a Member or Retired Member of Division B, as the case may be, who is eligible to receive a Survivor benefit, shall receive a Survivor benefit as provided in Section 3.17; provided, however, that the Member of (sic) Retired Member of Division B meets the following conditions:

(a) the Member or Retired Member of Division B has contributed to the Fund for at least five (5) years in accordance with the applicable contribution rate set forth in subparagraphs (a), (b), (d) or (e) of

Section 3.07, and dies from any cause; or

(b) the Member of Division B loses his life in the line of duty.

Upon the death of a Member or Retired Member of Division B who has met the conditions set forth above in this Section, the Survivor who is eligible to receive the monthly survivor benefit provided in Section 3.17 shall be determined as follows:

(a) The Widow shall receive a monthly survivor benefit as provided in Section 3.17 which shall be payable on the first day of the month following the date of death of the Member or Retired Member of Division B and on the first day of each month thereafter during the Widow's lifetime or as long as she is a Widow, as defined in Section 3.02 (g), whichever is the shorter period of time.

(b) If there is no Widow on the day next following the date of death of a Members or Retired Member of Division B, the Dependent Child shall receive a monthly survivor benefit as provided in Section 3.17 which shall be payable on the first day of the month following the date of death of the Member or Retired Member of Division B and on the first day of each month thereafter as long as he is a Dependent Child, but in no event shall the monthly survivor benefit be payable to a Dependent Child for more than ten (10) full years. If there are Dependent Children, the monthly survivor benefit provided in Section 3.17 shall be divided equally between the Dependent Children.

(e) (sic)\* If there is not Widow or Dependent Child on the day next following the date of death of a Member or Retired Member of Division B, the Dependent Mother shall receive a monthly survivor benefit as provided in Section 3.17 which shall be payable on the first day of the month following the date of death of the Member or Retired Member of Division B and on the first day of each month thereafter during the Dependent Mother's lifetime or as long as she is a Dependent Mother, as defined in Section 3.02 (f), whichever is the shorter period of time.

**\*COMPILER'S NOTE:** The Compiler assumes "(e)" should have been "(c)".

**"SECTION 3.17.** Survivor Benefits. That the Survivor, determined in accordance with the provisions of Section 3.16, shall receive a monthly survivor benefit which shall be payable for the period of time set forth in Section 3.16 and which shall equal sixty percent (60%) of the benefit computed in the same manner set forth in Section 3.10, except that such computation shall be made as of the date of death of the Member or Retired Member of Division B provided, however, that such monthly survivor benefit shall not be more than One Hundred Twenty-Five dollars (\$125.00) per month or less than Fifty Dollars (\$50.00) per month.

**"SECTION 3.18.** Benefits Payable to Retired Members and Survivors Prior to Effective Date. That all benefits payable to Retired Members and their Survivors in accordance with the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date shall continue unimpaired for the same duration provided in the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date, and such benefits shall be an obligation and liability of this System, subject to the provisions of this Act. No provision of this Act shall be construed to affect in any way the benefits payable to a Retired Member or Survivor, who commenced receiving benefits prior to the Effective Date, notwithstanding any provision of this Act to the contrary.

#### ARTICLE 4

#### MISCELLANEOUS PROVISIONS

**"SECTION 4.01.** Severability. That the provision of this Act are hereby declared to be severable; and if any of its section (sic), provisions, exceptions, sentences, clauses, phrases, or parts be unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would be passed, even if such unconstitutional or void matter had not been included therein.

**"SECTION 4.02.** That Chapter 452 of the Private Acts of 1941, the Davidson County Pension Act, and all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed, except that such repeal of Chapter 452 of the Private Acts of 1941 shall not deprive those employees of pension benefits under said Act who may have been retired prior to the passage of Chapter 29 of the Private Acts of 1945."

**Section 3.** That this Act shall have no effect, unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Davidson County, Tennessee. Its approval or non-approval shall be proclaimed by the Chairman of the Davidson County Quarterly Court, and such action shall be certified by him to the Secretary of State.

Passed: March 16, 1961.

# Seat of Government

## Acts of 1843-44 Chapter 1

That the town of Nashville in the county of Davidson, shall be, and is hereby established as the seat of the State Government of this State, in accordance with the second section of the schedule to the Constitution.

Passed: October 7, 1843.

# Sports Stadium

## Public Acts of 1996 Chapter 582

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in [Tennessee Code Annotated](#).

**SECTION 1.** The State of Tennessee, acting by resolutions of its funding board, is hereby authorized and empowered to issue and sell direct general obligation interest-bearing bonds of the State of Tennessee in amounts not to exceed fifty-five million dollars (\$55,000,000.00) to effectuate the projects authorized in Section 4 of this act. Such bonds may be issued and sold as determined by the funding board, after advertisement as provided by law, including Title 9, Chapter 9, Tennessee Code Annotated.

**SECTION 2.** Said bonds and the interest-bearing coupons attached thereto, if any, shall be in such form, mature at such time or times within thirty (30) years from the date of their issuance, be executed in such manner, be payable at such place or places both as to principal and interest, and be in such denomination and bear such rate of interest, payable in such manner, as the funding board shall by resolution direct; provided, however, that the maximum rate determined by the funding board in no instance shall exceed the legal rate as provided in Section 47-14-103 of the Tennessee Code Annotated. Said bonds shall be sold by the funding board after advertisement as provided by law at not less than ninety-eight percent (98%) of the par value thereof, together with the accrued interest thereon, and when they have been sold, the proceeds derived from the sale thereof shall be paid to the State Treasurer to be disbursed by him and other fiscal officers and agencies of the state as provided by the general law and this act. Said bonds and interest payable thereon shall be exempt from taxation by the State of Tennessee or by any county, municipality or taxing district of the state except inheritance, transfer and estate taxes.

**SECTION 3.** When said bonds are so issued and sold, they shall be direct general obligations of the State of Tennessee for the payment of which well and truly to be made according to the tenor, effect and terms thereof the full faith and credit of the state together with its taxing power, shall irrevocably be pledged, and said bonds as authorized herein shall be issued agreeable to the term of Title 9, Chapter 9, Tennessee Code Annotated; and they shall be financed, retired, and paid both as to principal and interest as provided in said chapter and shall be subject to the terms and conditions therein and herein contained. When said bonds are sold and proceeds paid over to the State Treasurer, said funds shall be paid out by him and the proper fiscal officers of the state, as provided by general law, but only on order of the proper administrative authorities of the agency or department herein named for the benefit of which such bonds have been authorized and only to the extent such bonds have in fact been issued for the benefit of such agency or department.

**SECTION 4.** The proceeds of bonds (and bond anticipation notes) issued under the authority of this act shall be allocated to the Department of Finance and Administration for the purpose of making a grant to the Metropolitan Government of Nashville and Davidson County for the construction of a sports stadium.

**SECTION 5.** The proper authorities heretofore enumerated and charged with the duty of expending said funds shall have authority to proceed with the projects authorized herein and for that purpose may hire an architect or architects, advertise for low bids and award contracts to low bidders, shall within the provisions of the general law, expressly including the provisions of Title 4, Chapter 15, Tennessee Code Annotated, and in agreement with the terms of this act. No contract, including a contract for architectural services, involving a project authorized by this act which is subject to the approval of the State Building Commission shall be entered into unless and until said contract shall have been approved by the said building commission.

**SECTION 6.** The appropriation made to each agency or department as aforesaid may be applied as determined by the funding board to bear its pro rata part of the expense of advertising said bonds for sale and furnishing an approved legal opinion of bond attorneys.

**SECTION 7.** Pending the issuance of the definite bonds authorized by this act, the State of Tennessee,

acting by resolutions of its funding board, is hereby authorized and empowered to issue and sell, either at public or private sale, at not less than ninety-eight percent (98%) of the par value thereof and accrued interest, its interest-bearing bond anticipation note or notes. Such note or notes shall be authorized by resolution of the funding board, shall bear such date or dates, and shall mature at such time or times, including any renewals thereof, not exceeding five (5) years from the date of issuance of the original note or notes, as such resolution or resolutions provide. Said note or notes shall bear interest at such rate or rates, be in such denominations, be in such form, be executed in such manner, be payable in such medium of payment, at such place or places and subject to such terms and conditions as such resolution or resolutions may provide. Provisions of general law with respect to authentication, execution and registration of general obligation bonds of the State of Tennessee shall also apply to said notes to the extent applicable. Said note or notes and interest payable thereon shall be exempt from taxation by the State of Tennessee or by any county, municipality or taxing district of the state except inheritance, transfer and estate taxes.

Any resolution or resolutions of the funding board authorizing the issuance of such bond anticipation note or notes shall provide that the same are issued in anticipation of the bonds authorized hereunder and shall further provide that the full faith and credit of the State of Tennessee are pledged to the payment thereof.

**SECTION 8.** No bonds shall be issued under the authority of this act until such time as the General Assembly has appropriated sufficient funds to pay the first year's obligation of principal and interest on the amount of bonds to be issued and the state funding board has determined that such funds are available.

**SECTION 9.** In its discretion, and notwithstanding any language in this act, the funding board may provide that a bond anticipation note or any renewal of such note issued pursuant to the provisions of such acts and the Title 9, Section 9 of the Code, may mature more than five (5) years from the date of issue of the original note; provided, that an amortization schedule for repayment of principal is established for the project funded by the note and provisions are made such that any note or renewal note or bond refunding such note attributed to the financing of such project shall be redeemed or retired either thirty-five (35) years from the date of issue of such original note or thirty (30) years from the date the project is completed and placed in full service, whichever is earlier.

**SECTION 10.** Notwithstanding any other provision of this act to the contrary, the bonds and bond anticipation notes authorized by this act may be designated "college savings bonds" and be issued pursuant to the provisions of the Baccalaureate Education Savings for Tennessee Act, Tennessee Code Annotated, Section 9-9-206, Section 49-3-1203 and Sections 49-7-901 through 907.

**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 take effect upon becoming a law, the public welfare requiring it.

Passed: February 29, 1996.

## Water and Sewerage

### Private Acts of 1953 Chapter 361

**COMPILER'S NOTE:** This act is probably superseded by the Metropolitan Code, Section 20-1-160.1, which adopts the regulations of the Tennessee Department of Public Health concerning private sewage disposal, effective July 10, 1974. Charter authority for the regulation of sewage is contained in Section 2.01(9).

**SECTION 1.** That in counties of this State having a population of not less than 300,000 nor more than 350,000 by the Federal Census of 1950, or any subsequent Federal Census, it shall be unlawful for any person to dig or maintain a well for that purpose of disposing of sewage, waste, or drainage of any kind.

**SECTION 2.** That it shall be unlawful for any person to dump, transfer, drain or otherwise dispose of sewage, waste or drainage of any kind in a well. Nothing herein shall prevent such discharge into septic tanks and connecting disposal systems not over fifteen (15) feet in depth.

**SECTION 3.** That a well, as used herein, is defined as a hole dug or drilled vertically into the ground a distance of more than fifteen (15) feet from the land surface by hand or by machinery such as a cable tool, rotary drilling equipment or other means.

**SECTION 4.** That each person violating the provisions of this Act shall be subject to a fine of not less

than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars upon conviction, and that each day's violation shall constitute a separate offense.

**SECTION 5.** That the provisions of this Act shall become effective as of July 1, 1953, the public welfare requiring it.

Passed: April 2, 1953.

## Administration - Historical Notes

### **Audits**

The private acts listed below concern governmental audits prior to the establishment of the Metropolitan Government and are no longer in effect.

1. Private Acts of 1917, Chapter 171, permitted the Quarterly County Court of Davidson County, in a regular or special session, to make an appropriation out of the ordinary funds of the County to pay Fisher and Graham for making an audit and survey of the books of the County according to the terms of the contract existing between them and Davidson County.
2. Private Acts of 1917, Chapter 375, provided the Davidson County Quarterly Court would elect three Commissioners, each to be a competent businessman of the community, to audit all the records, books, and papers of every County department. The Commission had the authority to conduct hearings whenever necessary and to establish a more efficient system of accounting and bookkeeping. The Commission would meet at least once each month for a report from its Clerk. The Clerk's salary could not exceed \$2,000 per year and the Clerk was required to be a Certified Public Accountant.
3. Private Acts of 1919, Chapter 105, amended Private Acts of 1917, Chapter 375, above, by removing the requirement that the Clerk to the Auditing Commission be a Certified Public Accountant and by removing the \$2,000 a year salary limit. The Clerk would be appointed by the Commission and the appointment would be ratified by the Quarterly County Court. A provision was added granting the Commission the authority to employ clerical help as needed but the aggregate amount of salaries to be paid to them could not exceed \$4,000 a year.
4. Private Acts of 1921, Chapter 98, amended Private Acts of 1917, Chapter 375, above, broadening the scope of the authority of the Auditing Commission by allowing it to inspect and audit the books of all State and County officers charged with collection and disbursement of County Funds.
5. Private Acts of 1921, Chapter 227, amended Private Acts of 1917, Chapter 375, above, by extending the terms of the members of the Auditing Commission from one year to two years.
6. Private Acts of 1923, Chapter 78, amended Private Acts of 1917, Chapter 375, Section 4, above, by adding a new provision granting the Auditing Commission the right to employ an Auditing Clerk and an assistant, upon ratification of the Quarterly County Court. Their duties would be to examine the books and records of the various county institutions under the direction of the Commission. Additional personnel could be employed when needed. The annual salary of the Clerk was fixed at \$3,600, and the assistant's at \$2,400. An estimate of salaries needed for each year had to be submitted to and approved by the County Court. The Clerk was allowed to purchase supplies and office equipment requiring expenditures of up to \$6,500 a year, but could not spend any unappropriated balance in the Audit Account.
7. Private Acts of 1925, Chapter 99, amended Private Acts of 1923, Chapter 78, above, by giving the Auditing Commission the authority to fix the salaries of the Auditing Clerk and the assistant and by increasing the limit on the aggregate clerical salaries from \$6,500 to \$7,500 annually.
8. Private Acts of 1927, Chapter 241, amended Private Acts of 1925, Chapter 99, above, by raising the limitation placed on the aggregate salaries of clerical assistants employed by the Auditing Commission from \$7,500 to \$7,900 per year.
9. Private Acts of 1929, Chapter 467, amended Private Acts of 1927, Chapter 241, above, by reducing the aggregate amount allotted to salaries for the Clerk and assistant for the Auditing Commission from \$7,900 to \$7,600, annually. All purchases of equipment and supplies for the Auditing Commission were to be made from the ordinary funds of the County through a request filed with the Ways and Means Committee of the Quarterly County Court.
10. Private Acts of 1931, Chapter 328, declared that the Davidson County Auditing Commission, established by Private Acts of 1917, Chapter 375, above, was authorized to employ such auditors



as may be essential to the proper and efficient audit of all departments, offices, and institutions of the County. The Commission was given the right to spend no less than \$7,600 and no more than \$10,000 a year for that purpose. The Commission could fix the salaries of the Auditors but the aggregate amount for salaries could not exceed the maximum stated above, unless a larger amount had been approved by the Quarterly County Court.

11. Private Acts of 1939, Chapter 269, amended Private Acts of 1917, Chapter 375, above, by changing the lengths of the terms of the members of the Auditing Commission. Terms of office would be staggered initially at one, two, and three years, then all terms would be for three years.
12. Private Acts of 1949, Chapter 478, amended Private Acts of 1931, Chapter 328, above, by increasing the aggregate yearly amount to be spent for employees of the Auditing Commission from \$10,000 to \$12,000.
13. Private Acts of 1951, Chapter 335, amended Private Acts of 1931, Chapter 328, Section 2, above, by giving the Auditing Commission the authority to expend for Commission purposes any necessary sum, upon prior approval of the County Court. Section 3 was amended to fix the salary of the Auditor and the assistants in accordance with the General Pay Plan of the County, as approved by the Quarterly County Court. Section 7 was amended to provide members of the Auditing Commission compensation at the rate of \$25 a month.
14. Private Acts of 1953, Chapter 323, stated that the annual salary of the Auditors for Davidson County would be \$7,200, and that they would no longer be subject to the provisions of the General Pay Plan of the County.

### **Beer Committee**

The following acts once affecting Davidson County are no longer in effect but are listed here for historical purposes.

1. Private Acts of 1941, Chapter 353, stated that the members of the Beer Committee of Davidson County, appointed by the Quarterly County Court under the authority of Public Acts of 1933, Chapter 69, would receive \$300 per year as compensation for their services, to be paid quarterly out of the regular and ordinary funds of the County.
2. Private Acts of 1943, Chapter 339, amended Public Acts of 1933, Chapter 69, as it applied to Davidson County, to allow the Quarterly County Court to authorize the position of Beer Inspector for the County and to fix the salary for the job. The Inspector would serve only in the areas of the County located outside of incorporated cities. The Committee of the Court appointed to enforce beer regulations was granted subpoena power in the conduct of its hearings.
3. Private Acts of 1951, Chapter 638, amended Private Acts of 1941, Chapter 353, above, by raising the annual compensation of the members of the Beer Committee from \$300 to \$600.

### **Board of Fair Commissioners**

The following acts once affecting Davidson County are no longer in effect but are listed here for historical purposes.

1. Acts of 1909, Chapter 490, created a State Board of Fair Trustees consisting of 13 members, three from each grand division of the State, three from the State at large, and the State Commissioner of Agriculture, who would serve as Chairman. The Board would be sworn when its membership was complete and it would take charge of any land leased or turned over to the State by Davidson County to be used as a Fair Grounds. The Board would cause to be held thereon for at least six days each year a fair which would be composed and conducted according to the provisions contained in the act. The whole Board would choose four of its members to serve as an executive committee for the Fair, and, if the State failed to hold the Fair for two consecutive years, the property would revert to its previous owner. The net profits of the Fair would go first towards the payment of any debts which might have been incurred.
2. Public Acts of 1921, Chapter 168, amended Acts of 1909, Chapter 490, Section 1, by creating an eighteen member Board of Fair Trustees whose membership would consist of state and local officials. Section 2 granted the Board the authority to cancel the then current ninety-nine year lease of the State on the Fair Grounds in Davidson County and to execute new leases from time to time as deemed necessary. The Board was required to appoint an Executive Committee to make recommendations on expenditures to the other members. Fifty percent of the revenues of the Fair were to be set aside as a reserve fund to improve and develop the Fair Grounds.

3. Public Acts of 1923, Chapter 112, authorized the State Commissioner of Agriculture, with the approval of the Governor, to enter into negotiations with the Board of Fair Commissioners of Davidson County to surrender, cancel, and relinquish the lease held by the State on the Fair Grounds, property owned by Davidson County, on the best terms obtainable commensurate with the dignity of the State. The Commissioners could use any funds in the Treasury, not otherwise appropriated, with the Governor's approval to pay lawful obligations of the State in relation to the operation of the Fair Grounds.
4. Private Acts of 1955, Chapter 75, removed all the employees of the Board of Fair Commissioners from the Civil Service System of the County.

### **Board of Parks and Recreation**

The private act summarized below has been superseded by the Metropolitan Charter.

1. Private Acts of 1951, Chapter 357, authorized the Quarterly Court of Davidson County to include within its annual operating budget at the beginning of each fiscal year an appropriation of \$150,000 for the use and benefit of the Board of Park Commissioners of the City of Nashville. The Trustee would pay over this amount to the Park Board of the City at the proper time.

### **Budget System**

The Private act listed below established a Budget Department for Davidson County. It has been superseded.

1. Private Acts of 1951, Chapter 356, established a budget system for Davidson County. It created a five-member Budget Committee composed of the County Judge, who would be Committee Chairman, and four other persons elected by the Quarterly Court. The fiscal year was set from July 1 through the following June 30. The County Highway Commission, the Board of Education, and the Clerk of the County Judge who was concerned with accounts and budgets, would each file budget requests with the Budget Committee at the proper times. The Budget Committee would prepare the annual Budget at least 45 days before the beginning of the fiscal year in accordance with the requirements of the act. A synopsis of the budget would be published in local newspapers. The budget would be presented to the Quarterly Court at its July session with an appropriations resolution and a tax levy resolution. The Clerk of the Judge in charge of the accounts and budgets would be the Director of Accounts and Budgets. The Quarterly Court could borrow money in anticipation of tax revenues, but any such debt had to be repaid within the fiscal year. See *White v. Davidson County* 210 Tenn. 456, 360 SW2 15 (1961). The Supreme Court held that this act did not apply to the Davidson County Sheriff or affect disbursements which he had an exclusive right to make under general law.

### **Civil Service - Personnel**

The acts below relate to the personnel system in Davidson County prior to the establishment of the Metropolitan Government.

1. Private Acts of 1943, Chapter 273, created and established a Civil Service System for certain employees of Davidson County and a system of personnel administration based on merit principles which governed the appointment, promotion, transfer, lay-off, removal, and discipline of covered officers and employees. The act defined the various terms as used within the act. It provided for a Civil Service Commission and a Director of Personnel. It prescribed qualifications for both positions. Some classes of employees were exempted from the classified service.
2. Private Acts of 1945, Chapter 28, amended Private Acts of 1943, Chapter 273, above, by exempting the County Health Department, its Director, and all its employees from the provisions of the act.
3. Private Acts of 1945, Chapter 181, amended Private Acts of 1943, Chapter 273, Section 9, by adding to the list of those positions exempt from the provisions of that act. The Agricultural Agent, the Home Demonstration Agent, and the other employees of the Agricultural Department of Davidson County, plus the employees of the Davidson County Planning Commission were excluded from coverage under the act.
4. Private Acts of 1947, Chapter 716, amended Private Acts of 1943, Chapter 273, Section 4, by increasing the annual salary of the Director of Personnel from \$3,000 to \$3,600, and in Section 9 by adding to the list of those positions exempted from the act as follows: the Engineer, Assistant

Engineer, Superintendent, Assistant Superintendent, Secretary, and Assistant Secretary of the County Highway Department Asylum and Home, provided those individuals who had attained civil service status could choose to remain under it. Section 15 was amended to give veterans of World War II credit for their service time, the benefit of any pay increases while away, and a bonus of five points on any examination taken for promotion or other personnel action.

5. Private Acts of 1949, Chapter 704, directed the County Court of Davidson County to hold a referendum for the purpose of ascertaining the will of the electorate on whether or not County employees should be placed on a five day work week. If approved, the County Court was obligated to put the five day week into effect.
6. Private Acts of 1949, Chapter 805, gave all the employees of Davidson County and any County Board, Commission, Department, agency, or office, a monthly salary increase according to amounts specified in the act which ranged from \$20 a month for those employees whose salary did not exceed \$235 a month, to \$12.50 a month for those employees who earned up to \$335 a month. Hourly employees were given a blanket fifteen percent increase.
7. Private Acts of 1951, Chapter 253, authorized the Quarterly Court of Davidson County to pay all the claims for money damages, accumulated or to be accumulated, which were caused by the wrongful or negligent act of an employee, agent, or servant within the scope of their employment. No such award could be made until a thorough investigation had been made into the facts and circumstances of the claim. No award could be paid under this act after a period of two years following the accrual of the claim. The Quarterly Court would appoint a committee of five to investigate and hear evidence under such rules as were necessary to effectuate the intents and purposes of the act. If the County obtained liability insurance to cover such negligent acts, the provisions of the act were to be inoperative. The act was repealed by Private Acts of 1955, Chapter 272, below. In Griffin v. Davidson County, 194 Tenn. 335, 250 SW2d 554 (1952), the Court upheld the constitutionality of the act.
8. Private Acts of 1951, Chapter 336, amended Private Acts of 1943, Chapter 273, Section 4, above, by requiring the Civil Service Commission to employ a Director of Personnel for the County who would serve at the pleasure of the Commission. The Director's salary would also be fixed by the Civil Service Commission, but would not exceed \$4,800 a year.
9. Private Acts of 1951, Chapter 337, amended Private Acts of 1943, Chapter 273, Section 34, above, by adding a provision that any employee suspended without action of the Commission could appeal the action by notifying the Director of Personnel within 30 days after the suspension. The Commission could order the employee reinstated without loss of pay or make such other order as to them seemed proper under the circumstances, but only after a public hearing on the matter.
10. Private Acts of 1951, Chapter 540, amended Private Acts of 1943, Chapter 273, Section 31, above, by inserting a provision that all classified employees of the County would be entitled to twenty days sick leave with pay. Sick leave would not be charged against their annual leave but would constitute additional time off.
11. Private Acts of 1951, Chapter 542, provided that all classified employees of Davidson County or any Board, Commission, Department, agency, or office, except those officials elected by the people, effective July 1, 1951, would be paid monthly salary increases. All classified employees and those employees at the County Hospital and Home would receive a \$25 per month increase by the raising of the minimum and maximum pay levels by that amount. The increase did not apply to those employees getting \$275 a month or more nor to hourly workers. A raise of twelve cents per hour was granted those employees making \$275 a month or less.
12. Private Acts of 1955, Chapter 75, amended Private Acts of 1943, Chapter 273, Section 9, above, by adding the employees of the Board of Fair Commissioners to those classes of persons exempted from the provisions of the Davidson County Civil Service Act.
13. Private Acts of 1955, Chapter 272, repealed Private Acts of 1951, Chapter 253, above.
14. Private Acts of 1955, Chapter 291, amended Private Acts of 1943, Chapter 273, by placing in the unclassified service category all teachers and employees of the Board of Education rather than only teachers and positions requiring a teaching certificate.

### **County Attorney**

The acts listed below refer to the position of County Attorney for Davidson County prior to the establishment of the Metropolitan Government.

1. Public Acts of 1899, Chapter 96, created the office of County Attorney in Davidson County to be filled by election of the County Court for terms of two years. The County Attorney would transact all the legal business of the County and advise County officials on legal matters affecting their offices. No officer of the County was permitted to employ County legal counsel on his own.
2. Private Acts of 1943, Chapter 275, amended Acts of 1899, Chapter 96, above, by increasing the term for which the County Attorney was appointed from two years to four years.
3. Private Acts of 1957, Chapter 184, authorized the County Attorney of Davidson County to employ an assistant, who was required to be a person licensed to practice law in the State of Tennessee. The assistant would serve at the pleasure and direction of the County Attorney and would devote his entire time to the performance of his duties, not engaging in the private practice of law at anytime. The salary of the assistant would be set by the Court and paid out of County general funds.
4. Private Acts of 1959, Chapter 132, allowed the County Attorney of Davidson County, with the prior approval of the County Judge, to employ special counsel to assist him in the performance of his duties. The special counsel would serve at the pleasure and direction of the County Attorney and devote whatever part of his time necessary to complete his duties. Compensation was to be agreed upon by the special counsel, the County Attorney, and the County Judge, and would be paid out of the County's ordinary funds.

### **County Executive**

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

1. Public Acts of 1857-58, Chapter 38, created the office of County Judge for Davidson, Shelby, Knox, Montgomery, and Williamson Counties. The Judges were required to be learned in the law and would be commissioned as were other judges. The Judges would serve eight-year terms. Quorum Courts were abolished and their duties transferred to the County Judges. The County Court would meet on the first Monday of every month. In those months of the Quarterly Sessions, its business would be conducted prior to the business of the County Judge. The duties and powers of the Judge and the jurisdiction of the court were prescribed in the Act. The County Judge would be paid \$5.00 per day while the Court was sitting and the Justices of the Peace would receive \$2.50 a day for their attendance during the court terms. The County Judge could practice law in other Courts of the State, but could not act as counsel in cases appealed from his own Court.
2. Private Acts of 1859-60, Chapter 176, repealed Acts of 1857-58, Chapter 38, above, as it applied to some counties. Davidson County remained under the provisions of the act.
3. Private Acts of 1911, Chapter 66, set forth the duties, responsibilities, and qualifications of the County Judge of Davidson County. The Judge was to be learned in the law and over thirty years of age, he was to have business training and experience, and he was to be a resident and freeholder or householder of the County for more than five years. The act named the Judge as the general agent and accounting officer of the County, and it prescribed his duties in each position. See the cases of White v. Davidson County, 210 Tenn. 456, 360 SW2d 15 (1962), and Perry v. Banks, 521 SW2d 549 (1975), for significant discussions of the office of County Judge in Davidson County.
4. Private Acts of 1919, Chapter 132, amended Private Acts of 1911, Chapter 66, Section 10, above, by increasing the annual salary of the County Judge from \$3,000 to \$5,000. This Act was repealed in 1920.
5. Private Acts of 1920, Chapter 2, amended Private Acts of 1911, Chapter 66, above, by providing that the cost of the bond which the Deputy Clerk was required to make under that act was to be paid by the County, as well as the cost of the bond which the law required the County Judge to make. It raised the annual salary of the Judge from \$3,000 to \$6,000, repealing Private Acts of 1919, Chapter 132, above.
6. Private Acts of 1921, Chapter 100, made the County Judge of Davidson County the custodian of the Courthouse. The Judge would have general supervision over the Courthouse, the janitors, the elevator men and the porters. As custodian the Judge would appoint the janitors, the elevator men, and the porters, but the County Court would fix the pay scale for each job. The County Judge would not receive additional compensation for these duties.

7. Private Acts of 1923, Chapter 147, amended Private Acts of 1920, Chapter 2, above, by increasing the annual salary of the County Judge from \$6,000 to \$6,300.
8. Private Acts of 1925, Chapter 100, amended Private Acts of 1911, Chapter 66, Section 6, above, by giving the Judge authority to authorize all clerks in the office to sign his name instead of one particular Clerk. The County was required to pay the premiums on all their bonds. Section 9 was changed to allow the County Judge to issue warrants for the payment of salary to each clerical employee monthly, but the aggregate amount of all such salaries could not exceed \$6,900 per year. Section 10 was amended by fixing the annual salary of the County Judge for his services as accounting officer and general agent of the County at \$4,500.
9. Private Acts of 1927, Chapter 242, amended Private Acts of 1925, Chapter 100, above, by increasing the maximum amount allowed the County Judge to pay his deputies from \$6,900 to \$7,800 a year.
10. Private Acts of 1935, Chapter 111, recited that the Quarterly Court of Davidson County had unanimously adopted a Resolution to memorialize the General Assembly to pass legislation which would increase the compensation of the County Judge as accounting officer and the general agent of the County from \$4,500 to \$6,000 per annum. This Act amended Private Acts of 1911, Chapter 66, by increasing the compensation of the County Judge, as desired by the Quarterly Court, to \$6,000 a year.
11. Private Acts of 1947, Chapter 287, amended Private Acts of 1911, Chapter 66, Section 9, above, by increasing the aggregate amount allowed the County Judge to pay his deputies from \$7,800 to \$10,000 per year, and in Section 10 by raising the annual salary of the Judge as the accounting officer and general agent of the County from \$6,000 to \$8,500, payable monthly.
12. Private Acts of 1951, Chapter 524, amended Private Acts of 1911, Chapter 66, and provided for the establishment of a system of fiscal procedure, control, and centralized accounting, which would be operated under the administrative direction and control of the County Judge as Davidson County's Fiscal Agent. The Judge would appoint a clerk in his office to be the Director of Accounts and Budgets whose duties were to be defined by the Judge. The act further set up procedures for the disbursement of funds by the County Trustee. The act allowed the Judge \$25,000 a year for clerical assistance, and set the Judge's compensation for these services at \$10,000 a year. The fiscal year was set to begin on July 1 of each year and end on June 30 the following year.
13. Private Acts of 1955, Chapter 302, amended Private Acts of 1911, Chapter 66, by allowing the County Judge as much technical assistance as he required to perform his duties. The annual budget would include adequate provisions for salaries of Assistants. These assistants would be appointed by the County Judge. The Director of Budgets and Accounts and such other clerical employees as might be necessary for the operation of the central accounting system would be compensated as determined by the County Judge and as fixed in the budget.

### **County Legislative Body - Justices of the Peace**

The acts summarized below have been superseded.

1. Private Acts of 1819, Chapter 6, authorized and required the Justices of the Peace of Davidson County to select two Justices to replace Robert Weakley and William Williams on the Quorum Court.
2. Public Acts of 1835-36, Chapter 1, Section 3, stated there would be two Justices of the Peace and one Constable elected in each county district except in those districts which contained the county seat. Three Justices of the Peace and two Constables would be elected in that district. This act was enacted immediately after the effective date of the 1835 Constitution.
3. Acts of 1855-56, Chapter 246, Section 11, gave the City of Nashville two additional Justices of the Peace who would be elected by the qualified voters within the time specified in the law.
4. Public Acts of 1859-60, Chapter 125, amended Section 337 of the Code of Tennessee to allow the district which contained the City of Nashville to elect two Justices of the Peace from each ward in the City, and, further, the act allowed Nashville to annex certain areas under the conditions set forth in the act.
5. Private Acts of 1869-70, Chapter 118, Section 6, allowed an additional Justice of the Peace for the Town of Edgefield in the 17th Civil District of Davidson County.
6. Public Acts of 1883, Chapter 178, permitted the 20th Civil District of Davidson County to have an additional Justice of the Peace for the town of Goodlettsville. The Justice would have the same powers and jurisdiction as other Justices, but was to reside in and have his office in the said

town. He would be elected by the qualified voters of the town in the election of May 6, 1883.

7. Acts of 1909, Chapter 389, declared that the Justices of the Peace in Davidson County would be paid \$2.00 for each morning session and \$2.00 for each afternoon session of all regular and special meetings of the Quarterly Court they attended. The clerk would call the roll at the start of the meeting and an answer would be sufficient for payment. The total number of days for which payment was allowed in one year could not exceed fifteen.
8. Private Acts of 1921, Chapter 539, was virtually a repetition of the 1909 Act above. In Davidson County, the Justices of the Peace would be paid \$2.00 for each morning and afternoon session of the Quarterly Court which they attended. A limitation of fifteen days payment per year was imposed. The clerk was required to call the roll and enter the names of those present, which would be sufficient for payment.
9. Private Acts of 1937, Chapter 12, created the Court of General Sessions Courts for Davidson County. It divested the Justices of the Peace of their authority and jurisdiction to hear civil and criminal cases, suits, and actions, and it conferred this jurisdiction upon the new Court. The authority of the Justices in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony was not to be affected by the act. The constitutionality of the act was upheld in Hancock v. Davidson County, 171 Tenn. 420, 104 SW2d 824 (1937).
10. Private Acts of 1937, Chapter 889, fixed the per diem compensation of Justices of the Peace in Davidson County for their attendance at the regular meetings of the Quarterly Court, or at extra sessions properly convened, at \$25. Justices who resided more than five miles from the courthouse would be paid five cents per mile for each mile traveled from home to courthouse and return.
11. Private Acts of 1949, Chapter 752, amended Private Acts of 1937, Chapter 889, above, by raising the per diem payments of the Justices of the Peace for their attendance at regular and called sessions of the Quarterly Court from \$25 to \$100.
12. Private Acts of 1961, Chapter 345, increased the compensation of the Justices from \$100 per day to \$300 per day and disallowed all other compensation.
13. Public Acts of 1969, Chapter 272, divided Davidson County into nine magisterial districts and authorized the election of fifteen Justices of the Peace.

### **County Legislative Body**

The following acts are no longer in effect. They relate to the legislative bodies of Davidson County prior to the Metropolitan Government.

1. Acts of 1785, Chapter 2, Laws of North Carolina, set the dates for the beginning of the terms of all the Courts of Pleas and Quarter Sessions for the counties of North Carolina, including Davidson County. The Court in Davidson County would convene on the first Monday in January, April, July, and October. This act extended the jurisdiction of those courts to include actions of trespass in ejectments, remainder and reverter, dower and partition, and actions of trespass quare clausum fregit.
2. Acts of 1785, Chapter 47, Laws of North Carolina, directed the Court of Pleas and Quarter Sessions of the County to furnish forty-eight house holders as jurors for the newly established superior court of Law and Equity.
3. Acts of 1787, Chapter 21, Section 4, Laws of North Carolina, declared that prior to the establishment of a Superior Court jurisdiction in Davidson County, sundry appeals had been granted from the County Court of the County to the Superior Courts of the Districts of Morgan and Washington. For the ease and convenience of the appellants, the Clerks of the Superior Courts involved, upon the application of either party, were directed to transfer all papers relative to the appeals to the Superior Court in the District of Davidson.
4. Acts of 1789, Chapter 15, Section 3, directed that the County Court of Pleas and Quarter Sessions be held in Davidson County, after the passage of this act, on the second Monday in January, April, July and October.
5. Acts of 1799, Chapter 31, declared it to be lawful for nine Justices of the Peace to lay County taxes and to make all appropriations of County money to be made in Davidson County, any law to the contrary notwithstanding.
6. Acts of 1803, Chapter 39, set the dates for the meetings of the Courts of Pleas and Quarter Sessions for the Counties of Smith, Sumner, Wilson, Rutherford, Williamson, Robertson,

Montgomery, Stewart, Dickson and Davidson, which comprised the Mero District. Davidson County's Court would meet on the third Monday in January, April, July and October.

7. Acts of 1805, Chapter 53, stated that the Court of Pleas and Quarter Sessions for Davidson County could continue to sit for twelve judicial days if the business of the court required it.
8. Acts of 1809, Chapter 93, established the schedule of the opening dates of the terms of the Court of Pleas and Quarter Sessions for every county then existing in the State of Tennessee. In Davidson County, the Court would continue to meet on the third Monday in January, April, July and October.
9. Acts of 1813, Chapter 5, provided that the Judge of the Fourth Judicial Circuit and the presiding Judge of the County Court of Davidson County could adjourn the Courts from the Courthouse in Nashville to any other house in Davidson County and all process and writs would be made to conform to the change.
10. Acts of 1815, Chapter 55, virtually repeated the authority granted to the Judge of the County Court of Davidson County and to the Judge of the Fourth Judicial Circuit to adjourn their respective Courts to any other house or place, in Davidson County, on the first day of the October term or the November term.
11. Acts of 1817, Chapter 138, Section 3, set opening dates for the County Court sessions of several counties, continued the dates for Davidson County on the third Monday in January, April, July and October. It lengthened the term of Court to two weeks in Davidson County.
12. Private Acts of 1819, Chapter 6, authorized and required the Justices of the Peace to select from their body two persons suitable and qualified to replace Robert Weakley and William Williams who had been absent from the Quorum Court of Davidson County, the new members to have the same power and authority as the ones being replaced.
13. Private Acts of 1823, Chapter 226, stated that, whenever persons were confined to jail during the recess periods of the County Court for any offense which was answerable to that Court, it would be lawful for any three Justices of the Peace, on being notified by the Sheriff, to open and hold Court in an extra session to try the confined persons. The Sheriff would summon jurors for them, if any were needed, and the Justices were to have and exercise all the powers of the regular Court. The Solicitor of the District was required to attend and prosecute the causes for which he was responsible.
14. Private Acts of 1829, Chapter 113, provided that the County Court of Davidson County would continue the term of Court for three weeks unless the business of the Court should be disposed of sooner, and that the Court term would be devoted exclusively to county jurisdiction causes. This act was partially repealed in 1829.
15. Private Acts of 1829, Chapter 244, repealed that part of Acts of 1829, Chapter 113, above, that required the County Court of Davidson County to continue its sessions, and it required that the State docket be taken up in the third week of the sessions, and provided that the docket would be heard as the law prescribed, but no more than one week was to be devoted to the State docket unless all the civil cases were disposed of in less than two weeks.
16. Private Acts of 1833, Chapter 74, authorized the County Court of Davidson County to continue its term then in session for one week, in addition to the time established for it under the current laws of the State.
17. Private Acts of 1835-36, Chapter 6, provided for a county court to meet in every county on the first Monday of the month to hold until the business of the court was completed. Three of the Justices could constitute a Court to hear the probate of wills and related matters, but such Court could not hold jury trials. The County Court was required to select twenty-five jurors, one from each civil district of the County (or thirty-seven jurors, whichever number might be better) and was allowed to levy taxes on property in the County to pay the Court's operating expenses, including \$1.00 per day to be paid to jurors as compensation.
18. Private Acts of 1857-58, Chapter 160, directed the County Court of Davidson County and the corporate authorities of the City of Nashville to make an estimate of the cost of supporting the poor and indigent in the Court at its April Session. The Court would then appropriate the cost agreed upon and pay it over to the treasurer of the City of Nashville.
19. Acts of 1909, Chapter 218, authorized the County Court of Davidson County to appropriate from the ordinary funds of the County sums to compensate Justices for extraordinary services rendered by them as members of the various committees. Such services were to be those services beyond the scope of duties ordinary and incidental to membership on the County Court. The services were to require more than thirty days work and the project had to involve \$50,000 or more in

outlay. No allowance was to be paid for attendance at the ordinary and customary meetings of committees.

20. Private Acts of 1915, Chapter 89, allowed the Quarterly Court of Davidson County to make appropriations to compensate the members of the Court for their services on the various committees, not to exceed \$3.00 a day for a period of forty days maximum per year, except that the committee chairmen could draw pay for up to sixty days a year. The County Judge would issue his warrant upon the filing of statements showing the number of days worked. Any work requiring a longer period than sixty days would be investigated for the Court by a committee of three.
21. Private Acts of 1915, Chapter 406, granted to the County Court jurisdiction concurrent with the Chancery Court in all cases instituted for the sale of property, real or personal, of infants, lunatics, or others under disabilities, or instituted for the investment of funds belonging to such individuals or for encroachment upon the corpus of any trust for the use and benefit of those under disabilities. The procedure in the County Court would be the same as that used in the Chancery Court.
22. Private Acts of 1927, Chapter 528, amended Acts of 1909, Chapter 218, above, so that members of the County Court could receive compensation for attendance at meetings of subordinate boards as well as committees.

### **County Register**

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

1. Private Acts of 1919, Chapter 808, was the authority for the County Court of Davidson County to buy book machines for the County Register's office and to make appropriations for payment of the cost of the machines from the ordinary funds of the County.

### **County Trustee**

The following acts once affected the office of County Trustee in Davidson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 56, directed the Trustee of Davidson County to pay over to the Treasurer of the City of Nashville any common school funds in his hands, which funds were to be credited to the account of the City schools.
2. Acts of 1903, Chapter 206, granted authority to the Davidson County Quarterly Court to make appropriations for clerical and other assistance in the office of the County Trustee of Davidson County, not to exceed \$5,000 in any one year, for the efficient operation of the office in collection of taxes and disbursement of funds. This act was repealed in 1907.
3. Acts of 1907, Chapter 63, repealed Acts of 1903, Chapter 206, above.
4. Private Acts of 1913, Chapter 101, required the Trustee of Davidson County to give one bond to the State of Tennessee for its own use and another bond to the State for the use and benefit of the County. The bonds would be in amounts equal to one-quarter of the taxes collected for the State and for the County, respectively, during the year prior to execution of the bonds. The tax figures were to be those appearing on the Trustee's report to the Comptroller in September of each year. All the bonds in effect at the time of passage were to be readjusted to conform with the act within thirty days.
5. Private Acts of 1933, Chapter 408, provided that the Davidson County Trustee would give one bond to the State for its own use and one bond to the State for the use and benefit of the County. The amount of the bond would be equal to one-tenth of the amount of State and County taxes collected during the preceding year, but the bond to the State would not be less than \$50,000 and bond for the use and benefit of the County would not be less than \$200,000.
6. Private Acts of 1951, Chapter 618, directed the Trustee of Davidson County to set aside and pay to the Treasurer of any incorporated city, after January 10, 1950, and prior to June 1, 1950, all the district road funds collected from within the incorporated city for the year 1950.

### **Department of Public Works**

The following act is no longer effective.



1. Private Acts of 1959, Chapter 304, created the Department of Public Works in Davidson County to be an administrative department under the direction of the County Judge. The department would consist of a director and such numbers and types of employees as were authorized by the Quarterly County Court. The department would provide urban-type facilities and services for the inhabitants of the County and establish regulations and standards for various governmental and private activities. Primary duties of the department consisted of the operation of a water system and providing standards, regulations, enforcement, and inspection for construction activities. The act allowed intergovernmental contracts in connection with the department's duties, if approved by the County Court.

### **Department of Public Works - Electrical Regulations**

The following acts applied to electrical regulations in force in Davidson County prior to the establishment of the Metropolitan Government.

1. Private Acts of 1917, Chapter 524, directed the Governor of Tennessee to appoint a three-member Board of Electrical Examiners and Supervisors in Davidson County, one member to be nominated by the oldest, local association of electrical contractors, one by the Chief of the Fire Department, and one by the local association of fire insurance underwriters. The Board would select one its members as Chairman and another as Secretary and Treasurer, the officers to be compensated at a rate decided by the Board. Other members would be paid \$5.00 a day, all expenses to come from fees collected and not from the State. The Board would adopt rules and regulations for the examination of Master Electricians and issue a license to each one passing the exam. The possession of a license was a condition precedent to the conduct of an electrical business. There would be a \$25 fee for the application and a \$10 fee for the annual renewal of the license. The license was not transferable and could be revoked under certain circumstances. Violations of the act could result in fines ranging from \$10 to \$100.
2. Private Acts of 1921, Chapter 897, created the office of Electrical Inspector in Davidson County. The official was required to be a practical electrician and would be elected by the Quarterly County Court to four-year terms. The Inspector would receive the fees of the office. His compensation of \$1,500 a year would come from the fees. If the fees failed to amount to \$1,500, then such fees would constitute his salary, while any surplus over \$1,500 would be paid to the Trustee. The Inspector was required to approve or disapprove plans for electrical work, inspect work in progress, and keep adequate records of his activity. The act included a schedule of fees to be charged and penalties to be assessed for violations of the established standards and failure to follow the lawful orders of the Inspector. See Null v. Electric Power Board, 30 Tenn. App. 696, 210 SW2d 490 (1948). The Court of Appeals held in that case that the Electrical Inspector's failure to inspect prior to allowing current to be turned on at the premises where a child was later electrocuted was negligence per se.
3. Private Acts of 1923, Chapter 694, amended Private Acts of 1921, Chapter 897, Section 1, above, by raising the annual salary of the Electrical Inspector from \$1,500 to \$2,100 with all other terms and conditions to remain as they were.
4. Private Acts of 1935, Chapter 500, amended Private Acts of 1921, Chapter 897, Section 1, above, by changing the annual salary of the Electrical Inspector from \$2,100 to \$2,400.
5. Private Acts of 1941, Chapter 388, amended Private Acts of 1935, Chapter 500, above, by inserting a new Section which left the annual salary of the Electrical Inspector at \$2,400 but added a \$600 annual car expense allowance to be paid out of the fees of the office. All other terms regarding shortage and surplus of fees remained unchanged.
6. Private Acts of 1943, Chapter 107, amended Private Acts of 1921, Chapter 897, above, by adding a paragraph at the end stating that for the two years following passage of the act, the annual salary of the Electrical Inspector would be \$1,800, payable monthly out of the fees of office, but if the fees did not equal that amount, the County would pay the difference out of regular County funds on warrant of the County Judge.
7. Private Acts of 1945, Chapter 301, amended Private Acts of 1921, Chapter 897, above, by setting the salary of the Electrical Inspector at \$2,400 a year, payable out of the fees of the office, for the two years following the passage of the act. The County had the responsibility to pay the difference between \$2,400 and the fees collected, if the fees failed to amount to \$2,400.
8. Private Acts of 1947, Chapter 306, amended Private Acts of 1921, Chapter 897, Section 1, above, by inserting a new Section which fixed the annual salary of the Electrical Inspector at \$3,600, gave an allowance of \$600 per year for auto expenses, and allowed \$1,200 for an office

assistant. The assistant would be appointed by the Inspector, provide a bond as the Inspector would decide, and execute all permits in the name of the Inspector. All such compensation was to be paid out of the fees collected by the office, and the County would contribute no funds to the operations of the office.

9. Private Acts of 1949, Chapter 245, amended Private Acts of 1921, Chapter 897, Section 1, above, by adding a provision which made it clear that the Electrical Inspector's office would be operated only from funds provided by fees. After paying allowable expenses, the office would pay over any surplus collections to the Trustee. The annual salary of the Inspector was \$3,600, plus a yearly travel allowance of \$750. The salary of the office assistant was set at \$1,800 per year, and \$600 was allotted to the office for supplies, rent, telephone, and other expenses. The Inspector was allowed to appoint an assistant Electrical Inspector at an annual salary of \$2,700 plus a \$750 annual car expense allowance. Section 6 was amended to provide that the Electrical Inspector could not have or exercise jurisdiction in municipalities located within the County which maintained an electrical inspection department.
10. Private Acts of 1951, Chapter 452, created the Division of Electrical Inspection, composed of an electrical inspector and such assistant inspectors and clerical help as might be determined and authorized by the Quarterly Court. The Court would set compensation and authorize payment from the ordinary funds of the County, but the salary of the current Inspector could not be less than the then current salary during the remainder of his term. The Inspector would be elected at the July term of the Quarterly Court for a four-year term. Rules and regulations pertinent to all phases of the operation of the office were set, and a schedule of fees to be charged was included. Fees would be paid to the Inspector, who would report them on forms to the County Trustee. All work was to be inspected within forty-eight hours of the filing of a request to do so. The National Electrical Code, the State of Tennessee Fire Prevention Law, and the State Fire Safety Code were adopted as the standards to apply to all electrical work.

### **Department of Public Works - Plumbing Regulations**

The following acts concerned plumbing regulations in Davidson County prior to the establishment of the Metropolitan Government.

1. Private Acts of 1921, Chapter 964, directed the Board of Health of Davidson County to adopt and promulgate rules and regulations for the construction and installation of all plumbing and sewerage in houses and on premises located outside of corporate cities. It would be the duty of the sanitary Inspectors to enforce the regulations.
2. Private Acts of 1923, Chapter 690, declared that for the purpose of protecting the people of Davidson County from the improper installation of plumbing, the County would provide plumbing inspection services in the suburban districts that were being served by a public water supply. Plumbing Inspectors would be nominated by the Board of Health and confirmed by the Quarterly Court to serve terms of four years. The salary would be \$2,400 a year, if the fees collected amounted to that much. If the fees were less, they would constitute the salary. If the fees exceeded \$2,400, the excess would be paid to the County Trustee. The Inspector would use only the voucher books furnished by the Trustee and would issue permits in triplicate. The Inspector was given the authority to enter premises to inspect work. A schedule of fees to be charged was contained in the act, and any violation could be punished by fines from \$10 to \$25, each day of a continuing violation being a separate offense. All the expenses of the office were to be paid out of the fees collected.
3. Private Acts of 1925, Chapter 473, provided that all the plumbing work performed outside of cities providing plumbing inspection in Davidson County would be subject to the control of the Board of Health and the Plumbing Inspector. The Board would appoint the Plumbing Inspector whose salary was set at \$2,400 a year. The Inspector had the duty to inspect all plumbing installed, constructed, or repaired. He had the right to enter and inspect premises on which all plumbing installations, except minor repair, were made. The procedures to be followed by the installer and the Inspector were set forth in the law. Septic tanks and filtration beds were declared to be within the purview of this law and standards for them were established. A schedule of fees was set forth in the bill. Penalties were provided for violations.
4. Private Acts of 1933, Chapter 685, created the Board of Plumbing Examiners and transferred to it from the Board of Health the responsibility for supervising plumbing inspections. The three members of the Board were to be the County Health Officer, one journeyman plumber, and one master plumber. The Board would elect a plumbing inspector who would receive as compensation the fees of office up to \$2,160, with the excess being paid over to the County. The two plumber

- members of the Board would serve without compensation. Permits from the inspectors were required for plumbing work. No water closet could be connected to a septic tank of less than 600 gallons capacity. All bath tubs were to have a lead 4 X 8 drum trap and a brass cleanout screw.
5. Private Acts of 1939, Chapter 289, amended Private Acts of 1925, Chapter 473, Section 3, above, by adding a provision that a plumber performing work to be inspected was required to obtain a certificate of approval from the Plumbing Inspector before covering up the work. It set forth specifications for acceptable septic tanks and for their installation for buildings up to and including houses with five bathrooms.
  6. Private Acts of 1941, Chapter 159, amended Private Acts of 1925, Chapter 473, Section 3, above, by revising the specifications to be met by plumbers when installing septic tanks and their accessories in Davidson County.
  7. Private Acts of 1943, Chapter 328, amended Private Acts of 1925, Chapter 473, above, by allowing compensation of \$10 per meeting for the two plumber members of the Board of Plumbing Examiners, not to exceed twelve meetings in one year. The act required all who desired to engage in the plumbing business outside of Nashville, but within Davidson County, to file an application with the Board and be examined as to their qualifications. If the Board was satisfied with their qualifications, they would receive a license for one year. All who were then engaged in the plumbing business in the specified area would have ninety days in which to comply with the terms of the act.
  8. Private Act of 1945, Chapter 143, established new procedures and regulations for plumbing and plumbing inspections and served as the Plumbing Code for Davidson County. All plumbing outside the corporate limits of cities would be under the regulation of a three-member Board of Plumbing Examiners, composed of the County Health Officer, one master plumber, and one journeyman plumber. The Plumbing Inspector, elected by the Board, would receive \$2,700 per year salary and a \$600 per year travel allowance. An assistant Plumbing Inspector could be employed upon the approval of the County Court at a salary of \$2,160 a year. The plumber members of the Board would be paid \$10 for each meeting, up to twelve per year. Installation, repairs, or modifications of plumbing work could not be done until a permit was granted after application and approval of plans submitted. Plumbing work was not to be covered up until inspected. Applicants would pay a fee of fifty cents for each fixture and \$2.00 for each septic tank inspected. Master plumbers would pay \$15 and journeymen plumbers \$1.50 for annual licenses to do business. Several regulations concerning fixtures and septic tanks were set forth in the act, such as the size of septic tanks required for various numbers of bathrooms. Persons violating the act were subject to misdemeanor charges.
  9. Private Acts of 1947, Chapter 563, amended Private Acts of 1945, Chapter 143, Section 2, above, by raising the travel allowance for the Plumbing Inspector and assistant from \$600 to \$750 a year, and by giving the Quarterly Court the right to provide clerical assistance in place of an assistant Plumbing Inspector at a salary not to exceed \$1,800 annually. Alterations were made in the specifications for house sanitary sewers and in the table of sizes for septic tanks and their disposal fields. Standards for field requirements in percolation tests and another table for the size and minimum spacing requirements for disposal trenches were included in the amendment.
  10. Private Acts of 1949, Chapter 247, amended Private Acts of 1945, Chapter 143, Section 2, by setting the annual salary of the Plumbing Inspector at \$3,600 and by allowing him \$750 for travel expenses. Authority to elect an assistant Plumbing Inspector, with compensation of \$2,700 a year plus \$750 travel allowance, was granted to the Board of Plumbing Examiners.
  11. Private Acts of 1949, Chapter 753, amended Private Acts of 1945, Chapter 143, Section 4, by making it unlawful for any person, firm, or corporation to repair or install any plumbing or plumbing fixtures contemplated under the act without a license and a permit. Fees were set at 50 cents for each fixture permit and \$2.00 for each septic tank permit.
  12. Private Acts of 1951, Chapter 338, amended Private Acts of 1945, Chapter 143, Section 2, by providing that the Board of Plumbing Examiners had the duty of electing a Plumbing Inspector and such assistants as were needed or authorized by the Davidson County Quarterly Court, at such salaries and allowances as the Court might determine. The two plumber members of the Board would be paid \$15 for each session actually attended, not to exceed twelve in one year. The act required the Quarterly Court to take the measures necessary to supply permits, forms, and stationery.
  13. Private Acts of 1953, Chapter 433, amended Private Acts of 1945, Chapter 143, Section 4, by requiring that plumbers obtain permits before their work was started and that the permits be on forms furnished by the Audit Commission, which were forms to be kept in the office of the

Plumbing Board. The costs for permits were increased from fifty cents to seventy-five cents for fixtures and from \$2.00 to \$3.00 for a septic tank. Fees for master plumber licenses were increased from \$1.25 to \$2.50 a year.

14. Private Acts of 1957, Chapter 183, amended Private Acts of 1945, Chapter 143, Section 8, by rewriting the standards for installation of septic tanks and their sewer connections, their disposal fields, and venting systems.

### **Farmers' Market**

The act summarized below did not become effective.

1. Private Acts of 1961, Chapter 213, amended Private Acts of 1949, Chapter 400, and Private Acts of 1959, Chapter 305, above, by limiting use of the marketing facility for produce sales to Tennessee farmers, their family members, and employees. No person could enter the facility for sales purposes unless he was operating a motor vehicle with a Tennessee farmer's motor vehicle license plate or he presented convincing proof he was a Tennessee farmer. The act was not approved locally and did not become effective.

### **Purchasing**

The following acts once affected the purchasing procedures of Davidson County, but are no longer operative.

1. Private Acts of 1917, Chapter 239, authorized the appointment by the Quarterly Court of Davidson County of three competent people to be known as the Purchasing Commission of Davidson County. They would serve one-year terms and each member would receive \$100 annually. The Commission would procure all supplies needed by the County in accordance with such rules and regulations as it might adopt, except that all purchases in excess of \$100 would be by competitive bid procedures. The Commissioners were to be sworn and were to provide bonds of \$5,000. They were authorized to meet as often as necessary. The Commission was empowered to appoint a clerk, effective upon ratification by the Quarterly Court, to keep records and perform such other duties as might be prescribed by the Commission. The clerk's salary could not exceed \$1,500 annually.
2. Private Acts of 1919, Chapter 205, amended Private Acts of 1917, Chapter 239, above, by increasing the amount of individual purchases not requiring competitive bidding from \$100 to \$300. It increased the bond required of the Commissioners to \$10,000. It granted the Commission authority to employ additional clerical help but the number of assistants and their salaries was required to be approved by the Quarterly Court. The act fixed the maximum salary of the Clerk at \$2,000 annually and the maximum salaries of the assistants at \$60 a month.
3. Private Acts of 1921, Chapter 99, amended Private Acts of 1919, Chapter 205, above, by increasing the maximum amount payable to clerical assistants of the Purchasing Commission from \$60 to \$75 a month.
4. Private Acts of 1921, Chapter 630, amended Private Acts of 1919, Chapter 205, above, by increasing the salary limit of the Clerk to the Purchasing Commission from \$2,000 to \$2,400 per year.
5. Private Acts of 1925, Chapter 372, amended Private Acts of 1917, Chapter 239, above, by adding a provision that the act amended was not be construed as being applicable to the Charities Commission of Davidson County.
6. Private Acts of 1925, Chapter 648, amended Private Acts of 1917, Chapter 239, above, by making the Act specifically applicable to the Educational Board, the Board of Health, the State Fair Commissioners, the Board of Highway Commissioners, and "all other departments and boards of the county." Section 7 was amended to raise the annual salary limit of the secretary (clerk) to the Commission to \$2,400 and provide the secretary with a \$25 per month allowance for the car used in official business. The salary of the assistant could not exceed \$100 per month.
7. Private Acts of 1927, Chapter 402, amended Private Acts of 1917, Chapter 239, by requiring the Purchasing Commissioners at the next regular election to be elected for staggered terms of one, two, and three years, and after that for three year terms, and by directing the Commissioners be paid \$375 each year. Section 2 was amended by taking the Charities Commission and the Board of Fair Commissioners out from under the provisions of the Act.
8. Private Acts of 1931, Chapter 147, fixed the salary of the stenographer clerk to the Davidson County Purchasing Commission at \$150 per month.

9. Private Acts of 1937, Chapter 667, amended Private Acts of 1919, Chapter 205, above, by increasing the annual salary limitation placed on the position of clerk of the Purchasing Commission from \$2,400 to \$2,750.
10. Private Acts of 1943, Chapter 111, amended Private Acts 1917, Chapter 239, above, by increasing the annual salary limit of the clerk to \$3,000 from \$2,750, and by granting an allowance of \$300 per year for automobile expenses.
11. Private Acts of 1943, Chapter 377, amended Private Acts of 1917, Chapter 239, by adding a provision that if no bids were received after advertisement had been properly made, and the same had been properly recorded, the Purchasing Commission would proceed to make purchases, but not in excess of \$300 per purchase.
12. Private Acts of 1945, Chapter 182, amended Private Acts of 1917, Chapter 239, by declaring that the annual salary of the clerk would be no less than \$3,600 and no more than \$4,200 and by granting an annual auto-mobile expense of \$300 a year, payable monthly.
13. Private Acts of 1947, Chapter 639, amended Private Acts of 1917, Chapter 239, above, by increasing the compensation of the members of the Board of Purchasing Commissioners from \$375 to \$500 annually, payable quarterly out of the regular county funds.
14. Private Acts of 1949, Chapter 260, amended Private Acts of 1917, Chapter 239, above, by raising the annual salary of the clerk to the Purchasing Commission to a level not less than \$4,800 nor more than \$5,000, plus an automobile expense allowance of \$300, payable monthly.

### **Retirement Benefits**

Its original provisions are summarized below along with other acts pertaining to County employee retirement benefits which are no longer in effect.

1. Private Acts of 1941, Chapter 452, set up a retirement system for officials and employees of Davidson County who had reached the age of 65, who had been employed for a period of five consecutive years immediately preceding retirement, and who had an aggregate of twenty-four years service, or more. An employee's retirement pension was to be fifty percent of his annual pay, but could not exceed \$60 per month. Elected officials and employees of the Education Department were excluded, but employees of the Sheriff, County Trustee, County Court Clerk, County Register, Circuit Court Clerk, Criminal Court Clerk, and the Clerk and Master were made eligible to participate. Certain standards to be met and regulations to be observed were prescribed in the act. Any pension payments under the act were to be free from the claims of creditors. The act was repealed in 1943.
2. Private Acts of 1943, Chapter 274, repealed Private Acts of 1941, Chapter 452, above. The act created a Pension and Insurance Fund to cover all officers and employees of the County except officials elected by the people, the Clerk and Master, and the employees in the school system. It provided for contributions by the County and by employees to the fund and authorized a two mill tax levy to provide additional funds, if necessary. The mechanics of collection and disbursement were set up and pension payments could not exceed \$100 a month, but the bookkeeper in the County Judge's office could be paid \$50 additional compensation for keeping the records. The act contained a schedule of percentage pension benefits for employees based on their length of service, and provisions were made for payment of disability pensions. One had to have twenty-four years service to receive fifty percent of his salary as a pension, except for disabilities. The County Judge, the County Trustee, and the County Court Clerk constituted the Pension Commission of the County. Any other retirement payments from the State, Federal Government, or cities, would reduce the \$100 maximum by that amount. Any employee, age fifty-five or more, with at least fifteen years service could elect not to come within the act. Contributions would be continued only for the twenty-four years service.
3. Private Acts of 1945, Chapter 29, amended Private Acts of 1943, Chapter 274, above, by replacing all sections of that act appearing after the caption. Some changes instituted by the amendatory acts were: (1) the monthly payment for disability in line of duty was increased from \$100 to \$150 per month; (2) the condition was removed that the disabled employee was not to have employment by the County, State, Federal or City Governments unless his pension payment was reduced; (3) the minimum retirement age was reduced from 65 to 60.
4. Private Acts of 1945, Chapter 594, amended Private Acts of 1945, Chapter 29, above, clarifying the options of persons covered under the act who became disabled.
5. Private Acts of 1947, Chapter 782, amended Private Acts of 1945, Chapter 29, above, by limiting

to \$6,000 the total salary on which the pension was calculated for workers who had been paid during employment by both the State and the County. The act made additional changes in coverage and made technical adjustments in the retirement system.

6. Private Acts of 1949, Chapter 662, amended Private Acts of 1945, Chapter 29, above, by correcting an inconsequential grammatical error, by making any employee with 28 years of service eligible to retire regardless of age, and by opening up the pension plan again to those who elected not to enter in 1943, provided all payments of back pension contributions were made. In Smith v. Davidson County, 201 Tenn. 686, 301 SW2d 385 (1957), the Supreme Court held that the section of Private Acts of 1949, Chapter 806, conferring benefits on the widow of a deceased employee was constitutional. The opinion contained dicta to the effect that provisions providing benefits for survivors other than widows, in a proper case, should be elided because of the caption of the act did not refer to such benefits.
7. Private Acts of 1949, Chapter 806, amended Private Acts of 1945, Chapter 29, above, by increasing the percentage of salary payable as pension contributions from three percent to five percent for both employee and employer. The act amended Section 5 to provide a widow's pension equal to sixty percent of the deceased employee's pension, but not over \$80 a month, nor less than \$50 per month, provided the widow had been married to the employee for five years prior to death. If the deceased employee left no surviving widow, but had surviving minor children under sixteen, the children would receive a pension equal to a widow's for a period not to exceed ten years. Contributions of females were reduced to two and one-half percent of salary unless they stipulated their intention to participate in the survivors benefits, in which case they would contribute five percent. Section 18 of Chapter 29 relating to death benefits was repealed. The \$6,000 limitation on salary used to calculate a pension payment for employees paid by both the State and the County was removed. The pension would be calculated using a percentage rate applied to the highest salary earned prior to time of retirement.
8. Private Acts of 1949, Chapter 865, amended Private Acts of 1947, Chapter 782, Section 5, above, by reducing the amount of service required from fifteen years to twelve years for an employee who had been involuntarily separated, or who had resigned, to be eligible to receive a percentage of his pension contributions as a refund.
9. Private Acts of 1951, Chapter 431, amended Private Acts of 1945, Chapter 29, Section 5, above, by setting a deadline of May 1, 1951, to elect participation in the retirement system.
10. Private Acts of 1951, Chapter 541, amended Private Acts of 1943, Chapter 274, Section 7, above, to provide that any employee of the county coming under the provisions of the act who was accidentally injured in the course of his regular duties and was disabled because of such injuries would be retired on a pension, regardless of his length of service, which pension would be fifty percent of the salary he was drawing.
11. Private Acts of 1951, Chapter 616, amended Private Acts of 1943, Chapter 274, above, by providing that if the commission determined an employee to be unable to perform his duties because of his physical or mental infirmities, which were not due to accidental injuries, and if the employee had served as long as five years, the employee was to be retired on payments made according to a graduated scale beginning at twenty-five percent for five years service and increasing five percent per year up to fifty percent for ten years service. Contributions would continue to be made to the pension fund until twenty-four years of service were completed.
12. Private Acts of 1953, Chapter 434, amended Private Acts of 1945, Chapter 29, Section 5, above, by postponing the deadline for entry into the retirement system of the county until August 1, 1953.
13. Private Acts of 1955, Chapter 203, amended Private Acts of 1943, Chapter 274, Section 11, above, by reducing the number of years of service making a discharged or resigned employee eligible to be refunded a portion of his pension contributions from twelve years to ten years.
14. Private Acts of 1955, Chapter 222, amended Private Acts of 1943, Chapter 274, above, by stating that no employee would be eligible to be refunded any pension fund contributions for any reason unless he had served at least five years. Section 8 was written regarding pensions for employees who were disabled from causes not related to their employment so that their payments were to be scaled at twenty percent for five years, twenty-five percent for six years, thirty percent for seven years, thirty-five percent for eight years, forty percent for nine years, and fifty percent for ten years. No person elected to office who was over forty-five years of age could join the retirement system. No one become a member until he had undergone a physical examination and been given a certificate by the physician that he met the standards required. Persons retired early would continue to contribute to the pension for twenty-four years. These new provisions were not

to be retroactive. No former employee who became re-employed would be allowed in the system until all funds have been repaid in full. He would be required to elect whether to participate within 30 days of his re-employment.

15. Private Acts of 1955, Chapter 280, amends Private Acts of 1943, Chapter 274, above, by declaring that an employee subject to the provisions of Chapter 274, who had served more than five years and who had died from causes other than those arising in the course of employment, was allowed a refund to his or her spouse, or to his or her estate, of seventy-five percent of the amount of the contributions to the pension fund, less deduction of all benefits received. This act was not approved locally and did not become effective.
16. Private Acts of 1957, Chapter 181, amended Private Acts of 1955, Chapter 222, above, by striking the phrase, "five consecutive years", and inserting the phrase, "twenty-three consecutive months", relating to the minimum time to be served before being eligible for a refund of a percentage of contributions to the pension fund when involuntarily separated from employment.
17. Private Acts of 1959, Chapter 131, amended Private Acts of 1949, Chapter 806, Section 3, above, to increase the maximum amount of the pension to be paid to widows or to dependent children from \$80 to \$125 a month. The increase did not apply to pensions to which the right of payment had already accrued.

### **Social Services**

The private acts listed below concern the status of welfare and charitable programs prior to the creation of the Metropolitan Government.

1. Public Acts of 1885, Chapter 92, provided that all orphanages and houses for destitute children incorporated in Davidson County would be governed by a twelve-member Board, five members to constitute a quorum. The Board would be composed entirely of women. The women could have an Advisory Board of men and refer to it matters in which the women needed instruction. The institutions could receive all children under eighteen and keep them until they were twenty-one years of age, or could cause others to adopt them. Children over six years old were to be educated properly, including the teaching of a trade. Counties were authorized to contribute up to \$50 per year per child if the institution needed it. The same regulations would apply to those institutions caring for colored children.
2. Acts of 1903, Chapter 86, amended Acts of 1885, Chapter 92, above, to include all charitable institutions as well as orphan homes, and to require that all charitable institutions render quarterly reports to the County Judge which accurately stated their expenses. The County Judge was authorized to draw funds to pay any deficit of the institution if the amount did not exceed \$50 per capita per year.
3. Private Acts of 1915, Chapter 519, created a Charities Commission in Davidson County to administer the public charities in the County. Members of the Commission were required to be residents for at least five years and be qualified for the task. Two members would be appointed by the Board of Commissioners of Nashville, two by the Quarterly Court of the County, and the fifth member would be chosen annually by the other four. The Commission would administer the funds for charities in the County, and it could employ a Secretary at \$1,200 a year. The members would meet monthly and keep accurate and sufficient records which would at all reasonable times be open to inspection by the County Judge, members of the County Court, the Commissioners of the City, and the newspapers. This act was repealed in 1955.
4. Private Acts of 1917, Chapter 602, was the authority for the Quarterly Court of Davidson County, by a vote at any regular or called session, to appropriate and expend such sums of money as might be deemed advisable for the care and maintenance of dependent persons sent out to any fresh air camp outside the city limits of Nashville. The appropriation could be made on the basis of a given amount per day, week, or month.
5. Private Acts of 1925, Chapter 87, amended Private Acts of 1915, Chapter 519, above, by raising the limit on the annual salary of the secretary of the Charities Commission from \$1,200 to \$3,000.
6. Private Acts of 1927, Chapter 5, recited in its preamble that there were unbudgeted funds remaining to the credit of the Charity Fund of Davidson County with which some relief could be provided for the flood sufferers of the December-January, 1926-1927 flood in Nashville and Davidson County. The Quarterly County Court was allowed to transfer from the ordinary fund to the Charity Fund, the sum of \$15,000 for that purpose.
7. Private Acts of 1927, Chapter 204, amended Private Acts of 1915, Chapter 519, above, to add a

provision that all funds received and disbursed by the Charities Commission of Davidson County would rotate through the County Trustee's office so that more accurate and efficient records might be kept.

8. Private Acts of 1931, Chapter 179, amended Private Acts of 1915, Chapter 519, above, in the caption by striking the word, "Charities", and inserting the word "Welfare", and by doing the same throughout the body of the act wherever the words appeared so that the Charities Commission would be known as the "Welfare Commission."
9. Private Acts of 1931, Chapter 259, recited that the funds available from the then current tax levy for charitable purposes in Davidson County and budgeted to the Davidson County Charities Commission and Pauper Account, were insufficient to provide proper aid for those in a destitute condition because of unemployment and drouth. The Quarterly Court of Davidson County was authorized to transfer funds from ordinary funds to the Charitable Fund in an amount up to \$35,000 to provide additional funds for the destitute and for paupers.
10. Private Acts of 1955, Chapter 284, repealed Private Acts of 1915, Chapter 519, above, and created a Welfare Commission for Davidson County with the duty and power to administer general or emergency assistance to persons in Davidson County. It would make social investigations and would report to the County Court and other governmental agencies. It could enter into cooperative agreements with other agencies for welfare purposes. It would consist of nine members elected by the County Court.
11. Public Acts of 1986, Chapter 877, was a special public act applicable to Davidson County that declared the need for affordable day care services for the economically disadvantaged and directed the Department of Human Services to establish a pilot program providing for grants to fund care for one hundred children.

### **Taxicabs**

The acts listed below affected the regulation of taxicabs prior to the creation of the Metropolitan Government.

1. Private Acts of 1925, Chapter 729, applied to Knox, Hamilton, Shelby and Davidson Counties. The act made it unlawful for any person, firm, or corporation to operate any motor vehicle, not running on fixed tracks, for the transport of passengers or property for hire, without executing a bond or providing insurance, except such taxicabs or motor vehicles operated principally in cities where a bond was required by ordinance. Liability insurance was required in the amount of \$300 covering freight service, and \$5,000 one each vehicle used for passenger service. The County Court Clerk was responsible for issuing the permits when all requirements were satisfied and any County Court Clerk failing in this responsibility could be fined and removed from office. Any person violating the terms of the act could be fined. See State, ex.rel. Lewis v. McLemore, 155 Tenn. 59, 290 SW 386 (1927) and United States Fidelity and Guaranty Company v. Allen, 158 Tenn. 504, SW2d 724 (1929). These cases interpreted the statute, resolving ambiguities involving the purchase of bonds and insurance.
2. Private Acts of 1947, Chapter 224, made it unlawful in Davidson County for any person, firm, or corporation to operate a taxicab without first complying with the provisions of the act. A bond or insurance policy, in the amount of \$5,000 for each vehicle operated, had to be filed with the County Court Clerk for the benefit of members the public who might be injured or damaged by negligence, but this provision was not to apply to vehicles operated principally within the limits of an incorporated city. The County Court Clerk issuing a permit without complying with the terms of the act was subject to a fine. The Clerk could charge a fee of 50 cents for his services. Any person operating a taxicab but failing to comply with the act could be fined upon conviction.
3. Private Acts of 1947, Chapter 662, amended Private Acts of 1947, Chapter 224, Section 3, above, by striking out the word "company" as it appeared in the first paragraph, which related to insurance certificates, and substituting for it the word, "carrier".

### **Water and Sewerage**

The Acts listed below concerning water and sewerage were in effect prior to April 1, 1963.

1. Private Acts of 1951, Chapter 347, was the authority for the Quarterly Court of Davidson County to contract with the City of Nashville for the construction and maintenance of water mains in the territory outside the city boundaries to be used to distribute water to residents of the County. The contracts were to be approved by the joint action of the Quarterly Court and the Mayor and City



Council of Nashville. The Court was authorized to appropriate the necessary funds to accomplish these purposes.

2. Private Acts of 1953, Chapter 268, authorized Davidson County to contract with the City of Nashville for the construction and maintenance of sewers in the territory outside the corporate limits to furnish sewerage services to the residents and institutions of Davidson County. These contracts had to be approved by the joint action of the Quarterly Court and the Mayor and City Council of Nashville.
3. Private Acts of 1961, Chapter 378, created Improvement Districts in Davidson County for the distribution of water and sewerage systems in the County to be established by the Quarterly Court. The County Judge or the Director of Public Works would present a proposal for a District to the County Court, setting forth a statement of necessity, the geographical boundaries, a general description of the projects, and a proposed plan of financing, either by general obligation or revenue bonds. The County Judge would call a hearing and if the Court appeared, a referendum would be held. Rules to estimate costs and authority to issue bonds were included, provided certain other specified conditions were met.

### **General Reference**

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

1. Acts of 1783, Chapter 3, Section 9, Laws of North Carolina, provided that Anthony Bledsoe, Absalom Tatom, and Issac Shelby, Commissioners, were to obtain titles to such quantity of land to which they were entitled by the act under which they were appointed, by entering the said lands with the Entry-Taker of Davidson County, who was required to receive their claims without any purchase money and to grant them warrants for their land.
2. Acts of 1785, Chapter 52, Laws of North Carolina, directed the County Court of Davidson County to appoint annually two or more persons who were well acquainted with the nature and quality of tobacco to be tobacco inspectors. They would take the same oath and be subject to the same rules and regulations as were other inspectors. They would be paid eight shillings for each hogshead of tobacco inspected. The Court was allowed to appoint two other persons to supervise the tobacco warehouse in Nashville.
3. Acts of 1787, Chapter 25, Laws of North Carolina, declared it to be lawful for the commanding officer of militia in Davidson and Sumner Counties to lay out and work a road from the lower end of Clinch Mountain to the settlements of the Cumberland. They were granted full authority to order out the militia of the two Counties to cut and clear the road when it was marked. Those who refused to obey would be subject to court martial and penalties. Both Counties were allowed to lay a tax on polls and property in an amount sufficient to pay the laborers on the road and their supervisors. The taxes were to be collected as were any other taxes.
4. Acts of 1787, Chapter 26, Laws of North Carolina, declared that the titles to the salt licks or springs, commonly called French Lick, Neely's Lick, Gasper's Lick, and Ramsey Lick together with the tracts of land associated with each were vested in John Kirkpatrick, Lardner Clark, Jonathan Drake, William Simpson, John Boyd, Ephraim McClaine, and Robert Edmondsdson, Commissioners, to lease, or rent, on terms up to ten years, the rentals to be applied to public use in Davidson County. The Commissioners were required to make bond for the faithful performance of their duty.
5. Acts of 1789, Chapter 29, Laws of North Carolina, directed the Courts of Pleas and Quarter Sessions of Davidson, Sumner, and Tennessee Counties at their April terms in 1790 to make out a list, which must be signed by the Chairman of the Court and the Clerk, of all the salt licks or springs in their respective counties which the Court would consider fit for the manufacture of salt, including all those that had been set aside as public property and supervised by Commissioners appointed for that purpose, namely, Heaton's Lick, Denton's Lick, French Lick, Neeley's Lick, Kasper's Lick, Madison's Lick, Drake's Lick, Stoner's Lick, and Bledsoe's Lick. These licks or springs were to be entered of record and all other licks were declared to be vacant land.
6. Acts of 1789, Chapter 63, Laws of North Carolina, empowered the County Courts of Davidson, Sumner and Tennessee Counties, whenever it appeared to their satisfaction that persons wounded by Indians in the Mero District were not able to defray the expenses of doctors and medical treatment, to pass the accounts of physicians, surgeons, nurses, and drugs, properly attested, to be received in payment of all public taxes by the tax collectors. All accounts for provisions for Indians would also be received in payment of public taxes.

7. Acts of 1792, Chapter 9, Territorial Acts, set up two Treasury Departments, one for the Washington and Hamilton Districts, and one for the Mero District, which would receive all revenues in their respective areas and distribute them according to the directions of the General Assembly. Accounts of distribution were to be kept. The Treasurer was required to be sworn and bonded, and would be paid a commission of twenty-five percent of all the money handled.
8. Acts of 1796 (Nov. Sess.), Chapter 6, was a repetition of the 1792 Territorial Act, above, and set up two Treasury Departments, one for the District of Washington and Hamilton, and one for the District of Mero, giving them the same duties and responsibilities, but reducing the pay of the Treasurer to three percent of the money handled.
9. Acts of 1797, Chapter 28, stated that a town was to be laid off by the name of Waynesborough on the north bluff of the Cumberland River, which was called Lancaster's Bluff, below Heaton's old station on the lands of William Barrow. The town would consist of 150 lots and a two-acre parcel for a public square. Howell Tatom, William Donelson, Thomas Talbot, and Edmund Gamble were named Commissioners to further lay off, design, and improve Waynesborough. The money left from the sale of the lots by the Commissioners, after all expenses had been paid, would be turned over to Willie Barrow.
10. Acts of 1797, Chapter 36, declared that James Hamilton would have and enjoy the exclusive use and benefit of that part of the Cumberland River on the south side between Nashville and Heaton's old station for the express purpose of keeping up a floating mill or mills, any law, custom, or usage to the contrary notwithstanding. The County Court could condemn any land which might be essential to the completion of this purpose, but Hamilton would pay damages to anyone who might be impaired by the condemnation.
11. Acts of 1797, Chapter 40, authorized and directed the Justices of Davidson County to cause to be built a warehouse and other conveniences necessary to it for the reception, inspection, and safekeeping of tobacco in or near the town of Waynesborough on the north side of the Cumberland River. When built, it would be declared a public warehouse. The Justices were to appoint inspectors, set their salaries, and cause them to make regular inspections. Another warehouse on the south side of the river was recognized and a tax was to be levied to complete both of them.
12. Acts of 1799, Chapter 34, stated that it would conduce to the expedition of the business of the Courts to have a good and complete stone courthouse with suitable stocks erected in Nashville. The act appointed John McNairy, Joseph Coleman, Robert Searcy, Joseph Phillips, and David McGavock as Commissioners, giving them the power to let the said building to the lowest bidder, after advertising for 60 days at the present courthouse. The County Court would, subject to the limitations in the act, lay a tax to be continued each year until the building were complete. The Sheriff would collect the taxes and pay the proceeds over to the Commissioners, all of whom would be held accountable. The Commissioners could sell the old courthouse whenever they thought proper and they were to be paid a moderate consideration for their efforts.
13. Acts of 1799, Chapter 36, provided for Commissioners to be appointed to lay off the town of Hayesborough on a north bluff of the Cumberland River in Davidson County. The Commissioners appointed were Robert Hays, Simpson Harris, Thomas Harney, John Graves, and Samuel Harness. They were to design and lay out the town, making streets and alleys, selling lots, and turning over any excess money to the original owner of the property.
14. Acts of 1799, Chapter 56, recited that the building and keeping of a courthouse, prison, and stocks in Nashville for the District of Mero, would be attended with such expense as to become burdensome for the people of Davidson County; therefore, all monies arising from the fines and forfeitures imposed on public offenders by the Superior Court of the Mero District and the County Court of Davidson County would be appropriated to the building and to keeping of the courthouse, prison, and stocks. If any money of that nature was then on hand it was to be paid over immediately and used for that purpose.
15. Acts of 1799, Chapter 65, regulated the public inspection of tobacco, establishing the standards which were required to be met, and promulgating the guidelines for the inspectors to follow. The three warehouses in Davidson County, which were to be the sites for the inspections, were at Nashville, Haysborough, and Waynesborough.
16. Acts of 1801, Chapter 68, stated that the Counties of Davidson and Williamson failed to comply with the true intent and meaning of the prior act which had detached the territory that became Williamson County from Davidson County. Therefore, all debts which Davidson County justly owed at that time would be apportioned between the two Counties in relation to the amount of taxable property in each. The Courts of the Counties each were to appoint a Commissioner to

- settle the problem and pay him \$2.00 per day for each day devoted to the issue. If one county failed to appoint a Commissioner, the other could proceed unilaterally.
17. Acts of 1803, Chapter 61, recited that it had been represented to the General Assembly that keeping open the French Lick and Denton's Lick had proved injurious to the stock of persons living near them. Therefore, John McNairy was authorized to enclose French Lick and William P. Anderson to enclose Denton's Lick.
  18. Acts of 1804, Chapter 8, stated that the time appointed in the Act creating Williamson County for persons to come forward with claims had expired and that there were apparently some persons who had not complied; therefore, the act extended the time for filing claims another year.
  19. Acts of 1809, Chapter 99, declared that it appeared to the General Assembly that the Big Harpeth River was by no means a navigable stream and pretending to keep it open as such had a tendency to discourage the erection of mills and other utilities in Davidson and Williamson Counties. Therefore, the act declared that the Big Harpeth River in Davidson and Williamson Counties would in no wise be a public or navigable stream.
  20. Acts of 1809, Chapter 127, commented in its preamble that debts were due and unpaid by Davidson County at the time of the formation of Williamson County. Both Counties were mutually responsible for the debts. Each County would name a Commissioner to settle the debts, to ascertain the true and correct amount of each debt, and to determine the individuals to whom the debts were owned. The Quarterly Courts were empowered to levy a tax to pay the debts.
  21. Acts of 1815, Chapter 69, was the authority for Pleasant Talley, a citizen of Davidson County, to retail spirituous liquors in the County without a license or the payment of any tax for the two years next following the passage of the act.
  22. Acts of 1815, Chapter 148, allowed David Allen to build a mill on his tract of land lying on Stone's River in Williamson and Davidson Counties which would be a public mill. Allen was directed to meet the standards and specifications mentioned in the act when building the dam for the mill. The dam was not to obstruct navigation on the river. Allen would be liable in damages to property owners who might be injured thereby.
  23. Acts of 1815, Chapter 170, instructed the Treasurer of West Tennessee to pay the witnesses in the case of John Sevier, Governor, vs. Robert Searcy, Treasurer of the Mero District, and His Securities, Andrew Jackson and William Dickson, when the attendance and mileage of the witnesses had been satisfactorily proved.
  24. Acts of 1817, Chapter 76, recites that Governor Willie Blount employed Mose Eakin to ride to the different militia units in the State with an important communication for which service Eakin had not been paid, although he performed in a most satisfactory manner. The act directed the Treasurer to pay Eakin \$48 for his services.
  25. Private Acts of 1819, Chapter 10, stated that Michael Campbell, Robert C. Foster, and Jacob McGavock, or any two of them, were authorized to receive from the person in possession of the same, the amount of the fine of \$500 imposed on Benjamin P. Pearson by the Davidson County Court for an assault and battery on the person of one William Rutherford. After obtaining the money, it was to be their duty to pay the same over to the family of Rutherford, but not to pay it on his debts.
  26. Private Acts of 1821, Chapter 130, stated that two men of color, commonly called Sam and Harry Molloy, slaves of Thomas Molloy, deceased, having been conveyed by the executors of Molloy's will to John Cockrill, were emancipated and free, provided Cockrill appeared in open Circuit Court of the County and gave his assent to the same and then entered into bond to cover any wrong or injury done by the two while free.
  27. Private Acts of 1823, Chapter 193, stated that after passage, Susan Fussell, wife of Harrison Fussell, was to be authorized to have and hold personal property in her own name and in all respects to act and manage for herself and children over whom she was named guardian. She would exercise all rights as a feme sole without any control from or subjection to her husband.
  28. Private Acts of 1827, Chapter 101, authorized Thomas Horman of Davidson County to hawk and peddle his goods in Robertson and Davidson Counties without a license, as long as the goods were his own and no one else's.
  29. Public Acts of 1831, Chapter 43, Section 6, ordered the Cashier of the Bank of Tennessee to place to the credit of Davidson County its respective share of the \$60,000 previously set apart for the internal improvements of Middle Tennessee.
  30. Public Acts of 1831, Chapter 46, named Commissioners for several counties to serve on their

- Boards of Internal Improvement. The Board of Internal Improvements for Davidson County was to be composed of Robert Weakley, Samuel Seay, and Robert C. Foster. As soon as \$20,000 had been subscribed in the stock thereof, the commissioners were to pay the amount over to the Nashville, Murfreesboro, and Shelbyville Turnpike Company. See Nashville, Murfreesboro and Shelbyville Turnpike v. W & S Turnpike Co. v. Davidson County, 106 Tenn. 261 61 SW 68 (1901), for a discussion of the rights of the turnpike company when the County opened a competing road.
31. Public Acts of 1832, Chapter 30, declared that after January 1, 1833, all laws theretofore passed authorizing lotteries to be held for any purpose were repealed and anyone conducting any lottery would be subject to prosecution and fine, but the Act was not to be extended to include the lottery then being sold to extend Union Street in Nashville.
  32. Private Acts of 1833, Chapter 166, authorized and directed the County Court of Davidson County, Tennessee, to license James Goodwin to keep a house of entertainment and to retail liquors in Nashville without paying any tax therefor, provided Goodwin gave a bond and security to the Court to keep all things orderly at the house of entertainment.
  33. Private Acts of 1833, Chapter 241, permitted James B. Moore to hawk and peddle in Davidson County without having to procure a license.
  34. Public Acts of 1835-36, Chapter 11, gave the Justices of every county the authority to appoint two Notaries Public in each county except in Davidson where they could appoint three.
  35. Acts of 1839-40, Chapter 143, directed the Trustees of the Counties of Davidson, Bedford, and Rutherford, to demand from the Board of Internal Improvement Commissioners in each respective county all the monies to which each was entitled under the existing laws, and upon receipt to apportion the money among the school districts in their respective counties.
  36. Acts of 1849-50, Chapter 189, Section 2, authorized the County Court of Davidson County to appoint one Revenue Commissioner for each Ward in the City of Nashville District and allow to the said Revenue Commissioner such compensation as the Court in its discretion might deem proper and just.
  37. Acts of 1853-54, Chapter 139, amended Public Acts of 1835-36, Chapter 11, above, which provided for the appointment of notaries public, to allow Davidson County to appoint four notaries instead of three.
  38. Acts of 1853-54, Chapter 281, formed a corporation for the building of a synagogue in Davidson County for those persons of the Jewish faith.
  39. Acts of 1855-56, Chapter 96, was the authority for the Governor of the State to purchase the five hundred acres and mansion known as the Hermitage from Andrew Jackson's heirs, and to issue bonds in the amounts not exceeding \$48,000 to provide the funds to do so. The property was to be offered to the United States as a branch of West Point. Mr. A. Jackson, the then present owner, was given the right to stay on the property for two years.
  40. Public Acts of 1867-68, Chapter 58, created a five-member Board of County Commissioners for Davidson County. The members were required to be residents for two years and they were to be elected for five-year terms by popular vote, although the first election for the five-year term would be President and would have and exercise all the powers of the County Judge, who was relieved of all the duties imposed on him by law. Any vacancies would be filled by the remaining members. All the powers and jurisdiction of the County Court was transferred to the Board. The Magistrates were also relieved of all responsibilities. Personal interest in any County contract was prohibited. The President would draw \$2,000 annually and the members would draw \$1,500. The act was repealed by Acts of 1869-70, Chapter 6, below.
  41. Public Acts of 1867-68, Chapter 77, Section 4, stated that the presiding Judge of the County Court of Davidson County was authorized and directed, in addition to the number of notaries public then authorized by law, to appoint an additional notary who would be able to understand, speak, and write the German language, but otherwise would be as all other notaries.
  42. Private Acts of 1867-68, Chapter 99, Section 20, amended Section 1 of Public Acts of 1867-68, Chapter 58, above, by reducing the number of County Commissioners from five to three and requiring them to be two-year residents and to serve six-year terms. The first Board would be appointed by the Governor to serve until March 1, 1870, when their successors would be elected. Section 2 was amended by making the person serving the longest the president and setting his salary at \$1,500 and those of the members at \$1,200, payable out of regular county funds. No injunction would be allowed to prevent this act from taking effect.
  43. Public Acts of 1868-69, Chapter 35, Section 14, allowed the County Commissioners of Davidson County to appoint one additional notary public for Davidson County, who, when appointed, would

keep his office in Nashville.

44. Public Acts of 1869-70, Chapter 6, repealed Public Acts of 1867-68, Chapter 58, above, which created a Board of County Commissioners in Davidson County. The Magistrates would hold the Quarterly County Court at the times specified by law, the first session following this act to begin on the 1st Monday in November, 1869.
45. Public Acts of 1869-70, Chapter 49, repealed all prior acts which had created a board of county commissioners in any county and revived all acts which had been repealed when such boards of county commissioners were established.
46. Public Acts of 1869-70 (2nd Sess.), Chapter 68, consolidated the offices of Entry Taker and County Surveyor with the Surveyor being required to perform the duties of both offices and be paid the same fees and emoluments as the Entry Taker.
47. Public Acts of 1870-71, Chapter 81, amended Section 1792, Code of Tennessee, so that there would be appointed by the Justices of the County Court, if they deemed it necessary, three notaries in every county except Davidson County which would have six.
48. Public Acts of 1875, Chapter 15, amended Section 1792, Code of Tennessee, to allow the Counties of Knox, Dekalb, Shelby, Cannon, White, Davidson, and Weakley to appoint one more notary public than was then allowed by law.
49. Public Acts of 1897, Chapter 124, fixed the annual salaries of most of the county officials according to a classification of the counties by population. Although this Act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105 (1900), many of its features were carried over into later acts and survive in our current salary laws.
50. Acts of 1905, Chapter 109, stated that no person, firm or corporation, could engage in the business of making loans on personal property or wages, without first filling an application for a license to do so, after making bond. The application was to contain certain information specified by the act and the license was not transferrable but could be defaulted. Records were to be kept which would be open at all times for inspection. This act applied to all counties with 50,000 or more in population. The act was declared unconstitutional in Spicer v. King Brothers, 136 Tenn. 408, 189 SW 865 (1916).
51. Acts of 1907, Chapter 306, authorized the Quarterly Court of Davidson County, a majority being present, to adopt a Resolution to contract with a bank making the highest and best bid to pay interest on the monthly balances in county government accounts. The Finance Committee of the Court would consist of the County Judge, the Trustee, and three members of the Court. When the contract was complete and signed, and the bank had made bond, the Trustee would be notified to deposit government funds in that bank. The bank was required to render to the Quarterly Court by the fifteenth of every month a statement of the interest earned.
52. Acts of 1909, Chapter 250, declared that all banks and trust companies in Davidson County, organized under Acts of 1883, Chapter 168, with a paid up capital of \$100,000 for the purpose of conducting a savings, safe deposit, and trust banking business, could deposit \$25,000 in bonds or cash with the State Treasurer, whereupon the bank would have the right to assume such fiduciary capacities as permitted under its charter. The deposit would constitute security for the performance of its obligations. The Treasurer of the State would issue a certificate to the bank as evidence of the deposit.
53. Private Acts of 1917, Chapter 541, was the legislative authority for Davidson County to elect and appoint some competent person as the janitor of the Courthouse to hold office for two years, drawing the salary set by the County Court.
54. Private Acts of 1919, Chapter 91, allowed Davidson County to pay F. C. Beerman the sum of \$2,400 for services rendered by him in installing a new system of bookkeeping in the various County institutions. The County Judge was directed to issue his warrant in Beerman's favor for that amount.
55. Private Acts of 1919, Chapter 704, amended Acts of 1907, Chapter 306, Section 1, above, by changing the population figures in the caption to make them conform to the then present population of Davidson County, and then adding a provision to authorize the Finance Committee of the Quarterly Court to contract with banks, trust companies, or persons to borrow money for the use of the County on short term loans, the interest rate not to exceed six percent.
56. Private Acts of 1921, Chapter 14, recited that Carl Hardin had worked as a stenographer during June, July, and August, 1920, and that some doubt existed as to the legality of appropriating county funds to pay him. The act authorized the Quarterly Court to appropriate \$300, that amount seeming to be a reasonable one, and to pay the same to Carl Hardin on the warrant of

the County Judge.

57. Private Acts of 1923, Chapter 98, was the authority for the County Court of Davidson County to make appropriations out of the ordinary funds of the County to pay the premiums on liability insurance policies covering public officials serving without compensation, but no more than \$5,000 coverage would be taken on any official.
58. Private Acts of 1925, Chapter 589, authorized the Davidson County Quarterly Court to appropriate an amount not to exceed \$15,000 to the "Nashville Battlefield Memorial Association".
59. Private Acts of 1927, Chapter 794, returned to T. A. McAdams, the sum of \$125 which he had deposited as bail for one Otis London who had apparently ignorantly failed to appear for trial, at which time the bond had been forfeited, but who later did appear when notified and was acquitted. No other remedy being available, the General Assembly authorized the return of the money to McAdams.
60. Private Acts of 1929, Chapter 410, was the authority for the Quarterly Court of Davidson County to appropriate an amount not to exceed \$3,750 to the Treasurer of the Fort Nashboro Market for the purpose of erecting a monument in Nashville to the original settlers of Nashville to be known as "Fort Nashboro", which project was being sponsored by the four Nashville Chapters of the Daughters of the American Revolution. The money was not to be appropriated until matched by the City of Nashville and by a donation of \$7,500 from the State.
61. Private Acts of 1929, Chapter 656, allowed Davidson County to erect a public building on the Public Square in Nashville at such place as would be determined by the County Court, the Mayor, and City Council of Nashville with such plans and specifications as would be selected by the Public Building and Courthouse Commission upon a competition as provided in another act permitting a bond issue of \$3,000,000. The building would be used by the County as a Courthouse and for other purposes and by the City as a City Hall and for other City purposes. The County was also empowered to lease space to the City for not more than fifty years but with the right to renew or extend the lease for twenty-five year terms. The old Courthouse was to be torn down and removed and if done before the new one could be occupied, the County was authorized to rent or acquire suitable space elsewhere until the new Courthouse could be built. Any and all actions taken and business transacted in the temporary location would be as valid as if done in the then present Courthouse.
62. Private Acts of 1933, Chapter 71, removed the disabilities of being a minor from Lester T. Gifford, of Davidson County, making him a legal adult in all respects.
63. Private Acts of 1933, Chapter 177, removed the disabilities of infancy from Thomas Alexander Kelly, who was born November 6, 1912, in Davidson County.
64. Private Acts of 1933, Chapter 291, removed the disabilities of her minority from Margaret Rollow, of Davidson County.
65. Private Acts of 1933, Chapter 410, made Edward H. Hooper, a minor residing in Davidson County, a legal adult.
66. Private Acts of 1933, Chapter 440, removed the minority status of Robert Donald Goodlett of Davidson County, Tennessee.
67. Private Acts of 1933, Chapter 441, removed the disabilities of minority of Hammonds Goodlett of Davidson County.
68. Private Acts of 1933, Chapter 500, provided that all the salaries, wages, and per diems, of all the office holders, clerks, deputies, court officers, jurors, or other employees of Davidson County which were fixed by private or special act, except the District Attorney General and his assistants whose compensation had already been reduced by twenty-five percent by the State, were reduced by ten percent of the amount stated in the acts. The Tax Assessor whose compensation was fixed by special enactment was exempt. The act reduced the lump sum allowances for salaries wherever and however fixed, by ten percent. The Act would be in effect for two years.
69. Private Acts of 1933, Chapter 503, authorized the Quarterly Court of Davidson County, by appropriate action and coordination with other officials, to refund to the Fourth and First National Band of Nashville, as the administrator of the estate of B. H. Klyce, deceased, the sum of \$90 which was the County's part of an ad valorem tax inadvertently assessed on the personal property of the decedent for the year 1928.
70. Private Acts of 1933, Chapter 610, amended the general law by setting up additional classes of counties determined by population figures from the 1920 Federal Census, and then fixing a schedule of annual salaries to be paid certain county officials in each class. In counties of the first

- class, the Trustee, Sheriff, and County Court Clerk, would be paid \$7,500 a year, and the Clerk and Master, the Circuit Court Clerk, the Register, and the Criminal Court Clerk would be paid \$6,000 a year.
71. Private Acts of 1935, Chapter 205, removed all the disabilities of minority from Dolly Dearman of Davidson County.
  72. Private Acts of 1935, Chapter 206, removed the disabilities of minority from Jeannette Caldwell Mitchell of Davidson County, and granted her the right to receive from the Clerk and Master of the Chancery Court certain funds belonging to her and to execute valid receipts therefor as if she were an adult.
  73. Private Acts of 1935, Chapter 351, removed the disabilities of minority from Fannie Hawkins Searcy, granting her the right to conduct herself as an adult and the power to convey real estate.
  74. Private Acts of 1935 (Ex. Sess.), Chapter 165, emancipated Willie Clay Markett, Jr., granting him the authority to conduct all his affairs as an adult.
  75. Private Acts of 1937, Chapter 620, removed the disabilities of minority from Clarence Albert Head of Davidson County.
  76. Private Acts of 1937, Chapter 634, emancipated Robert Baltz, Jr., of Davidson County.
  77. Private Acts of 1937, Chapter 690, removed the minority of Paul Jones Slayden, giving him the authority to settle accounts with his guardian.
  78. Private Acts of 1937, Chapter 735, emancipated Francis Lorraine Ford of Davidson County, granting her the privilege to follow her business as a Notary Public and do all other things as an adult.
  79. Private Acts of 1937, Chapter 855, removed the disabilities of infancy from William Franklin Tinnin of Davidson County so that he could settle affairs with his guardian and the administrator of his father's estate.
  80. Private Acts of 1937 (Ex. Sess.), Chapter 4, recited that John Richard Moore was a young man under twenty-one years of age, finishing high school and desiring to go to college, and that it would be necessary so sell some property to enable him to do so. This act removed his minority in order for him to sell his real estate.
  81. Private Acts of 1951, Chapter 220, recited that there was no specific authority for the County Court to make appropriations for Civil Defense; therefore, the act validated the resolution of the Quarterly Court which appropriated \$7,000 for the purpose of cooperating with the City of Nashville in the maintenance of a Civil Defense Organization, notwithstanding the lack of any statutory authority to do so at the time.
  82. Private Acts of 1951, Chapter 222, was the authority for Davidson County to purchase and carry liability insurance for the protection of the public from accidents resulting from the negligent operation of county owned and operated vehicles. The Quarterly Court would determine whether such insurance should be carried or not, and if so, in what amounts. Any such insurance would be purchased through the Purchasing Commission.
  83. Private Acts of 1951, Chapter 225, allowed the Davidson County Court to appropriate public funds from time to time, not to exceed an aggregate of \$35,000, to be expended by the Community Services Commission for Davidson County and Nashville. Payments would be made on the vouchers of the County Judge or Chairman, and signed by the Chairman and Secretary of the Commission.
  84. Private Acts of 1951, Chapter 241, created the Community Services Commission in Davidson County to study and analyze the relationship of the two government, city and county, and how services were provided the public. A report and recommendation would result from the study concerning improvement and efficiency in government.
  85. Private Acts of 1951, Chapter 496, was the authority for Davidson County to pay rent for the County Committee of the Production and Marketing Association in a sum not to exceed \$750 a year and to continue until office space became available for the Committee in the Courthouse or otherwise.
  86. Private Acts of 1951, Chapter 643, authorized public officials, in their discretion, to close the offices and departments over which they exercised control to business on Saturdays. The authority did not extend to custodial institutions such as jails and hospitals.
  87. Private Acts of 1961, Chapter 408, created a metropolitan government charter commission in and for the County of Davidson. The commission was vested with all authority provided by law and

would function until the date of ratification or rejection of the charter, which would be determined by majority vote of the qualified voters residing inside the Nashville city limits and by those residing outside Nashville but inside Davidson County.

## Chapter II - Animals and Fish

### Animals and Fish - Historical Notes

The following listing is of acts which no longer appear to have any effect on hunting, fishing, or animal control in Davidson County. They are included herein for reference purposes.

1. Public Acts of 1869-70 (2nd Sess.), Chapter 19, Page 35, prohibited the seining, netting (even with a dip net), basketing, or trapping in any stream, pond or reservoir in Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren, and Dickson Counties. The act specifically forbade the stretching of any net across the mouth of Stone's River. Fines for the first offense were set at from \$5.00 to \$20, and for the second offense from \$20 to \$50, one-half going to the informer and one-half to the State. Jurisdiction to try the offenses was placed in the Justices of the Peace of the respective counties. Public Acts of 1871, Chapter 9, repealed the act's application to Maury, Dickson, Warren, Marrison, Benton, Humphreys and Cannon Counties.
2. Public Acts of 1873, Chapter 83, Page 121, made it unlawful in Montgomery, Robertson, Maury, and Davidson Counties for any person to hunt, kill, or capture from February 1 until September 1 of each year any songbird, or any game bird, or any bird that fed on insects which destroyed fruit trees. Violators of the act could be fined \$5.00 for each bird, nest, or egg so destroyed. Prosecution would be in the name of the County and the fines collected would be divided between the informer and the County equally.
3. Public Acts of 1875, Chapter 127, Page 213, declared it to be unlawful to hunt and kill deer from March 1 to September 1 of each year. Section 2 made it unlawful to hunt, kill, or capture from March 1 through September 15, or, at any time, a song bird, or any insect-devouring bird. A schedule of fines was provided for first offenders who would be prosecuted before Justices of the Peace in the name of the State. Fines would be divided equally between the informer and the State. This Act applied to Henry, Dyer, Giles, Maury, Davidson, Madison, Hamilton, Bedford, and Wilson Counties. The act made it unlawful to hunt or trap game on the land of another without permission.
4. Public Acts of 1879, Chapter 198, Page 241, applied to the Counties of Dickson, Houston, Cheatham, Davidson, Rutherford, Williamson, Shelby, Fayette, Tipton, and Carroll. The act made it a misdemeanor to take any fish in the waters of the named counties except by baited hook and line, or trot line except in the waters of the Cumberland River, the Tennessee River, and the Big Hatchie River. Fishing in any other manner than the ones specified could result upon conviction in fines ranging from \$25 to \$100. Private lakes and ponds were exempted from the terms of this act.
5. Public Acts of 1889, Chapter 171, Page 322, made it unlawful to kill deer for profit in the State, but all citizens were allowed to hunt and kill deer for their own consumption between the dates of August 1 and January 1 of each year. One could legally kill deer for profit on one's own land during that period of time. The same prohibition was placed on the hunting and killing of quail or partridges, except when done on one's own land, between November 1 and March 1, following. Constables and Justices of the Peace were designated as Game Wardens to enforce this law. Several counties saw fit to exclude themselves from the legislation, but Davidson County was included.
6. Private Acts of 1911, Chapter 224, Page 579, made it illegal in Davidson County to set any trap, snare, net, spring pole, or other device, or to bait the same, upon the lands of another or in the waters adjoining such land, for the purpose of catching or killing any fur or hair-bearing animal, without first obtaining the written consent of the owner of the land. Those persons guilty of violating the act could be fined from \$5.00 to \$25 and imprisoned for up to thirty days.
7. Private Acts of 1915, Chapter 347, Page 1231, applied only to Robertson, Shelby, and Davidson Counties, and made it unlawful for any person, more than 200 yards from his residence, to set a steel trap, a dead fall, or any other device, which was liable to cause lingering pain or suffering to any animal or person caught in it. The act was not intended to prevent a person from setting on his own land a steel trap or a pole more than four feet off the ground which was for the purpose



of trapping hawks. Fines for violations ranged from \$25 to \$50.

8. Private Acts of 1915, Chapter 553, Page 1787, made it illegal for a person to allow geese, ducks, chickens, or other fowl to run upon the lands of another without the written consent of the owner or occupant of the land. If the owner of the fowl was known, the owner would be notified of the fact, and it would then be a misdemeanor to permit the fowl to continue being at large. Fines for violations ranged from \$2.00 to \$50. A defendant could be committed to the workhouse to work out the amount of the fine if he failed to pay.
9. Private Acts of 1915, Chapter 691, Page 2213, declared it unlawful in Robertson, Shelby, and Davidson Counties, for any person to poison, or kill or attempt to do so, on the land of another person any beaver, muskrat, fox, mink, raccoon, skunk, opossum, or weasel, or to molest the den of the same, or to send such animals out of the County, between February 1 and September 1 of each year, or to sell, or offer to sell, such animals during that time. This act did not apply to animals consigned for zoological purposes. Fines from \$15 to \$25 were permitted to be assessed against offenders.
10. Private Acts of 1921, Chapter 564, Page 1761, amended Public Acts of 1915, Chapter 152, Section 49, by adding at the end of that Section a provision that the fishing for pleasure, and not for purposes of sale, in the Cumberland River in Davidson County and its tributaries was declared to be an exception to the provisions contained in the general law, and the taking of fish for pleasure in such streams could be lawfully done by trammel net, basket, dip net, set net, or any device, not over forty inches in length nor having meshes not less than one inch in width.
11. Private Acts of 1921, Chapter 929, Page 2860, stated that in Davidson County, it would be against the law to kill, or to attempt to kill, partridges, or quail, from March 1 until November 15 of each year, and any violation of the act would be punished by the levying of fines of \$5.00 to \$10.00 for each offense.
12. Private Acts of 1927, Chapter 257, Page 710, declared it to be lawful to hunt, take, trap, snare, shoot, or kill by other means, rabbits, or hares, at any and all seasons of the year, but the act did not authorize or permit one going upon the lands of another person to do so without first obtaining permission. Davidson County and nine other counties were expressly exempted from the operation of this section.
13. Private Acts of 1927, Chapter 554, Page 1710, made it unlawful for any person, firm, or corporation, to take, hunt, or kill, or to attempt to do so, by means of a trap, gun, or dog any fur bearing animal in Davidson County between November 15 and February 15 of each year. The use of snares and dead falls was prohibited at all times. Fines from \$25 to \$50 could be imposed upon offenders, but the Section was not intended to apply to the chasing of foxes and rabbits with hounds, and it was permissible to take coons, opossums, skunk, and mink by gun or dog from October 1 until January 1, each year. All covered acts were forbidden to take place on lands belonging to the State.
14. Private Acts of 1949, Chapter 633, Page 1858, regulated the keeping of dogs, and the vaccination, kenneling, and licensing of dogs. Any dog found running at large could be seized by the authorities, and failure of the owner to redeem the dog could result in its being destroyed.
15. Private Acts of 1955, Chapter 300, Page 1010, amended Private Acts of 1949, Chapter 633, above, to make it a misdemeanor to violate the section requiring owners of vicious dogs to keep them securely and the section requiring dog owners to refrain from allowing dogs to run at large.
16. Public Acts of 1998, Chapter 924, created a pilot project to investigate and record animal abuse complaints in Davidson County. The program created by this act would cease to exist July 1, 1999.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Bridges**

1. Acts of 1905, Chapter 526, authorized the Quarterly County Court of Davidson County, subject to the approval of the people in a referendum, to issue bonds in an amount not exceeding \$300,000,

- at interest rates not to exceed four percent, and maturing in a period no longer than thirty years from issue date. The proceeds were to be used to construct a bridge, or bridges across the Cumberland River. The details of the issue, the form of the bonds, and the records to be kept, were all specified in the act. A tax levy was required to create a sinking fund to pay interest and principal on the bonds.
2. Acts of 1907, Chapter 95, was the legal authority for the County Court of Davidson County, subject to popular approval by referendum, to issue bonds in an amount not exceeding \$800,000. The proceeds were to be used to construct two bridges across the Cumberland River, one at the Jefferson Street site and the other at the Hay Market site.
  3. Acts of 1909, Chapter 80, allowed the Quarterly County Court of Davidson County to issue bonds, in an amount not exceeding \$250,000, for the purpose of completing the two bridges then being built across the Cumberland River at the Jefferson Street and Haymarket sites. The County Court was permitted to take any action necessary to cause the issuance of these bonds. All the details of the program and the mandatory tax levy were included. The interest rates could not exceed four percent and the maturity period was to be no longer than forty years.
  4. Private Acts of 1915, Chapter 222, enabled the Davidson County Quarterly Court to issue bonds, subject to the prior approval of the electorate in a referendum, to fund the building of a bridge across the Cumberland River near the City of Nashville on or near the site of the Hydes Ferry Bridge. All the essential details of a bond issuance were provided in the act. The face amount of the bonds could not exceed \$250,000. The maximum interest rate was five percent.
  5. Private Acts of 1925, Chapter 517, was the legal authority for the Quarterly County Court of Davidson County, subject to a referendum, to issue bonds in an amount not to exceed \$1,000,000. The interest rate could not exceed five percent and the maturity period could not exceed thirty years. The purpose of the bonds was to build a bridge across the Cumberland River at or near the Old Hickory Powder Plant. No fees or commissions were to be paid to any County official for handling these bond funds.
  6. Private Acts of 1949, Chapter 853, allowed the Quarterly County Court of Davidson County, subject to a referendum, to issue bonds valued at no more than \$500,000. The funds were to be used to match funds provided by the City of Nashville, the State of Tennessee, and the U.S. Government to construct an underpass at the westerly approach to the Woodland Street Bridge in Nashville. The bonds would mature in twenty-five years or less. No maximum interest rate was specified. The bonds could not be sold until a grant was made by the State and Federal Governments and a like amount appropriated by the City of Nashville. The Trustee would handle the funds, but no commission would be paid to any county official.

### **Courthouse and Jail**

1. Acts of 1905, Chapter 123, authorized a referendum to be held on whether Davidson County would issue bonds in an amount up to \$500,000 to build a courthouse and a jail. If approved by the vote, the Quarterly Court would issue the bonds at maximum interest of four percent, with maturity dates of up to thirty years. The County Court would appoint a Commission of three disinterested citizens and two members of the County Court who would employ an architect and get the project under way subject to the Court's general supervision.
2. Acts of 1907, Chapter 128, permitted the Davidson County Court, subject to the successful outcome of a referendum, to issue bonds in an amount not exceeding \$160,000 to construct a building in which the Criminal Court would be held and the jail located. The County Court was authorized to take whatever action was necessary and proper for the construction of the building. The interest rate was set at a maximum of five percent and the maturity date was limited to forty years.
3. Acts of 1929, Chapter 655, allowed the County Court of Davidson County, following approval by referendum, to borrow money and to issue bonds in an amount up to \$3,000,000 at an interest rate which could not exceed five percent. The purpose was to construct a public building on the Public Square for use as a courthouse and for other county purposes, to equip and furnish it, to landscape the premises, to pay the expenses incidental to the issuance of the bonds, and the expense of removing the present courthouse. The tax levy, the essential details of the bond laws, and a requirement that no fees or commissions would be paid to any county official were contained in the Act. A commission was created which would include the County Judge as Chairman and six others, who would be appointed by the Judge. Two of the appointees could not be County Court members, but all appointees were to be taxpayers and citizens. The Commissioners would select to be secretary one of their number, not a member of the County Court, who could be paid up to \$2,400 a year, as the Court decided. The Commission would

employ an architect to prepare plans and specifications for the new edifice.

### **Debts**

1. Public Acts of 1895, Chapter 20, permitted the Davidson County Quarterly Court to issue bonds in an amount not exceeding \$300,000. The bonds would mature in twenty years or less and bear interest at a rate not exceeding five percent. The bonds could be called and paid after proper advertising of intent to call. The bonds were to provide funds to pay the debts of the County, due and past due, which were evidenced by warrants already issued, or which had been ordered to be issued.
2. Public Acts of 1899, Chapter 138, was the legislative authority for the Davidson County Quarterly Court to issue bonds in an amount not exceeding \$250,000. The bonds could be called in the manner specified in the act. The funds were to be used to refund and pay off the outstanding debts of the County. The interest limitation was four percent. The maturity schedule could not exceed periods of twenty years.
3. Private Acts of 1917, Chapter 542, allowed the County Court to issue and sell its interest bearing notes up to a \$300,000 aggregate amount to pay off and satisfy the outstanding debts of the County and to pay any deficit in the then current expenses of the County. The interest rate was fixed at no more than five percent and the County Court was to establish the maturity schedules as determined proper.

### **Fair**

1. Acts of 1909, Chapter 42, enabled the Quarterly Court of Davidson County to issue bonds to raise up to \$50,000. The bonds would bear an interest rate of six percent or less and would mature as determined by the County Court. Such funds would be used and appropriated to purchase suitable property in the County upon which to establish and maintain permanently a State Fair. The fair would show the agricultural, commercial, industrial development, and educational progress of both the County and the State. The issuance of bonds was conditioned upon the approval of the people in a referendum.
2. Private Acts of 1915, Chapter 43, allowed the Quarterly Court of Davidson County to issue bonds to raise funds to erect the necessary buildings on the asylum grounds, and to construct a woman's building at the State Fair, or, in the alternative, to levy a special tax of 10 mills on the dollar for these purposes. Details of the bond issue were furnished and a tax levy was required to repay the debt created by the bond issue. Proper and accurate records were ordered to be kept. The principal amount of the bonds was not to exceed \$100,000. The interest rates were not to exceed five percent. The maturity periods could range from ten to thirty years.
3. Private Acts of 1921, Chapter 820, allowed the Quarterly Court to issue bonds in an amount of \$200,000, subject to the successful outcome of a referendum, to raise funds to purchase additional property in Davidson County suitable for the maintenance of a State Fair for showing agricultural, mineral, industrial, and educational exhibits. The County was further permitted to own and operate the fair and to lease the grounds and buildings. Interest rates could not exceed six percent and the maturity period could not extend beyond twenty years.
4. Private Acts of 1957, Chapter 356, authorized a bond issue in the principal amount of up to \$2,500,000 to make permanent improvements in and on any properties held and used by Davidson County for Fair purposes. The act was not approved locally and did not become effective.

### **Farmers' Market**

1. Private Acts of 1949, Chapter 400, was the authority for the County Court of Davidson County to issue bonds valued at an amount up to \$1,000,000 for purposes of funding the Farmer's Market. The bonds would bear interest at three percent and mature within twenty-five years.

### **Hospital**

1. Public Acts of 1893, Chapter 17, authorized the Quarterly Court of Davidson County to issue bonds in an amount up to \$200,000 to mature from three to twenty years after issue and bear interest rates of no more than six percent. The funds would be used to purchase land and erect buildings for the care of the insane, poor and afflicted, and the inebriates of the County. Details of procedures were specified in the act, which further required the County Judge to keep accurate records of all expenses in a well bound book. The County could issue its promissory note instead of bonds, if desired. The County Court would appoint a committee to supervise the project.
2. Private Acts of 1945, Chapter 92, was the enabling law for the County Court to issue bonds in an amount up to \$3,000,000. The funds were to build a County-City General Hospital in Davidson

County. The bonds would not be issued until approved by referendum vote of the people. This Act was repealed in 1947.

3. Private Acts of 1945, Chapter 353, authorized a bond issue in an amount of \$3,000,000, the proceeds to be used to erect, construct, equip, and furnish a County-City General Hospital for the inhabitants of Davidson County, but no part of the bond funds were to be used to maintain the building after it was built. The act created a five-member Hospital Commission, the members of which would be residents of ten years at least, two of whom would be physicians with at least ten years experience, and no more than one member could be from the County Court. Three members would live within the city of Nashville. The members would not be compensated but would have their expenses paid. They would keep an office in the building, meet once a week, appoint employees, and exercise the power and accept the responsibilities specified in the act, among which was the power to contract with the city of Nashville. Members could be removed by the Courts upon petition signed by at least ten taxpayers. This act was repealed in 1947.
4. Private Acts of 1947, Chapter 112, permitted the Quarterly Court of Davidson County to issue bonds in an amount of up to \$4,000,000. Interest rates could not exceed three percent. The proceeds would be used to erect hospital facilities, to acquire and landscape suitable grounds, to equip and furnish buildings, and to pay the preliminary expenses. The issue was subject to approval at a referendum. A seven-member commission was established consisting of three licensed physicians, one member of the County Court, and three residents of Nashville, all of whom would be residents of Davidson County, to exercise general supervision of the facility.
5. Private Acts of 1947, Chapter 113, repealed Private Acts of 1945, Chapter 353, above.
6. Private Acts of 1947, Chapter 114, repealed Private Acts of 1945, Chapter 92, above.
7. Private Acts of 1949, Chapter 503, authorized the issuance of bonds in the aggregate amount of \$1,000,000, to bear interest rates of up to three percent and mature within twenty-five years. The funds were to be used to remodel, add to, or reconstruct the Hospital and Home for the Insane, Poor and Afflicted, and Inebriates of Davidson County.

### **Memorial Park**

1. Public Acts of 1919, Chapter 122, provided for the construction of a Memorial Hall and park. With the adoption of a resolution by the City Council of Nashville to participate in the construction up to an amount of \$600,000, and with the adoption with the Quarterly Court of Davidson County of a resolution stating its willingness to participate in an amount up to \$400,000, and on account of the State of Tennessee's desire to build a Capitol Annex, a commission was formed and authorized to obtain a Memorial Park in Nashville from Capitol Boulevard to Seventh Avenue, between Union and Charlotte, and to extend Deaderick Street from Fifth Avenue west to the junction of the two streets, which was to be called "Victory Boulevard". The act described the property on which the State would build a Capitol Annex fronting on Charlotte and Seventh Avenue North. The Commission was composed of the Mayor of Nashville, the County Judge of Davidson County, the Governor of Tennessee, the Chief Justice of the Supreme Court, the Treasurer of Tennessee, the Speakers of the House and Senate, and two members from each of those legislative bodies. The act allowed bonds to be issued at each governmental level and fixed the regulations under which the bonds would be issued.
2. Private Acts of 1919, Chapter 745, granted the Quarterly County Court of Davidson County the authority to issue bonds in the amount of \$400,000 to bear interest at five percent, maximum, and mature no later than thirty years from issuance, for the purpose of providing a Memorial Square in Nashville, purchasing land, and erecting buildings and parks on the Square. The improvement of the necessary streets and access roads were allowed as required. The bond issue was conditioned upon approval by the people in a referendum. In Hill v. Roberts, 142 Tenn. 215, 217 S.W. 826 (1920), the Supreme Court upheld the constitutionality of this act, as well as Public Acts of 1919, Chapter 122.

### **Presidential Plaza**

1. Private Acts of 1929, Chapter 470, recited that the United States Government had approved the expenditure of \$300,000 as a contribution towards the erection of a Presidential Plaza in Nashville to honor Presidents Jackson, Polk, and Johnson, and had established a fifteen-member commission to oversee the expenditures. This contribution would not be made effective until the funds had been matched within the State, the plans for the Memorial had been approved by the National Commission on Fine Arts, and the General Assembly had memorialized Davidson County and the City of Nashville to contribute \$150,000 each. The act then permitted the issuance of bonds in the amount of \$150,000 by the Quarterly Court, the proceeds to be the County's contribution to the program, the issuance to be subject to referendum approval.

**Railroads**

1. Acts of 1855-56, Chapter 106, made it the duty of the County Court of Davidson County to direct that tax revenues placed in the sinking fund to discharge the bonds issued to several railroad companies would be invested either in the bonds of the County or State, and invested solely in County bonds when they could be found at the market price.

**Roads**

1. Acts of 1901, Chapter 448, Page 1073, applied to the Counties of Davidson, Lincoln, Giles, Maury, and Williamson. It was the authority for the County Courts of the respective Counties to buy all or any part of the turnpikes within their counties' boundaries and to convert them into free, public roads. In that connection, the County could issue bonds in the aggregate principal amount of \$250,000, with interest up to six percent and with five to thirty years maturities.

**Schools**

1. Acts of 1901, Chapter 123, authorized the Board of Education in cities and taxing districts over 100,000 in population according to the 1900 or subsequent federal census to issue bonds as may be decided by a majority of the Board and approved by the legislative council of the same area. The bonds could be in the amount not to exceed \$150,000, and could bear interest at no more than four and one-half percent. The funds were to be used for the construction and maintenance of school buildings and grounds. Other essential details were incorporated in the Act.
2. Acts of 1903, Chapter 376, permitted the Boards of Education in cities and taxing districts of over 100,000 in population according to the 1900 or subsequent federal census to issue bonds in amounts up to \$100,000, in addition to the bonds then outstanding, for the purpose of providing ways and means for the construction of school buildings and grounds. The bonds would be issued bearing no more than four and one-half percent interest, and they were to be issued in the form prescribed in the act.
3. Acts of 1903, Chapter 418, allowed the Quarterly County Court of Davidson County to issue bonds in an amount up to \$50,000, the proceeds to be used only for the benefit of the Peabody Education Fund. The County was required to levy a tax to repay interest and principal. Six percent was the maximum interest rate allowed.
4. Acts of 1905, Chapter 542, allowed a bond issuance of \$50,000 for the use and benefit of the Peabody Education Fund. The maximum rate of allowable interest was six percent and the County Court would determine the maturity schedule at the time of issue.
5. Private Acts of 1913, Chapter 154, stated that the Boards of Education in taxing districts and cities of 130,000 or more according to the 1910 or subsequent federal census, could issue bonds in amounts up to \$40,000 to acquire land and build schools. The interest rates could not exceed four and one-half percent.
6. Private Acts of 1915, Chapter 681, allowed the Quarterly County Court to issue bonds, the proceeds to be used to purchase sites and erect, furnish, and equip elementary school buildings. \$200,000 would be used in the same way for high school buildings in the county. The interest rate could not exceed five percent, nor the maturity schedule be for more than twenty years.
7. Private Acts of 1921, Chapter 586, authorized the Davidson County Quarterly Court to issue bonds in the amount of \$100,000. The interest rate would be six percent or less. The funds were to be used to purchase sites for and erect, furnish, and equip county high school buildings. The bonds were to be general obligation bonds and were to mature no later than twenty years from date of issuance.
8. Private Acts of 1921, Chapter 906, authorized the County Board of Education of Davidson County on behalf of the County to borrow money and issue its short term notes in a sum not to exceed \$100,000 at any time, at six percent interest or less, with a maturity date no later than three years from date of issue. The essential details were to be incorporated in a resolution passed by the County Court. All the funds were to be used to build and equip county high schools.
9. Private Acts of 1939, Chapter 266, allowed the Davidson County Board of Education to issue its short term tax anticipation notes in amounts not to exceed \$200,000, at four percent interest or less, maturing no later than five years from issuance, to be used to erect, equip, and furnish elementary schools in Davidson County. The Quarterly Court would fix the details and the form of the notes by resolution. A mandatory tax levy was required and the Act specified that no commissions would be paid.
10. Private Acts of 1939, Chapter 267, authorized the issuance of short term notes of the County in

an amount up to \$75,000 at four percent interest or less, with maturity periods not to exceed five years, to erect, equip, and furnish high school buildings in Davidson County.

11. Private Acts of 1941, Chapter 189, allowed the Davidson County Quarterly Court to issue bonds in an amount up to \$500,000 with up to three percent interest and maturity dates up to ten years after issue, to provide the grounds for and to erect, equip, furnish, and repair elementary school buildings in the County.
12. Private Acts of 1947, Chapter 178, was enabling legislation for the Quarterly Court of Davidson County to issue bonds to provide grounds for, and to erect, equip, furnish, and to repair rural high schools in the County. The act contained the customary provisions of bond laws. The face amount was limited to \$500,000, the interest rates were limited to three percent, and the maturity dates were limited to twenty-five years after issuance.
13. Private Acts of 1947, Chapter 179, authorized the Davidson County Quarterly Court to issue bonds in the amount of \$1,500,000 with up to three percent, twenty-five year bonds to provide the grounds for, and to erect, equip, furnish, and repair elementary schools in the County.
14. Private Acts of 1949, Chapter 361, was the authority for the Quarterly Court to issue, subject to the successful outcome of a referendum, bonds in an amount up to \$1,250,000, bearing up to three percent interest, to acquire land for, and to erect, equip, and furnish rural high schools.
15. Private Acts of 1949, Chapter 362, allowed the Quarterly County Court to issue bonds of a value not to exceed \$2,500,000. The interest rates were limited to three percent and the maturity dates were limited to twenty-five years. The funds were to be used to finance elementary schools outside of cities.

### **Water System**

1. Private Acts of 1951, Chapter 348, permitted the Quarterly Court of Davidson County to issue bonds in an amount up to \$1,000,000 at interest rates not to exceed three percent, and to mature no later than twenty-five years from issuance, to provide a system of water mains in the County for distribution of water to residents and County institutions outside the corporate limits of municipalities. The action would be initiated by resolution of the County Court after it had been approved by referendum.

## Chapter IV - Boundaries

### Creation of County

### Laws of North Carolina

### Acts of 1783 Chapter 52

**SECTION 1.** Whereas a considerable number of inhabitants have settled on the lands on the Cumberland River in this State at a very great distance from any place where County Courts are held, and it is represented that erecting a County to include the said inhabitants, and appointing Courts to be held among them would be very beneficial and advantageous, therefore for the general good of the said inhabitants.

**SECTION 2.** Be it enacted by the General Assembly of the State of North Carolina, that all that part of this State lying west of the Cumberland Mountain and south of the Virginia line crosses, extending westward along the said line to Tennessee River, thence up the said River to the mouth of Duck River, thence up Duck River to where the line of marked trees run by the Commissioners for laying off land granted the Continental line of this State intersects said River (which said line is supposed to be in thirty-five degrees fifty minutes north latitude) thence east along said line to the top of Cumberland Mountain, thence northwardly along said mountain to the beginning, shall after the passing of this Act be, and is hereby declared to be a distinct county by the name of Davidson.

**SECTION 4.** And be it further enacted by the authority aforesaid, that the County Court of Davidson shall appoint an entry-taker for the purpose of receiving entries of lands for those who are allowed pre-emptions by the law for laying off lands granted to the Continental line of this State; and as it has been suggested that the inhabitants of the said County have no specie certificates, they shall be at liberty to pay at the rate of ten pounds specie or specie certificates per hundred acres, for the aforesaid pre-emptions, and shall be allowed the term of eighteen months to pay the same, and that the heirs of all such persons who have died, having rights of pre-emptions, as aforesaid, shall be allowed the term of one

year after coming of lawful age, to secure their pre-emptions. Provided, that no grants shall be made for the said lands until the purchase money shall be paid into the proper office.

## Acts of 1786 Chapter 32

**SECTION 1.** That from and after the passing of this Act, the said County of Davidson, be divided by a Line beginning where the County Line crosses the West Fork of Stone's River, down the same to the Junction with the Main Stone's River, thence a direct Line to the Mouth of Drake's Lick Creek, thence down Cumberland River to the Mouth of Raspus Creek, thence up the said Creek to the Head of the War-Trace Fork, thence a Northwardly Course to the Virginia Line, at a point that will leave Red River, old Station, one mile to the East; and all that part of Davidson that lies to the West of the said Line, shall continue and remain the County of Davidson; and all that Part of the said County of Davidson that lies East of the said dividing Line, shall thenceforth be erected into a new and distinct County by the Name of Sumner.

**COMPILER'S NOTE:** The remaining sections of this act related to Sumner County or to a subject other than boundaries and are not reprinted.

## Acts of 1788 Chapter 28

Whereas, the great extent of the County of Davidson renders it inconvenient to the inhabitants thereof to attend courts, general musters, and elections:

**SECTION 1.** That from and after the passing of this act, the said county of Davidson shall be divided by a line beginning on the Virginia line, running south along Sumner County to the dividing ridge between Cumberland River and Red River, then westwardly along the said ridge to the head of the main south branch of Sycamore Creek, then down the said branch to the mouth thereof, then due south across Cumberland River to Davidson County Line; and all that part of Davidson County that lies to the east of the said Line, shall continue and remain the County of Davidson; and all that part of the said County of Davidson that lies west of the said Line, shall be erected into a County by the name of Tennessee.

**COMPILER'S NOTE:** The remainder of the act related to Tennessee County administration and is not reprinted.

## Acts of 1799 Chapter 3

**SECTION 1.** That the county of Davidson be divided by a line as follows, viz. Beginning at a point 40 poles due north of the dwellinghouse of Thomas McCroy, on the waters of Little Harpeth, running thence East, two miles and one hundred and four poles, thence South 70 degrees East, sixteen miles and two hundred and seventy poles, thence due South to the Indian boundary line, then with said line Westwardly to the Robertson county line, thence with said Robertson county line, North to a point due West from the mouth of Little Harpeth, thence a direct line to a point on South Harpeth, South-West from the mouth of said Little Harpeth, thence north east to the mouth of said Little Harpeth, thence a direct line to the beginning; and that county, so laid off on the South, be known and distinguished by the name of Williamson.

**COMPILER'S NOTE:** The remaining sections of this act related to Williamson County and subjects other than boundaries.

Passed: October 26, 1799.

## Change of Boundary Lines

### Acts of 1801 Chapter 57

**SECTION 1.** From and after the passage of this act the eastern boundary line of Davidson County, on the south side of Cumberland river, shall be as follows, viz. beginning at the mouth of Drake's Lick branch, on the south side of Cumberland river, and running with the original Davidson County line southwardly to a point on said line northeast from the mouth of Hurricane creek, which runs into Stone's river on the south west side, thence a direct line from the aforesaid point, to the ridge above the mouth of the first large Cedar fork coming into Falling creek on the south side above Robert Smith, thence with said ridge an eastwardly course to the main dividing ridge between Falling creek and Bradley's creek, thence a direct

course to Bradley's creek at Donaho's spring, thence continuing the same course, to the main ridge between said creek and the south fork of the same, thence south, forty five degrees east, to the Indian boundary line, thence with said line westwardly to Williamson county, thence with said county line, north, and continuing with the lines of said county and the lines heretofore established of the said county of Davidson, to the beginning.

**SECTION 2.** That this act shall be in force from and after the first day of January next: provided that nothing herein contained shall be so construed as to prevent the sheriff, or the collector of taxes of Wilson county, to collect all taxes that may be due from that part of Wilson county, which is added to Davidson county by this act.

**SECTION 3.** That all laws or parts of laws that come within the purview and meaning of this act are hereby repealed and made void any law, usage or custom to the contrary notwithstanding.

Passed: November 6, 1801.

## Acts of 1803 Chapter 70

**SECTION 1.** That the counties of Davidson and Williamson be divided by a line as follows: Beginning on the Williamson line, on the extreme height of the ridge dividing the waters of Mill creek from those of Stone's river; thence with that ridge a southwardly direction to the eastern boundary line of said Williamson county; thence with said line south to the south boundary of this state; thence with the boundary of the State, east to the corner of Wilson county; thence with the Wilson county line north to the corner of said county; thence with the line of said county north sixty one and an half degrees west to the southwest corner of said Wilson county; thence a direct course to the mouth of Sugg's creek; thence a direct line to the beginning. And the county so laid off on the east and southeast on the waters of Stone's river, agreeably to the above described lines, be known and distinguished by the name of Rutherford.\*

**COMPILER'S NOTE:** The remainder of this act, other than general provision regarding tax collection, did not affect Davidson County and is not published herein.

Passed: October 25, 1803.

## Acts of 1803 Chapter 74

WHEREAS at the last general assembly of this state, a considerable part of Wilson county was annexed to Davidson county; in consequence thereof, the said county of Wilson was deprived of its constitutional limits; for remedy whereof:

**SECTION 1.** That the bounds of Wilson county in future shall be as follows to wit: Beginning one mile due south of the now south west corner of Wilson county; thence south sixty one and an half degrees east to the Indian boundary line; thence north east along the said Indian boundary line, to a point, from which north twenty three degrees west will intersect the Cumberland river, opposite the southeast corner of Sumner county; thence down the middle of the channel of said river to a point on the south bank of said river; from which a line running south twenty five degrees east will leave Thomas Watson's dwelling house sixty poles west of said line; continuing the same line south twenty five degrees east to a point that a line running south sixty one and a half degrees east will strike the beginning.

**SECTION 2.** That nothing herein contained shall be so construed as to prevent the sheriff of Davidson and Smith counties from collecting all taxes or arrearages which may be due within the limits so added to Wilson county, in as full and ample a manner as if this act had not been passed.

**SECTION 3.** That William Minor Quesenbury, be and he is hereby appointed commissioner to run and mark the lines which divides Wilson county from Davidson county, Rutherford county and Smith county; and he shall be allowed the sum of two dollars for each and every day he may be necessarily engaged in running said lines; & he is hereby authorized to employ two chain carriers & one marker who shall receive one dollar for each and every day they may be necessarily engaged in said business, to be paid by the treasurer of the county of Wilson out of any county money; whose receipts shall be good in the settlement of the accounts of said treasurer.

**SECTION 4.** That all laws coming within the purview of this act be and they are hereby repealed.

Passed: October 25, 1803.

## Acts of 1847-48 Chapter 145



**SECTION 2.** That the county line between the counties of Rutherford and Davidson, be so altered as to commence at a point in the west fork of Hurricane Creek, where the line now crosses said fork; thence down the west fork or branch to Hurricane Creek; thence down Hurricane Creek to Stones River; thence up Stones River to the raft shoal; thence north to the Wilson county line; and that Moses R. Buchanan of Rutherford county, be appointed to run and mark the line from the River to the Wilson county line, and shall be paid for the same by the petitioners seeking to be attached to Davidson county. The citizens residing west of the above described line shall be attached to and become citizens of Davidson county, from and after the first day of May next.

**COMPILER'S NOTE:** Section 1 did not refer to Davidson County and is not reprinted.

Passed: February 4, 1848.

## Acts of 1855-56 Chapter 122

**SECTION 1.** That a new County shall be established, to be known and distinguished by the name of Cheatham, to be composed of parts of the Counties of Davidson, Robertson, Montgomery, and Dickson; beginning at a point in a line dividing the Counties of Robertson and Montgomery, eleven miles north of the mouth of Harpeth River, the above point being on James W. Moody's plantation, a south-west direction from his dwelling; running thence west, two and a half miles, to a post oak and black gum, marked with the letters, M. C.; thence south, forty degrees west, crossing the stage road leading from Nashville to Clarksville, at two miles, two hundred and four poles, and crossing Cumberland River, in all six and one-half miles, to the south bank of said river; thence up the said river, with its meanders, to the mouth of Barton's Creek; thence up said Creek, with its meanders, to the mouth of the Barren Fork of said creek; thence up said creek, with its meanders, to the road leading from Clarksville to Charlotte, by the road; thence a due south course four and three-quarters miles, to a point in the Dickson County line; thence east with said line one mile, to a large dead red oak, and pointers one-half mile north of the Family Forge; thence south seventy-two degrees, east crossing said Barton's Creek at one hundred and twenty poles and the road leading from said forge to Weakley's Ferry, at one mile and one hundred and twenty poles, and the road leading from said ferry to Cumberland Furnace, at three miles and ninety poles, and crossing Johnson's Creek, at five miles and sixty-eight poles, continued, in all seven miles, to three hickories on the east side of a hill; thence south forty-seven degrees, east crossing the road leading from Charlotte to the mouth of Harpeth River, at ninety-eight poles, and crossing said Harpeth River, at one mile, one hundred and twenty poles, and again at two miles and eighty poles, and again at three miles, one hundred and four poles, about ten poles above the mouth of Mann's Creek; thence south, from the mouth of Mann's Creek with the Davidson County line, seven and a half miles to the Charlotte turnpike; thence east, with the pike, ten miles to a stake; thence north, in a direct line until it intersects the original line of Cumberland County heretofore established, or which this is in lieu; thence north twenty-one degrees, east crossing Big Marrow-bone, at five miles and sixty-eight poles, continued, in all, six miles to a chestnut and poplar east of the north fork of said creek; thence north, five degrees, west crossing the stage road from Nashville to Clarksville, at two miles and eleven poles, and the road by the Pinnacle Bluff, on Sycamore Creek, at three miles, one hundred and fifty-one poles, and continued, in all, five miles and sixty-eight poles, to a beech on the south bank of Sycamore Creek; thence down said creek, with its meanders, to the mouth of Hollis' Mill Creek; thence up said creek one hundred and forty poles, to the mouth of Jackson's Branch; thence up said branch three-quarters of a mile to a sugar-tree and hickory standing at the mouth of Edward Smith Church's Spring Branch; thence north seventy-three and one-half degrees, west two miles and thirty-four poles, to a small black walnut and red oak standing on the east side of the road leading from Springfield to the mouth of Harpeth; thence a direct course to a point one-half mile east of the point of beginning; thence west to the beginning.\*

**COMPILER'S NOTE:** The remainder of this act did not affect Davidson County except that John M. Joslin, of Davidson County, was appointed to run the line between Davidson and Cheatham Counties in Section 13.

Passed: February 28, 1856.

## Public Acts of 1889 Chapter 75

**COMPILER'S NOTE:** This Act is a special legislation that does not appear in Tennessee Code Annotated.

**SECTION 1.** That the line between the Counties of Davidson and Williamson be changed as follows: So as to run from the point where the Davidson and Williamson line now crosses Mill Creek, the line run up in the center of Mill Creek to a point opposite where the Franklin and Lebanon road crosses the Nolensville

Turnpike; thence in a straight line, about fifty yards to the center of said Nolensville Turnpike, where said Franklin and Lebanon road crosses said turnpike; thence up and in the center of said Nolensville Turnpike, it being a southerly direction, to a point opposite the Rock Well; thence in a southeasterly course to where the present line between Davidson and Williamson crosses the Burkett road, and the line of Davidson County is so extended as to include the lands within said boundaries in Davidson County.

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

Passed: March 12, 1889.

## Private Acts of 1925 Chapter 360

**SECTION 1.** That the territory of Rutherford County lying in and comprising a part of the extreme northwest corner, and described by metes and bounds as follows:

Beginning at a point on the westerly bank of Stone's River just south of Neal's Ford, so as to leave said Neal's Ford in Rutherford County; thence north  $7\frac{3}{4}$  degrees west 900 feet; thence north  $10\frac{1}{4}$  degrees west 700 feet; thence north  $15\frac{1}{2}$  degrees east 347 feet; thence north  $25\frac{1}{2}$  degrees east 900 feet; thence north 45 degrees east 430 feet; thence north  $3\frac{3}{4}$  degrees east 1365 feet to the corner of Mose Halton's land; thence north  $25\frac{3}{4}$  degrees east 1300 feet; thence north  $6\frac{1}{2}$  degrees east 400 feet; thence north  $3\frac{1}{4}$  degrees east 1600 feet; thence north  $5\frac{1}{2}$  degrees east 624 feet; thence south  $88\frac{3}{4}$  degrees east 464 feet to a road; thence north  $2\frac{3}{4}$  degrees east 1175 feet to a point on the north margin of the Couchville Road 4 feet east of property line; thence north  $8\frac{1}{2}$  degrees east 3665 feet to a point in the south boundary line of Wilson County; thence with the south boundary line of Wilson County northwestwardly 9900 feet, more or less, to the Davidson and Rutherford County line as established by Act of Legislature Chapter 145 of the Acts of 1847; thence with the Davidson and Rutherford County line as thus established south to the Stone's River; thence continuing with said line in a westerly direction along the northerly margin of the Fad Alexander estate to a point; thence south continuing with the lines of the Fad Alexander lands to Stone's River; thence in a southerly direction to the mouth of Hurricane Creek; thence continuing with the meanderings of said Stone's River to the point of beginning.

Shall and the same is hereby attached to and constituted a part of Davidson County.

**SECTION 2.** That this Act shall take effect from and after the first day of July, 1925, the public welfare requiring it.

Passed: March 30, 1925.

## Private Acts of 1931 Chapter 793

**SECTION 1.** That the territory of Williamson County lying in the extreme northerly portion of the 17th Civil District thereof, and described by metes and bounds, as follows:

"Beginning at the present intersection of the line between Davidson and Williamson Counties and the right of way line of the Battle Road which is at the dividing line between Battle tract and the Henry Guthrie tract, the plan of which is of record in Minute Book C-C, Page 106, Circuit Court of Davidson County, Tennessee; thence along the northerly right of way line of the Battle or Kidd Road, north  $88\frac{3}{4}$  degrees west 55.76 poles to the dividing line between lots No. 1 and 2 of the said Henry Guthrie tract, thence along said dividing line due north to a point in the old Davidson and Williamson County line, thence in a southeasterly direction with the old Davidson and Williamson County line to a point in the line between the Battle and Guthrie tracts, thence due south with said line to the beginning and containing approximately 12 acres of land," shall be and the same is hereby attached to and constitutes a part of Davidson County, Tennessee.

**SECTION 2.** That the territory of Davidson County, lying in the extreme southerly portion of the 6th Civil District thereof and described by metes and bounds as follows:

"Beginning at a point in the old Davidson and Williamson County line the northwest corner of the tract of land added to Davidson County by the preceding Section of this Act, thence due north with the property line between Mrs. Nannie E. Guthrie and T. W. Fly to the property line of Mrs. Mattie H. Sneed, thence along the southerly boundary of the Mrs. Mattie H. Sneed property and the northerly boundary of the T. W. Fly tract, north  $88\frac{3}{4}$  degrees. (sic) west, 87.44 poles to the intersection of the present line between Davidson and Williamson Counties, thence in a southeasterly direction with the present county line to the beginning, containing 28 acres, (sic) shall be and the same is hereby attached to and constitutes a part of Williamson County, Tennessee.

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

Passed: June 25, 1931.

## Private Acts of 1941 Chapter 383

**SECTION 1.** That two small portions of the territory of Robertson County lying in and comprising a part of the southerly portion thereof, and described by metes and bounds as follows:

Beginning at a stone corner to James Tate in B. F. Carter's line; thence N. 87 degrees W. 21 poles to a large beech on the west edge of the road; thence N. 37 degrees W. 24 poles to a sweet gum stump corner to James Tate; thence north 38 poles to a pile of rock on side of a hill; thence N. 86 degrees W. 34.2 poles to a point in the center of the road corner to James Tate; thence N. 31½ degrees W. 15 poles to a stone with hickory and white oak pointers; thence S. 79 degrees W. 13.6 poles to a hickory on the north bank of Sycamore Creek corner to James Tate; thence with said creek as follows: S. 2 degrees W. 12 poles; S. 28 degrees E. 24 poles; S. 42 degrees E. 19 poles; South 13 poles; S. 63 degrees E. 34 poles; S. 15 degrees W. 14 poles; S. 10 degrees E. 8 poles; S. 27 degrees E. 12 poles; S. 34 degrees E. 12 poles; S. 8 degrees E. 8.5 poles; S. 42 degrees E. 9 poles; S. 62 degrees E. 15 poles to a point in Sycamore Creek corner to B. F. Carter; thence N. 3½ degrees E. 72 poles to the beginning; containing 28.5 acres, more or less.

Beginning at a sycamore on the north bank of Sycamore Creek; thence north 43.7 poles to a white oak stump and a large stone; thence N. 80½ degrees W. 41 poles to a white oak corner to James Tate in Henry Tate's line; thence S. 3½ W. 38 poles to a hickory on the north bank of Sycamore Creek corner to Henry Tate; thence with said creek as follows: S. 45 degrees E. 5 poles; S. 80 degrees E. 7 poles; S. 22 degrees W. 8 poles; East 11 poles; S. 61 degrees E. 9 poles; N. 76 degrees E. 16 poles, to the beginning; containing 12 acres, more or less; shall and the same are hereby attached to and constitute a part of Davidson County in the Fourteenth District thereof.

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

Passed: February 11, 1941.

## Public Acts of 1972 Chapter 572

**COMPILER'S NOTE:** This Act is a special legislation that does not appear in Tennessee Code Annotated.

**SECTION 1.** The boundary line between the counties of Davidson and Wilson is changed so as to detach from Davidson County and attach to Wilson County the following described area:

Beginning at the point of intersection of the present Wilson-Davidson County line (as projected on United States Geological Survey Maps) with the farm property of Jack and Mary Kershaw on Old Hickory Lake in Wilson and Davidson Counties, thence following the northern boundary of said property north 82 degrees west 762 feet plus or minus to a point in the western margin of Rebel Road, thence with the property line north 1 degrees west 874 feet to a point, thence with the property line north 44 degrees 48 feet east 59 feet, thence with the property line north 65 degrees 30 feet west 30.5 feet, thence with the property line south 74 degrees 45 feet west 614 feet to a point, thence with the property line north 1 degrees 45 feet west 648.6 feet, thence with the property line south 75 degrees 30 feet east 385.4 feet to a point in the east margin of Rebel Road, thence "following said margin of said road in a north-westerly direction 147 feet to its intersection with the south margin of Bedford Forrest Court; thence with the said margin 175 feet to a point; thence crossing said Court 50 feet in a northerly direction to a point in the north margin of said Court; thence in a northerly direction 260.9 feet to a point in the U.S. Government take line of Old Hickory Lake".

**SECTION 2.** This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: March 23, 1972.

## Public Acts of 1972 Chapter 853

**COMPILER'S NOTE:** This Act is a special legislation that does not appear in Tennessee Code Annotated.

**SECTION 1.** The boundary line between the counties of Davidson and Wilson is changed so as to detach from Davidson County and attach to Wilson County the following described areas:

Beginning approximately 115 feet East of a U.S. Corps of Engineers concrete monument in the center line

of an old county road; thence running with said centerline South 82 degrees 26 minutes East 603 feet more or less to a point; thence continuing with said centerline South 82 degrees 43 minutes East 923 feet more or less to a point; thence leaving said centerline South 11 degrees 15 minutes West 515 Feet more or less to an iron pin in the North boundary of the Bob Bass, Trustee property; thence running with said property North 71 degrees 27.06 minutes West 603.50 feet to an iron pin; thence South 88 degrees 18.08 minutes West 226.15 feet to an iron pin; thence North 78 degrees 20 minutes West 216.45 feet to an iron pin; thence South 10 degrees 59 minutes West 293.50 feet to a U.S. Corps of Engineers concrete monument; thence leaving said Bass property and running with the U.S. Corps of Engineers Take Line North 50 degrees 23 minutes West 663.14 feet to a Corps of Engineers concrete monument; thence North 9 degrees 11 minutes West 390.50 feet to the beginning and containing 16.75 acres, more or less.

Beginning at a U.S. Corps of Engineers concrete monument at the Northwest corner of the Wirt L. Bennett property; thence North 45 degrees, 0 minutes East 416.82 feet along the Corps of Engineers Take line to a concrete monument by others; thence continuing along said line North 23 degrees, 42 minutes West 418.38 feet to a concrete monument by others; thence leaving said line and running with the Harvey Thomas property North 10 degrees, 59 minutes East 293.50 feet to an iron pin; thence continuing along the Harvey Thomas property South 78 degrees 20 minutes east 216.45 feet to an iron pin; North 88 degrees 18.08 minutes East 226.15 feet to an iron pin; South 71 degrees 27.06 minutes East 485.90 feet to an iron pin; thence leaving said line and running with a 50 foot roadway for continuation within the boundaries of Shenandoah Subdivision South 11 degrees 15 minutes West 905.65 Feet to an iron pin in the North Boundary of the Wirt L. Bennett property; thence running with said boundary North 82 degrees 31.43 minutes West 554.02 feet to an iron pin; thence North 82 degrees 55.40 minutes West 357.92 feet to the beginning and containing 18.39 acres, more or less.

**SECTION 2.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 14, 1972.

## Public Acts of 1974 Chapter 760

**COMPILER'S NOTE:** This Act is a special legislation that does not appear in Tennessee Code Annotated.

**SECTION 1.** The line between the counties of Davidson and Cheatham be, and the same is, hereby changed by detaching from the County of Davidson and attaching to the county of Cheatham all of the hereinafter described territory:

Three tracts or parcels of land now lying in the 13th Civil District of Davidson County, adjacent to and just east of the line between the Counties of Davidson and Cheatham, and more particularly described as follows:

"BEGINNING at an iron pin at the northwest intersection of State Highway No. 12, and Bull Run Road; thence with the margin of said Highway, North 72 degrees 07 feet 38 inches West 555 feet to an iron pin; thence North 17 degrees 52 feet 22 inches East 34 feet to an iron pin; thence North 72 degrees 07 feet 38 inches West 725 feet to an iron pin; thence South 17 degrees 52 feet 22 inches West 10 feet to an iron pin; thence North 72 degrees 07 feet 38 inches West 260 feet to an iron pin; thence South 17 degrees 52 feet 22 inches West 24 feet to an iron pin; thence North 72 degrees 07 feet 38 inches West 250.42 feet to an iron pin; thence leaving said Highway right-of-way, North 3 degrees 56 feet 11 inches East 4581.84 feet to an iron pin; thence South 65 degrees 22 feet 13 inches East 104.95 feet to a 36 inch tan oak; thence South 33 degrees 02 feet 46 inches East 259.59 feet to a 14 inch oak; thence South 36 degrees 10 feet 51 inches East 690.90 feet to a 14 inch oak; thence South 32 degrees 45 feet 03 inches East 95.52 feet to an 18 inch oak; thence South 22 degrees 10 feet 37 inches East 2617.86 feet to a 46 inch oak; thence South 26 degrees 53 feet 37 inches East 594.16 feet to an iron pin in the westerly margin of Bull Run Road; thence with the same as follows: southerly around a curve, 129.45 feet to an iron pin; thence South 5 degrees 13 feet 43 inches West 387.30 feet to an iron pin at the beginning of a curve; thence around said curve southwesterly 202.72 feet to a point; thence South 55 degrees 15 feet 26 inches West 229.37 feet to an iron pin at the beginning of a curve; thence around said curve, southerly 164.90 feet to an iron pin; thence South 15 degrees 40 feet 29 inches West 499.55 feet to the point of beginning, containing 157.92 acres, more or less.

"TRACT II: BEGINNING at an iron pin in the southerly margin of the Railroad Right of way, at the northeast corner of the Guy M. Owen property; thence along his line and along a fence, South 9 degrees 57 feet 10 inches West 960 feet to an iron pin in the northerly boundary of the USA Tract No. G-706-2 of the Cheatham Lock & Dam Project; thence with the same North 84 degrees 32 feet 50 inches West 1180.57 feet to an iron pin; thence along said Dam Property and along a fence North 5 degrees 24 feet 16 inches East 396.79 feet to a point; thence South 75 degrees 05 feet 44 inches East 850 feet to an iron

pin; thence South 38 degrees 54 feet 16 inches East 150 feet to an iron pin; thence North 51 degrees 05 feet 44 inches West 210 feet to an iron pin; thence North 32 degrees 54 feet 16 inches East 577.70 feet to an iron pin in the southerly right of way of the Railroad; thence with the same, South 72 degrees 07 feet 38 inches East 249.81 feet to the point of beginning, containing 13.43 acres, more or less.

"TRACT III: BEGINNING at an iron pin in the southerly boundary of the Railroad right of way, at the corner of the property conveyed to USA for Cheatham Lock and Dam Project, being Tract No. G-706-1; thence with said Dam property, South 54 degrees 54 feet 16 inches West 355 feet to an iron pin; thence North 50 degrees 05 feet 44 inches West 440 feet to an iron pin; thence North 80 degrees 04 feet 27 inches West 184.04 feet to a 12 inch hackberry; thence North 13 degrees 14 feet 59 inches East 164.90 feet to an iron pin in the southerly boundary of the Railroad right of way; thence with the same, South 72 degrees 07 feet 38 inches East 477.50 feet to an iron pin; thence South 17 degrees 59 feet 57 inches West 20 feet to an iron pin; thence South 70 degrees 07 feet 38 inches East 340.19 feet to the point of beginning, containing 3.36 acres, more or less."

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

Passed: March 28, 1974.

## Public Acts of 2013 Chapter 399

**COMPILER'S NOTE:** This Act is a special legislation that does not appear in Tennessee Code Annotated.

**SECTION 1.** The boundary line between Davidson County and Wilson County shall be revised so as to include within Wilson County all of the territory described as follows:

Beginning at a point on the current Davidson County and Wilson County line, as appears on the recorded subdivision plat of Hickory Hills, Phase 3, Section C, said point also being on the northerly line of Lot 244; thence (clockwise) with the county line, as appears on said subdivision plat, S 23°00' E, more or less, a distance of 935', more or less, to a point on the southern boundary of said subdivision, said point being on the northerly line of property now or formerly owned by Eva Richardson, Book 7213, Page 133, R.O.D.C.; thence with said line N 81°02'51" W a distance of 180', more or less, to a point; thence N 82°25'23" W along the line of property now or formerly owned by H.H. Richardson, et al., Book 4159, Page 427, R.O.D.C., a distance of 296.53' to a point; thence N 5°28'09" E a distance of 87.25' to a point; thence N 6°04'33" E a distance of 206.31' to a point; thence N 6°38'38" E a distance of 379.95' to a point; thence N 5°40'05" E a distance of 130.14' to a point, said point also being the northwest corner of aforementioned Lot 244; thence, with the north line of said lot, N 8r23'58" E a distance of 28', more or less, to the point of beginning. Such area consisting of approximately 4.65 acres.

**SECTION 2.** The boundary line between Davidson County and Wilson County shall be further revised so as to include within Wilson County all of the territory described as follows:

Beginning at a point on the current Davidson County and Wilson County line north of Stewarts Ferry Pike being marked by United States Army Corps of Engineers monument number 518-1; thence (counterclockwise) in a northwesterly direction 655.98' to a point being marked by United States Army Corps of Engineers monument number 518-2; thence in a southeasterly direction 471.94' to a point being marked by United States Army Corps of Engineers monument number 518-3; thence in a southwesterly direction 1132.13' to a point being marked by United States Army Corps of Engineers monument number 518-4; thence in a northwesterly direction 457.47' to a point being marked by United States Army Corps of Engineers monument number 518-5; thence in a southeasterly direction 1,338.13' to a point being marked by United States Army Corps of Engineers monument number 518-6; thence in a southwesterly direction 856.26' to a point being marked by United States Army Corps of Engineers monument number 518-7; thence continuing in a southwesterly direction 612.14' to a point being marked by United States Army Corps of Engineers monument number 518- 8; thence in a southeasterly direction 1046.24' to a point being marked by United States Army Corps of Engineers monument number 611-1; thence continuing in a southeasterly direction 299.99' to a point being marked by United States Army Corps of Engineers monument number 611-2; thence in a northeasterly direction 730.33' to a point being marked by United States Army Corps of Engineers monument number 612-A and further being the current Davidson County and Wilson County line; thence following the current county line to the point of beginning.

**SECTION 3.** This act shall take effect January 1, 2014, the public welfare requiring it.

Passed: May 14, 2013.

## Public Acts of 2021 Chapter 588

**COMPILER'S NOTE:** This Act is a special legislation that does not appear in Tennessee Code Annotated.

**SECTION 1.** The boundary line between Davidson County and Wilson County is revised so as to include within Wilson County all of the territory described as follows: Beginning at an iron pin found on the Wilson/Davidson county line NAO 83 coordinates for said pin (N: 694,963.0618, E: 1,793,348.2673) in the westerly right-of-way of General Kershaw Drive also being the southeastern corner of this herein described parcel of land in Davidson County, Tennessee; thence leaving said right-of-way N 72°24'33" W 340.16 feet to a concrete monument found NAO 83 coordinates for said monument (N: 695,065.8644, E: 1,793,024.0112); thence with the proposed county line for the next six calls: thence N 41°51'40" E 108.20 feet to an iron pipe found NAO 83 coordinates for said pipe (N: 695,146.4450, E: 1,793,096.2130); thence N 18°44'19" E 44.00 feet to an iron pin set NAO 83 coordinates for said pin (N: 695,188.1128, E: 1,793,110.3480); thence N 18°44'19" E 98.27 feet to an iron pin set NAO 83 coordinates for said pin (N: 695,281.1754, E: 1,793,141.9176); thence S 47°29'40" E 277.01 feet to an iron pin set NAO 83 coordinates for said pin (N: 695,094.0074, E: 1,793,346.1356) in the westerly margin of General Kershaw Drive; thence with said right-of-way, S 00°51 '08" E 30.00 feet to an iron pin found NAO 83 coordinates for said pin (N: 695,064.0107, E: 1,793,346.5818); thence with said right-of-way, S 00°57'24" E 100.96 feet to the point of beginning; containing 15,972.38 square feet or 0.37 acres more or less.

**SECTION 2.** This act takes effect January 1, 2022, the public welfare requiring it.

Passed: May 27, 2021.

## Boundaries - Historical Notes

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

1. Acts of 1798, Chapter 10, stated that after the passage of this Act, the bounds of Davidson County would be as follows: beginning on the south bank of the Tennessee River opposite the mouth of Sycamore Creek, runs south to the Indian Boundary line, thence eastwardly with the said Indian Boundary Line to the main west fork of Stone's River, thence down the middle of the said fork of the river to the old continental line, continuing down said fork with such boundary line of the said county heretofore established by law, and continuing with that line to the beginning.
2. Acts of 1801, Chapter 37, continued the south boundaries of the Counties of Smith, Wilson, Davidson, Williamson, and Robertson to the south boundary of the State itself.
3. Acts of 1801, Chapter 49, formed Wilson County and used the Davidson County line in the description of the boundaries of the new County.
4. Acts of 1801, Chapter 58, directed the County Courts of Davidson and Williamson Counties each to appoint a surveyor to run and mark together the line between the two Counties. If either County failed to appoint a Surveyor and the other County did appoint one, the appointed surveyor would run and mark the boundary line. Each County would share the cost of \$2.00 per day as compensation to the surveyor.
5. Acts of 1803, Chapter 77, appointed William Nash of Rutherford County and Samuel Weakley of Davidson County as Commissioners to run and mark the true boundary lines of the two counties. They could employ two chain carriers who would be paid \$1.00 per day while they themselves were to be paid \$2.00 per day, all of which costs would be at the expense of Rutherford County. The Surveyors would make a plat, noting all the water courses and any other remarkable circumstances. Any Justice of the Peace of Davidson County whose area fell into Rutherford County was declared to be a Justice of the Peace of Rutherford County. The Surveyor of Davidson County would then join the Surveyor of Wilson County to run and mark the Counties' boundary.
6. Acts of 1805, Chapter 52, appointed Henry Rutherford as Commissioner to run and mark the line between Williamson, Davidson, and Dickson Counties at the salary of \$2.00 per day, which would be equally apportioned among the Counties named. The act required Rutherford to be sworn before entering upon his duties.
7. Acts of 1806, Chapter 22, stated that the sum due Henry Rutherford for surveying and marking the lines between Williamson, Davidson, and Dickson Counties would be paid two-fifths by Williamson and Davidson Counties, and one-fifth by Dickson County, out of their regular county funds.
8. Acts of 1815, Chapter 153, transferred to Williamson County that part of Davidson County which lay south of a line drawn due west from the mouth of the Little Harpeth River to the northwest corner of Williamson County. The move would first be approved by the people living in the area and, if so approved, the people were exempted from the payment of certain taxes.

9. Acts of 1837-38, Chapter 124, provided that the dividing lines between the Counties of Davidson, Robertson, Montgomery, Dickson, and Cumberland would be run and marked by a surveyor who would furnish the Sheriff with an accurate map of each County.
10. Acts of 1855-56, Chapter 161, detached the residence and farm of Nathaniel C. Carter from Davidson County and attached it to Rutherford County.
11. Private Acts of 1859-60, Chapter 135, changed the boundary lines between Davidson and Robertson Counties to run commencing with the forks of Sycamore Creek where the road from Springfield to Nashville crossed, running east with the meanders of the north prong of Sycamore to the tunnel of the Edgefield and Kentucky Railroad Company. Section 13 of the act moved the farm of Thomas Y. Northern out of Wilson County and into Davidson County.
12. Public Acts of 1867-68, Chapter 82, Section 10, repealed Private Acts of 1859-60, Chapter 135, above, and restored the line between Davidson and Robertson County as it existed prior to the passage of that act.
13. Public Acts of 1873, Chapter 100, transferred the farm and home of M. Wilkinson out of Robertson County and placed them in Davidson County.
14. Public Acts of 1877, Chapter 110, changed the lines between Davidson and Cheatham Counties to include the properties of J. D. Walkup, M. P. Sneed, J. P. Newsom, and A. J. Newsom in Davidson County.
15. Public Acts of 1879, Chapter 137, Section 7, moved the lands of J. T. Alexander and John M. White out of Davidson County and into Rutherford County. Section 11 attached Dr. B. G. Hampton's home tract on the Cumberland River to Davidson County from Cheatham County.
16. Public Acts of 1889, Chapter 45, moved the lands of T. M. Hinkle and A. W. Clinard out of Davidson County and into Robertson County.
17. Public Acts of 1891, Chapter 258, changed the boundary between Davidson County and Rutherford County to wholly include within Rutherford County the lands belonging to M. H. Mullins, J. V. Mullins, T. P. Waldron, Dr. S. B. Nelson, Trustee, and Charles S. Gambille.
18. Public Acts of 1893, Chapter 2, changed the lines between Davidson, Williamson, and Rutherford Counties so that all the lands belonging to J. M. Gooch would be included in Rutherford County.
19. Public Acts of 1895, Chapter 28, detached from the Sixth Civil District of Williamson County and attached to the Fourteenth Civil District of Davidson County all the properties belonging to Mrs. E. A. Linton, Mrs. W. L. Brown, J. T. Brown, T. L. Herrin, W. C. Potts, P. T. Martin and P. N. Potts. This act was repealed in 1899.
20. Public Acts of 1897, Chapter 175, moved the farm of K. R. Plummer, containing about forty-five acres, more or less, out of Rutherford County and into Davidson County.
21. Public Acts of 1897, Chapter 227, transferred the property belonging to I. J. Battle, which was located near the Oak Grove School House between the two counties, out of Williamson County and into Davidson County.
22. Public Acts of 1897, Chapter 279, moved all the farms of Hugh L. Phillips, Margaret Phillips, Annie H. Williams, R. N. Carmack, and A. J. Caldwell, out of Williamson County and into the Eighth Civil District of Davidson County.
23. Public Acts of 1899, Chapter 220, repealed Public Acts of 1895, Chapter 28, above.
24. Public Acts of 1899, Chapter 263, detached all the lands belonging to Lewis Bond from Wilson County and placed them in Davidson County.
25. Acts of 1907, Chapter 20, changed the lines between Davidson County and Williamson County to include wholly within Williamson County the farm and residence of P. A. Sowell, and wife, Myra M. Sowell.
26. Acts of 1907, Chapter 223, detached the home and farm of Thomas J. Pride from Davidson County and transferred them into Wilson County.
27. Acts of 1907, Chapter 387, transferred the house and farm of George Simmons out of Cheatham County and into Davidson County.
28. Private Acts of 1923, Chapter 514, rearranged the boundaries between Davidson County and Wilson County so that forty-four acres of land owned by Mrs. Rebecca Worrell, seventy acres of land belonging to Gordon Cummins, one hundred fourteen acres of land owned by Couch Bradford, eight acres belonging to J. M. Wright, eighty-four acres of Mrs. Mollie Jenkins, and forty-nine acres of A. T. Jenkins were transferred from Wilson County to Davidson County.

29. Private Acts of 1927, Chapter 444, added to the Second Civil District of Davidson County the land formerly in Rutherford County as follows: beginning at a point in the county line between said Davidson and Rutherford Counties at a point in the Laverne and Couchville Road, and southwest and northwest corner respectively of the properties of John Griffin, and Roy Walden, running east along the property line of John Griffin and J. W. Walker approximately 4000 feet to Hurricane Creek, south with the Creek to the Davidson County line between the properties of Castleman and Hunter, thence with the County line to the beginning, containing about three hundred twenty acres, more or less.

## Chapter V - Court System

### Board of Jury Commissioners - Jurors

#### Private Acts of 1947 Chapter 53

**COMPILER'S NOTE:** This Act may be superseded by Tennessee Code Annotated Section 22-2-101.

**SECTION 1.** That for each County in this State having a population of and (sic) not less than four hundred thousand and not over five hundred thousand under the Federal Census of 1940, or any subsequent Federal Census, there is hereby authorized to be created a Board of Jury Commissioners. The members of said Board shall be appointed by the Judge or Judges of the Circuit Court, or Courts, as the case may be, in each of said Counties, acting jointly with the Judges of the Criminal Court, if such there be in such Counties. Said Board shall consist of three discreet persons who are householders or freeholders of the County, and who are not practicing Attorneys at Law, or State or County officers, and who have no suit pending in any of the said Circuit or Criminal Courts at the time of their appointment. No more than two of the said Commissioners shall belong to the same political party. On the first appointment, one of said Commissioners shall be appointed to serve for one year, one for two years, and one for three years; all vacancies which may occur in said Board, either from death, resignation, or otherwise, shall be filled in the same manner and by the same authority as the original appointment, for a three-year term. Such vacancy may be filled immediately upon receipt of satisfactory notice thereof.

The Clerk of the Circuit Court is hereby created (sic) the Clerk of said Board, and whenever any member of said Board shall fail, refuse, or be unable to discharge any of the duties imposed by this Act upon said Board, the two remaining members of said Board shall perform the duties required of said Board temporarily; the performance of said duties by said remaining members of said Board shall be justified at any time when it shall appear by the affidavit of any member of said Board, or certificate of a reputable physician, that any member of said Board is unable for any reason to perform the duties required of such member.

As amended by: Private Acts of 1972, Chapter 322

**SECTION 2.** That the Jury Commissioners, before entering upon the discharge of their duties, shall take and subscribe before any Judge of the Circuit or Criminal Courts the following oath, viz:

"I, A.B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the County of \_\_\_\_\_ (filling in name) to the best of my knowledge and ability, and that I will not place the name of any person on the jury list of said County, or in the jury box thereof, whom I believe to be corrupt or unfit, or who has to my (sic) knowledge solicited or had another to solicit his name to be placed (sic) on the jury list, or in the jury box; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duty, unless called on to give evidence thereof in some Court of Justice or other legal tribunal of this State, so help me God."

Said oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of said Commissioners.

**SECTION 3.** That immediately after their appointment and qualification by the taking of said oath, said Jury Commissioners shall meet and organize by electing one of their members as Chairman, and by requiring the Clerk of the Circuit Court to take and subscribe to an oath to faithfully discharge the duties of Clerk of said Board, as required by law, and not to divulge any of the proceedings and deliberations of the Jury Commissioners, unless required to testify thereof in some Court of this State. This oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of the Commission.

**SECTION 4.** That it shall be the duty of said Jury Commissioners to select from the tax books,



permanent registration lists, and poll books of the County, and from any other sources of information available to them, and write on pieces of paper, separately, the names of 20,000 upright and intelligent men of fair character and sound judgment, resident citizens of the County, who are eligible for jury service according to the qualifications of jurors as now prescribed by law; said names, when so compiled by said Commissioners and listed as hereinafter provided, shall constitute the jury list of said County until, in the judgment of the majority of Judges of said Courts, it has become necessary to make a new list, at which time a new list shall be prepared upon an order of said majority of Judges to said Commissioners, and said list shall be prepared in like manner as hereinbefore directed. The Clerk of said Board of Commissioners shall purchase for said Board a suitable and well-bound Permanent Record Book, in which the names of said persons so found to be eligible for jury service and selected by said Commissioners, shall be recorded by said Clerk. At the top of each page of said book shall be written or printed the words "Jury List for \_\_\_\_\_ County" (filling in the name of the County). Said book shall be so ruled as to leave a space at the lefthand side of each page for the names, and at the right-hand side for such entries as are hereinafter provided for. Said book shall be a permanent record of said Courts.

Preceding the list of names in said book shall be written these words on each page: "Jury List selected by the Board of Jury Commissioners for \_\_\_\_\_ County, the \_\_\_\_\_ day of \_\_\_\_\_" (filling in the name of County and date). Immediately following this shall be recorded the names of said persons eligible for jury service, placing one name on each line; arranging the names in alphabetical order and numbering them consecutively, beginning with number 1, but no name shall be placed on said list except by a majority vote of the Board of Jury Commissioners. At the end of the list shall be written and signed by the Commissioners the following: "We certify that the foregoing is the Jury List selected by us the \_\_\_\_\_ of \_\_\_\_\_." The Clerk of said Board, after said Jury List is recorded in said book, as aforesaid, shall deposit each of said pieces of paper containing a name selected by said Commissioners, in a box and label said box "Jury Box No. 1". Said box shall be securely locked and sealed by said Clerk and so kept by him until he is ordered by the Judges of said Courts to break said seal and unlock said box, and said seal shall be broken and said box unlocked only in the presence of two or more of said Judges, as may be convenient. At the said time said Jury Box No. 1 is prepared, the Clerk shall prepare another box and label same "Jury Box No. 2", to be used as hereinafter directed. Said Book containing said Jury List and said Jury Boxes shall be kept by said Clerk under lock and key and no inspection of same shall be permitted except by two or more of said Judges or said Jury Commissioners.

For recording said Jury List in said Book, said Clerk shall be entitled to a fee of ten cents for each name upon said list, to be paid by the County on the certificate of two or more of said Judges that said service has been rendered by said Clerk, and said sum so allowed shall be in full payment of all services rendered by said Clerk pertaining to said Jury List and said Jury Boxes, and the keeping thereof, which said Clerk is required to perform under this Act.

Immediately upon the Jury Commissioner compiling the number of names necessary to complete the Jury box, and having prepared pieces or slips of paper therefor, with the names of the prospective jurors, such pieces or slips of paper, containing such proposed jury lists shall be submitted to the Judges, whose duty it shall be to look over said lists and take therefrom the pieces of slips of paper containing the names of such proposed jurors as the Judges are of the opinion are ineligible or incompetent, for any reason, to serve as jurors. Said pieces or slips of paper so removed by the Judges shall be placed in an envelope or envelopes, sealed, and delivered to the Chairman of the Jury Commission, and upon receipt of these pieces or slips of paper by the Chairman of the Jury Commissioner, shall call the Jury Commission together and they shall substitute the names of other persons to take the place of those removed by the Judges, and shall destroy such pieces or slips of paper containing the names returned by the Judges.

As amended by: Private Acts of 1951, Chapter 550,  
Private Acts of 1965, Chapter 105.

**SECTION 5.** That not less than twenty days, nor more than twenty-five days, before each Regular or Special Term of the Circuit Court of (sic) Criminal Court of any County, to which said Act applies (or such less time as the Judges may order), said Board shall unlock the Jury Box No. 1; break the seal thereof, and after having well shaken the same, cause to be drawn therefrom, in the presence of the Board, by a child under the age of ten years, or a person over said age but blind-folded, such number of names as may be ordered to be taken therefrom by the Judges of said Courts from which to impanel to petit and trial juries for the respective terms of said Courts. In the event the Circuit Court is being held in continuous term, said Board shall draw such names when the Judges of the Circuit Court direct.

In the event the name or names of persons known by the Commissioners to have died or removed from the County, or to be mentally or physically disabled, should be drawn from said box, a line shall be drawn through such name upon said Jury List, and the death, removal, mental or physical disability shall be noted beside said name, or on the same line therewith, and the piece of paper containing said name shall be destroyed and another name shall be drawn from said box in lieu of said name to be dealt with, and a

like proceeding shall be had in case where the name of any person shall be drawn from said box who, for any reason than that above set out, is not liable to or is ineligible to jury service. When in the manner above required the number of names of persons eligible to jury services has been drawn from said box, required by the order of the Judges of said Courts and certain of them impaneled on the jury, the slips on which the names of said persons shall have been written and drawn from said Box No. 1 shall be immediately placed in an envelope, which envelope shall be thereafter sealed, and shall be endorsed by the Clerk with the date of the drawing of said names, and said envelope shall be placed by said Clerk in said Box No. 2, and shall remain there until the period of three years from the date of said drawing, when said envelope shall be opened by said Clerk in the presence of one or more of said Commissioners, or one of said Judges, and said names shall again be deposited in said Box No. 1. After the number of names of persons eligible for jury service have been drawn from said Jury Box, as required by the order of said Judges, a report shall be prepared by the Clerk of said Board substantially as follows:

"To the Honorable \_\_\_\_\_ Court of \_\_\_\_\_ County (filling in the name of the Court or County as the case may be): We, the Jury Commissioners for said County, respectfully report the following list of persons eligible for jury service on petit and trial juries for said Court which have been drawn, according to law, for the \_\_\_\_\_ term of said Court, viz.: (filling in the blank before the word "term", and then copying the names from the Jury Box). In the event the Court is being held in continuous term the words "for the \_\_\_\_\_ Term of said Court" shall be omitted.

The report shall be delivered to the Clerk of the Circuit or Criminal Court according to the Court for which said panel has been drawn and by him filed in his office with the date of such filing thereon. Thereafter, and at least five days before such panels are needed by the Courts, the Clerk of the Court shall issue to the Sheriff a writ of venire facias commanding him to summon the persons whose names are set out in said reports as jurors for said Courts, and it shall be the duty of the Sheriff to summon said persons to appear on a day specified by the Judge or Judges and from such persons the Court shall impanel the trial juries as they are needed.

In the event that by reason of the disqualification of the proposed jurors, or other causes, the required number of jurors cannot be obtained from said persons so summoned, the Clerk of the Circuit Court shall produce in open Court the Jury Boxes, and Jury Box No. 1 shall be opened and there shall be drawn therefrom, in the manner provided for the original drawing, the number of names deemed by the Judge of said Court to be sufficient to complete the jury or juries. This drawing, however, need not be in the presence of the Jury Commissioners, but will be sufficient if done in open Court. Such drawing from the Box, as last provided for, may continue by order of the Court until the jury is completed.

For and during the present national emergency, the various Judges shall have the right in the event they cannot procure the necessary number of qualified jurymen, submitted to them by the Jury Commission, to select qualified jurors from the body of the County-at-large, as are necessary to complete the panels for that term of Court.

As amended by: Private Acts of 1951, Chapter 550,  
Private Acts of 1965, Chapter 105,  
Private Acts of 1975, Chapter 85.

**SECTION 6.** That the Clerk of each Court subject to the provisions of this Act shall procure and keep in his office as a public record a well-bound book in which said Clerk shall keep a list of the jurors who serve upon juries in said Court, and this list shall be alphabetically arranged and shall show the date when each juror was placed upon the jury, and each day that each juror was in attendance upon the Court; and, if not in actual attendance, was subject to call to do jury duty at any time by the Court, so that by examination of said Book it may be at any time ascertained how many days during the said three year period each juror has served upon the jury or been impaneled upon the jury, ready for service and liable at any time to be called thereto; and this record shall be a public one and subject at all times to inspection, during the time that the office of the Clerk of said Court shall be open for business, and said Book shall be duly and correctly posted by the Clerk at the end of each day's sitting of this Court. Said Book shall be known as the "Jury Service Book" in each Court, and each page of said Book shall contain at the top the name of said Book. Said Book shall be properly ruled so as to be easily kept and clearly understood.

**SECTION 7.** In the selection of the grand jury, the judge or judges of the criminal court, as the case may be, shall be restricted to a list to be designated "Grand Jury List", containing a minimum of 500 names per term, prepared by the jury commission at the request of the judge impaneling said grand jury. In the event this list is exhausted without the selection of the grand jury, such judge, or judges of the criminal court, shall request from the jury commissioners a supplemental list. To be eligible for grand jury service, the individual must be a householder or freeholder and a registered voter and must not have made any effort, directly or indirectly to become a member of the grand jury. The above qualifications shall be determined by the judge by asking such prospective grand juror, under oath, questions concerning the

above qualifications. In counties where there are more than one criminal judge, the judges shall alternate in the selection of a grand jury and its foreman. Beginning with the next term of court following the passage of this Act, the judge of the first court or division as the case may be, shall select the entire grand jury and its foreman. The following term, the judge of the second court or division, shall select the entire grand jury and its foreman, and the next term the judge of the third court or division shall select the entire grand jury and its foreman. Such grand jurors shall serve for the term of the court so designated. However, the judge of the court appointing said grand jury is authorized to accept a juror for service upon said grand jury for a three (3) week period, and upon completion of service of such three (3) week period, to replace such grand jury member by an alternate juror chosen from the original grand jury list heretofore referred to. In this manner a person will only be required to serve a minimum of three (3) weeks should he otherwise have a hardship.

As amended by: Private Acts of 1947, Chapter 498  
Private Acts of 1972, Chapter 322

**SECTION 8.** That the Judge or Judges if (sic) the Circuit or Criminal Court, after securing the jury lists, shall select from such lists the trial juries so as to best serve the needs of the Courts and justice. Jurors shall be assigned to trial panels in such numbers as are needed and to serve at such time as the Court requires, having regard to the individual needs of each juror. Jurors for all the Circuit Courts may be selected by one or more of the Judges thereof, jurors for all the Criminal Courts may be selected by one or more of the Judges thereof. If a juror shall not be available for service on the next trial panel of jurors, he may be assigned, in the discretion of the selecting Judge to the first trial panel of jurors for which he is available.

As amended by: Private Acts of 1949, Chapter 358  
Private Acts of 1963, Chapter 167  
Private Acts of 1975, Chapter 85

**SECTION 9.** That whenever the Judge of any Circuit or Criminal Court in any County subject to the provisions of this Act shall be satisfied that a jury in cause pending in his Court cannot be obtained from the number of persons ordinarily summoned, such Judge may at such time, previous to the hearing of the cause as he may deem best, cause the Jury Box to be brought into open Court and such number of names as he deems sufficient drawn therefrom, said drawing to be done in the manner last above provided for in order to obtain such jury, and the Sheriff shall summon the persons whose names are so drawn; and from the persons whose names are so drawn, said jury shall be made up, if practicable; and if not, another number of names shall be drawn from said Box in the same manner as hereinbefore directed and summoned instanter, and so on until the jury is completed. It shall be a misdemeanor for any person to make, request, directly or indirectly, of said Clerk or either one of said Commissioners, or other person, to have his name placed upon said Jury list. Actual service upon a jury in the Circuit of (sic) Criminal Courts of any County affected by this Act, for three weeks during any three years shall exempt the person so serving from jury duty and make him ineligible to further service during the three years in which such service shall take place, except in the cases hereinafter provided for. The years for which such person is exempt, under the language above set out, shall be counted to run from the date which the name of said person was drawn from the Jury Box No. 1, and placed in a marked and sealed envelope and deposited in Jury Box No. 2, as hereinbefore provided, and where such exemption is sought to be shown by any person summoned for Jury service, the entries of the Clerk upon the Jury Service Book, hereinbefore provided for, shall be the only competent evidence of service for the time required by the person claiming exemption from jury service on account of service upon the jury for the time above required, and in computing the time of actual service under the provisions above, the Court shall construe "actual service" to mean not only the days which said Jury Book may show said person claiming such exemption to have been actually sitting on the jury in the trial of causes, but also those days during which said person may by said book be shown to have been subject to call at any time from his business, or in actual attendance upon the Court, though not actually sitting upon the cause on trial.

**SECTION 10.** That any person summoned to serve as a juror in the Circuit or Criminal Court of any County, subject to the provisions of this Act, may present to the Court in which he may be summoned such excuse as such person may have at any time before being selected as a member of the jury, and the Court may thereupon excuse, or not excuse, said persons from service as jurors, according to the sound judgment and discretion of the Court; but, in the event such person shall be excused by the Court, his name shall be replaced in Jury Box No. 1, and this shall be done in the case of any and all persons eligible to jury service, excused for any reason which, in the sound judgment of the Court, temporarily exempts said person from jury service. But in case a person shall be excused from jury service by the Court for the reason that such person under the law is not eligible to jury service, the name of such person, so excused, shall not be again placed as above stated in Jury Box No. 1, and the piece of paper, showing such name, shall be destroyed and a line drawn through said name on the jury list by the Chairman of the Jury Commission, who shall immediately cause substitute names, selected by the Jury Commission.

As amended by: Private Acts of 1951, Chapter 550

**SECTION 11.** That from time to time as may be necessary, and for the purpose of replenishing or adding to said Jury List such persons as under the provisions of this Act are eligible to jury service, the said Jury Commissioners may add additional names to said Jury List of persons eligible to jury service, and each of said names, so added to said list, shall be written upon a piece of paper and placed in said Jury Box No. 1, following the same procedure and in the same manner as above provided.

**SECTION 12.** That it shall be a misdemeanor for any Jury Commissioner or the Clerk of the Court or the Sheriff of any County or any of his deputies in said County, subject to the provisions of this Act, to divulge any of the secrets of said Jury Commissioners, or to notify any one what name or names appear upon said Jury list, or appear upon any regular or special venire to be summoned for use in any Court, or any part of such regular or special panel; and it shall also be a misdemeanor for any of the persons or officers charged with the duty of carrying out this Act to fail to perform any duty imposed by the Act. It shall also be a contempt of Court, punishable by the Circuit Court upon its own motion, or by the Criminal Court upon the petition of the Attorney General, or on its own motion, for any Jury Commissioner, Circuit Court Clerk, or any other person to hold any Jury Box except as authorized by the provisions of this Act, or to destroy, deface, or remove without authority, or to add any name to any Jury list or to assist in or connive at any such acts, or for any custodian of a Jury Box or List to knowingly permit such acts to be done.

**SECTION 13.** That the Judge or Judges having the right to appoint Jury Commissioners, under the provisions of this Act, shall also have the right and authority to remove any or all of such Jury Commissioners for cause and upon due hearing for incompetency, failure to perform their duties as required by law, or corruption in office, or any other good and sufficient reason to said Judge, or Judges, appearing, upon giving five days notice to said Commissioners or Commissioner of the time and place of taking action thereon and the grounds therefor.

**SECTION 14.** That it shall be a misdemeanor for any person, in any County subject to the provisions of this Act, to serve upon any jury in the Circuit or Criminal Courts of said County for more than three weeks in any three years dating from the time the name of such person is drawn from said Jury Box No. 1, unless at the end of this three weeks service he shall be engaged in the hearing of a cause as a juror, which cause shall not then be concluded, in which event such person shall sit until the end of said cause without offending against this Act.

**SECTION 15.** That the Jury Commissioners provided for by this Act shall receive ten dollars each for each and every day's service while actually engaged in the performance of the duties required of them in this Act. Their service will be certified by the Clerk of the Board to the County Judge of the County, who will, thereupon issue paper warrants for their payment by the County Trustee.

As amended by: Private Acts of 1947, Chapter 497

**SECTION 16.** That all books and boxes and other things required by this Act to be purchased by the Clerk of said Board of Commissioners shall be paid for by the County for whose use they were purchased in the manner now provided by law.

**SECTION 17.** That in the absence of fraud no irregularity with respect to the provisions of this Act shall affect the validity of any action of a Grand Jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury if this Act has been substantially complied with, unless such irregularity has been specially pointed out and exception taken thereto before the Jury is sworn.

**SECTION 18.** That the provisions of this Act shall apply to all grand, petit, or trial juries in all Circuit and Criminal Courts of this State in Counties subject to the provisions of this Act; provided, the above provisions limiting jury service to three weeks shall apply only to petit or trial juries.

**SECTION 19.** That all Circuit and Criminal Courts of this State in Counties subject to the provisions of this Act that have selected petit or trial juries for the current terms under the provisions of Acts repealed by this Act, and are now in regular session, shall either discharge said juries and proceed to organize said Courts under the terms and provisions of this Act, if such Courts and Judges thereof so elect, or they may continue the trial of cases in such Courts until the end of the current terms, and organize the next subsequent terms under the terms and provisions of this Act. Any indictments heretofore returned by Grand Juries and in all criminal cases pending in Circuit or Criminal Courts of Counties in this State to which this Act applies, are hereby declared legal, and the passage of this Act shall not affect in any wise any prior acts of Grand Juries or Trial Juries in Counties in this State to which this Act applies.

**SECTION 20.** That the Judges of the said Courts may, acting within the limitations and framework of this Act, formulate, make, and put into effect such demands and procedural rules and regulations, applicable alike to all of the said Courts, as may be necessary or proper to efficiently work out and put into practice the selection of juries as herein provided.

**SECTION 20-A.** In addition to the foregoing method of providing names for jury venires, the following

alternative method is authorized. In event said Judges find that the roll of all the registered voters in such counties is so tabulated and arranged that names can be selected therefrom by mechanical or electronic means in such manner as to assure proportionate distribution of names selected without opportunity for the intervention of any human agency to select a particular name, then and in that event, such Judges may authorize the Jury Commission to obtain names for jury venires from such source and by such method, under such rules as may be prescribed by said Judges.

Such rules may prescribe intervals and times of selection of names other than those set out elsewhere in this Act in order to facilitate the process provided in this Section.

The means of providing names for jury venires as otherwise provided by this Act shall remain available to the Courts and may be used at any time when any of the Judges find the means provided by this Section is impractical or by all the Judges whenever they determine such other method is preferable.

As amended by: Private Acts of 1967-68, Chapter 329

**SECTION 21.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 22.** That this Act take effect and be in force from and after February 4, 1947, the public welfare requiring it.

Passed: January 22, 1947.

## Criminal Court

### Clerk

## Acts of 1855-56 Chapter 149

**SECTION 1.** That so much of the act passed January 27, 1842, entitled "An act to establish a Criminal Court in the County of Davidson," which requires the Clerk of the Circuit Court of Davidson to attend said Criminal Court and perform the duties of Clerk thereof, be, and the same is hereby, repealed.

**SECTION 2.** That hereafter a Clerk for said Criminal Court of Davidson County, shall be elected by the voters of said County, for the same term of years, and at the same time, that Clerks of the Circuit Court are now elected by law. The said Clerk shall perform all the duties as Clerk of said Criminal Court, and receive the same fees and compensation therefor as now allowed by law. He shall execute bond, with security, in the sum of five thousand dollars, to be approved by the Court, conditioned for the faithful performance of the duties of his office, and the payment to those entitled of all fines, forfeitures, and other moneys coming into his hands by virtue of the same; and he shall be liable upon said bond, by motion or otherwise, in the same manner that Clerks of the Circuit Courts are now made liable.

**SECTION 3.** That all the records and other papers belonging to said Criminal Court of Davidson County, now in the possession of the Circuit Court Clerk of said County, shall be delivered to the said Clerk of the Criminal Court upon his being installed into office after the first election, which shall take place at the next election for Clerks of the Circuit Courts.

Passed: January 19, 1856.

## General Sessions Court

### Environmental Court

## Public Acts of 1993 Chapter 212

**SECTION 1.** The metropolitan council of any county having a metropolitan form of government may designate Division IV of the county's general sessions court as the Environmental Court.

**SECTION 2.** In making such designation, the judge of Division IV is granted the additional power to issue injunctions, both mandatory and prohibitory, as provided in Rule 65 of the Tennessee Rules of Civil Procedure. The judge may order any defendant found guilty of violating any metropolitan ordinance relating to health, housing, fire, land subdivision, building or zoning to correct such violation at the defendant's own expense. In a case involving the alleged violation of any ordinance relating to health, housing, fire, land subdivision, building or zoning, the judge may appoint a master to aid the court. Rule 53 of the Tennessee Rules of Civil Procedure shall govern the appointment, power, and duty of the

master.

**SECTION 3.** The judge may also punish a person for contempt who, having been ordered to correct a violation of any metropolitan ordinance relating to health, housing, fire, land subdivision, building or zoning, willfully fails to obey such order within the designated day and at the designated time as given by court order. The punishment for contempt in such case is limited to a monetary penalty of not more than fifty dollars (\$50) and confinement for not more than five (5) days for each violation.

**SECTION 4.** This act shall take effect July 1, 1993, the public welfare requiring it.

Passed: April 12, 1993.

## Juvenile Court

### Private Acts of 1953 Chapter 390

**COMPILER'S NOTE:** Private Acts of 1953, Chapter 390, should be read in conjunction with the general law on Juvenile Courts, T.C.A. 37-1-101, *et seq.* T.C.A. 37-1-101(c) declares that private acts relating to juvenile courts are not invalidated by the general law on juvenile courts and proceedings unless the private acts are inconsistent or in conflict with the provisions of such general law.

**SECTION 1.** That there is hereby created and established in and for Davidson County, Tennessee, a Court with the title and style of JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE. Such Court shall be a Court of record, presided over by a Judge who shall have the qualifications hereinafter provided, and whose salary shall be provided and paid as hereinafter provided. Such Judge shall be known and have the title of Judge of the Juvenile Court of Davidson County, and shall devote his full time to the duties of such office of Judge, and shall have no other professional activity; and there is hereby created the office of Clerk of said Court; that said Court shall have a Seal, and that the Judge and Clerk, within their respective functions as such officers of said court, shall have the power and authority to administer oaths and affirmations whenever the same are required by law in connection with any case, procedure, process or otherwise in such Court.

**SECTION 2.** That when used in this Act, unless the context otherwise requires:

- (a) "The Court" shall mean the Juvenile Court of Davidson County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said county.
- (c) "The Clerk" shall mean the Clerk of the Juvenile Court of said county, or Deputy Clerk.
- (d) "Child" shall mean any person who is under the age of seventeen years.
- (e) "Adult" shall mean a person who is seventeen years of age or older.
- (f) "County" shall mean Davidson County in the State of Tennessee.
- (g) "Peace Officer" shall mean the Sheriff of Davidson County or any of his Deputies, any Constable of said County, and any Police or Truant Officer of said County or of any Municipal Corporation in said County.
- (h) The singular shall include the plural, the plural the singular, and the masculine the feminine, when not inconsistent with the intent of the Act.

**SECTION 3.** That the Court shall have exclusive original jurisdiction in said County of all cases arising in or triable in said County of any person under the age of seventeen (17) years, who may be charged with the violation of any city ordinance, or who may be charged with the commission of an offense against the State except wherein the offense is rape, murder in the first degree or murder in the second degree, or where such person has been found to be incorrigible by the Court, but in any such case which may come before the Court wherein any person under seventeen years of age is charged with rape, murder in the first degree or murder in the second degree, or where such person has been found to be incorrigible by the Court and the Judge of the Court shall conclude that there is probably cause to believe that the child has been guilty of the crime of rape, murder in the first degree or murder in the second degree, or has been found to be incorrigible, the Court shall at once dismiss said cause and assume no further jurisdiction thereof, and then at once remand said child to the Sheriff of the County to be dealt with for his alleged offense as provided by criminal laws.

It is the purpose of this Section of this Act to give such Juvenile Court all the jurisdiction of a Juvenile Court in Davidson County as contemplated by the laws of Tennessee, and the Court shall have all the jurisdiction, powers and authority of a Juvenile Court in said County contemplated in the laws of Tennessee as stated in Sections 10269 to and including 10309 of the Code of Tennessee and any other

general laws of the State of Tennessee now in force and effect or hereinafter to become of force and effect; and said Court shall have exclusive original jurisdiction of all non-support, failure to provide, abandonment or desertion cases wherein any person is charged with the non-support or failure to provide for any child under sixteen (16) years of age, or of his wife, or is charged with the abandonment or desertion of such child or wife as provided by the laws of the State of Tennessee, except where such charge shall be made as an incident to bill filed in a Court of competent jurisdiction wherein a prayer is contained for a divorce or a decree awarding separate support and maintenance. The Court shall have exclusive original jurisdiction:

(a) Concerning any child within said County, or any case arising or triable in said County concerning any child:

- (1) Whose parent or other person legally chargeable with the care, support and maintenance of such child neglects or refuses, according to his means or ability, to provide proper or necessary support, maintenance, education, medical or surgical or other necessary care as contemplated by the general laws of the State, or who is abandoned or deserted by his parent or other person having the legal charge and care of such child;
- (2) Whose occupation, behavior, environment or associations injurious to the welfare of the child;
- (3) Who deserts his home or is habitually disobedient or beyond control of parent or teacher of other lawful custodian;
- (4) Who, being required by law to attend school, wilfully violates the rules of school or absents himself therefrom, or who in any other manner shall be charged with being or designated as a delinquent, as delinquent is defined, contemplated or included in the laws of the State of Tennessee.

(b) To determine the custody or control of the person of any child in said County or in connection with whom any question, case or controversy may arise in said County, or any such questions, case or controversy which by the general law, is triable in said county; except that this Act shall not interfere with the right of a Circuit Judge or a Chancellor to award custody of minor children as a part of a decree of divorce or separate support and maintenance.

(c) That in the event a petition to determine custody or support of any minor child is pending or has been filed, the subsequent filing of a petition for a divorce or for separate support and maintenance in either the Circuit or Chancery Courts of Davidson County, Tennessee, will not effect (sic) the jurisdiction of the Juvenile Court of Davidson County, to the extent that such jurisdiction may already have attached. Likewise, the Juvenile Court shall not entertain any petition filed with respect to support or custody of children where a petition for divorce or for separate support and maintenance between the parents of such child or children is pending.

**SECTION 4.** That the Court shall have original jurisdiction concurrent with other Courts having such jurisdiction for granting judicial consent to the marriage of any child when such consent would be to the interest or welfare of such child or is required by law.

**SECTION 5.** That nothing contained in this Act is in any wise intended to attempt to deprive any other Court, such as the Circuit, Criminal or Chancery Court, of any right by habeas corpus to determine the custody or guardianship of children as is now provided by law and practiced by such Courts.

**SECTION 7.** That whenever it shall be determined by the Judge of the Juvenile Court that a child is so mentally defective or mentally disordered that such child should be committed to an institution for such cases, the Court may commit such child to such institution as is fitted to care for such cases wherein the Court is authorized to so do by provisions of the general laws, or to such institution otherwise made available to the Court through arrangements with the County or State authorities; and where no such institution is made available to the Court, the Judge shall certify the facts and the needs of the child to a Court of competent jurisdiction, and said Judge shall take such action as appears in his opinion is for the best interest of said child.

**SECTION 8.** That the Court shall have jurisdiction to try cases involving the wilful failure or (sic) any husband, without good cause, to neglect or fail to provide for his wife according to his means, leaving her destitute or in danger of becoming a public charge as set forth in Section 11370 of the Code in which case the procedure shall be as provided in Section 11371, et seq., of the Code of Tennessee; and the Court also have jurisdiction to try causes involving the wilful failure to provide for his child under sixteen years of age, leaving such child destitute, as set forth in Section 11379 of the Code, in which case the procedure shall be as provided in Section 11380, et seq., of the Code of Tennessee.

The Court shall further have jurisdiction to try a person charged with violating Section 11370 and/or 11379 of the Code of Tennessee, where the person charged with said offense enters a plea of not guilty;

and, after being advised by the Court of his Constitutional right to aid of counsel, the right to be tried upon presentment or indictment by a Grand Jury, the right of trial by jury, and his other Constitutional rights, the defendant agrees to waive presentment or indictment by a Grand Jury and the right of trial by jury of his peers, the Court may proceed to hear and determine said cause.

Said Waiver shall be written and attached to the warrant substantially in words and figures as follows:

"The defendant, \_\_\_\_\_, pleads not guilty and waives his right to be tried only by indictment or presentment preferred by a Grand Jury and likewise waives trial by a jury of his peers."

The Court thereupon shall proceed to hear said cause and determine it as provided for the determination of such causes in Article XXIX of Chapter 10 of the Code of Tennessee.

Any monies paid into Court under this Section shall be disbursed as the Court may direct.

**SECTION 9.** That the person who has held, in January, 1953, the position of Judge of the Juvenile and Domestic Relations Court, established under authority of the Private Acts of 1947, Chapter 246, as amended, same being the Charter of the City of Nashville, shall be the Judge of the Juvenile Court of Davidson County and shall serve until the next general election at which time the Judge of the Juvenile Court of Davidson County shall be elected by the people of said County to serve until the next general judicial election, the Judge shall then be elected by the people of the County and shall serve for a term of 8 years and until his successor is elected and qualified (sic). The Judge of said Juvenile Court of Davidson County shall receive a salary of Seven Thousand Five Hundred Dollars (\$7,500.00) per annum. Said Judge shall not be less than thirty (30) years of age and a resident of Davidson County for not less than one (1) year. Said Judge shall take and subscribe to the same oath of office as that prescribed for all judges in the State. Provided, however, that from and after September 1, 1958, the said Judge of said Juvenile Court of Davidson County shall receive a salary of Ten Thousand (\$10,000) dollars per annum. Provided, however, that from and after September 1, 1966, the Judge of said Juvenile Court of Davidson County shall receive the same salary as Circuit Judges and Chancellors under the general laws of this State.

The Judge is hereby authorized and empowered to make and promulgate rules and regulations for the administration of the Juvenile Court, to fix the times and places at which said Court shall meet and prescribe the sessions at which all persons in the jurisdiction of the said Juvenile Court shall have their cause set for trial.

All monies derived from fees and fines assessed upon conviction of any persons by the Judge shall be paid into the County Treasury of said County.

As amended by: Private Acts of 1957, Chapter 399  
Private Acts of 1963, Chapter 285

**SECTION 10.** That the Clerk of the Court shall, under the supervision of the Judge, keep all the records of the Court, and shall have all the duties, authorities and obligations as provided by Sections 10050, through and including 10081 of the Code of Tennessee as applicable to the office. Said Clerk shall give a surety bond for the faithful performance of his duties and the amount to be fixed by the County Judge of Davidson County.

**SECTION 11.** That the Judge shall appoint, pursuant to Civil Service Provisions applicable to Davidson County Civil Service Employees, and shall designate a Clerk, a Chief Probation Officer, and a stenographer, and such other Clerks, probation officers, matrons, attendants and other employees as may be necessary to carry on efficiently the work of said Juvenile Court, and as may be authorized by the Quarterly Court of Davidson County and as provided herein.

All personnel of the Juvenile and Domestic Relations Court established by the Charter of the City of Nashville, same being of the Private Acts of 1947, Chapter 246, as amended, who held such positions during the month of January, 1953, shall be employees of the Court and hold positions of the same or other comparable to their present positions and at salaries not less than that paid to them during said month.

All personnel or employees employed by the Juvenile and Domestic Relations Court, established as set out in the preceding paragraph, who, during January 1953, were contributing and paying into the Civil Service Employees Pension Fund of the City of Nashville, may continue making such contributions based on the salary received by them during January 1953, plus any increases in compensation which have been or may be received by them from time to time, with all the benefits and rights of disability and retirement as provided by the Charter of the City of Nashville or the Metropolitan Charter of Nashville and Davidson County. Any such employees shall be permitted to pay retroactively into the Civil Service Employees Pension Fund contributions based upon the difference between their compensation as of January 1953 and increases in compensation received after that date. The amount of retirement benefits of said employees shall be computed accordingly. Such employees shall not be subject to the requirements nor have the



benefits as provided by the Private Acts of 1943, Chapter 274, as amended, provided such persons accept employment with Davidson County and continue in said employment in the Juvenile Court of Davidson County. In the event any employee or employees shall fail to contribute or pay into the said pension fund, then said employee or employees shall become subject to all the provisions and requirements of Chapter 274, Private Acts of 1943, as to contributions and pensions and disability rights.

Anything hereinabove notwithstanding to the contrary, all personnel and employees of the Juvenile and Domestic Relations Court Established under the Charter of the City of Nashville, and holding positions in January, 1953, who were under City Civil Service, if and when they accept the same position or a comparable position with the Court herein created, shall be brought with the civil service provisions heretofore made respecting employees of Davidson County and they shall be designated civil service employees and accorded full civil service status as such employees.

An employee of the Court may be removed, discharged or reduced in pay or position only after he has been given the reasons therefor in writing and afforded an opportunity to be heard in accordance with such civil service provisions, rules and regulations.

All officers of the Court shall have the power of peace officers except that they shall not serve process in civil cases unless arising in this Court.

As amended by: Private Acts of 1963, Chapter 2

**SECTION 12.** That the Chief Probation Officer, under the general supervision of the Judge, shall organize, direct and develop the administrative work of the Court, including the social, financial and clerical work, assign cases for investigation or treatment to the technical and professional employees, and shall perform all such other duties as the Judge shall direct.

**SECTION 13.** That whenever any person informs the Court that a child is within the purview of this Act, the Court may make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Thereupon the Court may make such informal adjustment as is practicable without a petition, or a petition may be filed by any person.

The petition shall be verified and may be upon information and belief. It shall set forth plainly the facts which allegedly bring the child within the purview of this Act; and in addition the following facts, if known: (1) name, age, and residence of the child; (2) the names and residence of his parents; (3) the name and residence of his legal guardian, if there be one; (4) names and residences of the person or persons having custody or control of the child, and (5) names and residences of the nearest known relative if no parents or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

**SECTION 14.** That after a petition shall have been filed and after such further investigation as the Court may or shall direct, a copy of said petition, together with the summons issued by the Clerk, shall be served upon the person or persons having the custody or control of the child, requiring such person or persons to appear personally and bring the child before the Court at the time and place stated. If the person so summoned shall be other than a parent or guardian of the child, the parent or guardian or both shall be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the Judge, is necessary.

If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the Court, the Judge may order, by endorsement upon the summons, that the Officer serving the same shall at once take the child into custody.

**SECTION 15.** That summonses and other process issued in connection with any proceeding in the Court shall be served by an officer of the Court or by any other officer authorized by law to serve process in the County to which the process is directed. Service shall be had in the manner provided by the general laws of Tennessee.

**SECTION 16.** That the Court shall have all the powers of a Court to cause to be brought before it by proper process and to punish those who refuse to obey its lawful orders and to punish by summary procedure those who are guilty of contempt as the same is defined by law, when such contempt is in the presence of the Court, by a fine or not more than Fifty (\$50.00) Dollars, or by imprisonment of not more than ten (10) days, or both; and that for the purpose of compelling the attendance of witnesses and others whose presence in Court is necessary, and to enforce its lawful orders, judgments and decrees, the Court shall have all the power and authority to issue attachments and other processes to bring such person before the Court.

**SECTION 17.** That whenever a child is taken into custody, unless it is impracticable or inadvisable or has been otherwise ordered by the Court, he may be released to the custody of a parent, guardian or custodian, upon the written promise of such parent, guardian or custodian to bring the child to the Court

at the time fixed. If such person shall fail to produce the child as agreed or upon notice from the Court, a summons or a warrant may be issued for the apprehension of such person or of the child. If not so released, such child shall be taken immediately to the Court or the place of detention designated by the Court. Pending further disposition of the case, a child whose custody has been assumed by the Court may be released to the custody of a parent or other persons appointed by the Court, or be detained in such place as shall be directed by the Court, subject to further orders.

Nothing in this Act shall be construed as forbidding any Peace Officer from immediately taking into custody any child who is found violating any law or ordinance. In every case the Officer taking the child into custody shall immediately bring into the Court said Child, making proper charge against him, and relinquishing custody to the Court, and the case shall then be proceeded with as provided in this Act.

No child shall be confined in any Police Station, Prison or Jail, or be transported or detained in association with criminal, vicious or dissolute persons; except that a child fifteen (15) years of age or older whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facilities for children may, with the consent of the Judge or Chief Probation Officer, be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adults.

Neither the fingerprints nor a photograph shall be taken of any child taken into custody for any purpose, without the consent of the Judge.

**SECTION 18.** That the Quarterly Court of Davidson County shall provide adequate quarters to meet the needs for care of children in custody of the court pending an investigation or hearing and disposition of their case. Such facilities, together with any and all other facilities that may be provided or afforded for the detention, care or custody of children, shall be under the supervision of the Court. The Court may also arrange with any licensed institution, agency or the State Department of Public Welfare to receive for temporary care and custody children within the jurisdiction of the Court.

**SECTION 19.** That all cases of children shall be heard separately from the trial of cases against adults. The hearing shall be conducted in an informal manner, and may be adjourned from time to time. Stenographic notes or other transcript of the hearing shall be required only if the Court so orders. The general public shall be excluded and only such persons admitted as to have a direct interest in the case. The presence of the child in Court may be waived by the Court at any stage of the proceedings.

**SECTION 20.** That if the Court shall find that the child is within the purview of this Act, it shall so decree and may by order duly entered proceed as follows:

(a) Whenever in the courts of a proceeding instituted it shall appear to the Court that the parents or the surviving parent of a child, or the mother of a child born out of wedlock, have abandoned such child or have substantially and continuously or repeatedly refused, being financially able, have neglected to give such child parental care and protection; or that such parent or parents are unfit by reason of their conduct or condition which is seriously detrimental to the said child, the Court shall have jurisdiction to transfer the care, custody and control of such child to some other person, agency, institution of the State Department of Public Welfare, and may terminate in so far as may be necessary the rights of such parent or parents with reference to such child, provided that the cause shall be retained in Court as provided in Section 21 herein, and the parent or parents may later be granted the right to file a petition seeking the modification of the former order, unless some other Court shall have taken jurisdiction of the matter upon a petition for adoption.

Such transfer or termination shall be made only after a hearing before the Court, and the Court shall cause notice of the time, place and purpose of such hearing to be served on such parent or parents personally at least twenty-four (24) hours before the time fixed for hearing; or if the Court is satisfied that personal service cannot be effected, then such notice may be given by publication thereof in a newspaper in the county once a week for four consecutive weeks prior to the date of hearing.

(b) If a child is abandoned or neglected by one parent the rights of only such parent with reference to such child may be terminated as provided in subsection (a) of this Section, without affecting the rights of the other parent.

(c) Upon the application of the parents or the surviving parent, or the mother of a child born out of wedlock, the Court may order the transfer of the permanent care, control and custody of such child, and if it appears wise, the termination of all the rights of a parent or the parents with reference to such child, provided the Court after a hearing finds such transfer or termination to be in the best interest of the child.

(d) Place the child on probation or under supervision in his home or in the custody of a suitable person elsewhere, upon such conditions as the Court shall determine.

(e) Commit the child to the custody or to the guardianship of a public or private institution, agency, or the State Department of Public Welfare authorized to care for children or to place them in family homes.

(f) Order such other care and treatment as the Court may deem to be for the best interests of the child, except as herein otherwise provided. The Court may dismiss the petition or otherwise terminate its jurisdiction at any time for good cause shown.

(g) Whenever the Court shall commit a child to any institution, agency, or the State Department of Public Welfare, it shall transmit with the order of commitment a summary of its information concerning the child, and such institution, agency, or the State Department of Public Welfare shall give to the Court such information concerning such child as the Court may at any time require.

**SECTION 21.** That any decree or order of the Court may be modified at any time upon notice to any person adversely affected.

A parent, guardian, or next friend of a child who has been committed by the Court to a public or private institution or agency, or the State Department of Public Welfare, or placed in the care or guardianship of any person, may at any time file with the Court a verified petition for the release of the child. The Court, upon due notice to all concerning, shall proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parents or guardian or be retained in the custody of the institution, agency or person, or may make any further order.

**SECTION 22.** That in placing a child under the guardianship or custody of an individual, the Court shall, whenever practicable, select a person or agency or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then the religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents.

**SECTION 23.** That the Court may cause any person adjudged to be within its jurisdiction to be examined by a physician, psychiatrist or psychologist.

Whenever a child concerning whom a petition has been filed appears to be in need of nursing, medical or surgical care, the Court may order the parent or other person responsible for the care and support of such child to provide such care in a hospital or otherwise. If such parent or other person fails to provide such care, the Court may, after due notice, enter an order therefor, and the expense thereof shall be paid from the appropriation provided when certified by the Judge. But if the Court is of the opinion that the parent or other person liable therefor is able to bear such expense and fails or refuses to do so, such person shall be tried as in other non-support cases.

**SECTION 24.** That in all failures to provide, non-support, abandonment and desertion cases the Court shall have the jurisdiction to make an order of protection and assistance or as a condition of an order for support and maintenance setting forth reasonable conditions of behavior to be observed for a specified time which shall be binding upon husband or wife, or both. Such orders may require either spouse to: (a) stay away from the home or other spouse or children, (b) permit the other to visit the children at reasonable or stated periods, (c) abstain from offensive conduct against the other or against the children, (d) give proper attention to the care of the home, (e) refrain from acts or commissions that tend to make the home an unfit place for the children or the other spouse.

**SECTION 25.** That in proceedings under this Act court costs or witness fees may be taxed against any party to a proceeding, or against the County, within the judicial discretion of the Judge, but no salaried officer of the County including the Sheriff and his salaries deputies and no salaried officers of any municipality therein shall be entitled to receive any fee for the service of process or for attendance in Court in such proceedings, but all other persons acting under orders of the Court may be allowed and paid for services or service of process and attendance or serving as witnesses the fee provided by law for like services in cases before the Circuit Court, the same to be paid from the appropriation provided when certified by the Judge.

**SECTION 26.** That all salaries and other expenses incurred in complying with the provisions of this Act shall be a County charge. The Judge of the Court shall present to the Quarterly Court of Davidson County each year, a proposed budget for the operation of the Court for the next fiscal year in accordance with the law, practice, rules and procedure of said Quarterly Court; that after the passage of this Act, and before funds are made available in said budget, all salaries, charges and expenses necessary and incident to the establishment, organization and operation of the Court shall be paid out of the general funds of the County. The Quarterly Court of Davidson County shall each year appropriate funds sufficient for the efficient operation of said Court, within the intent and purpose of this Act.

**SECTION 27.** That the Court shall make and keep records of all cases brought before it, and shall devise and cause to be printed such forms for social and legal records and such other papers as may be required. The court's official records shall be open to inspection only consent of the Judge to persons having legitimate interest therein. All information obtained and social records prepared in the discharge of official duty by any employee of the Court shall be privileged and shall not be disclosed directly or

indirectly to anyone other than the Judge or other persons entitled to receive such information under this Act, unless and until otherwise ordered by the Judge.

The name or picture of any child under the jurisdiction of the Court shall not be made public by any newspaper, radio, or television station except as authorized by order of the Court. Any person who violates this provisions shall be guilty of a misdemeanor and subject to prosecution in the Criminal Court of this County. The Judge of the Juvenile Court of Davidson County shall exclude photographers and reporters from all hearings and prohibit any publicity respecting any child under the jurisdiction of the court which may be injurious to the interest or reputation or welfare of such child.

**SECTION 28.** That no appeal from a decree or order of the Court shall be granted or allowed; provided however that a trial de novo may be had by an interested party aggrieved by decree or order by Petition for a writ of certiorari showing merit, and properly sworn to, filed with the Circuit Courts of Davidson County within ten (10) days from the date of entry of the decree or order complained of, and the writ be granted; and provided further that for the purpose of consolidating with any separate maintenance or divorce cause pending in the Chancery Courts of Davidson County issued involved in proceedings determined by said Juvenile Court, petition for certiorari may likewise be filed and the writ ordered issued by any Chancellor presiding over such Chancery Courts.

But in no case shall a writ of supersedeas be issued by any Judge or Chancellor to modify or vacate any order of said Juvenile Court respecting custody or support of any child without a hearing and without at least forty-eight (48) hours prior notice thereof to all interested parties, including the Chief Probation Officer of said Court.

**SECTION 29.** That it is hereby made the duty of every public official or department to render all assistance and cooperation within his or its jurisdictional power which may further the objects of this Act. The Court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

**SECTION 30.** That this Act shall be construed as remedial in character and shall be liberally construed to an end that each child coming within the jurisdiction of the Court shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interest of the State and that when such child is removed from the control of his parents, the Court shall secure for him care as nearly as possible equivalent to that which would have been given by them.

**SECTION 31.** That if for any reason any word, clause, paragraph or section of this Act shall be held unconstitutional, it shall not invalidate or affect the remainder of said Act.

**SECTION 32.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1953.

## Probate Court

### Court Costs

### Public Acts of 1971 Chapter 153

WHEREAS, The cost of administrating the probate matters in the various counties has greatly increased in the last few years, and

WHEREAS, It is therefore necessary to set a schedule of charges which more accurately reflect the cost of administrating probate matters,

**SECTION 1.** That all counties having a population of not less than 350,000 and not more than 600,000, according to the Federal census of 1970, or any subsequent Federal census, shall adopt the following schedule of fees to defray the cost of administering probate matters, and the Clerks of the various courts shall charge and account for as court costs, the following:

**Item**

- (1) For filing petition, entering order, recording bond, issuing two (2) letters of administration in intestacy cases, and notifying Commissioner of Finance and Taxation \$15.00
- (2) For filing petition for probate of will and entering order, without issuing letters testamentary or letters of administration c.t.a. \$10.00
- (3) For filing petition to probate will of three (3) pages or less in length, entering order, issuing two (2) letters testamentary when bond is waived, \$20.00

	recording will, and notifying Commissioner of Finance and Taxation		
(4)	For filing petition to probate will of more than three (3) pages in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation	\$20.00	plus \$1.00 for each additional page of will in excess of three (3) pages
(5)	For filing petition to probate will of three (3) pages or less in length, entering order, issuing two (2) letters testamentary or letters of administration c.t.a., recording bond, and notifying Commissioner of Finance and Taxation	\$21.00	
(6)	For filing petition to probate will of more than three (3) pages in length, entering order, issuing two (2) letters testamentary or letters of administration c.t.a., recording bond, and notifying Commissioner of Finance and Taxation	\$21.00	plus a \$1.00 for each additional page of will in excess of three (3) pages
(7)	For filing petition to probate foreign will of three (3) pages and entering order without issuing letters testamentary of administration c.t.a.	\$20.00	
(8)	For filing petition to probate foreign will of three (3) pages or less in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation	\$30.00	
(9)	For filing petition to probate foreign will of more than three (3) pages in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation	\$30.00	Plus \$1.00 for each additional page of will in excess of three (3) pages
(10)	For filing petition for letters of guardianship or conservatorship, entering an order, and issuing certificate of guardianship or conservatorship, where no process issued	\$15.00	
(11)	For filing petition for letters of guardianship or conservatorship, issuing process and cost bond, entering order, and issuing certificate of guardianship or conservatorship. (Sheriff's fee \$5.00 additional)	\$18.00	
(12)	For filing petition for removal of disabilities of minority and entering order	\$9.00	
(13)	For filing petition for removal of disabilities of insanity, filing affidavits and entering order	\$10.00	
(14)	For filing petition for allowing year's support to widows and entering all orders and reports	\$8.00	
(15)	For filing petition to legitimate persons, entering order, and forwarding certificates to Tennessee Department of Vital Statistics	\$10.00	
(16)	For filing petition for change of name, and entering order	\$10.00	
(17)	For filing inventory and recording same in Inventory Record Book	\$3.00	Plus \$1.00 for each additional page in excess of three (3) pages
(18)	For entering each order upon the minutes not otherwise provided for	\$2.00	Plus \$1.00 for each additional page in excess of One (1) page
(19)	For filing petition for habeas corpus, filing cost bond, issuing process, and entering order (Sheriff's fee \$5.00 additional)	\$10.00	
(20)	For filing and recording annual settlement of guardians, conservators, administrators and executors, and entering order approving same	\$7.50	Plus \$1.00 for each additional page in excess of Three (3) pages
(21)	For entering orders increasing bonds of guardians conservators, executors and administrators	\$5.00	Plus \$1.00 for each additional page in excess of three (3) pages
(22)	For entering orders increasing bonds of guardians, conservators, executors and administrators	\$5.00	
(23)	For issuing each additional copy of letters of administration, testamentary, guardianship and conservatorships	\$2.00	
(24)	For each certificate issued, except under Acts of Congress	\$1.00	
(25)	For issuing supplemental certificates showing letters to be in force	\$2.00	

(26) For issuing Acts of Congress certificates	\$3.00	
(27) For making certified copies of documents of three pages or less	\$3.00	for each additional page .50
(28) For filing and docketing claims against decedent's estate, each claim, except claim for funeral bill and legal notice to creditors	.50	
(29) For filing exceptions to claims against estates, mailing notices and entering Orders	\$5.00	
(30) For issuing any notice to guardians, conservators, executors and administrators to take and state their accounts as provided by law	\$3.00	
(31) For filing petition for delayed or corrected birth certificate, and entering order	\$6.00	
(32) For filing petition and cost bond in causes involving sale of real estate	\$5.00	
(33) For filing each answer in such causes	\$1.00	
(34) For filing each report in such causes	\$2.00	Plus \$1.00 for additional pages in excess of one (1) page
(35) For issuing summons and entering return in such causes	\$3.00	
(36) For entering orders pro confesso or judgment by default in such causes	\$3.00	
(37) For issuing and entering order of publication in such cases	\$3.00	
(38) For filing each amended petition in such causes	\$2.00	
(39) For entering order appointing guardian ad litem in such causes	\$2.50	
(40) For filing and entering final order in each of such causes	\$3.00	Plus \$1.00 for each additional page in excess of Two (2) pages
(41) Commissions on funds paid into court in causes involving sale of real estate.	\$21.50 on first \$1,000.00 and one-half of one per cent (½%) on balance	
(42) Commissions on proceeds of the sale of real estate when sale made by the clerk	Five per cent (5%) on first \$6,000.00 of sale price, plus one per cent (1%) of the balance	
(43) For filing and docketing Commitment proceedings under the provisions of Section 33-604 Tennessee Code Annotated, entering and enrolling order appointed counsel for the individual, when necessary and order of commitment to mental Hospital	\$10.00	
(44) For filing and docketing petition or complaint for encroachment	\$5.00	

**SECTION 2.** That the provisions of this Act are declared to be severable and if any of its sections, provisions, sentences, clauses, words, phrases, or parts be held unconstitutional, void and/or invalid, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would have been adopted even if such unconstitutional, void and/or invalid matter had not been included therein.

**SECTION 3.** That notwithstanding the provisions of any other law or laws on this subject, should there be a conflict between the provisions of this Act and some other Act on this same subject, it is hereby declared the legislative intent that the provisions of this Act shall be controlling, notwithstanding the provisions of the other Act, since they are hereby expressly repealed and superseded.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.  
 Passed: May 4, 1971.

## Chancery Jurisdiction

### Private Acts of 1974 Chapter 366

**SECTION 1.** That the Probate Court of Davidson County, in addition to the jurisdiction heretofore vested in it by statute, shall have and exercise all the jurisdiction now or hereafter conferred upon the Chancery Court of Davidson County.

**SECTION 2.** That in the exercise of the jurisdiction conferred upon it hereunder, the Probate Court and the Judge thereof shall be subject to and bound by all the statutes and rules and applicable to the Chancery Court of Davidson County. Causes which may be filed in or transferred to the Chancery Court of Davidson County may be assigned to said Probate Court in the same manner in which causes are assigned to the several Parts of the Chancery Court of Davidson County.

**SECTION 3.** That the Clerk and Master of the Chancery Court of Davidson County shall act as Clerk and Master for said Probate Court in all matters pertaining to the jurisdiction conferred upon said Probate Court by this Act.

**SECTION 4.** That all laws or parts of laws, public or private, in conflict with the provisions with this Act are hereby repealed.

**SECTION 5.** That this Act shall have no effect unless it is approved by a two-thirds' vote of the Metropolitan County Council of Nashville and Davidson County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Council and certified by him to the Secretary of State.

**SECTION 6.** That for the purpose of approving this Act as provided in Section 5, it shall take effect upon becoming a law, but other provisions of the Act shall be effective only upon being approved as provided in Section 5.

Passed: March 28, 1974.

## Public Defender

### Private Acts of 1961 Chapter 128

**SECTION 1.** That there is hereby created the office of Public Defender in the counties of this State having a population of not less than 399,700 nor more than 399,800 according to the Federal Census of 1960, or any subsequent Federal Census.

**SECTION 2.** That immediately upon the passage of this bill in all counties of this State having a population of not less than 399,700 nor more than 399,800, according to the Federal Census of 1960, or any subsequent Federal Census, the voters of such counties, at the next general election following the approval of this Chapter, shall elect a Public Defender who shall be a person licensed to practice law and who shall hold said office for a term of four years, commencing on September 1, 1962, and discharge the duties thereof as provided in this Chapter, and his successor shall be elected every four years thereafter. In the event of a vacancy in the office of Public Defender, the Quarterly County Court shall elect a Public Defender to serve until the next general election when a successor shall be elected by the vote of the people to fill the unexpired term.

**SECTION 3.** That

(a) Upon request by the defendant, or upon order of the Court, it shall be the duty of the Public Defender to defend, without expense, and to represent generally, all persons who are without means to employ counsel, who have been indicted by the grand jury or charged with the commission of any crime and he shall also upon request give counsel and advice to such persons in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts of any person who has been convicted upon such charge, where, in his opinion, there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modification of the judgment of conviction;

(b) He shall have the power to employ one deputy or (sic) assistant at a salary not to exceed Five Thousand Dollars (\$5,000.00) per annum, and to employ one stenographer at a salary not to exceed Four Thousand Dollars (\$4,000.00) per annum, for the proper conduct of the business of his office and such salary shall be paid in equal monthly installments from the general fund of the county;

(c) He shall take and file the constitutional oath of office;

(d) He shall receive a salary of Eight Thousand Dollars (\$8,000.00) per annum, payable in equal monthly installments to be paid by the county in which he is elected, in the same manner as other county officers are paid;

(e) The Quarterly County Court in each of the counties in which the office of Public Defender is hereby created, shall provide suitable rooms for the use of the Public Defender, and office furniture and supplies for the proper conduct of the business of his office at the expense of the county;

(f) Every person who shall be appointed Assistant Public Defender or a Deputy Public Defender must be a

counselor at law in this State and a citizen and resident of the county in which he is appointed. Every such appointment shall be made in writing and under the hand of the Public Defender, and filed in the office of the Clerk of the Criminal Court of the county in which such appointment is made, and the person so appointed shall take and file with the Clerk of the Criminal Court the constitutional oath of office before entering upon his duties. Every such appointment may be revoked at the pleasure of the Public Defender making same, which revocation shall be in writing and filed with the Clerk of the Criminal Court. Such Assistant or Deputy Public Defender may attend all criminal courts and discharge the duties imposed by law upon or required of the Public Defender by whom he was appointed. The Public Defender may designate in writing, to be filed in the office of the Clerk of the Criminal Court, his assistant to be acting Public Defender. The assistant designated shall, during such absence or disability of Public Defender, perform the duties of said office. Such designation may be revoked by the Public Defender in writing to be filed in the office of the Clerk of the Criminal Court; and

(g) The Public Defender shall not engage in the private practice of law, but may conclude all matters pending when elected.

**SECTION 4.** That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in a county-wide general or primary election. At the first county-wide general or primary election after the passage of this Chapter it shall be the duty of the Commissioners of Elections of the counties to which this Act applies to announce or call that the primary or general election for the county shall include voting upon the acceptance or non-acceptance of this Chapter. The ballots or voting machines used in such election shall have printed thereon on succeeding separate lines the following:

"For creating the office of Public Defender  
Against Creating the office of Public Defender"

with appropriate places for each voter to indicate his preference. The votes cast as such primary or general election shall be canvassed by the Commissioners of Elections of the county upon the first Monday occurring five or more days after the date of such election and the result shall be proclaimed by the Commission and certified by the Commission to the Secretary of State immediately after the votes have been canvassed as provided by law. The primary and/or general election laws, except as otherwise provided herein, shall apply in all respects to such election. In the event the Commissioners of Elections in such counties call a special county-wide election for any other purpose after this Chapter shall have been enacted, the said Commissioners of Elections shall issue a call to the voters to vote upon the acceptance or non-acceptance of this Chapter at such election in the way and manner provided above.

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

Passed: February 22, 1961.

## Court System - Historical Notes

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

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

1. Acts of 1799, Chapter 40, designated the number of jurors each county in the Mero District would send to the superior courts of the District. Davidson County would send ten; Sumner County, seven; Smith County, Four; Wilson County, four; Robertson County, five; Montgomery County, five; and Williamson County, five.
2. Acts of 1803, Chapter 73, specified the number of jurors each county in the Mero District would furnish the superior courts in the District, several new counties having had been erected. The four new counties in the District were Jackson County, Rutherford County, Dickson County, and Stewart County. The number of jurors required from Davidson County was reduced to seven.
3. Acts of 1806, Chapter 24, reassigned Wilson County to the Mero District, and established the number of jurors to be furnished to the Superior Court of the District which now contained Davidson, Sumner, Wilson, Williamson, and Rutherford Counties. Davidson County would provide twelve jurors for the Court.
4. Acts of 1809, Chapter 119, provided that officials in each county except Davidson would make out a list of fifteen jurors as a venire for each term of court. In Davidson County, the list would contain the names of thirty jurors.
5. Acts of 1817, Chapter 128, authorized Davidson County and twenty other listed counties to lay a tax at the first session of their Quarterly County Courts each year, for the purpose of granting



additional compensation to jurors attending the County Courts and Circuit Courts. Any such additional pay was to be limited to fifty cents per day.

6. Private Acts of 1819, Chapter 62, empowered the County Court of Davidson County to appoint thirty-seven jurors to attend the County and Circuit Courts in Davidson County.
7. Acts of 1853-54, Chapter 182, declared that a grand jury could not be empaneled in Davidson County unless the Judge of the Criminal Court deemed it proper to do so. The Judge could summon a jury for a special case or for a term of court, within his discretion.
8. Public Acts of 1865, Chapter 18, Section 4, directed the Circuit Court to empower a grand jury regularly which would sit with its full, lawful powers during the term of Court in which it was summoned. All bills and indictments returned by the grand jury would be transferred to the Criminal Court for process and trial.
9. Acts of 1901, Chapter 124, established Boards of Jury Commissioners for all counties having over 120,000 in population according the Federal Census of 1900, or a subsequent census. The Boards, appointed by the Circuit or Criminal Judges and other Judges who had criminal jurisdiction, were to be composed of three discreet citizens. They would be householders or freeholders; could not be attorneys or State or County officials, and could have no suit pending. No more than two members could belong to the same political party. The members were required to take the oath prescribed in the act, and elect one of their members as Board Chairman. The Clerk for the Board would be the Circuit Court Clerk. The Board would select from the tax rolls and other sources of public information, a number of qualified people equal to one-fifth of the total number of votes cast in the last presidential election, but in no event less than 250 nor more than 4,000. Those names would then compose the jury list for the next two years. The details of recording the names in a book, furnished by the Clerk, were set out in the statute. The names would also be written on cards, or scrolls, and placed in a box which would be locked and sealed and would not be unsealed or opened, except on order of the Court and in the presence of the Board. From ten to fifteen days before the opening of the term of Court, the Board would unlock the box and a child under ten years of age would be selected to draw out the number of prospective jurors for the coming term of court. These names would be placed in a sealed envelope and delivered to the Judge in open court. Five days before Court, the Clerk would have the Sheriff summon the people whose names were chosen. The mechanics of summoning special venire or replenishing the list when there was a possibility of its being exhausted were provided. The Judge could excuse a juror but only for the reasons set forth in the act. Members of the Board would be paid \$2.00 a day for their services.
10. Private Acts of 1911, Chapter 461, stated that every juror serving in a Coroner's inquest held over the body of a dead person in Davidson County would be entitled to demand and receive \$1.00 for each day's attendance to be paid out of the general funds of the County.
11. Private Acts of 1915, Chapter 30, amended Acts of 1909, Chapter 337, a general law providing that jurors were to receive \$1.50 per day, by allowing compensation of jurors in Davidson County to be \$3.00 per day for each day's attendance and such mileage allowance as was provided by law.
12. Private Acts of 1923, Chapter 432, amended Acts of 1901, Chapter 124, Section 15, above, by raising the compensation of the members of the Board of Jury Commissioners from \$2.00 to \$5.00 per day.
13. Private Acts of 1935, Chapter 427, amended Acts of 1901, Chapter 124, Section 4, above, by declaring it to be the duty of the Board of Jury Commissioners to prepare lists of names of not less than 4,500 citizens, competent for jury service, beginning in August, 1935, and every two years thereafter. The lists were to submitted to the Judges of the Circuit and Criminal Courts for their approval. The Judges were enabled to strike any name before it appeared on the Jury List in the box. The Board would also furnish tickets upon which the individual names and other requisite information were to be included. In the event the Judges were unable to secure a jury from the list, the presiding Judge would designate qualified citizens to complete the panel.
14. Private Acts of 1949, Chapter 357, amended Acts of 1909, Chapter 337, and Private Acts of 1915, Chapter 30, above, by fixing the compensation of grand and petit jurors at \$6.00 a day for each day's attendance as a juror and by fixing the compensation of the foreman of the grand jury at \$10 per day.
15. Private Acts of 1967-68, Chapter 226, amended Private Acts of 1947, Chapter 53, and allowed the Judges to use mechanical or electronic means of selecting juror names if such alternate method became available. The act was not approved locally and did not become effective.

16. Private Acts of 1967-68, Chapter 330, repealed Private Acts of 1915, Chapter 30, and Private Acts of 1949, Chapter 357. The act was not approved by the Metropolitan Council of Nashville and Davidson County and did not become effective.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Davidson County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Public Acts of 1822, Chapter 13, provided that the Chancery Courts, the equity courts of Tennessee, would be held by one of the Justices of the Supreme Court at least once each year at the places where the Supreme Court was then held. Therefore, the equity courts would be held at Rogersville on the first Monday in November; at Knoxville on the third Monday in November; at Charlotte on the fourth Monday in December; at Sparta on the second Monday in December; at Nashville on the fourth Monday in January; at Columbia on the second Monday in January. All Court terms would continue for two weeks unless the docket was completed sooner.
2. Public Acts of 1822, Chapter 14, changed the date for beginning the term of the Chancery Court at Nashville to the third Monday in January of each year.
3. Public Acts of 1824, Chapter 14, required the Justices of the Supreme Court to arrange or agree between themselves to hold the Chancery Courts across the State at least twice each year. The Courts were to be held at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and Jackson. The Court sitting at Franklin would hear the causes from Williamson, Davidson, and Rutherford Counties, the terms of Court to begin on the first Monday in May and November.
4. Private Acts of 1826, Chapter 77, Section 3, authorized John Haywood to hold the Chancery Court for Williamson, Davidson, and Rutherford Counties at Franklin on the first Monday in December 1826, and to continue until the docket was completed.
5. Public Acts of 1827, Chapter 79, declared that the Chancery Courts of the State would be held by two Chancellors, appointed by the joint ballot of both Houses of the General Assembly. The State was divided into the Eastern Chancery Division, which included the Courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the Western Chancery Division, which included the Courts at Franklin, Columbia, Charlotte, Jackson, and Paris. The Chancellors would receive compensation of \$1,500 per year.
6. Public Acts of 1829, Chapter 104, changed the times for the meeting of the Chancery Court at Franklin to the first Monday in May and November instead of the third Monday in April and October.
7. Public Acts of 1835-36, Chapter 4, reorganized the equity courts in Tennessee by creating three Chancery Divisions, each to be presided over by a Chancellor appointed by the General Assembly. Each Division was partitioned into Districts. Court would continue to be held in two terms each year. Davidson and Williamson Counties were contained in the Fifteenth District of the Middle Division. That Division's Court would meet at Franklin on the third Monday in April and October.
8. Public Acts of 1835-36, Chapter 20, declared that the terms of the Chancery Court of the Fifteenth District held at Franklin would begin on the fourth Monday in April and October.
9. Acts of 1839-40, Chapter 21, Section 6, changed the terms of the Chancery Court at Franklin, which served Davidson and Williamson Counties, to begin on the third Monday of April and October instead of the fourth Monday in those months.
10. Acts of 1845-46, Chapter 53, constituted Davidson County as a Chancery District in the Middle Chancery Division. The Court would meet at the Courthouse in Nashville on the first Monday in May and November of each year.
11. Acts of 1851-52, Chapter 178, Section 3, set the opening dates for the terms of the Chancery Courts in the Counties in the Middle Division of Tennessee. Davidson County's Chancery Court would meet on the first Monday in May and November.
12. Public Acts of 1857-58, Chapter 88, organized the Chancery Courts in Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. Davidson County was assigned to the Middle Division with the Counties of Marshall, Cheatham, Giles, Maury, Lewis, Williamson, Stewart, Montgomery, and Robertson. Court terms in Davidson County would begin at Nashville on the first Monday in May and November.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 32, organized Tennessee into twelve Chancery Districts. Davidson County alone constituted the Seventh Chancery District.

14. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the time for the Chancery Court to begin its terms on the first Monday in April and October at Nashville.
15. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower court system in the State. Eleven Chancery Divisions were created. The Sixth Chancery Division was made up of the Counties of Williamson and Davidson. The Court in that Division would meet at Nashville on the first Monday in January and July.
16. Public Acts of 1887, Chapter 25, changed the opening dates of the Chancery Court terms in Davidson County to the first Monday in April and October of each year.
17. Public Acts of 1899, Chapter 427, was the next major revision in the lower court system of Tennessee. The equity courts were formed into ten Chancery Divisions with Davidson County alone constituting the Seventh Chancery Division. Court terms would open on the first Monday in January and July.
18. Acts of 1901, Chapter 134, amended Public Acts of 1899, Chapter 427, above, by transferring Williamson County from the Fifth Chancery Division into the Seventh Chancery Division with Davidson County. The act set the terms of Court for Davidson County to begin on the first Monday in April and October.
19. Acts of 1901, Chapter 434, again set the Chancery Court terms in the Seventh Chancery Division for Williamson and Davidson Counties. In Davidson County the Chancery Court would convene on the first Monday in April and October.
20. Acts of 1903, Chapter 62, repealed Acts of 1901, Chapter 134, above, as it applied to the times for holding Chancery Court in Williamson and Davidson Counties. Davidson County's terms of Chancery Court would start on the first Monday in April and October.
21. Private Acts of 1911, Chapter 495, empowered the Chancery Court of the Seventh Chancery Division to take jurisdiction of and enforce any lien created by Acts of 1907, Chapter 158, which related to liens resulting from unpaid sidewalk and curbing assessments. The procedure for suits to enforce the liens would be the same as the procedure for other suits in Chancery. As many as twenty-five parcels of property could be included in one suit in which, all the owners of the subject property would be included as defendants.
22. Public Acts of 1915, Chapter 7, created an additional office of Chancellor in Davidson County and divided the Chancery Court into Part I and Part II. The Chancellors would apportion the existing cases between the two Parts and bills filed could be addressed to either Part. The County was required to provide the additional building space necessary for the new Part and the Sheriff was required to attend the new Court. The new Chancellor would be elected for eight year terms and would receive the same compensation as other Chancellors in the State.
23. Private Acts of 1915, Chapter 229, provided for two court officers to serve in each Part of the Chancery Court of Davidson County. In each Part, one officer was to be appointed by the Chancellor of the Division and deputized by the Sheriff. The other officer was to be appointed by the Sheriff and be acceptable to the Chancellor. The court officers would be paid \$3.00 per day for each day's attendance at the Court, and, when not engaged in performing Court duties, they were to serve and execute process as other deputies.
24. Private Acts of 1919, Chapter 317, amended Private Acts of 1915, Chapter 229, above, by authorizing one court officer in each of the two Parts of the Davidson County Chancery Court to attend and keep order in the Court at all sessions and aid in the execution of process issuing from the Court. The court officer would be appointed by the Chancellor and deputized by the Sheriff. When Court was not in session, the officer could serve as a deputy. Each officer was to be paid \$3.00 per day for each day worked.
25. Private Acts of 1921, Chapter 67, amended Private Acts of 1915, Chapter 229, above, by setting the pay of the court officers at \$4.00 for each day actually served in Court. The Clerk and Master would certify to the County Judge the names of the court officers and the number of days they worked. The County Judge would then issue warrants for payment of the proper compensation.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower court system. Fourteen Chancery Divisions were created. Davidson County, Part I and Part II, constituted the Seventh Chancery Division. Court terms would begin on the first Monday in April and October.
27. Private Acts of 1939, Chapter 263, amended Private Acts of 1915, Chapter 229, above, by adding a provision that the compensation of the court officers attending each Part of the Chancery Court of Davidson County would be \$150 per month payable on the first day of each month on a warrant drawn on the Trustee. Additionally, the officers were allowed the regular fees for the service of process, but the total compensation could not exceed \$200 per month. All fees earned

- in excess of that sum would be turned over to the Sheriff who was required to account for them.
28. Private Acts of 1945, Chapter 229, amended Private Acts of 1915, Chapter 229, above, by raising the monthly salary of the Chancery Court officers from \$150 to \$200, the salary to be paid in addition to fees for the service of process. Total compensation could not exceed \$225 a month. All fees in excess of that amount would be paid over to the Sheriff.
  29. Private Acts of 1947, Chapter 305, amended Private Acts of 1915, Chapter 229, above, by increasing the monthly salary of the court officers of Chancery Court to \$225, payable on the first day of each month, the salary to be in addition to regular fees for serving the Court's process. Salary and fees were limited to a combined total of \$250 and any excess was to be turned over to the Sheriff for accounting.
  30. Private Acts of 1947, Chapter 698, authorized the Quarterly County Court of Davidson County to appropriate and pay from county funds to those Chancellors, Judges of the Criminal Courts, and Judges of the Circuit Court, serving in Davidson County, such sums of money as the Quarterly Court deemed reasonable to compensate the Chancellors and Judges in the performance of their duties with reference to fixing and regulating the number of deputies and employees and their salaries, expenses, and other allowances, and with reference to the discharge of any other county purpose required by law.
  31. Private Acts of 1949, Chapter 240, amended Private Acts of 1915, Chapter 229, by increasing the monthly salary of the court officers of the Chancery Court from \$225 to \$275, payable on the first day of every month, the salary to be in addition to the regular fees for serving process. The combined total could not exceed \$300, and any excess over that amount was to be paid to the Sheriff, who was accountable to the County Trustee.
  32. Private Acts of 1951, Chapter 343, amended Private Acts of 1915, Chapter 229, to provide for the compensation of court officers in each Division of the Chancery Court. Each officer would be paid \$300 on the first day of each month. He would also receive the legal fees for serving process; provided the combined total did not exceed \$325 a month. All fees earned in excess of that amount would be paid over to the Sheriff.
  33. Private Acts of 1953, Chapter 164, amended Private Acts of 1915, Chapter 229, by authorized the Chancellors of the two Chancery Divisions of the Davidson County Court to jointly appoint a third court officer, who would have the same duties, powers, and compensation as other officers.
  34. Private Acts of 1959, Chapter 337, amended Private Acts of 1915, Chapter 229, by increasing the monthly salary of Chancery Court officers from \$300 to \$325 and by raising the limit on the combined total of earnings of the officers to \$350 per month.
  35. Private Acts of 1963, Chapter 134, amended Private Acts of 1915, Chapter 229, by providing for the appointment of a bailiff for each Court. The Chancellor would appoint the bailiffs and they would be paid compensation of \$350 per month.
  36. Public Acts of 1976, Chapter 766, created an additional office of Chancellor in Davidson County and divided the Chancery Court into three Parts, each Part to hold two terms per year beginning on the first Monday in April and October. Each Chancellor, when his docket was completed, was to assist the others in disposing of remaining cases. The Clerk and Master was directed to attend upon the new Part. The additional Chancellor would be elected for eight year terms.

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

The reference list below contains acts which once applied to the Clerk and Master in Davidson County.

1. Acts of 1796, Chapter 21, set forth the procedure for the reconstruction of legal documents destroyed by fire in 1795 in the office of the Clerk of the Chancery Court for the Mero District.
2. Public Acts of 1821, Chapter 20, amended Acts of 1796, Chapter 21, above, by authorizing the filing of affidavits to replace documents destroyed in the fire of 1795 in the Mero District Chancery Clerk's office.
3. Private Acts of 1925, Chapter 404, authorized the Clerk and Master of the Davidson County Chancery Court to employ an auctioneer for Chancery Court sales made at public outcry. The auctioneer's fee, to be allowed as costs, would be a percentage of the sale, but no more than \$15, unless otherwise ordered by the Chancellor. The parties could obtain their own auctioneer, or choose to request the Court-appointed auctioneer.

### **Circuit Court**

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

1. Acts of 1784 (Oct. Sess.), Chapter 28, Laws of North Carolina, organized Washington, Sullivan, Greene, and Davidson Counties into a new district to be called the Washington District. A Judge and an Attorney-General were to be appointed for the new district. The Judge would receive fifty pounds compensation for each Court session.
2. Acts of 1785, Chapter 47, Laws of North Carolina, established a Superior Court of Law and Equity for Davidson County. The Governor would commission the Judge of the new Court after election by joint ballot of the General Assembly. Court would be held on the first Monday in May and November and the terms were to continue for ten days, exclusive of Sundays.
3. Acts of 1788, Chapter 31, Laws of North Carolina, extended the jurisdiction of the Superior Court of Law and Equity of Davidson County to include the recently formed Counties of Sumner and Tennessee. The three Counties would form a new district which was named Mero. The Judge in Davidson County would continue in office as the Judge for the new district.
4. Acts of 1792, Chapter 8, Territorial Acts, fixed the times for holding the Superior Court of Law and Equity in the Mero District on the second Monday in May and November each year. The Court term would continue as necessary, but no longer than fifteen days.
5. Acts of 1794, Chapter 1, Territorial Acts, created the Superior Court of Law, a court of general jurisdiction for the territory which later became Tennessee. The Court was established in each of the three districts of Washington, Hamilton, and Mero.
6. Acts of 1806, Chapter 19, divided the District of Mero into three Districts, each to have a separate and distinct Court of Law and Equity. The Districts were named Robertson, Winchester, and Mero. Davidson County was placed in the new Mero District along with Sumner, Williamson, and Rutherford Counties.
7. Acts of 1809, Chapter 49, divided the State of Tennessee into five Judicial Circuits. The Fourth Judicial Circuit contained the Counties of Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Lincoln, and Bedford. Circuit Courts were to be held twice each year, and the terms in Davidson County were to begin on the second Monday in March and September each year.
8. Acts of 1812, Chapter 1, authorized the Judge of the Fourth Judicial Circuit to adjourn the Court in Davidson County from the Courthouse located in Nashville to any other house in that town and all writs and process were to be made to conform accordingly. Authority was also granted to hold an additional term of Court in Davidson County on the fourth Monday in December which would continue until the docket was completed.
9. Acts of 1812, Chapter 68, set the dates for several counties, including Davidson County, for opening the terms of their respective Circuit Courts. In Davidson County, Court terms would begin on the third Monday in May and November. The Courts were to continue in session until their business was completed.
10. Acts of 1813, Chapter 5, granted the Judge of the Circuit Court the authority to adjourn the Court to another place and granted the Judge of the County Court of Davidson County the same right and privilege. All processes of the Court were to be made to conform to any adjournment.
11. Acts of 1815, Chapter 55, allowed the Judge of the Circuit Court in Davidson County to adjourn the Court from the Courthouse to any other place deemed proper and all process of the Court would be made to conform.
12. Private Acts of 1821, Chapter 127, Section 7, provided that the Circuit Court of Davidson County would begin its terms of Court on the second Monday in May and November of each year and continue in session for five weeks unless the docket was sooner cleared.
13. Private Acts of 1821, Chapter 172, Section 3, stated that the terms of the Circuit Court in Davidson County would last for four weeks and no longer.
14. Private Acts of 1823, Chapter 189, made it the duty of the Judge of the Fourth Judicial Circuit to adjourn the Court in Davidson County at the expiration of the May term until the first Monday in July and then to continue for two weeks, if necessary. Therefore, an additional term of Court for the Davidson County Circuit Court was created. This act was repealed four years later.
15. Private Acts of 1827, Chapter 121, repealed Acts of 1823, Chapter 189, above, which created an additional term for the Davidson County Circuit Court. The act required the Judge of the Fourth Judicial Circuit to hold Court until the first Monday in January following passage of the act unless the Court docket were completed at an earlier date.
16. Public Acts of 1829, Chapter 104, changed the Court terms for the Circuit Court of Davidson County and the Chancery Court at Franklin in Williamson County. The terms of the Circuit Court would begin in Nashville on the fourth Monday in May and November.

17. Public Acts of 1835-36, Chapter 5, was enacted pursuant to the newly adopted 1835 State Constitution. The Circuit Courts were required to hold three terms annually. The Courts were divided into eleven Judicial Circuits. The Sixth Judicial Circuit was composed of the Counties of Davidson, Sumner, and Williamson. The terms of the Davidson County Circuit Court would begin on the first Monday in April, August, and December.
18. Public Acts of 1835-36, Chapter 41, set the terms of the Circuit Court of Davidson County to commence on the second Monday of January, May, and September.
19. Acts of 1849-50, Chapter 31, Section 17, gave the Judge of the Circuit Court of Davidson County criminal jurisdiction to the extent that the Judge could empanel a Grand Jury at the regular term for the purpose of finding bills of indictment and presentment which, when found, would be transferred with all pertinent records to the Criminal Court at its next regular term.
20. Acts of 1853-54, Chapter 52, arranged for the election of Judges for the Circuit Court in the Sixth Judicial Circuit containing the Counties of Davidson, Williamson, and Sumner. The complex plan allowed the three Counties to participate in the election of a Judge for Sumner County, but allowed only Williamson and Davidson Counties to elect a Judge for those two Counties. Criminal Court would be held in all three Counties by the Judge of Sumner County. The act was repealed less than two weeks after its passage as it related to the Sixth Judicial Circuit by Acts of 1853-54, Chapter 59.
21. Private Acts of 1857-58, Chapter 82, rescheduled the opening dates of the terms of the Circuit Court in Davidson County for the fourth Monday in January, the third Monday in May, and the second Monday in September, each year.
22. Public Acts of 1857-58, Chapter 98, organized the Circuit Courts of Tennessee into sixteen Judicial Circuits. The Ninth Judicial Circuit contained the Counties of Sumner, Williamson, and Davidson. The Circuit Court in Davidson County would begin its terms on the second Monday in January, May, and September.
23. Public Acts of 1859-60, Chapter 96, divested the Circuit Court of Davidson County of certain aspects of criminal jurisdiction by repealing Section 4251, Code of Tennessee, as it applied to Davidson County.
24. Private Acts of 1859-60, Chapter 171, declared that the Circuit Court of Davidson County would be held in Nashville on the fourth Monday of January, the third Monday in May, and the first Monday in September of each year.
25. Public Acts of 1867-68, Chapter 90, Section 2, constituted Davidson County's Circuit Court alone as a Judicial Circuit, to be called the Nineteenth Judicial Circuit. The Governor would order an election to select a Judge.
26. Public Acts of 1869-70 (2nd Sess.), Chapter 31, created fifteen Judicial Circuits in the State after the adoption of the 1870 Constitution. Davidson County constituted the Eighth Judicial Circuit.
27. Public Acts of 1869-70 (2nd Sess.), Chapter 46, scheduled the opening dates of the terms of the Circuit Court for every county in the State of Tennessee. In Davidson County the terms of Court would begin on the fourth Monday in January, the third Monday in May, and the first Monday in September of each year.
28. Public Acts of 1869-70 (2nd Sess.), Chapter 59, created the Law Court of Nashville and granted it jurisdiction concurrent with the Circuit Court. Appeals to and from the new Court would be handled under the same procedure as in the Circuit Court. Suits could be filed in either the Law Court or the Circuit Court at the option of the filing party. Terms would begin on the first Monday in every month. Process and pleading would be the same as in the Circuit Court. The Circuit Court Clerk would serve as Clerk of the Law Court. The Judge of the Law Court would be elected and would hold and enjoy the same term and receive the same salary as Circuit Judges. The County Court was required to provide suitable accommodations for the Law Court.
29. Public Acts of 1869-70, Chapter 60, amended Public Acts of 1869-70 (2nd Sess.), Chapter 59, above, to schedule terms of the Law Court of Nashville quarterly, instead of monthly, on the second Monday in January, April, July, and October, of each year. All pleadings were to be the same in all respects as in the Circuit Courts.
30. Public Acts of 1871, Chapter 149, Section 3, amended Public Acts of 1869-70 (2nd Sess.), Chapter 59, above, so that the Judge of the Law Court was required to hold the Circuit Court of Sumner County at the times prescribed by law. The terms of the Law Court were rescheduled for the first Monday in January, May, and September.
31. Public Acts of 1877, Chapter 42, repealed Public Acts of 1869-70 (2nd Sess.), Chapters 59 and

- 60, above, and transferred all the business of the Law Court to the Circuit Court, the Clerk of which was required to keep and preserve all the records.
32. Public Acts of 1879, Chapter 50, established a new schedule for the terms of the Circuit Court in Davidson County. The terms would start on the second Monday in January, the first Monday in May, and the third Monday in September. All process and writs were to conform to the new dates.
  33. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial system of the State. The act created fourteen regular, and one special, Judicial Circuits. The Seventh Judicial Circuit would hear civil cases in Davidson County and both civil and criminal cases in Williamson and Cheatham Counties. There were special Criminal Courts in Davidson and Rutherford Counties. Civil cases would be heard in Davidson County during the terms to begin on the second Monday in January, the first Monday in May, and the third Monday in September.
  34. Public Acts of 1889, Chapter 14, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, so that the terms of the Circuit Court of Davidson County would start on the second Monday in October and February, and the first Monday in May.
  35. Public Acts of 1891, Chapter 140, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the date of the terms of the Circuit Courts in Cheatham, Williamson, and Davidson Counties. The first Monday in March, the fourth Monday in May, and the second Monday in October were the dates set for Davidson County.
  36. Public Acts of 1895, Chapter 26, established the Second Circuit Court of Davidson County. The Court would be held in Nashville on the same day as the then existing Circuit Court and would have concurrent jurisdiction with that Court. The operation, procedure, process, and pleadings of the newly created Court would be identical to those of the then existing Court. The Governor was required to appoint a judge for the Court to serve until the election of August 1896. Terms of office would be eight years.
  37. Public Acts of 1899, Chapter 427, revised the entire lower court system of Tennessee and created fourteen Judicial Circuits in the State. Davidson County alone would constitute the Tenth Judicial Circuit. The Circuit Courts of Davidson County would begin court terms on the first Monday in January, May, and September.
  38. Acts of 1903, Chapter 184, amended Public Acts of 1899, Chapter 427, above, to change the dates of the Circuit Court terms in Davidson County to begin the first Monday in February and May and the second Monday in October.
  39. Acts of 1909, Chapter 115, amended Public Acts of 1895, Chapter 26, above, to remove the requirement that the Judges of the Courts alternate in holding the terms of Court.
  40. Acts of 1909, Chapter 572, detached Williamson County from the Second Judicial Circuit of Davidson County and created the Judicial Circuit of Williamson County, for which the Governor would appoint a Judge until one could be elected at the August general election of 1910.
  41. Private Acts of 1911, Chapter 229, authorized the Judge of the Circuit Court of Davidson County to appoint two suitable persons to attend Court sessions and preserve order. The appointees were to be paid \$3.00 per day of Court attendance.
  42. Public Acts of 1913, Chapter 5, created a new Circuit Court of Davidson County and authorized it to have concurrent jurisdiction with the other two Courts. All process, pleadings, and procedure would be identical to those of the other Circuit Courts. The Sheriff and the Circuit Court Clerk would serve the new Court. The caseload would be rearranged to equalize the burden among the Circuit Courts.
  43. Private Acts of 1917, Chapter 91, set the opening dates of the Circuit Courts of Davidson County as the first Monday in January and May, and the third Monday in September.
  44. Private Acts of 1919, Chapter 17, provided that the Circuit Courts in the Tenth Judicial Circuit, that is Davidson County, would begin terms of Court on the first Monday in February, May, and October of each year.
  45. Private Acts of 1919, Chapter 763, provided that all persons, serving as Court Officers in the Circuit Courts of Davidson County, would be compensated at the rate of \$4.00 per day on warrants drawn upon the County Trustee. The Circuit Court Clerk would certify the names and the days they worked to the County Judge, who would issue warrants accordingly but only for days worked when the Circuit Courts were in session.
  46. Private Acts of 1921, Chapter 919, excluded Davidson County from the operation and terms of Public Acts of 1915, Chapter 121, which established the office of Divorce Proctor in counties

- having a population of 100,000 or more, so that any Divorce Proctor or Deputy Divorce Proctor then holding office in Davidson County would continue to hold office until the expiration of the term for which he was appointed. No additional Divorce Proctor or Deputy would be appointed or elected in the County.
47. Private Acts of 1925, Chapter 234, fixed the salary of Court Officers in the Circuit Court at \$1,200 per year, payable monthly. The Clerk of the Circuit Court would issue the certificates to the County Judge who would thereupon draw the warrants on the Trustee. The act repealed Private Acts of 1919, Chapter 763, above.
  48. Private Acts of 1927, Chapter 419, duplicated Private Acts of 1925, Chapter 234, above, by setting the salary of the Court Officers of the Circuit Court at \$1,200 per year.
  49. Private Acts of 1927, Chapter 574, set forth procedural rules for the Circuit Court of Davidson County concerning the establishment of Rule Day. Times were set for the filing of pleadings and for the setting of trial dates.
  50. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last major revision of the court system for several decades. The Circuit Courts of the State were divided into twenty Judicial Circuits. The Tenth Circuit contained the First, Second, and Third Circuit Courts of Davidson County, the terms for which would begin on the first Monday in February, May, and October.
  51. Private Acts of 1935, Chapter 126, amended the Nashville City Charter with respect to appeals from City Court. The appeals would be made to the Circuit Courts of Davidson County, if prayed for and granted within two days from the rendition of judgment. The trial of all such cases or those before the Court on writ of certiorari, would be heard by the Circuit Judge without a jury.
  52. Private Acts of 1937, Chapter 410, required the Sheriff of Davidson County to appoint three officers to wait upon and serve process for the Circuit Courts of the County. Each officer would be a deputy.
  53. Private Acts of 1941, Chapter 453, amended Private Acts of 1927, Chapter 419, above, by setting the salary of the Court Officers of the Circuit Courts at \$1,500 a year, instead of \$1,200.
  54. Private Acts of 1945, Chapter 227, amended Private Acts of 1927, Chapter 419, above, by declaring that all persons serving as Court Officers in the Circuit Courts of Davidson County were entitled to compensation of \$1,680 each, payable at the rate of \$70 on the first and fifteenth of each month on warrants drawn on the County Trustee by the County Judge.
  55. Private Acts of 1945, Chapter 317, provided that the compensation of each of the officers who served process issued by the Circuit Courts of Davidson County would be paid \$200 on the first day of each month by a warrant on the Trustee of the County. In addition, they would be entitled to the regular fees for serving process, but combined, the compensation was not to exceed \$225 per month. Any amount above \$225 would be turned over to the Sheriff of Davidson County.
  56. Private Acts of 1947, Chapter 307, amended Private Acts of 1945, Chapter 317, above, by increasing the monthly salary of the officers serving process issued by the Davidson County Circuit Courts from \$200 to \$225 and by setting the limit on the fees and salary at \$250 a month instead of \$225.
  57. Private Acts of 1947, Chapter 698, enabled the Quarterly Court of Davidson County to appropriate and pay from the County funds to the Chancellors, the Judges of the Circuit Courts, and the Judges of the Criminal Court, such sums of money as the Quarterly Court deemed reasonable to compensate the Judges and the Chancellors for the performance of their duties with reference to fixing and regulating the number of deputies and employees, and with reference to fixing their salaries and duties, and for the discharge of any other County purposes required by the said Judges and Chancellors.
  58. Private Acts of 1947, Chapter 715, amended Private Acts of 1945, Chapter 227, above, by increasing the annual salary of the Court Officers of the Circuit Courts from \$1,680 to \$2,100, payable at the rate of \$87.50 on the first and fifteenth of each month.
  59. Private Acts of 1949, Chapter 241, amended Private Acts of 1945, Chapter 317, above, by changing the monthly salary of the Process Officers of the Circuit Court from \$250 to \$275, payable on the first day of each month, and by raising the monthly limitation on the combined compensation from \$275 to \$300.
  60. Private Acts of 1949, Chapter 248, amended Private Acts of 1947, Chapter 715, above, by raising the annual salary of the Court Officers of the Circuit Court that were appointed by the Judges from \$2,100 to \$2,400, payable at the rate of \$100 on the first and fifteenth of each month.
  61. Private Acts of 1951, Chapter 342, amended Private Acts of 1945, Chapter 317, above, by raising



- the monthly salary of the Process Officers of the Circuit Court from \$275 to \$300 and by increasing the maximum amount which they could earn from \$300 to \$325.
62. Private Acts of 1951, Chapter 712, increased the Court Officers annual salary from \$2,400 to \$3,000, payable at the rate of \$125 on the first and fifteenth of each month.
  63. Public Acts of 1957, Chapter 44, created the Fourth Circuit Court of Davidson County and vested it with jurisdiction concurrent with the other Circuit Courts relating to family and domestic matters. The Judge of the new Court was authorized to appoint special masters to take proof and investigate issues of fact concerning child custody, support, and other matters. The process, pleadings, and procedure of the then existing Circuit Court were to be applicable in the Fourth Circuit Court. The Clerk of the Circuit Court would act as Clerk for the newly created Court and the business of the Court would be kept in separate books and apart from the other Circuit Courts.
  64. Private Acts of 1957, Chapter 83, amended Private Acts of 1927, Chapter 419, above, by rewriting the act to provide an increase in the annual salary of the Court Officers of the Circuit Court that were appointed by the Judges from \$3,000 to \$3,600, payable semi-monthly on the first and fifteenth of each month.
  65. Private Acts of 1957, Chapter 180, amended Private Acts of 1945, Chapter 317, above, by increasing the salary of the Process Servers from \$325 to \$350 a month.
  66. Private Acts of 1959, Chapter 158, amended Private Acts of 1911, Chapter 229, above, by inserting a new Section One which allowed each Circuit Judge to appoint two persons to attend the Court. Compensation for the officers was set at \$300 per month.
  67. Private Acts of 1959, Chapter 331, amended Private Acts of 1945, Chapter 317, above, by increasing the monthly salary of the Process Officers from \$350 to \$400.
  68. Private Acts of 1961, Chapter 344, amended Private Acts of 1927, Chapter 419, above, by raising the annual salary of the Court Officers of the Circuit Court to \$4,200 a year, payable at the rate of \$175 on the first and fifteenth of each month.
  69. Public Acts of 1963, Chapter 187, created the Fifth Circuit Court of Davidson County. Its jurisdiction would be concurrent with the Circuit Court, the Second Circuit Court, and the Third Circuit Court and its process, pleadings, and procedure would be identical to those of the other Circuit Courts. The business of the Court was to be equalized with that of the other Courts, but the records would be kept separately.
  70. Public Acts of 1965, Chapter 17, changed the times of the Circuit Court terms in the Tenth Judicial Circuit from the first Monday in February, May, and October to the second Monday in January, May, and September.
  71. Public Acts of 1965, Chapter 264, established a new Circuit Court for Davidson County to be equal to and hold concurrent jurisdiction with the Circuit Court, the Second, Third, and the Fifth Circuit Courts. All laws concerning process, pleadings and procedure would be applicable to the new Court.
  72. Private Acts of 1970, Chapter 228, established a procedure for the appointment of civil process servers in Davidson County in view of the refusal of the Constables to serve process. The Chancellors and the Judges having civil jurisdiction were empowered to appoint persons as process servers, who were required to post a bond and be at least twenty-one years of age and of good moral character. The act was not approved locally and did not become effective.
  73. Public Acts of 1975, Chapter 94, declared that the Circuit Courts of Davidson County in the Tenth Judicial Circuit would be held in continuous term or session.
  74. Public Acts of 1977, Chapter 485, set the minimum annual compensation, excluding automobile expenses, for Court Officers at \$7,800 per year, regardless of whether they had the duty of serving process.

### **Circuit Court - Clerk**

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

1. Public Acts of 1883, Chapter 31, declared that the State had recovered a judgment in the Law Court of Nashville for \$357 and a judgment in the Circuit Court for \$5,000 against Albert Akers, then the late Clerk of the Circuit Court, and the securities on his bond. The judgments were issued and execution levied against Akers' real property. The act declared the judgments were erroneous and based on a misapprehension of fact. The act, therefore, released Akers, and his

- sureties, from all liability under the erroneous judgments.
2. Acts of 1903, Chapter 255, was a salary act based on a classification of counties by population which applied to Circuit Court Clerks. Davidson County would pay its Circuit Court Clerk \$5,000 a year under the schedule set forth in the act.
  3. Private Acts of 1937, Chapter 12, made the Circuit Court Clerk of Davidson County the Clerk of the General Sessions Court of Davidson County. No additional compensation was to be paid the Clerk but additional deputies and assistants were authorized.
  4. Private Acts of 1947, Chapter 859, provided an annual, additional compensation of \$900 for the Circuit Court Clerk for his services as the Clerk of the General Sessions Court. The act made it clear that the Circuit Court Clerk was to be the Clerk of the General Sessions Court, whereas, previously the Clerk of the Criminal Court had shared clerking duties for General Sessions Court.

### **Criminal Court**

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

1. Acts of 1784, Chapter 36, Laws of North Carolina, authorized the Governor of North Carolina to issue a commission to such person as would be appointed by the joint ballot of both legislative Houses to authorize and empower the person to hold a court in Davidson County. The court would be called the Court of Oyer and Terminer and General Gaol Delivery. Its terms would be held twice each year for a period of two years, on the third Monday in April and October, to receive indictments of all treasons, misprisions of treason, felonies, and other high crimes and misdemeanors, alleged to have been committed in the County, and to try and determine the same according to the laws of the sovereign State of North Carolina. The jurisdiction of the Court was extended to try cases arising in the area outside Davidson County and to the north and west of the settlement on the Cumberland River. The Court could appoint an Attorney General to act for the State, who would attend every session of the Court.
2. Acts of 1839-40, Chapter 136, established special terms for the Circuit Court of Davidson County to be held by the judges of the Sixth and Seventh Judicial Circuits for the trial of criminal cases. The transaction of other criminal business, or even civil business if deemed necessary, was authorized during the special terms.
3. Acts of 1841-42, Chapter 52, created the Criminal Court of Davidson County for the trial of all crimes and offenses. The Judge of the new Court was to be elected by the Legislature for terms of eight years and would receive \$1,000 per year in compensation. Terms of Court would begin on the first Monday in March, June, September, and December and continue until business was completed or until holding the Court interfered with Circuit Court terms. The Clerk of the Circuit Court and the Sheriff were required to attend the new Court as they did Circuit Court. In regard to criminal cases, the new Court would have all the jurisdiction and power then held by the Circuit Court. The Judge of the Criminal Court was prohibited from practicing law.
4. Acts of 1843-44, Chapter 35, Section 11, allowed the Judge of the Criminal Court of Davidson County to practice law in the courts of law and equity in the State in civil cases which did not arise out of any criminal case. He was prohibited from practicing in any criminal case in any court.
5. Acts of 1843-44, Chapter 161, Section 4, stated that the first term for the Criminal Court for Davidson County in 1844 would be held as usual but the second term would begin on the first Monday in July. The court terms were then set to begin on the first Monday in January, April, July, and the fourth Monday of October.
6. Acts of 1845-46, Chapter 145, Section 10, granted to the Judge of the Criminal Court of Davidson County the privilege of practicing law in all Criminal cases in all courts of the State located outside Davidson County.
7. Acts of 1847-48, Chapter 21, provided that the Criminal Court of Davidson County would be held three times a year instead of four, its term to begin on the first Monday in January, May, and September. The terms would continue until the docket was completed. The Judge was authorized to call a special term whenever necessary. The Judge of the Criminal Court could hold the Circuit Court when the Judge of that Court was unable to do so. The Criminal Court Judge was allowed the same salary as the Circuit Judges of the State. However, the Judge was prohibited from practicing law in the State courts.
8. Acts of 1847-48, Chapter 171, permitted the Judge of the Criminal Court of Davidson County to grant writs of certiorari and supersedeas, and attachments at law in all cases in which the Judges of the Circuit Courts could grant such writs. The act also established the Criminal Court for Montgomery, Wilson, and Rutherford Counties to be held at three terms of Court per year and

presided over by the Judge of the Davidson County Criminal Court.

9. Acts of 1853-54, Chapter 52, directed that the Counties of Sumner, Davidson, Rutherford, and Montgomery elect a Judge to hold the Circuit Court for Sumner County and the Criminal Court for the other three counties. Davidson, Sumner, and Williamson Counties were to elect an attorney general to attend the Circuit Court of Sumner County and the Criminal Court of Davidson. The act was repealed less than two weeks after its passage.
10. Acts of 1853-54, Chapter 59, repealed Acts of 1853-54, Chapter 52, above, as it related to Davidson, Sumner, and Williamson Counties and to the election of a judge and an attorney general in those counties.
11. Public Acts of 1857-58, Chapter 98, established sixteen judicial circuits in the State and specified that the Judge of the Criminal Court at Nashville would hold the Circuit Court of Sumner County.
12. Private Acts of 1859-60, Chapter 14, Section 6, provided that the Judge of the Criminal Court at Nashville, Davidson County, would continue to open and hold the Circuit Courts of Sumner County.
13. Public Acts of 1867-68, Chapter 88, Section 6, empowered the Judge of the Criminal Court of Davidson County to appoint the Coroner, or one or more Constables, to wait upon the Criminal Court and to perform its orders and execute and return and its process.
14. Public Acts of 1869-70 (2nd Sess.), Chapter 31, was a complete revision of the Circuit Court system of the State. The Special Criminal Courts in Davidson and Rutherford Counties were to remain as they were then constituted.
15. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the time for holding Criminal Court in Davidson County as the first Monday in January, May, and September.
16. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower judicial system of the State and established a Special Criminal Circuit composed of Davidson and Rutherford Counties. The act set the terms of the Criminal Court of Davidson County to begin on the first Monday in January, May, and September.
17. Public Acts of 1891, Chapter 155, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by removing Rutherford County from the Special Criminal Court Circuit with Davidson County.
18. Public Acts of 1899, Chapter 427, set the dates for the terms of the Special Criminal Court of Davidson County to begin on the first Monday in January, June, and November.
19. Acts of 1903, Chapter 505, amended Acts of 1899, Chapter 427, above, by changing the terms of the Davidson County Criminal Court from the first Monday in January, June, and November to the first Monday in January, May and September.
20. Private Acts of 1913, Chapter 293, fixed the compensation of the court officers authorized and appointed to attend upon and keep order in the Criminal Court of Davidson County at \$3.00 per day for each day actually spent in attending the Court.
21. Private Acts of 1919, Chapter 172, set the terms of the Criminal Court of Davidson County to start on the first Monday in January and May, and the third Monday in September.
22. Private Acts of 1920 (Ex. Sess.), Chapter 73, amended Acts of 1841-42, Chapter 52, above, by dividing the Criminal Court of Davidson County into Division I and Division II. The terms of Court were to be held at the times authorized upon passage of the amendatory act and all procedures and rules of practice then in effect in the Criminal Court were to be adopted by the two Divisions. Minutes of the Divisions were to be kept separate but the Clerk of the Criminal Court would attend to both Divisions. The act set forth procedures for the Judges to act in conjunction with one another to facilitate cases, for appointment of court officers, and for handling the grand juries.
23. Private Acts of 1920, Chapter 109, amended Private Acts of 1913, Chapter 293, above, to increase the pay of the Criminal Court Officers from \$3.00 to \$4.00 per day for each day's actual attendance while Court was in session. The number of court officers was limited to ten. The Sheriff would appoint the officers from among his deputies.
24. Private Acts of 1921, Chapter 547, amended Private Acts of 1920 (Ex. Sess.), Chapter 73, above, by providing that the Attorney General for the district would appoint the officer of the grand jury rather than the Judges.
25. Private Acts of 1923, Chapter 518, set forth the procedure for the appointment of officers for the Criminal Court. Each Judge would select three officers from a list of deputies and constables provided by the Sheriff. In addition, the Sheriff would appoint six deputies as court officers. Each officer would receive \$4.00 per day plus regular fees for service of process, except that monthly

- compensation would not exceed \$200.
26. Private Acts of 1927, Chapter 424, amended Private Acts of 1923, Chapter 518, above, by raising the per diem payments for the officers of the Criminal Courts of Davidson County from \$4.00 to \$5.00 for each day worked while court was in session.
  27. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower court system of the State. The act provided that the Criminal Court terms in Davidson County, Divisions I and II, would begin on the first Monday in January and May and the third Monday in September.
  28. Private Acts of 1935, Chapter 547, changed the appointment procedure for Court Officers so that the Judges were no longer restricted to appointing only those persons on a list prepared by the Sheriff, but could appoint any citizen of Davidson County.
  29. Private Acts of 1937, Chapter 744, provided that all persons serving as Court Officers for the Criminal Courts of Davidson County would be paid \$6.00 per day for each day actually worked as Court Officers while the Courts were in session. The Clerk was required to certify to the Trustee the names of the Court Officers and the days worked and the Trustee would issue the warrant for payment. A \$200 per month limit on the compensation of the officers remained.
  30. Private Acts of 1945, Chapter 230, stated that the bailiffs and court officers serving the Criminal Courts of Davidson County, who also served process and performed other duties of a deputy sheriff, would each receive \$8.00 per day on the first day of each month on warrants drawn on the County Trustee. They would also be entitled to the regular fees for serving process. The combined amount of compensation could not exceed \$225 a month. All excess fees earned over that amount would be paid to the Sheriff. Bailiffs who waited on the Court but did not serve process were to be paid \$5.00 for each day worked.
  31. Private Acts of 1947, Chapter 296, amended Private Acts of 1945, Chapter 230, above, by increasing the per diem rate for officers of the Criminal Courts from \$8.00 to \$9.00 and by increasing the maximum monthly compensation from \$225 to \$250, including fees for serving process. The act increased the per diem pay of officers who did not serve process from \$5.00 to \$6.00.
  32. Private Acts of 1947, Chapter 490, made it the duty of the Judge of the Criminal Court of Davidson County to appoint a parole officer. The officer would investigate, supervise, and oversee the control of persons placed on parole or given suspended sentences. General procedural requirements were set forth to be followed by the officer who was required to keep records. In addition to \$200 per month as salary, the officer would receive up to \$50 per month for itemized expenses.
  33. Private Acts of 1949, Chapter 242, amended Private Acts of 1947, Chapter 296, above, by changing the per diem allowed Court Officers from \$9.00 to \$11.00 and from \$6.00 to \$7.00. The lower amount was for officers who did not serve process.
  34. Private Acts of 1949, Chapter 281, amended Private Acts of 1947, Chapter 490, Section 6, above, by increasing the monthly salary of the Parole Officer from \$200 to \$250 and the maximum amount allowed for the expenses of the office from \$50 to \$100 per month.
  35. Private Acts of 1951, Chapter 45, amended Private Acts of 1947, Chapter 490, Section 6, above, by adding a paragraph which authorized a secretary for the Parole Officer to be paid a salary of \$185 per month. The Criminal Court Judges would make the appointment.
  36. Private Acts of 1951, Chapter 175, amended Private Acts of 1920 (Ex. Sess.), Chapter 73, above, by changing the dates of two of the terms of the Davidson County Criminal Court from the first Monday in January and the third Monday in September each year, to the second Monday in January and September of each year.
  37. Private Acts of 1951, Chapter 341, amended Private Acts of 1949, Chapter 242, above, by allowing \$12 per day to Court Officers who served process and \$10 per day to the other officers.
  38. Private Acts of 1953, Chapter 335, amended Private Acts of 1947, Chapter 490, above, by authorizing the Attorney General of Davidson County, along with the Judges, to appoint the Parole Officer and also by raising the monthly salary of the Parole Officer from \$250 a month to \$450 a month.
  39. Private Acts of 1957, Chapter 190, amended Private Acts of 1945, Chapter 230, above, by changing the \$12 per diem to \$13 and changing the maximum amount the Court Officers could earn to \$350.
  40. Private Acts of 1959, Chapter 157, amended Private Acts of 1945, Chapter 230, above, by changing the per diem of Court Officers from \$13 to \$15 and the maximum compensation from

\$350 to \$400.

41. Private Acts of 1961, Chapter 174, amended Private Acts of 1947, Chapter 490, above, by raising the monthly salary of the Parole Officer from \$450 to \$550.
42. Private Acts of 1961, Chapter 175, amended Private Acts of 1947, Chapter 490, above, by increasing the monthly salary of the secretary to the Parole Officer from \$185 to \$200 a month.
43. Public Acts of 1967, Chapter 169, created the Third Criminal Court of Davidson County to have concurrent jurisdiction with the Criminal Court and the Second Criminal Court. The Judge would be elected for eight-year terms. All procedures, process, and pleadings would be the same as in the other Criminal Courts.
44. Private Acts of 1967-68, Chapter 331, amended Private Acts of 1923, Chapter 518, above, by altering the method of appointing court officers. The Judges of the Criminal Court were authorized to appoint six persons for each division to serve under the supervision of the Judges. The Sheriff was required to deputize the officers so that they could serve process for the Court.
45. Public Acts of 1976, Chapter 478, changed the dates for holding the terms of each Division of the Criminal Court to the second Monday in January, May, and September.

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

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

1. Acts of 1784, Chapter 36, Laws of North Carolina, provided that the Court of Pleas and Quarter Sessions for Davidson County could appoint an Attorney General to act for the State who was required to attend every session of the Court and prosecute in the name of the State every lawsuit to which the State was a party. Compensation would be twenty pounds a year.
2. Acts of 1796 (Mar. Sess.), Chapter 8, provided for the appointment of three Attorneys Generals in the newly created State of Tennessee, one each for the Districts of Washington, Hamilton, and Mero. The duty of the Attorney General was to prosecute on behalf of the State all matters cognizable in the Superior Courts of law. Each Attorneys General was to attend all sessions of the Court within his district and was to receive a fee of \$40 per session.
3. Acts of 1799, Chapter 58, appropriated the sum of \$200 to be paid by the State to Archibald Roane for his services as the Attorney General of the Hamilton District and the sum of \$400 to be paid to Andrew Jackson for his services as the Attorney General of the Mero District. The Treasurer was to pay these sums out of the State Treasury.
4. Acts of 1817, Chapter 65, divided Tennessee into ten Solicitorial Districts. The Seventh District contained the Counties of Davidson, Williamson and Sumner. The General Assembly would appoint an Attorney General for each district who would prosecute all suits to which the State was a party. The Attorney General would be paid a salary of \$125 per year plus an allowance up to \$50 for expenses, to be paid by the county or counties served by his office.
5. Public Acts of 1865-66, Chapter 6, directed the Attorney General of the Judicial Circuit containing Davidson County and Nashville to enter a nolle prosequi in all cases in which a true bill or indictment had been returned by the Grand Jury of Davidson County against each and every free person of color for violations of Section 2728 and 2729 of the Code of Tennessee, provided the defendant paid the costs and had a license from the Military Governor, a military commander, or the County Clerk.
6. Public Acts of 1897, Chapter 24, provided that the District Attorney in any district or circuit in the State which had a county with 50,000 or more population would appoint an assistant whose compensation would be \$1,200 a year, payable quarterly out of the State Treasury. The Act was repealed in 1945.
7. Public Acts of 1897, Chapter 58, allowed the County Courts of counties having a population of 80,000 or more to appropriate to the District Attorney of such counties so much additional compensation as they considered just and equitable. In no event could the additional compensation exceed \$1,000 per year. See Davidson County v. Kirkpatrick, 150 Tenn. 546, 266 SW 107 (1924), in which the constitutionality of the act was upheld by the Supreme Court.
8. Public Acts of 1899, Chapter 384, provided that in Davidson County an Assistant Attorney General would be paid \$1,800 per year, \$1,200 to come from the State and \$600 from the County.
9. Private Acts of 1920 (Ex. Sess.), Chapter 88, allowed the Attorney General in Davidson County to appoint an additional assistant to be paid \$3,000 per year, \$1,800 from the State, and \$1,200

from the County.

10. Private Acts of 1923, Chapter 517, allowed the Quarterly County Court of Davidson County to appropriate and pay the sum of \$1,200 a year as supplemental compensation to the District Attorney and \$900 a year to each Assistant District Attorney.
11. Private Acts of 1925, Chapter 191, directed the Quarterly County Court of Davidson County to appropriate and pay to the District Attorney the sum of \$1,500 a year as additional compensation and the sum of \$1,200 per year to each of the two Assistant District Attorneys, the payments to begin on April 1, 1925.
12. Private Acts of 1927, Chapter 28, created an additional position of Assistant Attorney General in Davidson County, at a salary of \$2,400, of which \$600 would be paid by the County. The Assistant would perform stenographic, clerical, or other such duties as would be assigned to him by the District Attorney General.
13. Private Acts of 1927, Chapter 578, amended Private Acts of 1925, Chapter 191, above, to fix the compensation of the two Assistant District Attorneys paid by Davidson County as additions to their state salaries at \$1,500 a year, instead of \$1,200. The new rate would be effective beginning on May 1, 1927.
14. Private Acts of 1927, Chapter 817, allowed the Attorney General for Davidson County to appoint one additional officer or deputy to investigate and take the statements of witnesses in felony and in other cases, and to perform whatever duties may be assigned to him by the Attorney General to assist in the enforcement of the law. The office was required to file a bond in the amount of \$5,000 and would be paid a yearly salary of \$2,100. The act granted the officer the authority and powers of a deputy sheriff.
15. Private Acts of 1929, Chapter 134, enabled the Attorney General for Davidson County to appoint two officers or deputies, whose duties would be to investigate and take statements of witnesses and perform assignments made by the Attorney General of the District. Annual compensation would be \$2,700 for each appointee.
16. Private Acts of 1929, Chapter 210, amended Private Acts of 1927, Chapter 28, above, by raising the added compensation of the Assistant District Attorney paid by Davidson County from \$600 to \$900 annually.
17. Private Acts of 1929, Chapter 750, stated that the Attorney General in Davidson County would receive, in addition to all other compensation authorized by law, the sum of \$1,800 a year to be used by the Attorney General for all necessary expenses incurred in the discharge of his official duties, including the purchase of mechanical equipment for crime detection. The money would be paid out of the State Treasury on requisition from the Attorney General.
18. Private Acts of 1931, Chapter 80, amended Private Acts of 1927, Chapter 28, above, by increasing the salary of the first Assistant District Attorney from \$2,400 to \$3,300 a year. \$1,800 would be paid by the State and \$1,500 of the salary would be paid by the County.
19. Private Acts of 1931, Chapter 286, repealed Private Acts of 1927, Chapter 817, above.
20. Private Acts of 1931, Chapter 293, repealed Private Acts of 1929, Chapter 134, above.
21. Private Acts of 1931, Chapter 294, permitted the District Attorney General of Davidson County to appoint a Special Assistant Attorney General to investigate cases and to take statements from witnesses. The Assistant was required to be a licensed attorney and was empowered to administer oaths and call upon the sheriff for the assistance of deputies.
22. Private Acts of 1931, Chapter 366, amended Acts of 1909, Chapter 355, by making it inapplicable to Davidson County. The act had allowed the District Attorney General in Shelby County to appoint assistants. It had used population figures to describe the counties to which it applied and because of population growth, Davidson County had come within the stated population range.
23. Private Acts of 1931, Chapter 368, made the provisions of Private Acts of 1929, Chapter 531, inapplicable to Davidson County. That act had concerned assistants to the District Attorney and had applied to Shelby County. When Davidson County grew in population, it had come within the act's provisions.
24. Private Acts of 1935, Chapter 151, allowed the Quarterly County Court of Davidson County to appropriate from general funds, or from other available funds, the sum of \$3,000 a year to pay to the Attorney General and the sum of \$1,500 a year to pay each of his three assistants. The additional amounts were intended to be in addition to any other salaries paid the officials.
25. Private Acts of 1935, Chapter 561, empowered the District Attorney to appoint two officers or deputies to investigate and take statements of witnesses, to perform investigatory duties, to

- assist law enforcement agencies, and to perform other duties as assigned by the Attorney General. Compensation for the officers was set at \$2,700 each.
26. Private Acts of 1943, Chapter 103, amended Private Acts of 1931, Chapter 294, above, by increasing the salary of the Assistant Attorney General appointed pursuant to the act from \$3,000 to \$3,300 annually.
  27. Private Acts of 1945, Chapter 542, repealed three acts that allowed the appointment of assistants to the District Attorney General in Davidson County. It authorized three assistants to be appointed by the Attorney General and to perform the duties assigned by the Attorney General. Their compensation would be \$2,400 annually payable from the State. The Quarterly County Court could authorize up to \$1,500 annually in additional compensation from the County. The acts repealed were as follows: Acts of 1897, Chapter 24; Private Acts of 1920 (Ex. Sess.), Chapter 88; Private Acts of 1927, Chapter 28.
  28. Private Acts of 1947, Chapter 231, amended Private Acts of 1935, Chapter 561, above, in Section 4 by increasing the annual salary of the investigators appointed pursuant to the act from \$2,700 to \$3,600.
  29. Private Acts of 1947, Chapter 482, amended Private Acts of 1945, Chapter 542, above, by increasing the authorized supplemental compensation payable by Davidson County for one of the three Assistant District Attorneys General appointed under the act from \$1,500 to \$2,400.
  30. Private Acts of 1947, Chapter 730, amended Private Acts of 1945, Chapter 542, above, by increasing the limit for supplemental compensation payable by Davidson County for two of the three Assistant District Attorneys General appointed under the act from \$1,500 to \$1,750. The third investigator's allowed additional compensation remained at \$2,400.
  31. Private Acts of 1949, Chapter 751, amended Private Acts of 1935, Chapter 561, above, by raising the annual compensation of the investigators appointed pursuant to the act from \$3,600 to \$4,200.
  32. Private Acts of 1951, Chapter 182, directed the Quarterly County Court of Davidson County to supplement the compensation of the District Attorney General by the annual amount of \$5,500 if he did not engage in private practice and \$3,500 if he did. One Assistant would be compensable by the County in the amount of \$3,600 and two Assistants in the amount of \$2,600. The act set the additional compensation of one Assistant District Attorney General and Investigator at \$600 and provided for automobile expenses for the investigator.
  33. Private Acts of 1953, Chapter 440, amended Private Acts of 1945, Chapter 542, above, by increasing the salary payable by the State of one Assistant Attorney General from \$2,400 to \$3,600. The salaries of the other two Assistants remained at \$2,400.
  34. Private Acts of 1955, Chapter 375, amended Private Acts of 1951, Chapter 182, above, by increasing the amount of the expense allowance for the two special investigators in the Attorney General's office from \$800 to \$120. The act was rejected or disapproved by the Quarterly County Court and did not become effective.
  35. Private Acts of 1961, Chapter 206, amended Private Acts of 1951, Chapter 182, above, by clarifying a confusing section on supplemental compensation for the District Attorney General's assistants and investigators. Two Assistants would be paid \$1,200 each. One Assistant and Investigator would be paid \$2,400 and two Special Investigators would be paid \$1,200 each.
  36. Public Acts of 1961, Chapter 271, provided for a fourth Assistant Attorney General for Davidson County at an annual salary of \$4,800 to be paid by the State of Tennessee in monthly installments.
  37. Private Acts of 1963, Chapter 132, amended Private Acts of 1951, Chapter 182, above, by increasing the automobile expense allowance for the two special investigators in the District Attorney General's office from \$800 to \$1,500 a year.
  38. Private Acts of 1965, Chapter 258, amended Private Acts of 1963, Chapter 132, above, by deleting the \$1,500 maximum for automobile expenses allowed investigators in the Attorney General's office. The County either could pay monthly, itemized expenses or could furnish automobiles for the investigators.
  39. Public Acts of 1967, Chapter 287, provided for two additional full time Assistants to the District Attorney General to be paid according to the general law, and two additional Special Investigators to be compensated at \$6,500 annually by the State.
  40. Public Acts of 1970, Chapter 561, created an additional position of Assistant District Attorney General for the Tenth Judicial Circuit. The Assistant would be appointed by and serve at the

pleasure of the District Attorney General.

41. Public Acts of 1971, Chapter 193, allowed the District Attorney General in Davidson County an additional Assistant, to be compensated under the general law. Section two of the act created the position of Non-Support Section Supervisor, the person to be compensated at \$6,600 per year.
42. Public Acts of 1973, Chapter 136, created two additional positions of Assistant Attorney General of the Tenth Judicial Circuit to be paid as other assistants under general law. The act repealed the section of Public Acts of 1971, Chapter 193, above, which provided for the position of Non-Support Section Supervisor.
43. Public Acts of 1976, Chapter 562, created an additional position of Assistant District Attorney General for the Tenth Judicial Circuit.
44. Public Acts of 1978, Chapter 845, created three additional positions of Assistant District Attorney General for the Tenth Judicial Circuit.

#### **District Attorney General - Secretarial Assistance**

The following acts once affecting Davidson County are no longer in effect but are listed here for historical purposes.

1. Private Acts of 1920, Chapter 16, allowed the District Attorney General of Davidson County to appoint a stenographer to render stenographic and clerical services in connection with the business of that office who would work at the will and direction of the District Attorney General. The annual salary was set at \$1,500 to be paid monthly out of county funds on the warrant of the County Judge or Chairman.
2. Private Acts of 1937, Chapter 745, authorized the District Attorney to appoint a stenographer at an annual salary of \$1,200 payable monthly by the County.
3. Private Acts of 1943, Chapter 22, amended Private Acts of 1937, Chapter 745, above, by increasing the annual salary of the stenographer in the District Attorney's Office from \$1,200 to \$1,800.
4. Private Acts of 1949, Chapter 210, amended Private Acts of 1937, Chapter 745, above, by fixing the salary range of the stenographer in the District Attorney's office at not less than \$2,400 and not more than \$3,000 a year to be payable on the first day of each month on the warrants of the County Judge.
5. Private Acts of 1951, Chapter 344, amended Private Acts of 1937, Chapter 745, above, by fixing the range of the annual salary of the District Attorney's stenographer at not less than \$3,000 and not more than \$3,600.
6. Private Acts of 1955, Chapter 340, was another amendment to Private Acts of 1937, Chapter 745, above, which fixed the annual salary of the stenographer at \$3,900. The act was not approved by the Quarterly County Court of Davidson County and did not become effective.
7. Private Acts of 1957, Chapter 11, amended Private Acts of 1937, Chapter 745, above, to fix the annual salary of the stenographer at \$4,020.
8. Public Acts of 1959, Chapter 135, established the position of Legal Secretary-Record Clerk to the Attorney General of the Tenth Judicial Circuit. The District Attorney would approve a suitable person who would perform the duties assigned and assist in the enforcement of the Reciprocal Support Act. The annual salary for the position would be \$3,900.
9. Private Acts of 1959, Chapter 161, amended Private Acts of 1937, Chapter 745, above, by raising the annual salary of the stenographer from \$4,020 to \$4,500, payable from county funds.
10. Public Acts of 1963, Chapter 314, amended Public Acts of 1961, Chapter 271, which created an assistant District Attorney's position, by adding a second section to the act that created the position of Secretary-File Clerk. Compensation for the position would be \$3,600.
11. Private Acts of 1963, Chapter 54, amended Private Acts of 1937, Chapter 745, above, by changing the title of the position created in the act from "stenographer" to "administrative assistant", and by increasing the annual salary from \$4,500 to \$6,000.
12. Public Acts of 1967, Chapter 287, created the positions of Secretary and Secretary-File Clerk for the District Attorney General in the Tenth Judicial Circuit. The Secretary's compensation was fixed at \$4,800 and the File Clerk's at \$3,600.
13. Public Acts of 1967, Chapter 317, amended Public Acts of 1963, Chapter 314, above, by raising the annual salary of the Secretary-File Clerk from \$3,600 and \$4,200.
14. Public Acts of 1967, Chapter 327, amended Public Acts of 1959, Chapter 135, above, by



- increasing the annual salary of the Legal Secretary-Record Clerk from \$3,900 to \$4,500.
15. Public Acts of 1970, Chapter 505, amended Public Acts of 1967, Chapter 287, above by fixing the annual salary of the secretary for the District Attorney General at \$5,400.
  16. Public Acts of 1970, Chapter 506, amended Public Acts of 1963, Chapter 314, above, by raising the salary of the Secretary-File clerk from \$4,200 to \$4,800 a year.
  17. Public Acts of 1970, Chapter 562, amended Public Acts of 1959, Chapter 135, above, by increasing the annual salary of the Legal Secretary- Record Clerk from \$4,500 to \$5,100.
  18. Public Acts of 1970, Chapter 563, amended Public Acts of 1967, Chapter 287, above, by increasing the annual salary of the Secretary-File Clerk from \$3,600 to \$4,200.
  19. Public Acts of 1971, Chapter 393, amended Public Acts of 1959, Chapter 135, above, by increasing the annual salary of the Legal Secretary-Record Clerk from \$5,100 to \$6,300.
  20. Public Acts of 1971, Chapter 394, amended Public Acts of 1967, Chapter 287, above, to provide for the office of Secretary-File Clerk in the District Attorney's office at a salary of \$5,400 annually.
  21. Public Acts of 1971, Chapter 395, amended Public Acts of 1963, Chapter 314, above, by increasing the annual salary of the Secretary-File Clerk from \$4,800 to \$6,000.
  22. Public Acts of 1973, Chapter 136, established an additional position of Secretary-File Clerk in the Davidson County District Attorney's office.
  23. Public Acts of 1973, Chapter 143, provided for cost of living salary increases for the Legal Secretary-File Clerk, secretary, and Secretary-Record Clerk positions in the District Attorney's office in Davidson County to take effect on September 1 of each year.

### **General Sessions Court**

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

1. Private Acts of 1937, Chapter 12, established the Court of General Sessions, Parts I, II, and III for Davidson County, and vested in it all the jurisdiction then conferred by law upon the Justices of the Peace in civil and criminal cases. The Court would sit in Nashville, except at least one day per week one Part would sit in Old Hickory. Pleading, practice, and forms would remain unchanged and appeals would lie in the Circuit Court. Following appointment of the initial set of judges by the Governor, the judges for the Court would be elected and beginning in 1942, would be elected for eight year terms. Each judge could appoint one court officer. The judges would be compensated at the rate of \$4,000 per year.
2. Private Acts of 1939, Chapter 219, prescribed the criminal jurisdiction of the General Sessions Court. The Court could hear all cases in which the defendant, after being advised of his rights had either pleaded guilty or had requested a trial, but waived presentment, indictment, and jury trial. The final judgment in such cases could be appealed to the Davidson County Criminal Court to be tried without a jury, indictment or presentment. The Clerk of the Criminal Court would act as Clerk of the Court in criminal cases.
3. Private Acts of 1941, Chapter 187, amended Private Acts of 1937, Chapter 12, above, by establishing a schedule of costs and fees to be charged by the General Sessions Court.
4. Private Acts of 1941, Chapter 335, amended Private Acts of 1937, Chapter 12, by increasing the annual salary of the Court officer appointed pursuant to that act from \$1,200 to \$1,500 per year.
5. Private Acts of 1943, Chapter 90, amended Private Acts of 1937, Chapter 12, by adding a provision that all cases must be set for a definite time. The practice which prevailed in the Justice of the Peace Courts of allowing one hour for the parties to appear would no longer apply.
6. Private Acts of 1945, Chapter 228, amended Private Acts of 1937, Chapter 12, by increasing the annual salary of the General Sessions Court officers from \$1,500 to \$1,680.
7. Private Acts of 1947, Chapter 801, amended Private Acts of 1937, Chapter 12, by increasing the annual salaries of the Judges of the General Sessions Court from \$4,000 to \$5,000.
8. Private Acts of 1947, Chapter 859, amended Private Acts of 1937, Chapter 12, by providing that the Circuit Court Clerk would be paid \$900 a year as additional compensation for acting as the Clerk of the General Sessions Court. All fees and costs collected by the Clerk would be considered as fees, costs, and emoluments of the office of Circuit Court Clerk.
9. Private Acts of 1947, Chapter 861, amended Private Acts of 1939, Chapter 219, above, by compensating the Clerk of the Criminal Court in the amount of \$900 per year in return for acting as the Clerk of the Criminal Division of the General Sessions Court of Davidson County. The fees

and costs collected by the Clerk would be considered as the fees, costs and emoluments of the office of Criminal Court Clerk.

10. Private Acts of 1947, Chapter 862, was an attempt to amend Private Acts of 1945, Chapter 228, above, by raising the annual salaries of the Court officers of the General Sessions Courts from \$1,680 to \$1,980. The act, however, stated it was amending a 1937 act.
11. Private Acts of 1949, Chapter 244, amended Private Acts of 1937, Chapter 12, above, to increase the annual salary of the Judges of the General Sessions Courts from \$5,000 to \$6,000.
12. Private Acts of 1949, Chapter 333, amended Private Acts of 1945, Chapter 228, by raising the annual salary of the Court Officers in the General Sessions Courts to \$2,400.
13. Private Acts of 1949, Chapter 635, amended the Private Acts of 1937, Chapter 12, by striking a portion relative to appeals from the General Sessions Courts and inserting a provision authorizing the Judges of the General Sessions Courts to sign fiats for writs of temporary injunctions and fix the amount of the bonds.
14. Private Acts of 1951, Chapter 461, amended Private Acts of 1937, Chapter 12, by inserting an entirely new Section 16 which allowed the Judges of the Court each to appoint a Court officer to be paid \$3,600 a year and allowed the Judges jointly to appoint a bailiff to attend all sessions of the Courts and be paid \$2,400 a year.
15. Private Acts of 1951, Chapter 462, amended Private Acts of 1937, Chapter 12, by inserting a new Section 4 which required the Judges of Parts I, II, and III, of the General Sessions Court to be available until 5:00 p.m. and by creating Parts IV and V of the General Sessions Court to be open from 5:00 p.m. until midnight and from midnight until 7:00 a.m. seven days per week. The Judges of Parts I, II, and III, would assign a Court officer to attend Parts IV, and V.
16. Private Acts of 1951, Chapter 714, amended the Private Acts of 1947, Chapter 859, above, by declaring the Clerk would have concurrent authority with the Judges to issue warrants and other writs and processes other than those which were required by law to be issued by a judicial officer.
17. Private Acts of 1953, Chapter 431, amended Private Acts of 1937, Chapter 12, by raising the annual salary of the bailiff of the General Sessions Court from \$2,400 to \$3,000.
18. Private Acts of 1955, Chapter 147, amended Private Acts of 1937, Chapter 12, by granting the Judges of the General Sessions Court the same discretionary powers relating to the setting of bail for defendants making bond as were held by judges of courts of record.
19. Private Acts of 1957, Chapter 96, amended the Private Acts of 1937, Chapter 12, Section 11, by increasing the salary of the Judges of General Sessions Court from \$6,000 to \$7,500 per year, effective September 1, 1958.
20. Private Acts of 1957, Chapter 141, amended Private Acts of 1937, Chapter 12, by increasing the annual salary of the Court officers of the General Sessions Court from \$3,600 to \$4,200. The act was rejected or disapproved by the Davidson County Quarterly Court and did not become effective.
21. Private Acts of 1957, Chapter 361, amended Private Acts of 1951, Chapter 462, above, by increasing the salary of the night Judges of the General Sessions Court, Parts IV and V, from \$3,600 to \$4,000.
22. Private Acts of 1959, Chapter 124, amended Private Acts of 1951, Chapter 462, above, by creating Parts IV, V, and VI of the General Sessions Court. The then current Judges of Parts IV and V would remain as such and a new Judge for Part VI would be elected. Parts IV, V, and VI would be known as Night Courts and would be open from 5:00 p.m. to 7:00 p.m.
23. Private Acts of 1961, Chapter 214, increased the annual salary of the bailiff of the General Sessions Court from \$3,600 to \$4,200.
24. Private Acts of 1963, Chapter 245, increased the annual salary of the Judges of Part IV, V, and VI, of the General Sessions Court from \$4,000 to \$6,000 to be effective on September 1, 1966.
25. Private Acts of 1963, Chapter 276, amended the Private Acts of 1937, Chapter 12, by fixing the annual salary of the Judges of Parts I, II, and III of the General Sessions Courts at \$12,000, payable monthly out of the ordinary funds of the Metropolitan Government, and by declaring that the salaries were not to be increased or diminished during the terms of office.
26. Private Acts of 1965, Chapter 236, amended the Private Acts of 1963, Chapter 245, above, by raising the salary of the Night Court Judges of the General Sessions Court from \$6,000 to \$7,000.

27. Private Acts of 1971, Chapter 115, amended the Private Acts of 1937, Chapter 12, by fixing the annual salary of the Judges of Parts I, II, III, of the General Sessions Court at an amount equal to that paid Circuit Court Judges in Davidson County.

### **Probate Court**

The following acts once affecting Davidson County are no longer in effect but are listed here for historical purposes.

1. Private Acts of 1957, Chapter 328, established a Probate Court in Davidson County to be presided over by a Judge who would be elected by the people on the first Thursday in August, 1958, and whose qualifications were to be the same as those of Circuit Judges. This Court would have original jurisdiction in all matters of probate. The County Court Clerk would serve as the Clerk of the Court. The terms of Court would begin on the first Monday of every month. The Sheriff would furnish a deputy to attend Court sessions. The Judge would be compensated as were Circuit Judges. The act was not presented to the County Court and did not become effective.
2. Private Acts of 1963, Chapter 124, as amended by Private Acts of 1974, Chapter 366, Private Acts of 1982, Chapter 279, Private Acts of 1992, Chapter 169, Private Acts of 1995, Chapter 62, established a court of record to be called the Probate Court of Davidson County to consist of one Judge, who was elected for a term of eight years and every eight years thereafter. The county judge served as judge of the Probate Court. Private Acts of 1963, Chapter 124, as amended, was repealed by the Private Acts of 1997, Chapter 13, effective September 1, 1998.

### **Secretarial Assistance**

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

1. Private Acts of 1919, Chapter 318, created the office of Official Stenographer for the Chancery Court, Part I and II, of Davidson County. The position was to be held by appointment of a suitable person by the Chancellors and the individual was to be compensated by salary not to exceed \$36 per week.
2. Private Acts of 1937, Chapter 252, authorized the Judges of the Criminal Court of Davidson County to appoint a stenographer who would serve at the pleasure and direction of the Judges and receive an annual salary of \$1,800, payable in equal, monthly installments out of regular County funds.
3. Private Acts of 1945, Chapter 544, amended Private Acts of 1919, Chapter 318, above, fixing the salary of the Stenographer for the Chancellors of Davidson County at \$175 per month, payable on the warrant of the County Judge.
4. Private Acts of 1945, Chapter 549, amended Private Acts of 1937, Chapter 252, above, by increasing the annual salary of the Stenographer for the Criminal Court Judges from \$1,800 to \$2,100.
5. Private Acts of 1947, Chapter 263, allowed the Judges of the Circuit Court of Davidson County to appoint a stenographer for the Court who would hold office at the will of the Judges and receive a salary of \$175 a month, payable out of regular County funds.
6. Private Acts of 1947, Chapter 308, authorized Davidson County to appropriate funds and to purchase typewriters and other office supplies for the Stenographer of the Judges for the Circuit Court, Chancery Court, and Criminal Court of Davidson County.
7. Private Acts of 1947, Chapter 664, amended Private Acts of 1937, Chapter 252, above, by providing that the annual salary of the Stenographer for the Judges of the Criminal Court would be no less than \$1,800 and no more than \$2,250, the exact amount to be set by the Judges of the Court.
8. Private Acts of 1949, Chapter 223, amended Private Acts of 1947, Chapter 263, above, by raising the monthly salary of the Stenographer for the Circuit Court Judges of Davidson County from \$175 to \$250.
9. Private Acts of 1949, Chapter 224, amended Private Acts of 1919, Chapter 318, above, by fixing the annual salary of the Stenographer of the Davidson County Chancery Court at no less than \$2,500 and no more than \$3,000 to be paid out of regular County funds on the certificate of the Chancellors that the work was satisfactorily performed.
10. Private Acts of 1949, Chapter 225, amended Private Acts of 1937, Chapter 252, above, by changing the lower limit of the annual salary to be paid to the Stenographer for the Criminal Court Judges from \$1,800 to \$2,250 and the upper limit from \$2,250 to \$3,000, the amount to be fixed

by the Judges of the Court.

11. Private Acts of 1951, Chapter 334, amended Private Acts of 1949, Chapter 225, above, by changing the upper limit of the annual salary of the Stenographer for the Criminal Court Judges from \$3,000 to \$3,600.
12. Private Acts of 1953, Chapter 178, amended Private Acts of 1919, Chapter 318, above, by fixing the annual salary of the Davidson County Chancery Court Stenographer at not less than \$2,500 nor more than \$3,600, payable out of the County treasury on the certificate of the Chancellors.
13. Private Acts of 1955, Chapter 341, amended Private Acts of 1937, Chapter 252, above, by fixing the annual salary of the Stenographer for the Judges of the Criminal Court at \$3,900. The act was not approved locally and did not become effective.
14. Public Acts of 1957, Chapter 148, authorized the two chancellors in the Seventh Chancery Division in Davidson County to appoint a secretary whose salary would be \$3,600 per year.
15. Public Acts of 1957, Chapter 149, authorized the Circuit Judge of the Tenth Circuit to appoint a secretary whose annual salary would be \$3,000.
16. Private Acts of 1957, Chapter 210, repealed Private Acts of 1937, Chapter 252, above.
17. Private Acts of 1957, Chapter 212, authorized the County Court of Davidson County to appropriate from the general fund an amount not in excess of \$300 per year as additional compensation for the Secretary serving the Criminal Court.
18. Private Acts of 1957, Chapter 357, repealed Private Acts of 1947, Chapter 263, above.
19. Private Acts of 1957, Chapter 358, repealed Private Acts of 1919, Chapter 318, above,
20. Private Acts of 1957, Chapter 359, authorized the County Court of Davidson County to pay the Secretary of the Davidson County Chancery Court an amount not to exceed \$420 per year as additional compensation.
21. Private Acts of 1957, Chapter 360, authorized the County Court to appropriate and to pay to the Secretary of the Circuit Judges of the Tenth Judicial Circuit the sum of \$300 a year as compensation in addition to that paid by the State.
22. Private Acts of 1959, Chapter 355, amended Private Acts of 1957, Chapter 360, above, by increasing the annual compensation paid to the Secretary of the Circuit Court Judges in addition to the pay by the State from \$300 to \$600.
23. Private Acts of 1961, Chapter 384, amended Private Acts of 1957, Chapter 212, above, by increasing the amount of supplemental pay for the Secretary to the Criminal Court Judges from \$300 to \$600 a year.
24. Public Acts of 1963, Chapter 337, authorized the Judges of the Tenth Circuit to appoint an additional secretary to be paid \$3,600 per year from the State Treasury.
25. Public Acts of 1963, Chapter 342, amended Public Acts of 1957, Chapter 149, above, by raising the annual salary of the Secretary for the Circuit Court from \$3,000 to \$3,600.
26. Public Acts of 1967, Chapter 158, amended Public Acts of 1957, Chapter 148, above, and increased the salary of the Secretary to the Chancery Court in Davidson County to \$4,800.
27. Public Acts of 1976, Chapter 766, allowed the appointment of an additional secretary for the Davidson County Chancery Court to be paid a salary as set by the Executive Secretary of the Supreme Court.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1961 Chapter 387

**SECTION 1.** That the County Board of Education of Davidson County, Tennessee is authorized and empowered to establish and operate an educational television station in cooperation with the City Board of Education of the City of Nashville and in cooperation with any other person, firm, corporation or agency. Said Board of Education is authorized and empowered to make applications to and enter into agreements with the Tennessee Education Television Commission created by Chapter 38 of Title 49 of Tennessee Code

Annotated and to take all actions, enter into all agreements, and exercise all powers under any state or federal statute necessary for the establishment and operation of an educational television station. Said Board of Education is expressly authorized to receive funds from the federal or state governments or from other sources and to use such funds for the purposes of this Act.

**SECTION 2.** That the Quarterly County Court of Davidson County, Tennessee, is hereby authorized and empowered to make appropriations for the purpose of this Act.

**SECTION 3.** That the provisions of this Act are hereby declared to be severable; and, if any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would have passed even if such unconstitutional or void matter had not been included therein.

**SECTION 4.** 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 Davidson County, Tennessee. Its approval or nonapproval shall be proclaimed by the presiding officer of said Court and shall be certified by him to the Secretary of State.

**SECTION 5.** That this Act shall take effect from and after the date on which it shall be approved by two-thirds vote of the Quarterly County Court of Davidson County, Tennessee, the public welfare requiring it.

Passed: March 16, 1961.

## Retirement System

### Private Acts of 1949 Chapter 155

**SECTION 1.** That Chapter 503 of the Private Acts of 1941, the caption of which is set out in the caption of this Act, be, and the same is, hereby amended by striking out all of the said Act following the caption, and substituting in lieu thereof the following:

**SECTION 1.** That there is hereby created a system for retirement and pension for all teachers and other employees of Boards of Education in all counties having a population of not less than 250,000 nor more than 260,000 inhabitants, according to the Federal Census of 1940, or any subsequent Federal Census, who have reached the age of sixty (60) years or more, and have been employed immediately preceding said retirement for the periods as hereinafter set out.

**SECTION 2.** That for the purpose of this Act all teachers and employees of said County Boards of Education whose salaries, wages or compensation are a charge against and payable from school funds administered by said County Boards of Education shall be entitled to benefits of the retirement plan and compensation herein established; provided, however, that employees employed after April 15, 1961, in positions other than those embraced within the meaning of the term "teaching personnel", who, at the time of employment, shall have attained the age of forty-six (46) years, are expressly excluded from the rights and benefits provided in this Act.

As amended by: Private Acts of 1961, Chapter 231

**SECTION 3.** That the County Boards of Education be and each one is hereby constituted a commission to be known as the "Retirement and Pension Board" for the determination of eligibility for retirement compensation or pension for teachers and other employees of County Boards of Education.

**SECTION 4.** That any person desiring to be retired under the provisions of this Act who has had the years of service as hereinafter defined with any County Board of Education by whom he or she is to be retired, and shall have reached the age of sixty years or more shall file with the "Retirement and Pension Board" a petition setting forth in detail his employment record, with a request to be retired, accompanied by a certification of the County Auditor, or other satisfactory evidence as to the correctness of his or her employment record. The said "Retirement and Pension Board" shall determine whether such person is entitled to draw compensation, and the amount thereof, which petition, auditor's certificate or other satisfactory evidence and the order of the "Retirement and Pension Board" shall be spread upon the minutes of said "Retirement and Pensions Board". The decision of said Board shall be final and conclusive, except that any one aggrieved by the action of the Board may have such action reviewed in the manner provided by Sections 9008 to 9018 of the Code of 1932.

**SECTION 5.** That it shall be the duty of said County Board of Education annually to provide in their respective budgets, high school and elementary, a sum sufficient to pay all retirement benefits of elementary and high school teachers and employees, respectively, and it shall be the duty of the Quarterly County Court to approve such budget items, and it shall be the duty of said County Boards of Education,

sitting as a "Retirement and Pension Board" to issue warrants chargeable to the said budgeted pension fund in payment of said retirement compensation or pension, as so found and fixed by said Board.

**SECTION 6.** That casual or temporary employees shall not be affected by this Act, and regular employees, as distinguished from casual employees, shall include all regular employees receiving salaries, wages or compensation where such employment has been regular and was either for as much as One Hundred Eighty (180) Days per annum during said period of service as an employee of County Board of Education, or for the full term for which the schools were operated; provided, however, that none of the provisions of this Act shall apply to part time employees, who are hereby defined as employees working less than forty hours per week, excluding teachers, and school bus drivers.

As amended by: Private Acts of 1955, Chapter 306

**SECTION 7.** That said retirement compensation shall not be treated as insurance and said payments when due shall be exempt from the debts of such employee and shall not be subject to attachment, garnishment, execution or other legal process while in the hands of the County or the employee or beneficiary, but that same shall be received by such employee or beneficiary free from the debts, judgments and demands against him.

**SECTION 8.** That for the purpose of creating a fund to be known as the "Employee Pension and Insurance Fund", the County Boards of Education and the employees of the County Boards of Education are required to contribute the percentage of salaries and compensation as herein provided. The funds shall be paid to the Trustee of the County and be held by him as a special fund for the purposes of this Act, and shall be designated "School Pension Fund". The Trustee shall pay out such fund upon warrants issued by the County Boards of Education. It shall be the duty of the County Auditors on request of the County Boards of Education to estimate the amount of charges against said funds for any annual period and the County Boards of Education will retain a sufficient amount with the current collections to provide for the payment of such charges. The balance in such fund so required shall be from time to time invested by the Trustee of said County in Federal, State of Tennessee, and County bonds, and the net income received from such investments added to the corpus of such fund in the hands of the Trustee.

**SECTION 9.** That said counties shall contribute to such employees' pension and insurance fund created in the preceding section of this Act the amount of three (3) per cent of the current salaries and compensation of employees of said County Boards of Education, subject to this Act, payable quarterly to this fund, and such additional amounts as may be necessary hereunder to be sufficient to enable the payment from said Fund of all matured benefits provided by this Act as the same accrue. And there shall be included in the annual tax levy of said counties, a sum sufficient to pay such contributions of the County, and such additional amounts as may be necessary, into such funds.

**SECTION 10.** That all employees as above defined shall contribute to such Fund three (3%) per cent of the salaries and compensation received hereafter during their employment, payable monthly, subject to other provisions hereof.

The basis of benefits to be received by any employee hereunder shall be the percentages specified upon the highest salary or compensation for any year of service received by such employee during his service with the County, or upon the highest salary or compensation paid such person by the County, and on which he has made contributions under this Act.

Provided, however, the minimum benefit received by any employee or pensioner hereunder shall be the sum of One Hundred (\$100.00) Dollars per month.

Tenure of service as herein contemplated shall be based upon the aggregate of accumulated employment for which the County has in whole or in part compensated such person or employee or official before and/or after the passage of this Act, and shall not be limited to continuous employment, and such services may consist of the aggregate employment or service before and/or after the passage of this Act, in different positions, independent offices or departments where all or any part of salary or compensation has been paid by the County, or some governmental agency for services performed in said County.

Any teacher or employee of said County Boards of Education who shall have had his or her tenure of employment with such County Boards of Education interrupted by a period of military service for the United States and from which he or she was separated with honor shall have such period of military service counted in their total years of retirement pension benefits, just as if he or she had remained on the job with such County Boards of Education, provided his or her employment was duly resumed with such County Boards of Education within one year following such honorable separation from such service.

Provided, however, that employees hired by said Boards from and after the effective date of this Act shall not be entitled to the benefit of the minimum pension of \$100.00 unless such employee has received during such employment an annual salary equal to at least \$2,400.00.

As amended by: Private Acts of 1951, Chapter 366

Private Acts of 1955, Chapter 99  
 Private Acts of 1955, Chapter 306  
 Private Acts of 1961, Chapter 417

**SECTION 11.** That it shall be the duty of the Department of Education of said counties to prepare on or before May 1, 1949, a complete list of all employees in said departments showing the length of their service, the time first employed by the County, their exact age, and the amount of their wage or compensation, which list shall on or before May 1, 1949, be audited and verified by county auditors and their report thereon submitted to the School "Retirement and Pension Board". From such certified reports there shall be prepared a roll of employees showing the name, age, and the service of each employee of the County as of May 1, 1949, and the salary and compensation of each employee, upon which the contribution of said Fund shall be based and the percentage of such salary and compensation to be contributed by each employee, subject to future change.

The payments and contributions to such Fund shall begin on May 1, 1949, but no payments or allowances shall be made out of such Fund until September 1, 1949, thereafter, provided, that eligibility of all officers and employees for benefits hereunder shall commence as of May 1, 1949, except as hereinafter provided.

When an officer or employee becomes eligible for payment from such Fund, the School "Retirement and Pension Plan" shall certify such fact to the Trustee, showing the amount to be paid and the basis of such payment.

It shall be the duty of the officials charged with the duties of paying salaries and compensation to officers and employees hereby affected, to deduct from the monthly salary of such person the percentage herein provided, and to pay such amounts to the Trustee on receivable warrants through the County Judge's office, to be credited to the School "Pension and Retirement Fund". It shall be the duty of the County Board of Education, through its Chief Clerk or Bookkeeper, to keep a complete record of the amounts paid in by, or on behalf of, any officer or employee and of the benefits or pension paid him, to be subject to the inspection of any person interested during business hours.

**SECTION 12.** That any officer or employee subject to this Act who received a bodily injury through accidental means and resulting directly, indirectly and exclusively of all other causes, during the time he is engaged in the regular duties of his employment, and who is thereby disabled from performing the duties of his employment, shall be entitled to receive from such "Employees' Insurance Fund" compensation in such amount not in excess of One Hundred and Fifty (\$150.00) Dollars per month in any case, and for such term and in such amount as provided for similar cases by the Workmen's Compensation Law of Tennessee, but this section shall apply only to the injured employee and not to dependents; provided, that any employee who has served five (5) years or more and receives an accidental injury, as defined in this section, whereby he is totally and permanently disabled from performing the duties of his employment, shall at his option receive compensation as herein provided, or shall be entitled to retirement on the basis herein provided for similar service, tenure or disability, or provided in Section 13 hereof.

**SECTION 13.** That any employee who has served five (5) years and less than ten (10) years who becomes totally and permanently disabled in the position occupied, and in the manner set forth in Section 12 hereof, shall be retired and shall receive compensation from the "Employees' Insurance Fund", based upon thirty (30% per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund.

Any employee who has served ten (10) years and less than fifteen (15) years, and has become likewise totally and permanently disabled, shall be retired, and shall receive compensation from the "Employees' Insurance Fund" based upon thirty-five (35%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund.

Any employee who has served fifteen (15) years and less than twenty (20) years and has become likewise totally and permanently disabled, shall be retired, and shall receive compensation from the "Employees' Insurance Fund" based upon forty (40%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund.

Any employee who has served twenty (20) years and less than twenty-four (24) years and has become likewise totally and permanently disabled shall be retired and shall receive compensation from the "Employees' Insurance Fund" based upon forty-five (45%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund.

Any employee who has served twenty-four (24) years or more who has not reached the retirement age, and who has become likewise totally and permanently disabled, shall be retired and shall receive compensation based upon fifty (50%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund. Any person retired under this section shall be relieved of further contributions to such Fund from and after such retirement.

**SECTION 14.** That any officer or employee who has served for twenty-four (24) years and has reached the age of sixty (60) years may, at his option, retire and shall receive compensation from such "Employees' Insurance Fund", based upon fifty (50%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund, subject to Section 13 of this Act.

**SECTION 15.** That all such officers and employees who have served fifteen (15) years or more, and have not reached the retirement age, who become involuntarily separated from the service as herein provided, or whose term of office expire, or who resign, and not by removal for cause on charges of misconduct or delinquency, shall have the right to elect (a) to be reimbursed three-fourths of the amount of the contributions made to the fund by such employee less deduction of all benefits received, or (b) to continue to make the same contributions to the fund as were made immediately prior to said separation from the service, as aforesaid, until retirement age is reached as provided in Section 14 of this Act, at which time retirement with full compensation may be had, or (c) to accept retirement compensation to which he is entitled by his length of service, or (d) to defer, pending reemployment by the County and restoration to full compensation rights. The right to make election or change his election under paragraphs (a), (b) and (c) shall continue at the option of the affected employee.

Any retired employee who receives payments under this Act and who accepts a position covered by this Pension Plan shall not receive payments under the Pension Act during the time he is paid compensation by the County; provided, however, that any teacher who is retired under the provisions of this Act may serve as substitute teacher in a county school system of said county and draw compensation therefor for not more than sixty days during any school year and at the same time continue to draw benefits as provided under this Act.

As amended by: Private Acts of 1961, Chapter 407

**SECTION 16.** That every teacher or other employee as defined in this Act shall be obligated to make contributions to such fund as herein provided, and the County, through its authorized agents, shall enforce the collections; and notwithstanding such obligations of the employees, if any employee should be in default of the payment of such obligation for the period of thirty (30) days, after demand is made upon such person for payment, he shall be treated as suspended from all benefits of such insurance fund for the period of default and six (6) months thereafter, and shall lose all benefits of disability or separation occurring during such suspended period; provided, however, that such contributions shall not be required of part time employees as defined in Section 6 hereof.

As amended by: Private Acts of 1955, Chapter 506

**SECTION 17.** That (a) when any officer or employee subject to the provisions of this Act shall be separated from employment for any reason, resignation or otherwise, except for discharge for delinquency or misconduct, without having served as much as twenty-four (24) years, and who has not reached the age of sixty (60) years, he shall be entitled to a refund of seventy-five (75%) per cent of the amounts which he may have contributed to the said "Employees' Insurance Fund", after deduction of the amount of any and all benefits theretofore received by him from said fund.

(b) That any officer or employee subject to this Act who shall have served as herein provided for a period of fifteen (15) years and who has reached the age of sixty (60) years who is deprived of his employment without fault on his part, or is separated from the service by expiration of his term of office or resignation, may receive thirty (30%) per cent monthly of his compensation or salary. Such persons shall contribute to said fund for a period of fifteen years at the rate of three (3%) of the salary and compensation received for their services, such payments to be made monthly as long as he or she is employed, or receive benefits under this Act, not to exceed fifteen (15) years. For each additional year of service the monthly compensation shall be increased by two (2%) per cent and the time for which contributions are to be made shall be correspondingly increased by one year until the maximum service of twenty-four years has been had and the age of sixty years has been reached.

(c) That any employee subject to the provisions of this Act who shall have become sixty (60) years of age and had twenty-four (24) years of service, as herein provided, may retire with fifty (50%) per cent of his salary and compensation as fixed for the purpose of paying contributions to said fund, to be paid as herein provided. Such persons shall contribute to said fund for a period of twenty-four (24) years at the rate of three (3%) per cent of the salary and compensation received for their services, such payments to be made monthly so long as he or she is employed or receives benefits under this Act, not to exceed twenty-four (24) years.

(d) That any employee subject to the provisions of this Act who shall have had thirty (30) years of service, as herein provided, regardless of age, may retire with fifty (50%) per cent of his salary and compensation as fixed for the purpose of paying contributions to said fund, to be paid as herein provided. Such person shall contribute to said fund for a period of twenty-four (24) years at the rate of three (3%) per cent of the salary and compensation received for his services, such payments to be made monthly as long as he or she is employed or receives benefits under this Act, not to exceed twenty-four (24) years.



(e) In the event of the annexation of territory to the City of Nashville encompassing a school which previously was a part of the school system of Davidson County, any teacher or principal who is teaching in such school as of the date of such annexation and who goes into the school system of the city of Nashville, and any secretary, clerk, janitor or other employee who is working at such school and is employed in the City School System, shall have the following rights, with respect to retirement benefits:

There shall be transferred into and deposited in the Teachers' Pension Fund of the City of Nashville all the amounts previously contributed by any such teacher or principal or by Davidson County or the State of Tennessee on behalf of such teacher or principal into the "Employees' Pension and Insurance Fund" established under this Act. It shall be the duty of the Davidson County School Retirement and Pension Board or other cognizant officials of Davidson County to transfer such funds to the Teachers' Pension Fund of the City of Nashville and to draw all necessary vouchers and to execute any and all other necessary instruments for that purpose.

There shall be transferred into and deposited in the Civil Service Employees' Pension Fund of the City of Nashville all the amounts previously contributed by any such secretary, clerk, janitor or other employee (other than a teacher), or by Davidson County or the State of Tennessee on behalf of such employee into the "Employees' Pension and Insurance Fund" established under this Act. It shall be the duty of the Davidson County School Retirement Pension Board or other cognizant officials of Davidson County to transfer such funds into the Civil Service Employees' Pension Fund of the City of Nashville and to draw all necessary vouchers and to execute any and all necessary instruments for that purpose.

Any teacher, principal, secretary, clerk, janitor or other employee who goes under the retirement and pension program of the City of Nashville thereby shall terminate any and all rights of such teacher, principal, secretary, clerk, janitor or other employee under this Act from and after the transfer of the funds previously contributed by or accruing to the benefit of such teacher, principal, secretary, clerk, janitor or other employee as herein provided.

As amended by: Private Acts of 1961, Chapter 406  
Private Acts of 1961, Chapter 414

**SECTION 18.** That payments to beneficiaries under this Act shall continue during the life of any beneficiary thereto entitled, unless otherwise provided in this Act.

**SECTION 19.** That all employees of the County subject to the provisions of this Act who at the time of the passage of the Act have attained the age of fifty-five (55) years and shall have been employed by the County for a period of less than fifteen (15) years shall have the right to elect not to come within the provisions of this Act. Such election must be in writing and delivered to the County Board of Education, sitting as a School "Retirement and Pension Board" on or before July 1, 1949.

**SECTION 20.** That any officer or employee subject to the provisions of this Act who has served not more than five (5) years and is voluntarily separated from the service, and not by removal for cause on charges of misconduct or delinquency, shall be reimbursed all of the contributions made to the Fund by such employee less deduction of all benefits received hereunder.

Any employee who has serviced as aforesaid less than fifteen (15) years and is involuntarily separated from the service, and not by removal for cause on charges of misconduct or delinquency, shall be reimbursed eighty-five (85%) per cent of the amount of the contributions made to the Fund by such employee less deduction of all benefits received hereunder.

**SECTION 21.** That whenever any officer or employee of the County subject to the benefits under the provisions of this Act shall, in the line and course of his employment, and in the actual discharge of the duties of his position, sustain personal injuries by external and violent means or by accident, resulting in the death of such employee within twelve (12) months from the time such personal injuries were sustained, the County shall pay within sixty (60) days after the death of such employee to the widow of such deceased employee, or to the personal representative of such deceased employee, if he leaves no surviving widow, for the benefit of the minor child or children, of such deceased employee, or to the personal representative of such deceased employee for the benefit of the estate of such deceased employee, if such deceased employee leave surviving him no minor child or children, or if such deceased employee be a person of the female sex, the sum of Two Hundred and Fifty (\$250.00) Dollars and a similar sum every ninety (90) days thereafter until the sum of One Thousand (\$1,000.00) Dollars is paid. No such payment shall be made in the case of the death of any such employee where the personal injuries resulting in his death were due to the willful misconduct, intoxication, use of narcotic drugs, or disobedience of orders on the part of such employee, or while traveling to or from his work in any manner, or were intentionally self-inflicted by such employee, or the death of such employee was due to any sickness or disease by such employee. No member of any board or commission created by law, nor any contractor, nor employee of any contractor, shall be deemed to be within the meaning of the phrase "Employee of the County", as used herein. Written notice of such personal injuries shall be given to the

"Retirement and Pension Board" by or on behalf of such employee within thirty (30) days after such personal injuries were sustained.

The commission known as the School "Retirement and Pension Board", in the event of any such claim made for payment under the provisions of this section, shall make or cause to be made full investigation of the facts relevant to the claim, and shall determine whether or not the claim is legally and properly payable; and may, in its discretion, in any case, hold a public hearing, upon five days notice given to the person or persons making the claim, and may summon and examine witnesses and her testimony and receive and consider evidence, and allow proponents of the claim to be represented by counsel and to introduce witnesses and evidence. The decision of the Board on all questions of fact involved in any claim under the provisions of this section shall be final, and shall be subject to review only for illegality or want of jurisdiction. The Board shall cause to be entered upon its minutes a record of its action upon any claim.

All payment pursuant thereto shall be free from the claim of creditors, and not subject to attachment, garnishment or other processes of law.

The foregoing provisions for the payment of death benefits shall apply to all persons coming within the provisions of this Act, or employed by all boards, commissions or departments coming under the class entitled to benefits under the retirement and pension plan.

**SECTION 22.** That should any part of this Act be declared invalid, as applying to certain employees of the County, the remaining part of the Act legally applying to other employees shall be treated as separable and valid.

**SECTION 23.** That this Act shall receive a liberal interpretation and construction to carry into effect the purpose thereof.

**SECTION 24.** That all employees of said Boards of Education heretofore retired under the provisions of Chapter 503 of the Private Acts of 1941 shall continue to receive the pension benefits to which they are entitled thereunder, and provided, further, that any retirements prior to May 1, 1949, shall be under said original Act, as amended prior to this amendment.

**SECTION 25.** That this Act take effect, except as hereinabove provided, on May 1, 1949, the public welfare requiring it.

Passed: February 11, 1949.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Davidson County but are no longer operative.

1. Acts of 1907, Chapter 236, created a Board of Education and District Boards of Advisors for every county in the State and abolished the office of District Director of the Schools. The county courts would divide their respective counties into five school districts composed of whole civil districts. The County Court would elect one person from each district to serve on the Board. The Superintendent of Schools would be ex officio secretary on the Board of Education. The members elected by the Court would serve until September 1, 1908, when their successors would be elected by the people in the August election of 1908. The duties of the Chairman, the Secretary, and the members of the Board are specified in the act. Members of the Board would be paid between \$1.50 and \$3.00 for each day they served. The people of each civil district would elect a three-member Board of Advisors. Duties of the Advisors included taking a census of school-aged children. Several counties were exempt from the legislation but not Davidson County was included.
2. Acts of 1907, Chapter 447, authorized the Quarterly County Court of Davidson County to elect seven persons, who were freeholders, but not members of the Court, to be the Board of Education. Three persons would serve one year, two persons would serve two years, and two persons would serve three years. They were empowered to make rules to govern the actions of the Board. The Board would elect a chairman, and a secretary, whose duties and responsibilities were enumerated. The Board was to make an annual report to the County Court on the condition of the schools at its October Session. The Board could appoint a Clerk at \$50 a month. It was required to take a scholastic census. Board members would be paid \$3.00 a day for each day devoted to their duties. The offices of District Directors in the Districts were abolished. See State v. Pollard, 124 Tenn. 133, 136 SW 427 (1911), in which the Supreme Court held the Davidson County Court, although it was in control of all school buildings, could not expend general county funds for a special school purpose. The County Court had appropriated \$20,000 from the general

fund for school buildings.

3. Private Acts of 1911, Chapter 199, created the office of Clerk of the County Board of Education in Davidson County to be filled by appointment of the Board at its first session after the passage of the act. The Clerk was required to be twenty-one years old or more, a suitable person for the job, not a member of the County Court or the Board of Education. The Clerk would hold office for two-year terms. The Clerk would perform such duties as were assigned to him by the Board and also serve as an assistant to the Superintendent. The Clerk would execute a \$1,000 bond and would draw a salary of \$1,500 per year. The Clerk could be removed by the Board of Education for by resolution.
4. Private Acts of 1915, Chapter 132, required that attendance by Board members at the meetings of the Board of Education would be certified by the Chairman and the Secretary before the members could be paid, and no member of the Board would be paid for more than 100 days. The Chairman of the Board would receive \$1,200 per year in lieu of per diem.
5. Private Acts of 1915, Chapter 448, amends Private Acts of 1911, Chapter 199, above, by setting the salary of the Clerk of the County Board of Education at \$1,500 to \$2,000 per year payable monthly out of the regular County funds on warrant of the Chairman of the Board of Education.
6. Private Acts of 1915, Chapter 515, amended Acts of 1899, Chapter 279, a general law relating to High Schools, by providing that in Davidson County building location, management, and control of the county high school, or schools would be vested in the County Board of Education.
7. Private Acts of 1917, Chapter 480, authorized the Board of Education in Davidson County and Shelby County to establish a system in the public schools to provide textbooks free of charge to pupils. The Board was given the discretion to install and operate the system in the manner most feasible and practical for the people and devise such regulations as the Board might deem proper. The expenses of the system would be included in the education budget.
8. Private Acts of 1917, Chapter 548, fixed the compensation of members of the Board of Education at \$3.00 per day when in actual attendance to the performance of their duties, with payment limited to fifty-two days a year. The Chairman of the Board would draw \$5.00 a day for up to fifty-two days a year. The members could pay the cost of their transportation when visiting schools from regular school funds.
9. Private Acts of 1921, Chapter 308, authorized the Board of Education of Davidson County, with the approval of the County Finance Committee, to borrow money on short term notes or loans, at six percent interest or less. In no event could the amount borrowed exceed one-half of the entire tax levy for school purposes in the taxable year. The money borrowed shall be repaid from money derived for school purposes during the year in which it was borrowed.
10. Private Acts of 1923, Chapter 442, provided that the Davidson County Board of Education would furnish text books free of charge to all pupils attending the grammar schools of the county. The Board would estimate annually the amount of money required and submit the estimate to the County Court whose duty it would be to make the appropriation. The books would remain the property of the Board of Education. In the event the School Board failed to make the estimate, any parent, guardian, or other person standing in loco parentis was empowered to compel them to do so by obtaining a writ of mandamus.
11. Private Acts of 1925, Chapter 344, amends Private Acts of 1923, Chapter 442, above, by making it the duty of the County Board of Education to make the estimates for the free school books distributed to pupils in grammar schools by June 1 of each year and to transmit the same to the County Judge, or Chairman. The County Court would make the appropriations at its July term.
12. Private Acts of 1929, Chapter 816, allowed the Board of Education of Davidson County to borrow money on short term notes to meet emergencies occasioned by fire, cyclone, floods, or other disasters. The loans would not be executed until they were approved by resolution of the County Court and the amount needed to amortize the loan was included in the budget for the succeeding year.
13. Private Acts of 1931, Chapter 146, allowed the Davidson County Board of Education to borrow money on short term loans, with the approval of the County Finance Committee, during the fiscal year 1930-31 for an amount equal to its budget for the scholastic year.
14. Private Acts of 1931, (2nd Ex. Sess.), Chapter 42, allowed the Davidson County Board of Education, with the approval of the County Finance Committee, to borrow money on short term loans up to the full amount of the budget for the 1931-32 scholastic year.
15. Private Acts of 1933, Chapter 498, allowed the Davidson County Board of Education, with the approval of the County Finance Committee, to borrow money on short-term loans in an amount

up to its budget for the 1932-33 scholastic year.

16. Private Acts of 1947, Chapter 800, provided that the members of the Board of Education in Davidson County would be paid \$10 per day for their services.
17. Private Acts of 1949, Chapter 199, directed the Board of Education and the Superintendent of Schools of Davidson County to furnish textbooks free of charge to all students in the elementary and high school systems in the County. The books furnished would be those prescribed by the regulations of the Department of Education of the State in Section 2324 (8), Code of Tennessee. The Board and Superintendent were directed to file a statement that estimated cost of furnishing the textbooks to the Quarterly Court at least ten days prior to the April term of the Court. The act imposed the duty on the court to appropriate the necessary funds for the textbooks.
18. Private Acts of 1957, Chapter 303, amended Acts of 1907, Chapter 447, above, by authorizing the Board of Education of Davidson County to establish and maintain a payroll account in a local bank against which all payroll checks would be drawn. The checks would be signed by the Superintendent and countersigned by the Chairman of the Board of Education.

### **Retirement Systems**

The acts listed below affected the county school system prior to the establishment of the Metropolitan Government.

1. Private Acts of 1923, Chapter 516, authorized the Board of Education of Davidson County to provide group life insurance for public school teachers. The face amount of coverage per person could not exceed \$250. The Board was empowered to require each teacher to furnish once each scholastic year a certificate from the County Health Officer declaring that the teacher was physically able to discharge the duties required and was not affected by a communicable disease. The act set forth a pension plan to be put into effect by the Board for the benefit of its employees. Employees, sixty-five years old with forty years of service, were eligible for retirement benefits. The payments would equal one-half of the salary payable to a beginning teacher as of the date of retirement of the eligible employee. The Quarterly County Court was authorized to levy a tax to create and keep solvent a pension fund. A pension Board, consisting of the Chairman and the Secretary of the County Board of Education, the County Superintendent of Schools, and two teachers was established to administer the fund.
2. Private Acts of 1929, Chapter 817, created a "Teacher's Retirement Fund" in Davidson County which would be maintained by the contributions of two percent of the teacher's monthly or annual salaries of and matched by a like sum from the Board of Education. The County Trustee would be custodian of the fund to be deposited as savings in some bank at an interest yield of not less than four percent. The Board of Education and the County Superintendent of Schools would designate the teacher and the amount to be paid to the teacher from the funds based upon information obtained from the records of the Board.
3. Private Acts of 1931, Chapter 367, amended Private Acts of 1929, Chapter 817, above, by changing the amount of the payment for a disability pension from \$40 a month to an annual amount equal to the amount of total contributions made by the employee. A new Section was added which allowed any teacher who desired to retire from the teaching profession, who was discharged, or who died in the service, to withdraw from the Teacher's Retirement Fund, with interest, all the money paid in by the teacher.
4. Private Acts of 1933, Chapter 496, authorized the Board of Education in Davidson County to contract with any life insurance company authorized to do business in the State of Tennessee for the payment of pensions or annuities to teachers employed in the County Public School System. For this purpose, principals and supervisors were classed as teachers. Teachers would contribute two percent of their salaries and the Board would contribute a matching sum. Participation would be optional for teachers. Authority was granted for the funds collected pursuant to a Retirement Fund created under Private Acts of 1929, Chapter 817, above, with the teacher's knowledge and consent to be transferred to the insurance company chosen to fund an annuity contract.
5. Private Acts of 1933, Chapter 497, repealed Private Acts of 1929, Chapter 817, above, which established a Teacher's Retirement Fund in Davidson County. The fund which had been set up pursuant to the act was authorized to be liquidated.
6. Private Acts of 1941, Chapter 503, created a retirement and pension system for all employees of Davidson County Board of Education. An employee who reached age sixty-five could petition for retirement if the employee had worked for five years immediately preceding retirement and had an aggregate of twenty-four years within the preceding thirty years. Benefits were payable monthly in an annual amount equal to one-half the average annual salary dividing the five years immediately preceding retirement, but in no event, more than \$60 per month. No benefits would

be paid to one who had held a lucrative employment with federal, state, or municipal government. All benefits were payable from school funds and were required to be approved by the Quarterly County Court as a part of the school budget.

7. Private Acts of 1943, Chapter 108, amended Private Acts of 1941, Chapter 503, above, and declared that in calculating teacher's pension benefits, the first five years of service could consist of teaching at any public school, even those outside Davidson County. Any teacher who became disabled after twenty years service but before retirement age could be retired by the Board with full pension benefits.
8. Private Acts of 1945, Chapter 494, amended Private Acts of 1941, Chapter 503, above, by providing that an employee of the Board of Education could draw disability benefits if totally disabled and unable to engage in any gainful employment. The limitations were that such employee would receive fifty percent of regular retirement benefits if he had ten years employment; seventy-five percent of benefits with fifteen years; and one hundred percent benefits after twenty years of employment.
9. Private Acts of 1947, Chapter 250, amended Private Acts of 1941, Chapter 503, above, by reducing the retirement age for employees of the Board of Education from sixty-five years of age to sixty years of age. Retirement at age sixty-five was compulsory unless the Board decided to extend employment, but in no event could one work past age seventy. The act removed the limitation of \$60 per month for monthly benefits in cases where the employee would have received the higher amount. Persons employed by the Board upon entrance into military service during World War II were allowed to count their military years in establishing length of employment with the Board.
10. Private Acts of 1965, Chapter 243, allowed retired, Davidson County teachers with more than twenty years service who were receiving benefits under the Board of Education retirement plan to receive additional state funds each month.

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

The acts referenced below once affected the office of superintendent of education in Davidson County, but are no longer operative.

1. Acts of 1895, Chapter 155, prohibited the Superintendent of Public Instruction from teaching in any public school either as principal or assistant, during his term of office. The Superintendent was further prohibited from making any contract to build or repair school property or to become the owner of any school warrant, other than those warrants allowed for his services as Superintendent. This act applied to all counties having 30,000 inhabitants or more. Any violation of the act was punishable by fines from \$25 to \$50, the money to be paid into the school fund.
2. Private Acts of 1911, Chapter 656, amended Private Acts of 1907, Chapter 447, by making the County Superintendent of Public Instruction an ex officio member of the Board of Education without the right to vote. The Superintendent of Public Instruction was granted the authority to hold and convey title to real property then and in the future, when authorized by the Board of Education and approved by the Quarterly County Court. The Act permitted the County Board of Education to allow county pupils to attend high schools in the city. The Chairman of the Board of Education would be paid \$5.00 per day up to 52 days a year.
3. Private Acts of 1921, Chapter 309, amended Acts of 1873, Chapter 125, by adding a provision that, in Davidson County, the County Superintendent of Schools shall be elected by the County Court biennially in July and shall hold office for two years, or until his successor is elected and qualified.
4. Private Acts of 1925, Chapter 594, authorized and directed the Davidson County Superintendent of Schools, in certifying to the County Trustee the average daily attendance of the pupils in the elementary schools within and without the corporate limits of Nashville for the scholastic year 1924-25, to add to the average daily attendance within the city and to subtract from the number out of the city, one-half of the average daily attendance of those pupils attending the elementary schools out of the city who resided in the territory annexed to Nashville by the Legislature at its 1925 session.

#### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Davidson County but are no longer operative since they have either been superseded or repealed.

1. Acts of 1785, Chapter 29, Acts of North Carolina, incorporated Reverend Thomas Craighead, Hugh Williamson, Daniel Smith, William Polk, Anthony Bledsoe, James Robertson, Lardner Clark, Ephraim McClaine, and Robert Hays, as a body corporate and politic, to be known as the Trustees

for Davidson Academy, with all the rights and privileges which were incidental to corporate institutions of learning. The Trustees could elect a President, a Secretary, and a Treasurer, and employ all the necessary personnel to operate the school, as well promulgate rules for the internal discipline and management of the institution. All the lands and properties of the school were declared to be exempt from taxes for the next ninety-nine years. Two hundred forty acres of land, reserved for the use and benefit of the State, being that part of the land most remote from the salt springs of Nashville is hereby vested in the Trustees.

2. Acts of 1796, Chapter 4, enacted in the same year Tennessee became a State, appointed Thomas Johnson, William Fort, James Ford, Thomas Donald, Edward Douglas, Moses Sisk, Seth Lewis, Joel Lewis, James Hoggatt, and John Gordon as Trustees of Davidson Academy. The building of the Academy was to be erected on the most convenient situation on the hill immediately above Nashville near the road leading to Buchanan's Mill. The Trustees, whose accounts would be audited annually, would proceed to erect the buildings and employ the tutors needed as soon as the available funds permitted.
3. Acts of 1803, Chapter 72, stated that the General Assembly had been asked to appoint Trustees for a college proposed to be built on a tract of land given to the Institution by the State of North Carolina and located just outside of Nashville. This Act appointed Reverend Thomas B. Craighead, James Robertson, Daniel Smith, Andrew Jackson, James Winchester, David Shelby, Robert Hays, Samuel P. Black, Joel Lewis, Henry Bradford, Moses Sisk, Joseph Hays, Morgan Brown, Abraham Maury, Thomas Stewart, Joseph Phillips, William Montgomery, and John Baker, as Trustees of Davidson College, with all corporate powers and privileges.
4. Acts of 1805, Chapter 17, declared that the General Assembly had been advised that the citizens of the Mero District had built and kept up an academy for the District, located near Nashville, and called Valodolid Academy, which has a good and spacious building on it at that time. The act constituted Joel Lewis, Robert C. Foster, Robert White, Benjamin D. Wills, Thomas A. Claiborne, Robert Searcy, and George M. Deadrick, as a body corporate and politic by the name of the Trustees of Valadolid.
5. Acts of 1805, Chapter 51, authorized the Treasurer of Davidson Academy to call upon the former treasurer of the school for an account of all funds in his hands and to institute suit against him through the Attorney General of the State if funds belonging to the Academy were not paid over forthwith. In the future all people who were appointed as treasurer of the school would be required to make bond of \$5,000.
6. Acts of 1806, Chapter 7, merged Davidson Academy with the college authorized by Congress to be established in west Tennessee, and named the new college Cumberland College. Thomas B. Craighead, James Winchester, Samuel P. Black, Moses Sisk, Robert C. Foster, David McGavock, Robert White, Joseph Coleman, Robert Searcy, William Dickson, David Hume, John Dickson Joel Lewis, Abraham Maury, Sr., William P. Anderson, Duncan Stuart, Thomas Johnson, John K. Wynne, and Nicholas T. Perkins, were all incorporated as Trustees of Cumberland College and were granted certain specific and general powers.
7. Acts of 1806, Chapter 8, established academies in most of the counties existing in the State at the time and appointed Trustees for them. Thomas A. Claiborne, Joel Lewis, Robert Weakley, Joseph Phillips, and Robert C. Foster were incorporated in Davidson County as the Trustees of Robertson Academy.
8. Acts of 1809, Chapter 32, appointed John McNairy and John Beck, as Trustees, to fill vacancies on the Board of Cumberland College. The act added Willie Blount, John Haywood, Felix Grundy, Parry W. Humphreys, Felix Robertson, Robert Weakley, and John Childress, to the Board of Trustees. It was made the duty of these Trustees and those of East Tennessee College to present a full and complete report to the General Assembly on the affairs of both these corporate institutions. The act prohibited any religious preference at Cumberland College.
9. Acts of 1811, Chapter 29, appointed additional Trustees for several of the academies scattered throughout the State. William Williams, William Donelson, John Harden, and John Anderson were named for Robertson Academy in Davidson County.
10. Acts of 1811, Chapter 52, named Thomas Childress, Thomas Crutcher, Michael Campbell, Andrew Hynes, Thomas Masterson, John Anderson, and William Tait, as the Trustees of a lottery which would raise up to \$30,000 for Cumberland College. The lottery would be managed and operated under the rules set forth in the act. The act also confirmed the appointment of George Michael Deadrick and Elihu S. Hall as Trustees of the College.
11. Acts of 1812, Chapter 76, authorized the President of the Board of Trustees of Cumberland College, when ordered by the Board, to make and execute deeds to such lots of land as may be

- sold by the College which deeds would be attested by the Secretary, and executed by the President. Notices of meetings of the Board were required to be placed in a newspaper at least twenty days prior to the meeting.
12. Acts of 1813, Chapter 118, appointed James Trimble, Jesse Wharton, Wilkes Tannehill, and Thomas Claiborne, as additional Trustees for Cumberland College.
  13. Acts of 1817, Chapter 44, purported to clear the title to 616 acres of land which was first granted to the Mero District for the benefit of Davidson Academy and later sold by its Trustees to George M. Deadrick and then conveyed by him to William Donelson. No record of the grant from the State of North Carolina to the Trustees of the School existed.
  14. Acts of 1817, Chapter 93, provided that all meetings of the Trustees of Cumberland College would be held on the College grounds near Nashville. Changes in the Trustees included naming Edward Ward as Trustee for Joel Lewis, deceased; Nicholas Perkins for Wilkes Tannehill, who had resigned; Adam Goodlett for Willie Blount, who had resigned; Henry Crabb for Robert Weakley, resigned; and Jenkins Whiteside for George M. Deadrick, deceased. The Trustees were given the authority to select another site for the Academy to be within three miles of the old site. They were then to sell the facilities on the old site, and apply the proceeds to the development of the new site.
  15. Private Acts of 1823, Chapter 194, appointed Nathan Ewing, James Roane, Alfred Balch, Andrew Hays, Francis B. Fogg, Ephraim H. Foster, John Bell, and Charles L. Love, as Trustees of Cumberland College.
  16. Private Acts of 1823, Chapter 270, Section 2, nominated John Catron as a Trustee for Cumberland College with the privileges of the other Trustees.
  17. Private Acts of 1826, Chapter 32, permitted a lottery to be conducted by the Trustees of Cumberland College for the purpose of raising \$200,000 for the use of the College. A \$50,000 bond was required before the lottery scheme could be put into operation. The trustees could draft regulations under which the lottery would be conducted so long as they did not contravene existing law.
  18. Private Acts of 1826, Chapter 47, authorized the Trustees of Cumberland College to erect additional buildings and establish additional schools so that a union of all of the schools and colleges would be known as the University of Nashville. The Trustees were reincorporated under the new name. Cumberland College would still exist but only as a part of the University.
  19. Private Acts of 1827, Chapter 131, incorporated William Hamblin, John Morgan, William Hope, Duke W. Sumner, Edmund Goodrich, Michael Autry, and Matthew P. Walker, as Trustees of Craighead Academy with all the powers and privileges incidental to corporate institutions.
  20. Public Acts of 1832, Chapter 15, required the commissioners of the company which operated the Nashville, Murfreesboro, and Shelbyville Turnpike to pay over semi-annually the interest due on funds invested in the company for the benefit of the Common School Fund.
  21. Acts of 1837-38, Chapter 148, Section 15, directed that no funds invested in the stock of the Nashville, Murfreesboro, and Shelbyville Turnpike would be considered as part of the common school fund of Davidson County.
  22. Acts of 1839-40, Chapter 122, directed the Commissioners of the Nashville, Murfreesboro, and Shelbyville Turnpike Company to pay into the common school fund of the State all the interest which had accrued on the school funds of Davidson, Rutherford, and Bedford Counties which funds had been invested in the stock of the Turnpike Company.
  23. Acts of 1853-54, Chapter 149, directed the President and the Directors of the Bank of Tennessee to pay into the hands of the Treasurer of the Davidson County Academy the sum of money in the Bank which belonged to the Academy.
  24. Acts of 1853-54, Chapter 205, Section 2, established an institution for learning in village of Goodlettsville, Tennessee, to be called the American High School. The institution would be a joint stock company whose shares would be valued at \$25 each.
  25. Acts of 1855-56, Chapter 56, directed the Trustee of Davidson County to pay over to the City of Nashville any common school funds in his hands belonging to the district included in the City of Nashville upon receipt of a written order from the Treasurer of the City who would in turn credit the funds to the schools of the City.
  26. Acts of 1891, Chapter 219, established a new school district out of parts of Davidson and Williamson Counties. The School District was granted all the emoluments, rights, and privileges allowed other school districts. A board of three directors would be elected by the people living in

- the District.
27. Acts of 1903, Chapter 351, authorized the County Court of Davidson County to appropriate from the school funds a sum sufficient to pay the salaries of teachers who taught school in any of the school districts in the County under employment of any school directors whose elections were contested and declared illegal. A two-thirds vote of the Justices of the County Court was required for approval of the appropriation.
  28. Acts of 1905, Chapter 543, provided that the School District formerly composed of parts of the Nineteenth, Twentieth, and Twenty-Second Districts of the County, known as the Twenty-Sixth School District, would be again established with the same boundaries except for a part of the 19th District which would have a boundary change.
  29. Acts of 1907, Chapter 586, allowed the children of lawful school age residing in the Eight Civil District of Davidson County, and within one mile of Seifried School, which was in the city of Nashville, would have the right to attend the school. A pro rata share of school funds shall be paid to the Treasurer of the City of Nashville by the County Trustee for such children who would attend the school.
  30. Acts of 1909, Chapter 20, was an act concerning the cooperation of state, county, and city governmental entities with the Peabody Education Fund to establish and finance the George Peabody College for Teachers. The Education Fund would donate \$1,000,000 as an endowment, and the State of Tennessee would appropriate \$250,000; the County of Davidson, \$50,000; and the City of Nashville, \$200,000 to finance the founding of the College.
  31. Private Acts of 1911, Chapter 506, authorized the Board of Trustees for Robertson Academy in Davidson County to acquire the necessary ground, either by gift, or purchase, and to erect thereon such building, or buildings, that may be suitable for the uses of a public school, and to use the surplus of funds on the operation and maintenance of the school. The new school was required to be located outside the City of Nashville and at some point on or near the Franklin Turnpike. The Board could make contracts or arrangements of any kind with the Davidson County Board of Education. It was recognized that the current property of the School was conveyed to it by deed from William Hartsfield, dated April 2, 1842, and that the Board of Trustees was composed of P. A. Smith, Melville Williams, Thomas Wilkerson, R. G. Clark, Sep W. Abbay, Charles R. Wilkerson, Joseph H. Thompson, John Thompson, May Overton, W. L. Jordan, W. D. Shute, and Jesse M. Overton.
  32. Private Acts of 1913, Chapter 176, empowered the Boards of Education in Davidson County to appropriate annually so much money as might be necessary for securing library aid for the county public schools in the circulation of supplementary reading books and other literature from established public libraries in the county seat.
  33. Private Acts of 1913, Chapter 177, allowed the Davidson County Quarterly Court, in quarterly session, to levy a tax for free school purposes of not less than twenty-five cents nor more than forty cents on each one hundred dollars' worth of taxable property in the County.
  34. Private Acts of 1913, Chapter 329, allowed the Davidson County Quarterly Court to make such provision as the Court saw fit for the employment of a competent person with professional medical training to make an examination into the health of the pupils attending the public schools of the County, the compensation of such a person to be determined by the Board and appropriated from the general county funds.
  35. Private Acts of 1929, Chapter 168, authorized and directed the Davidson County Board of Education to operate the public schools located in the area annexed to the City of Nashville by the General Assembly at its 1929 session for the balance of the 1928-1929 school term.
  36. Private Acts of 1935, Chapter 426, allowed the Davidson County Board of Education to contract with the Board of Education of the City of Nashville for the payment of tuition for the attendance of high school students who were residents of the Districts of Davidson County outside Nashville to attend city schools. Such attendance was to be permitted only in cases where the County did not maintain a high school in the District where the student resided, and when the student could be more economically and conveniently served by paying such tuition to the City.
  37. Private Acts of 1949, Chapter 822, stated that in Davidson County all school funds collected, or received by the County authorities whether from State apportionment or from the Federal Government, for general school purposes, would be divided between the County Board of Education and any Boards of Education of cities, towns, or special taxing districts, upon a per capita basis for each and every child in average daily attendance in elementary and high schools. All other school funds, except monies raised by special tax rates or appropriations from the



County Court, or appropriations made by the State for public school transportation, would be divided on the same basis. The act was held unconstitutional on the grounds that it was contrary to general law and lacked a reasonable basis for its discriminatory provisions. Davidson County v. City of Nashville, 190 Tenn. 137, 228 SW2d 89 (1950).

38. Private Acts of 1951, Chapter 221, permitted the County and City Boards of Education in Davidson County to form a contract for the joint operation of school facilities coming under their respective jurisdictions and to make available each to the other their respective school facilities on a contractual basis for the benefit of the school children of both the City and the County. Any contract was required to be approved by the Quarterly Court and the Mayor and City Council.
39. Private Acts of 1951, Chapter 548, stated that all persons employed by the Davidson County Board of Education who were teachers, principals, or who were engaged in an instructional capacity were to receive monthly increases in pay as follows: \$10 per month for all those who have taught five years or less; \$17.50 a month for those who have taught from six to ten years, and \$25 per month for all those who had taught for ten years or longer.
40. Private Acts of 1953, Chapter 530, stated that all custodian engineers and janitors employed by the Davidson County Board of Education shall be afforded twelve months of work each calendar year and would receive twelve months full pay according to his or her regular salary scale.
41. Private Acts of 1955, Chapter 291, amended Private Acts of 1943, Chapter 273, the Davidson County Civil Service Act, by placing all teachers and other persons employed by the Board of Education in the category of unclassified along with elected officials and their deputies, and members of boards and commissions.
42. Private Acts of 1955, Chapter 299, stated that non-teaching employees of the Board of Education of Davidson County not otherwise protected under the Public Acts of 1951, Chapter 76, would be subject to discharge for inefficiency, incompetency, neglect of duty, immorality, conviction of a crime involving moral turpitude, and several other specific acts, provided the employee was given ten days notice. The employee could appeal within five days of receipt of notice to the Board of Education for a hearing and the decision of the Board was subject to judicial review.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Davidson County, but are no longer operative regarding elections.

1. Acts of 1897, Chapter 297, changed the boundary between the Tenth and Thirteenth Districts of Davidson County so that the main line of the N. and C. and St. Louis Railroad divided into two districts.
2. Acts of 1901, Chapter 207, amended the Acts of 1897, Chapter 297, above, by changing the District boundaries in the area of Charlotte Pike and Cedar Street.
3. Acts of 1905, Chapter 110, redistricted the County from twenty-four Civil Districts to fourteen Civil Districts. All election precincts would remain as they were.
4. Acts of 1907, Chapter 245, amended Acts of 1905, Chapter 110, above, by changing the boundary of the First Civil District (Nashville) in several localities. Several of the changes were necessary because of annexations to the City of Nashville.

#### **Elections**

The following is a listing of acts for Davidson County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Acts of 1796 (Mar. Sess.), Chapter 10, provided for two Representatives to be sent to Washington, one from the Holston District made up of Washington and Hamilton Districts and one from the Cumberland District which contained the Mero District of which Davidson County was a part. The manner of conducting the election and counting the votes was prescribed in the act.
2. Acts of 1796 (July Sess.), Chapter 4, named the persons in each District of Tennessee whose duty it would be to elect an elector from their respective District which elector would vote in the election of President and Vice President of the United States.

3. Acts of 1798, Chapter 16, divided Tennessee for representation in the General Assembly which would be composed of twelve Senators and twenty-four Representatives. Four Senators and eight Representatives were allotted to each of the Washington, Hamilton, and Mero Districts. In Mero District, Davidson County would have one Senator and three Representatives; Sumner County, one Senator and three Representatives; and Robertson and Montgomery Counties would elect the others. Davidson County would have two Senators in 1799 and Robertson and Montgomery Counties would elect one Senator together.
4. Acts of 1799, Chapter 46, provided that three Presidential Electors would be elected in Tennessee and this act named the people in each county who would meet and choose the three Electors. James Robertson, and Joseph Hooper were appointed from Davidson County.
5. Acts of 1803, Chapter 24, separated Tennessee into five Presidential Electoral Districts, the Fifth District being made up of the counties of Davidson, Williamson, Robertson, Montgomery, Stewart, Rutherford and Dickson. The elections for the Electors would be held on the first Thursday and Friday in November, 1804.
6. Acts of 1805, Chapter 64, recited that the enumeration of free taxable inhabitants of the State to be made by the counties had not been done as directed and the State must be apportioned according to the Constitution, The required apportionment was to be achieved based on the tax bills for 1804. Thirteen Senators and Twenty-six Representatives were to be elected. Davidson County would elect one Senator and one Representative along.
7. Acts of 1807, Chapter 74, divided the State into five Presidential Electoral Districts. The Fifth District contained the counties of Davidson, Robertson, Montgomery, Stewart, Dickson, Williamson, Maury, Rutherford, Bedford, and Hamilton.
8. Acts of 1809, Chapter 1, declared that the Sheriff would hold an election in every county in the State on the last Thursday and Friday in April, 1809, to elect three Representatives to the United States Congress, one each from the Washington and Hamilton Districts and one from the combined Mero, Winchester, and Robertson Districts. The Polls in the latter will be counted in Nashville.
9. Acts of 1812, Chapter 5, created eight Presidential Electoral Districts in the State. The Sixth District was made up of the Counties of Davidson, Rutherford, and Bedford. Polls would be counted in the Sixth District at Jefferson in Rutherford County after the election on the first Thursday in November.
10. Acts of 1812, Chapter 27, separated the State into six U.S. Congressional Districts, and assigned the Counties of Williamson, Bedford, Lincoln, Davidson, and Rutherford to the Fifth District.
11. Acts of 1812, Chapter 57, reapportioned Tennessee for the composition of the General Assembly, creating twenty Senatorial Districts and forty Representative Districts. Davidson County would elect one Senator and two Representatives.
12. Acts of 1819, Chapter 5, authorized and established three new election precincts in Davidson County. One precinct was located at the house of Abner Driver, one at Shelton's on the dividing ridge between Stones River and Mill Creek, and one at Pardue's old place at the head of White's Creek.
13. Public Acts of 1819, Chapter 69, apportioned Tennessee for representation in the General Assembly. Of the twenty senators, Davidson County, Williamson County, and Dickson County jointly would elect one Senator and Davidson County alone would elect two Representatives.
14. Public Acts of 1822, Chapter 1, divided the State into eight U.S. Congressional Districts. The Seventh District contained the Counties of Davidson, Williamson, and Rutherford.
15. Public Acts of 1823, Chapter 47, separated Tennessee into eleven Presidential Electoral Districts. The Seventh District was made up of the Counties of Rutherford, Davidson and Wilson. Votes would be counted and compared at Franklin in Williamson County.
16. Public Acts of 1824, Chapter 1, was a duplicate of the Public Acts of 1823, Chapter 47, above.
17. Public Acts of 1826, Chapter 3, apportioned the representation in the Tennessee General Assembly. Davidson County would elect one Senator and one Representative alone.
18. Public Acts of 1827, Chapter 17, created eleven Presidential Electoral Districts in Tennessee of which the Seventh District contained the counties of Davidson, Williamson, and Rutherford. Each District would elect one Presidential electors.
19. Acts of 1832, Chapter 4, provided for thirteen U.S. Congressional Districts in Tennessee and allocated Davidson and Wilson Counties to the Seventh District.

20. Public Acts of 1832, Chapter 9, created fifteen Presidential Electoral Districts in the State. Sumner and Davidson Counties formed the Eighth District. The procedures for holding elections and tabulating the votes were set forth in the act.
21. Public Acts of 1833, Chapter 71, allotted Davidson County and Wilson County together one of the twenty State Senators. The polls would be compared at the house of James Williamson in Wilson County. Davidson and Wilson Counties formed one Representative District and together would elect three Representatives.
22. Public Acts of 1833, Chapter 76, called for a Constitutional Convention for the State. Sixty delegates would be elected on the first Thursday and Friday in March under the regular election laws and those so elected would assemble in Nashville on the third Monday in May to alter, revise, or amend the Constitution or form a new constitution for the State. The district containing the Counties of Rutherford, Bedford, Maury, Williamson, Davidson, and Wilson, would elect twelve delegates, two from each County.
23. Public Acts of 1833, Chapter 94, set up two additional election precincts in Davidson County, one precinct at the house of Dennis Dozier and the other at the house of Absalom Gleaves. Each precinct would be operated under the same laws, rules, and regulations as the other existing precincts.
24. Public Acts of 1835-36, Chapter 39, provided for fifteen Presidential Electoral Districts in the State. Sumner and Davidson Counties constituted the Eighth District. The voters of each District would choose one resident of the District to represent them as elector.
25. Acts of 1839-40, Chapter 79, declared that each U.S. Congressional Districts would constitute a Presidential Electoral District for the purpose of choosing electors for the Presidential election of 1840.
26. Acts of 1842 (2nd Sess.), Chapter 1, apportioned the State for representation in the General Assembly into twenty-five Senatorial Districts and fifty Representative Districts. Davidson County alone would elect one Senator two Representatives. Voters were to be counted at the courthouse in Nashville.
27. Acts of 1842 (2nd Sess.), Chapter 7, divided Tennessee into eleven U.S. Congressional Districts. The Eighth U.S. Congressional District contained the counties of Davidson, Smith, and Sumner.
28. Acts of 1851-52, Chapter 196, divided Tennessee into ten U.S. Congressional Districts. The Seventh District contained the counties of Davidson, Robertson, Montgomery, Stewart, and Dickson.
29. Acts of 1851-52, Chapter 197, apportioned the State for election of the members of the General Assembly. Davidson County alone would elect one Senator and two Representatives. The voters of Davidson County would elect one Representatives with Robertson and Montgomery Counties with the votes being counted at Springfield in Robertson County.
30. Public Acts of 1865, Chapter 34, was a Post Civil War Act which formed eight U.S. Congressional Districts in Tennessee. The Counties of Williamson, Davidson, Wilson, Sumner, Robertson, and Cheatham formed the Fifth District.
31. Public Acts of 1866-67, Chapter 36, Section 3, declared that the registration of voters in Davidson County pursuant to the Franchise Act of 1866 to be null and void and declared that any person attempting to vote by virtue of any certificate issued pursuant to the act would be guilty of a misdemeanor.
32. Public Acts of 1866-67, Chapter 45, authorized the Register of Voters and the Sheriff to open the polls in each of the wards in the City of Nashville.
33. Public Acts of 1871, Chapter 147, apportioned the State for representation in the General Assembly based on the 1870 Federal Census figures. Davidson County would elect one of the twenty-five State Senators and four of the fifty Representatives.
34. Acts of 1872 (Ex. Sess.), Chapter 7, divided the State into nine U.S. Congressional Districts. The Fifth District contained the counties of Robertson, Cheatham, Davidson, Sumner, Wilson, Trousdale, and DeKalb.
35. Public Acts of 1873, Chapter 27, increased the number of U.S. Congressional District in the State from nine to ten and reassigned counties accordingly. The Sixth Congressional District was made up of the counties of Davidson, Cheatham, Dickson, Humphreys, Stewart, Houston, and Montgomery.
36. Public Acts of 1881 (Ex. Sess.), Chapter 5, established the number of State Senators in the General Assembly at thirty-three, and the number of Representatives at ninety-nine.

37. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the State Senatorial and Representative Districts to conform to the new compensation of the General Assembly. Davidson County alone would elect one Senator and would share another with Cheatham County. Davidson was allotted five of the ninety-nine Representatives.
38. Public Acts of 1882 (Ex. Sess.), Chapter 27, returned the State to ten U.S. Congressional Districts but rearranged the counties because of shifts in the population, reflected in the 1880 Federal Census. The Sixth U.S. Congressional District was to contain the counties of Davidson, Robertson, Cheatham, Montgomery, Stewart, Humphreys, and Houston.
39. Public Acts of 1890, Chapter 24, applies to counties having 70,000 inhabitants or more and to cities having 9,000 or more inhabitants. The act required counties and cities to furnish printed and numbered ballots for use in elections. The ballots were to contain the names of all legitimate candidates, and the names were to be grouped according to office. A blank space for each office was required for write-in votes. The act set forth a procedure for the preparation and distribution of the ballots. Election Commissioners were required to prepare guides for voting and to instruct election officers. Provision was made for lost ballots, disabled voters, and penalties for violation of election laws.
40. Public Acts of 1890, Chapter 25, set uniform rules and procedures for voter registration in counties having 70,000 or more inhabitants and in cities having 2,500 or more inhabitants. In these counties and cities, each qualified person was required to register in order to vote. The Governor would appoint three member Commissioners of Registration for each of the counties included within the act. These commissioners would serve without pay. They would appoint two Registrars for each ward if they county had wards and for each precinct if not.
41. Public Acts of 1891, Chapter 131, established ten U.S. Congressional Districts in the State. The Sixth District contained the Counties of Davidson, Robertson, Cheatham, Montgomery, Stewart, Humphreys, and Houston.
42. Public Acts of 1891, Chapter 223, amended Public Acts of 1890, Chapter 25, above, by making the act applicable in Counties having 50,000 or more in population.
43. Public Acts of 1891, Chapter 224, amended Public Acts of 1890, Chapter 25, above, by changing the population figures to make the act applicable to counties with a population of 50,000 or more, and by granting the Commission of Registration the authority to appoint one of the three judges and one of the two clerks of elections in every ward and precinct in the counties to which the act applied. County Courts, Mayors, and Boards were divested of the authority to appoint more than two judges, or clerks.
44. Public Acts of 1891, Chapter 225, amended Public Acts of 1890, Chapter 24, above, by making the act applicable to all counties that had a population of 50,000 or more, but the population standard for cities remained at 9,000.
45. Acts of 1891 (Ex. Sess.), Chapter 10, was the next reapportionment of the State for the General Assembly. Davidson County would elect two Senators, one each in the Sixteenth and Seventeenth Senatorial Districts. Davidson County would also elect seven Representatives and share a floater with Cheatham and Robertson Counties.
46. Acts of 1891 (Ex. Sess.), Chapter 12, amended Public Acts of 1890, Chapter 25, above, to make it applicable to all counties with a population of 50,000 or more, according to the 1890 Census. The act repealed Public Acts of 1891, Chapter 223, above.
47. Acts of 1901, Chapter 12, made all the laws which governed the general elections in counties having a population of 90,000 or more applicable to the primary elections in those counties. Saloons were required to close only during the hours of the primary election. The Executive Committee of the party would supply a ballot for the primary elections and each candidate was allowed to have a watcher at each poll. The Executive Committee would designate the hours during which the polls would be open. A supplemental registration was to be held by the County Registrars. Violations of the election laws were declared felonies. The act provided that payment of the poll tax was not required for voting in primary elections.
48. Acts of 1901, Chapter 109, divided Tennessee into ten U.S. Congressional Districts and assigned the Counties of Davidson, Robertson, Cheatham, Stewart, and Montgomery to the Sixth U.S. Congressional District.
49. Acts of 1901, Chapter 122, was the last reapportionment of Tennessee for the General Assembly for over sixty years. Davidson County would elect two Senators, one each in the Sixteenth and Seventeenth District. The voters would elect six Representatives. Davidson and Wilson Counties jointly would elect one Flatorial Representative.

50. Acts of 1907, Chapter 422, provided that all laws that were applicable to elections in general would be applicable to all primary elections in Davidson County. Saloons would be closed only during actual polling hours. All the duties of election officials would be precisely the same as for other elections. The Executive Committee of the party holding the election would prepare a suitable ballot at least three days prior to the election. The Registrars for general elections would serve in all primary elections. Provisions were included in the act for the counting of the vote, for run-off elections, and for the payment of election expenses.
51. Private Acts of 1917, Chapter 690, fixed the rate pay of the officers, judges, clerks and registrars of all legal elections and registrations held in Davidson County at \$3.00 per day.
52. Private Acts of 1923, Chapter 549, was passed by the General Assembly on the same day and in conjunction with Private Acts of 1923, Chapter 689, below. The act recognized that the Davidson County Democratic Executive Committee had been abolished; therefore, it created a new political body by the same name and with the same function. It would be composed of the ward chairman and vice chairman who would be elected by the voters in a special election held on May 10, 1923. To hold the election, the act re-created the Davidson County Democratic Primary Board, the old one also having been abolished. The Board would be composed of five citizens appointed by the three Circuit Judges and the two Chancellors of Davidson County. After the special election, the Board would consist of five members of the Democratic Executive Committee. The Committee was required to hold an election to replace itself every two years during the regular biennial primary and failure to do so would act to vacate its offices and in such case, the Primary Board was required to hold an election.
53. Private Acts of 1923, Chapter 689, recited that in Davidson County the incumbent Executive Committee of the Democratic Party, elected in 1916 for a term of two years, was still in office and had no apparent intention of calling an election for their successor committee to be elected as the law required. The act abolished the Democratic Executive Committee and terminated its office. The Democratic Primary Board was also dissolved.
54. Private Acts of 1923, Chapter 704, declared that Registrars who held regular registrations in Davidson and Shelby Counties would be paid \$2.50 a day for their services. Each officer, judge, clerk, registrar, or marker who held any regular election where the polls stayed open until 7:00 p.m.. would be paid \$3.00 a day, if they worked in a poll which closed at 4:00 p.m. the pay would be \$2.00 per day.
55. Private Acts of 1925, Chapter 118, stated that the hours of registration for all voters in Davidson County would be from 8:00 a.m. until 8:00 p.m. for both the general and supplemental registrations. Compensation for the Registrars would be \$5.00 per day and the registration period would be five days, every two years.
56. Private Acts of 1927, Chapter 738, provided that all laws in force and applicable to the holding of general elections in counties with 90,000 in population would apply to and govern the primary elections in Davidson County. All officers for each election precinct, ward or district, in all primary elections would be the same number as required to hold regular elections and their responsibilities would be precisely the same. They would be appointed by the governing committee of the party holding the election and take the same oath. Rules were established for the ballots, for the qualifications of the candidates, and for the orderly conduct of the election. Requirements for a Poll Tax would not apply in primary elections. The act was held unconstitutional on the grounds that it was not properly and constitutionality passed by the House and Senate because of procedural irregularities. *Fugu v. Davidson County*, 189 Tenn. 645, 227 SW2d 12 (1950).
57. Private Acts of 1929, Chapter 587, amended the general law, Acts of 1859-60, Chapter 75, to provide that the polls in Davidson County would open at 9:00 a.m. and close at 7:00 p.m. instead of closing at 4:00 p.m. as required under the 1859-60 act.
58. Private Acts of 1943, Chapter 23, authorized the Quarterly County Court of Davidson County to redefine and establish registration and voting precincts in the respective districts of the County and in the wards of the City of Nashville.
59. Private Acts of 1943, Chapter 245, amended Private Acts of 1923, Chapter 549, above, by adding at the end a provision that the membership of the Davidson County Democratic Executive Committee, elected after the passage of this act, would be entitled to the following vote in the proceedings of the Davidson County Democratic Executive Committee: Ward Chairman and Vice Chairman in the City of Nashville's seven wards, four votes each; District Chairman and Vice Chairman of the districts of the County, one vote each.
60. Private Acts of 1943, Chapter 307, stated that all persons, otherwise entitled to vote in municipal elections of the City of Nashville, would be entitled to vote in those elections without having to

- pay the poll tax assessed against them. The act was repealed in 1945.
61. Private Acts of 1945, Chapter 26, established a system of permanent registration of voters in Davidson County in place of biennial registration. The details of procedure for setting up and maintaining such a system were contained in the act. Provisions were made for the purging of voters under certain conditions and for holding elections in the precincts.
  62. Private Acts of 1945, Chapter 377, amended Private Acts of 1943, Chapter 23, above, by directing the Quarterly County Court of Davidson County establish, as one of the registration and voting precincts in the 6th Civil District, a registration and voting precinct at or near the intersection of Antioch Road and Nolensville Road in the district.
  63. Private Acts of 1945, Chapter 561, repealed Private Acts of 1943, Chapter 307, above.
  64. Private Acts of 1945, Chapter 598, amended Private Acts of 1945, Chapter 26, above, by adding a provision that a voter could register and vote in any precinct in the ward of his residence. Several other minor amendments were contained in this act concerning precautions to be observed in the voting by blind people, some changes in the registration card form, and applications for and handling of absentee ballots.
  65. Private Acts of 1945, Chapter 612, amended Private Acts of 1923, Chapter 549, by changing the membership of the Democratic Executive Committee of Davidson County so that each district would be represented on the Committee by a Chairman and a Vice Chairman and each Ward would be represented by four Chairmen and four Vice Chairmen, each to have one vote. The Executive Committee was authorized to fill the positions created by the act until the next election was held.
  66. Private Acts of 1949, Chapter 336, amended Private Acts of 1927, Chapter 738, above, by deleting Section 11 from the act and adding a provision that all expenses for and incidental to the holding of primary elections would be borne by the county in which the said elections were held. The act was declared unconstitutional along with the act it amended. Fugua v. Davidson County, 189 Tenn. 645, 227, SW2d 12 (1950).
  67. Private Acts of 1949, Chapter 346, amended Private Acts of 1927, Chapter 738, above, by declaring that all primary elections held under the provisions of the act were required to take place not less than thirty days nor more than ninety days prior to the date of the regular biennial General August election.
  68. Private Acts of 1949, Chapter 359, amended Private Acts of 1945, Chapter 26, above, by allowing people who moved from one precinct to another to re-register from the new address by mail after having filled out the form set up in the act.
  69. Private Acts of 1953, Chapter 216, declared that in all general elections in Davidson County, the polls shall be opened at 7:00 a.m. Standard Time and closed 9:00 p.m. Standard Time.
  70. Private Acts of 1955, Chapter 119, stated that in Davidson County, the county would pay the costs of the primary elections in all the voting precincts, the cost of transporting the ballot boxes or voting machines to and from the polls, and the cost of advertising the said election in the newspapers. The act applies to the primary elections of any of the political parties whose members cast at least twenty percent of the total votes cast in the County election immediately preceding the primary. The act was not approved locally and did not become effective.
  71. Private Acts of 1955, Chapter 390, authorized Davidson County to appropriate public funds, not to exceed \$1,500 in any two year period, to facilitate the operations of the Davidson County delegation to the General Assembly through the acquisition of space for a headquarters and for clerical assistance. The act was not approved locally and did not become law.
  72. Private Acts of 1957, Chapter 400, amended Private Acts of 1953, Chapter 216, above, by changing the closing times for the polls in Davidson County from 9:00 p.m. to 7:00 p.m.
  73. Private Acts of 1959, Chapter 81, amended Private Acts of 1955, Chapter 390, above, by authorizing Davidson County to appropriate public funds to be expended for facilitating the operations of the Davidson County Delegation in the General Assembly through the acquisition of space for a headquarters and for professional and clerical assistance, and other necessary expenses. This act was not approved locally and did not become effective.
  74. Private Acts of 1985, Chapter 85, amended Private Acts of 1923, Chapter 549, above, by changing the time set by the amended statute for election of the Davidson County Democratic Executive Committee from the regular biennial general Democratic primary to the May county primary, beginning May, 1986.

# Chapter VIII - Health

## Health - Historical Notes

### **Board of Health**

The following summaries are included herein for reference purposes.

1. Acts of 1857-58, Chapter 140, allowed the Quarterly County Courts of Davidson County and Montgomery County each to appoint three inspectors of flour for their respective Counties, who would serve terms of one year and who would be sworn and bonded. The inspectors would be paid five cents for every barrel of flour inspected. Each barrel was required to contain 196 pounds of flour, and if intended for fine quality, would be marked "superfine". If any indian meal was found in the flour the owner would forfeit the barrel and pay a fine of \$4.00 a barrel.
2. Acts of 1909, Chapter 339, empowered the County Court of Davidson County at its July, 1909 quarterly session to select three legally qualified practitioners of medicine, who could not be members of the County Court, to be members of the Board of Health. After staggered initial terms, the members would serve three years. The Board could adopt rules for its own operation and management. The members would choose their Chairman and the County Health Officer who would serve as Secretary. The Board would determine the number of sanitary inspectors and other inspectors needed and would prescribe the regulations for the Health Officer and other employees. Board members were to receive compensation at the rate of \$5.00 per day for each meeting. The responsibilities of the Health Officer included the authority to abate nuisances. In Gamble v. State, 206 Tenn. 376, 333 SW2d 816 (1960), the constitutionality of this act was upheld.
3. Private Acts of 1921, Chapter 97, amended Acts of 1909, Chapter 339, Section 10, above, by adding at the end of that Section a provision that the Board of Health provide the County Health Officer the necessary expense of the operation and maintenance of transportation facilities while on official business, which would not exceed the sum of \$50 a month.
4. Private Acts of 1921, Chapter 964, amended Acts of 1909, Chapter 339, Section 7, above, by directing the Board of Health in Davidson County to adopt and promulgate rules and regulations for constructing and installing all plumbing and sewerage in houses and on premises located outside of corporate cities. It would be the duty of the Sanitary Inspectors to enforce the regulations. Installations in violation of the regulations were declared a nuisance and the owner or user guilty of a misdemeanor.
5. Private Acts of 1925, Chapter 473, authorized the Board of Health of Davidson County to appoint a Plumbing Inspector for the inspection of sanitary plumbing and enforcement of the regulation of the Board of Health. The Inspector would be a practical plumber or a sanitary engineer and would be compensated at the rate of \$2,400 per year. For the purpose of inspecting work done outside corporate limits in the County, the Inspector was granted authority to enter upon premises and condemn any site found in violation of the Board's regulations. Specifications for plumbing and septic tanks were set forth in the act.
6. Private Acts of 1933, Chapter 685, created the Board of Plumbing Examiners and transferred to it the responsibility for the supervision of the plumbing inspectors and their assistants. The Board of Health would no longer have supervision of inspectors but the County Health Officer would be a member of the new Board of Plumbing Examiners.
7. Private Acts of 1935, Chapter 92, Section 10, amended Acts of 1909, Chapter 339, above, by directing the Board of Health to provide the County Health Officer the necessary expense of the operation and maintenance of transportation facilities while on official business up to \$75 a month payable out of regular County funds.
8. Private Acts of 1941, Chapter 160, amended Private Acts of 1933, Chapter 685, above, by allowing the Plumbing Inspectors of Davidson County \$600 a year as a travel allowance.
9. Private Acts of 1943, Chapter 110, amended Acts of 1909, Chapter 339, above, by authorizing the Board of Health to appoint a Director of Health who was required to be qualified to perform all the duties required by State law and such others as may be assigned to him by the Board. The Director would perform all the obligations of the County Health Officer and jail physician as they were established under the law. The Director was to be a resident of Davidson County and a practicing physician for five years or longer. The term of office would be four years at a salary to be fixed by the Board and payable monthly. The office of County Health Officer was abolished.

10. Private Acts of 1949, Chapter 633, gave the County Board of Health the responsibility of enforcing the dog law of Davidson County.
11. Private Acts of 1951, Chapter 100, amended Acts of 1909, Chapter 339, above, by increasing the compensation of the members of the Board of Health of Davidson County from \$5.00 to \$15.00 per meeting.
12. Private Acts of 1959, Chapter 327, required applicants for a license entitling them to operate a food establishment to first obtain a statement from the County Health Department approving the location, plans and equipment of the establishment. The act applied only to new applicants.

### **Hospitals**

The following acts concerning hospitals in Davidson County have been repealed or superseded or are no longer effective. Also referenced are acts that repeal prior law without providing new substantive law.

1. Private Acts of 1820, Chapter 70, stated that the Quarterly Court of Davidson County purchased a tract of land on Whites Creek of 170 acres as a site for the Poor House of Davidson County, and the tract was later sold by court order to Stump and Cox, who sold the property to Edward Butler. The Chairman of the County Court was directed to convey the land by valid deed to Butler.
2. Private Acts of 1823, Chapter 102, designated Boyd McNairy, Felix Robertson, James Overton, and James Roane as the managers of a lottery to raise up to \$10,000 which would be used to erect, in Nashville or its vicinity, a building to be used as a hospital for indigent sick persons. The managers would provide a bond and observe all the rules and regulations pertinent to the conduct of lotteries. All prize money would be secured under the bond. The hospital could be named as the managers saw fit.
3. Public Acts of 1832, Chapter 31, established a hospital for lunatics to be built in Davidson County in or near Nashville. Named as Commissioners to supervise the project were Francis Porterfield, Joseph Woods, Henry R. W. Hill, James Roane, Felix Robertson, and Samuel Hogg. Their duties were to purchase a suitable site for the buildings which were to be built of stone or brick and be large enough to house at least 200 persons. \$10,000 was appropriated for the project.
4. Private Acts of 1833, Chapter 259, appointed John Shelby and Boyd McNairy as additional commissioners for the lunatic hospital.
5. Private Acts of 1833, Chapter 262, appropriated one-half of the State tax for the years 1834 and 1835 for Davidson County to the erection and completion of the Lunatic Hospital in the County and the Treasurer of Middle Tennessee was to pay that amount over to the Commissioners of the Hospital.
6. Private Acts of 1835-36, Chapter 130, appropriated \$2,500 annually for two years for the purpose of completing the Lunatic Hospital in Davidson County. The act appointed Robert Woods, John Shelby, Felix Robertson, and James Overton, as Commissioners, to cause the Hospital to be finished in a manner suitable for the reception of patients. The Commissioners were empowered to hire a superintendent to supervise completion and furnishing of the Hospital.
7. Acts of 1839-40, Chapter 120, provided regulations and procedures for the opening and continued operation of the Lunatic Hospital of Tennessee, located in Davidson County. Seven Trustees would be appointed by the Governor for two-year terms. The Trustees were empowered to employ a physician to act as treating physician and superintendent at a salary of \$500 per year. In addition, both a keeper and a matron would be employed to attend the patients and enforce the regulations. Procedures were set forth for the admitting of patients, including criminal offenders, private patients, and wards of the State.
8. Acts of 1841-42, Chapter 116, further defined the powers of the Board of Trustees of the Lunatic Hospital by directing the Trustees to take certain actions in regard to expenditures and alternations in the Hospital policies. The Board was to have three members who were physicians.
9. Acts of 1843-44, Chapter 200, appropriated \$6,000 per year for the use and benefit of the Lunatic Hospital in Davidson County. The General Assembly by joint ballot would elect a competent physician and his wife to live on the premises of the hospital and care for the patients. Together they would receive compensation not to exceed \$1,400 annually, and they would contract with the State to care for up to fifty pauper patients. No boarding patient could be admitted without payment for six months board in advance. Each Senatorial district was limited to two pauper patients within the institution.
10. Acts of 1845-46, Chapter 183, appointed the Governor, the Secretary of State, the Comptroller of the Treasury, and the Treasurer of the State, as Commissioners, to sell all the lands, buildings,



and other appurtenances belonging to the Lunatic Hospital in Davidson County after giving three months prior notice of the sale in some newspaper in Nashville, retaining possession until another facility could be built to receive the patients. The proceeds would be used to operate the new facility to be located in some county in Middle Tennessee.

11. Acts of 1847-48, Chapter 205, established the State Hospital for the Insane. It required the Governor of Tennessee to appoint seven Commissioners, no more than three to be from Davidson County, to select a site in Davidson County with plenty of water and firewood available and to supervise the construction of the Hospital at the site. The Governor was required to appoint nine Trustees for the Hospital, two from the Eastern Division, two from the Western Division, and five from the Middle Division of Tennessee. The Trustees would employ a physician who was willing to reside at the Hospital with his family. Patients would be admitted in numbers from each county in proportion to the county population of insane persons. Included in the act were procedures and standards to be observed in the admission of patients to the Hospital.
12. Acts of 1855-56, Chapter 144, provided that the Lunatic Hospital in Davidson County be leased to the Medical Faculty of the University of Nashville for ten years. The Dean of the Faculty would have authority over its operation, and would report each year to the General Assembly on its condition and management. No patient was to be exhibited to students or interviewed without his consent and no dissection of dead bodies was allowed on the premises.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 55, directed the Superintendent of the Hospital for the Insane to cancel the account of the institution against James Holloway, the guardian of John K. Ham, a lunatic, for the medical treatment and maintenance of Ham as a patient. The act directed the account to be charged to Davidson County.
14. Public Acts of 1891, Chapter 186, granted to all counties having 40,000 or more in population the authority to purchase land and build an asylum for the insane, the poor, the afflicted, and for inebriates. A county desiring such an asylum was to cause a committee to be appointed consisting of three Justices, the County Judge, or Chairman, and three citizens to purchase land, erect buildings and supervise the project. Upon completion, the Quarterly Court would appoint a commission of five persons to operate the institution, which committee would be composed of two Justices and three citizens, serving four year terms. The commissioners would appoint a superintendent. Guidelines were established for the conduct of the Superintendent and the admission of patients. The act was repealed in 1959.
15. Private Acts of 1911, Chapter 200, amended Public Acts of 1891, Chapter 186, above, by authorizing and requiring the Board of Hospital Commissioners to act as a Civil Service Board, and the Superintendent of the Asylum was declared to be a Civil Service employee. The Board would make all the necessary rules and regulations for the functioning of the Board. The Superintendent was disallowed from employing anyone who was related to a member of the Board of Commissioner, or to a member of the County Court within the third degree.
16. Private Acts of 1917, Chapter 255, amended Public Acts of 1891, Chapter 186, above, by allowing the Board of Commissioners to decide whether to hire a farm boss to be in charge of any farming done by the Asylum.
17. Private Acts of 1923, Chapter 487, amended Public Acts of 1891, Chapter 186, Section 13, above, by removing the qualification requiring the Superintendent of the Asylum to be a married man and to reside on the premises with his family, and by substituting in its place the language, "and he shall reside at the Asylum continuously".
18. Private Acts of 1929, Chapter 112, was the authority for the Board of Managers of the County Tuberculosis Hospital in Davidson County to set apart for full pay patients not less than two-thirds of any new building to be constructed for the use of the hospital. Patients would be admitted in the order of their application, at a minimum cost of \$15 a week for full pay patients. Full pay patients would file a \$250 bond with their application. The cost to pay patients was to be determined by taking the average daily cost per full patient for the year before and adding the average per capita interest on capital outlay. Failure to pay the charges was cause for discharge unless a patient qualified for charity. The act was repealed in 1959.
19. Private Acts of 1931, Chapter 183, purported to amend Private Acts of 1929, Chapter 182, but by its wording was intended to amend Private Acts of 1929, Chapter 112, above, by requiring that patients be received in order of application as "pay" patients, or as "charity" patients, the "pay" patients being required also to submit a penal bond in the sum of \$250. Section 3 was amended so as to admit the next in line in either category to fill vacancies as they occurred. Pay rates were scheduled at not less than \$15 per week for the first floor, \$10 per week for the second floor, and \$5.00 per week for the third floor. The Superintendent was required to discharge the patients

- admitted as paying who were delinquent unless the patient was entitled to be admitted as a charity patient.
20. Private Acts of 1933, Chapter 437, allowed the Quarterly Court of Davidson County to appropriate, from revenues available from the county tax levy for charitable purposes, funds for the hospitalization of the poor and indigent sick. The Board of Health would constitute the Davidson County Hospital Commission and as such could contract with the Nashville General Hospital or other hospitals for the hospitalization of the indigent sick. Rules and regulations were to be adopted to govern and administer the fund including verification of the patients' poverty. The Board of Hospital Commissioners would submit a budget request to the Quarterly County Court.
  21. Private Acts of 1941, Chapter 390, amended Public Acts of 1891, Chapter 186, above, and directed the Quarterly Court of Davidson County at the next election for the Board of Commissioners operating the Medical Institution to elect one member for one year, one member for two years, one member for the three years, one for four years and one for five years, and, in the years following, elect each member for five year terms.
  22. Private Acts of 1945, Chapter 353, authorized the Quarterly County Court of Davidson County to elect a County-City General Hospital Commission with the power to construct, equip, manage, and maintain a County-City Hospital. The Commission would expend the proceeds from a three million dollar fund issue and when the hospital was constructed the County Court would levy an appropriate tax to fund its maintenance. The act was repealed in 1947.
  23. Private Acts of 1945, Chapter 496, empowered the Board of Managers of the Davidson County Hospital to admit, as full-pay patients, non-residents of the County on the condition that the number of such patients be limited to one percent of the bed capacity of the said hospital, and that they be admitted only in cases of emergency and then only for a period of time not to exceed 90 days. Further, such patients would have to be sponsored by some organized welfare, charity, or institution which would assume the responsibility for the payment of the hospital charges.
  24. Private Acts of 1945, Chapter 506, empowered the Board of Managers of the Davidson County Tuberculosis Hospital to admit full pay patients sponsored by an organized welfare or charitable organization assuming responsibility for payment of hospital expenses. The number of such patients could not exceed one percent of bed capacity and they would be admitted in an emergency and only for ninety days maximum.
  25. Private Acts of 1947, Chapter 113, repealed Private Acts of 1945, Chapter 353, above.
  26. Private Acts of 1947, Chapter 663, was the legal authority for the Davidson County Tuberculosis Hospital Commission to contract with the State of Tennessee or the Federal Government for the care and keeping of non-resident patients in the Davidson County Tuberculosis Hospital, provided the charges would be fixed by the Board of Hospital Commissioners with the approval of the Quarterly County Court.
  27. Private Acts of 1947, Chapter 797, amended Public Acts of 1891, Chapter 186, above, by adding a provision which set up a seven member Board of Commissioners. The term of office of the Commissioners would be seven years. The two new members would be members of the medical profession.
  28. Private Acts of 1959, Chapter 83, repealed Acts of 1891, Chapter 186, above, and Private Acts of 1929, Chapter 112, above. The act abolished all Boards and Commissioners administering the hospitals of Davidson County. In their places it created the Davidson County Hospital Commission and consolidated all hospitals into one to be called Davidson County Hospital. The Commissioners would be composed of seven members. Its duties included inspecting the hospitals, appointing a Hospital Superintendent and set the policies for the operation of the Hospital. The Superintendent would be a qualified medical practitioner and reside on the Hospital premises. The Hospital would be divided into the psychiatric section and the chronic disease section.
  29. Private Acts of 1959, Chapter 332, authorized the Davidson County Hospital Commission to contract with the State of Tennessee for the operation or use by the State of Tennessee of all or part of the Davidson County Hospital facilities. Any contract would have to receive the approval of the County Court.
  30. Public Acts of 1972, Chapter 586, authorized the State Board of Education to sell a one and one-half tract of land to the Metropolitan Government of Nashville and Davidson County for use by the Metropolitan General Hospital.

### **Refuse Collection**

The acts listed below were effective prior to the establishment of the Metropolitan Government and have

been superseded. Also listed are acts which repeal prior law without replacing it with substantive provisions.

1. Private Acts of 1933, Chapter 664, permitted the Davidson County Board of Health to appoint a Sanitary Engineer, at an annual salary of \$2,160, payable monthly out of ordinary county funds. The Engineer would work under the control and supervision of the Board. Duties of the office included the inspection of garbage disposal fields, septic tanks and their disposal fields, and of other conditions which might constitute a danger and hazard to health. The Sanitary Engineer would give notice to landowners to correct unsanitary conditions. If the problems were not eliminated, the landowner would be subject to a fine.
2. Private Acts of 1937, Chapter 686, amended Private Acts of 1933, Chapter 664, Section 2, above, by increasing the annual salary of the Sanitary Engineer from \$2,160 to \$2,400.
3. Private Acts of 1941, Chapter 180, amended Private Acts of 1933, Chapter 664, above, by increasing the annual salary of the Sanitary Engineer \$2,400 to \$3,000.
4. Private Acts of 1947, Chapter 177, was an act regulating the collection of refuse in Davidson County but it was defective because the population figures used to describe Davidson County were inaccurate. It was repealed less than three weeks after passage and replaced.
5. Private Acts of 1947, Chapter 371, repealed Private Acts of 1947, Chapter 177, above.
6. Private Acts of 1947, Chapter 372, required that permits be issued for refuse collection in Davidson County. The Board of Health would administer the act by issuing permits, revoking permits upon notice and hearing, and by issuing regulations and making inspections to determine compliance. The act granted the power of eminent domain to the County for the location of disposal sites. Violations of the provisions of the act were declared to be misdemeanors.
7. Private Acts of 1961, Chapter 418, amended Private Acts of 1947, Chapter 372, above, by placing the regulation of refuse in Davidson County under the control of the Department of Public Works and by providing that violations of the rules and regulations established by the Quarterly County Court would be separate offenses each day they continued.

## Chapter IX - Highways and Roads

### Highways and Roads - Historical Notes

The following acts once affecting Davidson County are no longer in effect but are listed here for historical purposes.

1. Acts of 1809, Chapter 46, allowed David Shelby and Christopher Stump to build a bridge across the Cumberland River at Nashville at a place called Stump's Warehouse, because it appeared they owned the land on both sides of the river, and the bridge was needed. When the bridge was completed, they would be allowed to charge tolls in accordance with the schedule of tolls contained in the act.
2. Acts of 1812, Chapter 43, acknowledged a petition from David Shelby and Christopher Stump to build a toll bridge across the Cumberland River at Stump's Ferry and incorporated the company under the name of the Nashville Bridge Company. The articles of incorporation were contained in the act. Shelby and Stump, along with George M. Deadrick, Robert Weakly, Stephen Cantrell, Sr., Thomas Talbot, James Jackson, William Tait, and William Hobson, were to be the initial members of the Board of Directors of the company.
3. Acts of 1813, Chapter 94, declared the Harpeth River open to free, public navigation. The Harpeth Navigation Company was chartered under the act with the duty to clear out obstructions and make the river navigable from Franklin to the mouth of the river.
4. Acts of 1817, Chapter 35, authorized Absalom Page to keep a ferry over the Cumberland River below Nashville at Cripps old Ferry and to open and clear out the road leading to it along the route selected by the Jury of View appointed by the Davidson County Court. Page would be required to pay such damages as the court may direct in the suit then pending concerning the cutting of the road.
5. Acts of 1817, Chapter 190, amended Acts of 1812, Chapter 43, above. The charter of the bridge company in Nashville had been carried out due to the conditions caused by the war and because of the large amount of money needed to build the bridge. The act allowed stock subscriptions to

continue for the next three years and named Robert Weakley, David Shelby, Christopher Stump, Thomas Talbot, James Jackson, Stephen Cantrell, Jr., William Williams, Andrew Hynes, and Josiah Nichol, as the new directors of the company.

6. Public Acts of 1821, Chapter 6, required the Courts of Pleas and Quarter Sessions in all the counties to index and classify the roads within their respective jurisdictions. Three classes of roads, distinguished primarily by width and surface, were established, each to have progressive degrees of repair and maintenance. The three classes ranged from stage roads to roads wide enough to pass a single horse and rider.
7. Private Acts of 1824, Chapter 162, appointed William W. Searcy, Robert C. Foster, Sr., Alfred Balch, Andrew Hynes, James McLaughlin, Samuel P. Black, F. N. W. Burton, Moses Ridley, Benjamin McCulloch, and David Wendel, as commissioners to manage the subscription of stock for a company to be named the Murfreesborough Turnpike Company. Their purpose would be to raise \$75,000 to build a turnpike road between Murfreesborough and Nashville. The act contained regulations for the stock issue and named Alfred Balch, Samuel Weakley, John Hardin, F. N. W. Burton, Moses Ridley, Logan Henderson, and Nathan Williams as commissioners to select the best route for the road.
8. Private Acts of 1825, Chapter 200, named as commissioners, Randal W. McGavock, Joseph Woods, Matthew Bowen, William Lewis, Robert Weakly, Thomas Bradley, Christopher E. McEwen, John McAlister, James Swanson, John Watson, John C. Wormly, James P. Peters, James Black, Edward H. Littlefield, Matthew Rhea, and William W. Frierson to manage the subscription of stock for a company to be named the Nashville Turnpike Company. The company was allowed to issue stock to raise up to \$100,000 and build a turnpike from Nashville to Columbia by way of Franklin. Christopher McEwen, Robert Weakley, James F. Peters, Matthew Rhea, Matthew Barrow, and James Snowson, were named to select the best route for the turnpike. They would be paid \$2.00 a day while performing their duties from funds of the company.
9. Private Acts of 1827, Chapter 9, appointed Marvel Lowe, Christopher Williams, Lyman J. Strong, Isaac Earthman, Michael Gleaves, and William W. Felts, as managers to conduct a lottery to raise up to \$3,000 to be used to construct a public bridge across Sycamore Creek on the land of Marshall Lowe, where the mail road from Nashville to Clarksville crossed the creek. The managers were required to give a bond in the amount of \$6,000 to the Chairman of the County Court of Robertson County. They would submit the drawing procedures for inspection by two Davidson County Justices of the Peace.
10. Private Acts of 1827, Chapter 64, granted authority to the County Court of Davidson County to order the owners of any road entering the City of Nashville to open the road to a width of fifty feet for five miles beyond the City, and to a width of forty feet for the second five miles. The Court's actions would be governed by the general laws pertaining to roads.
11. Private Acts of 1827, Chapter 173, named fifty-two persons as directors of a lottery to be held for the purpose of raising \$100,000 for the removal of all the obstructions to navigation on the Cumberland River from Line Island to the Kentucky State line. The procedures and regulations to be observed by the directors were included in the act.
12. Private Acts of 1829, Chapter 89, declared that Mill Creek in Davidson County, from Goodlett's Mills to its junction with the Cumberland River, was to remain a public highway free and open to all persons for navigation of boats, crafts, and other means of conveyance by water without interruption or obstruction. Anyone who obstructed that portion of the stream would be subject to a fine.
13. Private Acts of 1829, Chapter 205, appointed Randal McGavock, John Watson, James Swanson, Lawrence Bryan, Joseph Wood, Robert B. Currey, Henry R. W. Hill, Robert Weakley, William Hadley, Christopher E. McEwen, John C. McLemore, and Phillip Pipkin, as commissioners to receive subscriptions of stock up to \$75,000 to build a turnpike from Nashville to Franklin. The company would be named the Franklin Turnpike Company.
14. Private Acts of 1829, Chapter 224, allowed the Circuit Court of Davidson County, upon petition, to cause the Sheriff to summon twelve men to lay off and mark a road of a width of at least thirty feet to run from the edge of the bank of Page's Ferry to where it would intersect the road leading from McGavock's Ferry to Nashville. Davidson County would be liable for the damages caused by building the road. The County Court would have the same power and jurisdiction over this road as it had over other public roads.
15. Private Acts of 1829, Chapter 231, appointed John Wright, John Shelby, Andrew Hynes, Alexander Porter, Thomas Crutcher, William I. Brown, Francis Porterfield, John H. Poston, and William Seal, to open books and to receive subscriptions up to the amount of \$30,000 to be used to build a

- turnpike road from the Nashville bridge to the forks of the road at the top of the ridge at Samuel Shannon's on the Russelville and Clarksville Road.
16. Private Acts of 1829, Chapter 232, named Thomas Martin, William White, Robert Weakley, Josiah F. Williams, Elijah Boddie, Robert M. Boyers, James Saunders, Isaac Walton, Daniel Montgomery, and those other persons who were to become subscribers as a body corporate by the name, Gallatin Turnpike Company. The company was to build a macadamized road from Nashville to the Kentucky line by way of Gallatin, and in the direction of Glasgow, Kentucky. The act exempted from paying tolls residents of the counties of Davidson and Sumner who were traveling on foot or horseback to or from musters, public workshop or mill. Jurors and justices while attending court were exempt.
  17. Private Acts of 1829, Chapter 255, incorporated Charles Love, James H. Foster, William H. McLaughlin, David Wendel, James Morton, Robert Jetton, David W. Dickinson, Zacharia Posey, William Bowman, George Thompson, John McGregor, Martin Clark, Henry Ridley, Moses Norvell, George Shall, Robert Weakley, and Beverly Nelson, as the Nashville and Murfreesboro Turnpike Company which would open a turnpike between Nashville and Murfreesboro. Gates could be placed and tolls charged whenever five miles of the road were completed.
  18. Private Acts of 1831, Chapter 53, incorporated the directors and stockholders of the Franklin Railroad Company. The line would run from Franklin to Nashville and its capital stock was set at \$200,000. Commissioners named in the act were from Williamson County. The general powers of the corporation were enumerated and the regulations for the issuance of stock and the collection of the funds were contained in the Act.
  19. Private Acts of 1831, Chapter 92, authorized Timothy Dotson to build a bridge across Stone's River at or near the ford upon the road leading to Lebanon where it crossed the river at Clover Bottom in Davidson County. The bridge could not impede navigation on the river. Dotson would apply to the Davidson County Court when the bridge was completed to ascertain the rates of toll to be charged for use of the bridge.
  20. Private Acts of 1831, Chapter 169, fixed the locations of four toll gates to be placed on the Franklin to Nashville Turnpike. The one nearest Nashville would be no closer than one and one-fourth miles from Broad Street and the one nearest Franklin would be at least two miles from the town and the other two gates would be at points selected by Major Thomas Edmondson, the superintendent of the road.
  21. Private Acts of 1831, Chapter 259, named Stephen Cantrell, M. Barrow, Phillip Shute, Joseph T. Elliston, William E. Watkins, M. Bell, Charles I. Love, Joseph Meek, Brent Spence, Andrew Hynes Crockett, William Lytle, Elijah Robertson, and R. B. Turner, as commissioners to open books and take subscriptions to raise \$60,000 for a turnpike road from Nashville to the top of the ridge, one mile beyond Elijah Robertson's in the direction of the Western District by way of Charlotte. A period of four years was allowed to complete the road, but as soon as five miles were finished a toll gate could be erected and tolls charged.
  22. Private Acts of 1832, Chapter 87, appointed Thomas Edmondson, Thomas Claiborne, Henry L. Douglass, Jesse Wharton, Andrew Jackson, Jr., George Williamson, Pauldin Anderson, Joseph Johnson, Burchet Douglass, Turner Vaughn, Thomas Kirkpatrick, and Alfred McClain, as commissioners to designate and mark a turnpike road from Lebanon to Nashville so as to intersect the Murfreesborough and Nashville Turnpike or the termination of any street in Nashville. The capital stock was set at \$100,000. Work would begin and the corporate firm formed when \$25,000 was raised. A toll gate would be installed for every five miles completed. The company would be named the Lebanon and Nashville Turnpike Road Company.
  23. Private Acts of 1832, Chapter 132, commissioned Samuel Wright, Andrew Hynes, William B. Ewing, William F. White, Isaac Earthman, Samuel Shannon, Thomas Crutcher, James McGavock, and John Shelby to survey and to establish the route for the Whites Creek Turnpike commencing at the Nashville Bridge and extending a distance of ten miles to the top of the hill at Shannon's. The work could begin when sales of stock raised \$10,000. The road was required to be completed within ten years. Robert Weakley, John McGavock, Nicholas Hobson, George Stull, Thomas Martin, William Williamson, Josiah F. Williams, James Love, and Edmund Goodrich were selected to choose the best route for the road for the Nashville-Gallatin Turnpike and receive subscriptions of stock for that road.
  24. Public Acts of 1832, Chapter 15, made it the duty of the Governor to subscribe to the Nashville, Murfreesborough, and Shelbyville Turnpike the whole of the interest which was due upon the amount of the Common School Fund to which Davidson County and Rutherford County were entitled and required the Cashier of the State Bank to pay the amount so subscribed over to the

company.

25. Public Acts of 1833, Chapter 50, stated that whenever any road, not turnpiked, then leading into Nashville intersected any turnpike road also leading into Nashville at any point between the town and the first toll gate on the turnpike road the County Court would have no power to change, alter, or turn any of the public roads not turnpiked so as to make them intersect the turnpike beyond the first toll gate leading from town, but the act would not be deemed to interfere with the general power of the Court to lay off, discontinue, and alter other roads.
26. Private Acts of 1835-36, Chapter 15, named Andrew Jackson, Sr., Joseph Clay, S. Donelson, H. L. Douglass, W. McMurray, William P. Sims, Richard Buchanan, Thomas Hardin, James H. Foster, Edward D. Hicks, W. G. M. Campbell, Charles I. Love, H. R. W. Hill, Phillip Lindsay, W. G. Hardin, and Foster G. Crutcher, all from Davidson County who joined seventeen others named, from Wilson County, all of whom would serve as Commissioners to open books and receive stock subscriptions in an amount up to \$100,000, to build a turnpike road from Nashville to Lebanon. A Committee would be chosen to select the best route for the road.
27. Private Acts of 1835-36, Chapter 18, allowed the Directors and the Commissioners of the Nashville, Murfreesboro, and Shelbyville Turnpike Company to contract for a loan of \$30,000 to pay off the debts incurred in the completion of the said road, and to issue bonds to secure the loan.
28. Private Acts of 1835-36, Chapter 21, incorporated the Nashville-Kentucky Turnpike Company, naming as incorporators from Davidson County, Thomas Crutcher, Robert Weakley, William Williams, William Neely, E. P. Connell, Isaac Walton, and Andrew Hynes. A Committee would select the best route beginning at or near Morgan's on Gallatin Turnpike. A total of seven toll gates were authorized.
29. Private Acts of 1835-36, Chapter 25, nominated Dr. Samuel Morton, James C. Copeland, Captain James M. Green, James Johnson, Col. William M. Battle, Hays Blackman, William Ramsey, Jr., Hinchey Petway, Edward Ewing, Enoch Ensley, Felix R. Rains, and John Hay, to be Commissioners to open and receive up to \$75,000 in stock subscriptions to build a turnpike road from Nashville to Nolensville in Williamson County. Four toll gates were authorized when the road was completed but none could be less than two miles from the limits of Nashville and Nolensville.
30. Acts of 1837-38, Chapter 147, incorporated the Nashville-Bowlinggreen Turnpike Company, naming William D. Phillips, William Neely, John J. Hinton, C. Y. Hooper, John Shelby, Andrew Hynes, E. P. Connell, Andrew Milam, and Randal M. Ewing from Nashville as part of a group of commissioners to supervise the sale of stock up to \$150,000. The act designated persons in Davidson, Sumner, and Robertson Counties to select the best route for the road and five of those named would serve as Directors of the company until the stockholders selected Directors in the normal course.
31. Acts of 1841-42, Chapter 181, Section 8, required the Superintendent of Public Instruction to allow extra time, until October 1, 1843, to the Nashville, Murfreesboro, and Shelbyville Turnpike Company to pay a judgment of some \$12,000 recovered against that company in the Circuit Court of Davidson County, provided the sureties would also give their consent to remain bound during the extension of time for payment.
32. Acts of 1847-48, Chapter 187, provided for the incorporation of the Nashville and Sparta Rail Road and Mineral Company for the purpose of working coal mines on Cumberland Mountain and hauling the coal to Nashville. The Act specified that Alexander Allison, Joseph B. Knowles, John Nichol, William Nichol, John W. Brown, Samuel Morgan, and Ammon L. Davis would serve as Commissioners in Nashville to open books for the subscription of stock.
33. Acts of 1849-50, Chapter 56, incorporated the Nashville and Alabama Railroad Company and authorized it to construct tracks from Nashville through Franklin, Columbia, and Pulaski to the Alabama line near Elkton. This Railroad line is the successor to the Nashville-Chattanooga, Railroad whose original incorporators were E. Ewing, A. V. S. Lindsley, A. O. P. Nicholson, N. S. Brown, A. V. Brown, Francis B. Fogg, Andrew Ewing, Anthony Johnson, A. Hamilton, James A. McAlister, John Thompson, John Overton, E. E. McEwing, John Mucky, John Marshall, John N. Otey, William H. Cranch, William Park, F. Cater, William Harrison, Sr., William Flemming, John Bowden, Thomas B. Bond, A. N. Cartwright, S. McKerick, John W. Cheers, and Dr. T. Caldwell, among others were named as incorporators.
34. Acts of 1851-52, Chapter 191, allowed the County Courts of Lawrence, Maury, Williamson and Davidson Counties to subscribe to the amount of stock in any railroad company chartered to build a railroad through the said counties as the Court may deem expedient, and to issue the bonds of the County for the amount of stock thus subscribed, but not before and until the purchase had been approved by the voters in a referendum held for that purpose. The President of the railroad

- could apply to the Court and it would order the Sheriff to hold the election. If the vote was affirmative the Court would proceed and was required to levy a tax each year to pay for the bonds which were required to be issued to pay for the stock. The act provided for the creation of the Nashville, Franklin and Columbia Rail Road Company.
35. Acts of 1851-52, Chapter 228, repealed in part, Private Acts of 1832, Chapter 132, above, so that no part of the amended act would be interpreted to mean that the Davidson County Court could not close the old White's Creek Road.
  36. Acts of 1851-52, Chapter 292, allowed Samuel W. Adkinson to erect an additional toll gate on his turnpike road in Davidson County. It could not be less than five miles from the east end of the turnpike. He was required to charge only one-half of the authorized toll at his gates. Section 2 amended the Charter of the Nashville and North Western Railroad Company so that the stockholders would not be required to pay more than one percent of their subscription, upon subscribing, and not that unless required by the Commissioners.
  37. Acts of 1855-56, Chapter 104, stated that the Tennessee and Alabama Railroad Company, the North Western Railroad Company, and the Edgefield and Kentucky Railroad Company, with the consent of the County Court of Davidson County, would be required to issue stock to the taxpayers of the County for the amount of the annual tax which had already been, or would hereafter be paid by the taxpayers for interest on bonds issued the County for the railroads. The railroad would not be required to do so, however, until the first dividend was ready to be paid at which time the stock would be issued as required.
  38. Private Acts of 1857-58, Chapter 17, incorporated a turnpike company to build a macadamized turnpike road beginning at or near the Clover Bottom Bridge on the Lebanon and Nashville Turnpike and from there, to run by way of the plantation of B. F. Gleaves, Tate's Spring, R. T. Hays, the Plantation of Hugh Campbell, J. W. Hardy, Walker's shop, and John Clemmons, to the terminus of the Lebanon and Murfreesboro Turnpike at the mills of J. B. Baird. The capitol stock would be \$20,000 and the business home would be the Davidson and Wilson County Central Turnpike Company.
  39. Private Acts of 1866-67, Chapter 66, Section 25, provided that all counties and incorporated towns, through which any part of the Nashville and Cincinnati, and the Tennessee and Pacific, Railroads ran would be permitted to subscribe to the stock of the two railroad companies upon a vote of the citizens which approved the purchase.
  40. Private Acts of 1867-68, Chapter 30, Section 2, amended Private Acts of 1866-67, Chapter 66, above, to allow Davidson County to subscribe to stock valued at \$300,000 of the railroads in the County upon the terms and conditions of the general law then in force.
  41. Private Acts of 1867-68, Chapter 65, allowed the Nashville and Charlotte Turnpike Company to remove the tollgate closest to Nashville from its present location to its former location at Brown's Hill, or to some point not more than 3/4 of a mile east or west of there. The Directors were granted the authority to sell the property on which the gate was located and apply the proceeds of the sale to the acquisition of the new location.
  42. Private Acts of 1869-70, Chapter 15, revived the charter of the Nashville and Franklin Turnpike Road Company, appointing James Woods, John Thompson, Thomas Caldwell, and J. Overton, as Commissioners to hold an election for officers of the company.
  43. Private Acts of 1869-70, Chapter 58, stated that it was in the best interests of the people to have a railroad on a continuous line as centrally located in the State as possible, therefore, the act permitted the Tennessee Central Railroad Company, the Nashville and Northwestern Railroad Company, and the Tennessee and Pacific Railroad Company to merge into one company to be the Tennessee Central and Pacific Railroad Company to have all the rights of the above three companies combined.
  44. Public Acts of 1869-70, Chapter 109, required all persons holding tax receipts for taxes paid to liquidate interest or sinking fund requirements of the bonds issued to the Louisville and Nashville Railroad Company to file them with the Commissioner to be appointed by the County Court within twelve months from the date of the act. Commissioners would then compile a list of persons and the amounts due them, and present them to the County Judge to divide the available money and stock from the company.
  45. Public Acts of 1871, Chapter 127, stated that the Commissioners of the State for Delinquent Railroads were instructed to take all necessary steps to sell the Tennessee and Pacific Railroad, or the interest of the State therein as it might appear, with the provision that the stockholders could purchase the State's interest at a price to be agreed upon. Davidson and Wilson Counties were

- stockholders and were allowed to participate in the purchase as could the other stockholders.
46. Acts of 1872 (Ex. Sess.), Chapter 6, amended Public Acts of 1871, Chapter 127, above, by allowing the Tennessee and Pacific Railroad to pay the State \$300,000 in State bonds to satisfy the debt of the State so that a sale of the company would not be necessary.
  47. Acts of 1901, Chapter 55, stated that the then present Road Commissioners in Davidson County were to serve until their successors were elected and qualified at the general August election in 1902. Every two years thereafter elections would be held in the Road Districts, which were co-extensive with the Civil Districts. Vacancies occurring would be filled at the next quarterly sessions of the County Court after the vacancy occurred. The Magistrates of the Road District along with the Road Commissioner would constitute a District Road Board to oversee the distribution of road funds and the business of the District. In *Archibald v. Clark*, 112 Tenn. 532, 82 S.W 310 (1902), the Supreme Court upheld the constitutionality of the act.
  48. Acts of 1901, Chapter 56, required the County Court of Davidson County at its first quarterly session after the passage of the act and at each January session thereafter to assess the number of days to be worked by road hands during the upcoming year which would not be less than four nor more than eight and to assess the highway tax at not less than ten cents nor more than twenty-five cents per \$100 property valuation. The tax revenues were to be expended in the road district where they were collected.
  49. Acts of 1901, Chapter 158, allowed every county which owned turnpike roads except those having between 70,000 and 90,000 in population to employ a Superintendent of Turnpikes at a salary of \$1,500 a year or less. The official would post a \$5,000 bond and was required to inspect each turnpike at least four times each year. Each turnpike would have a Commissioner who would reside on the turnpike and be paid \$100 a year or less.
  50. Acts of 1903, Chapter 475, permitted the County Court of Davidson County at the quarterly session in April 1903, to elect two persons, who were to be freeholders and not members of the County Court, to act as members of a Turnpike Board until the first Monday in January 1904, when their successors, elected by the court, would assume the offices for the next two years. The Superintendent of Roads and the local turnpike commissioners would constitute the other members of the Board. The Board would prescribe rules and regulations, and would transact the business of the Board. It would prescribe written specifications for all work, make cost estimates, solicit bids, and award contracts. All members would be sworn and bonded. The act was repealed in 1907.
  51. Acts of 1903, Chapter 531, amended Acts of 1901, Chapter 158, above, which provided for a Superintendent of Turnpikes in most counties, to require that the Superintendent of Turnpikes in Davidson County be elected by the people at the general election in 1906 and afterward. The salary would be \$2,500 annually, payable on the warrant of the County Judge. The Superintendent could appoint a clerk at a salary not to exceed \$100 per month.
  52. Acts of 1905, Chapter 511, authorized the Quarterly County Court of Davidson County to appropriate out of any funds levied for turnpike purposes an amount necessary to repair and maintain turnpikes abandoned, surrendered, or given to the county, regardless of whether they had been conveyed to the county. The Superintendent of Turnpikes or the Turnpike Board would maintain the roads.
  53. Acts of 1907, Chapter 72, repealed Acts of 1903, Chapter 475, above, abolishing the Turnpike Board created by that act, and providing that the members of the Turnpike Board would not receive any compensation for their services after the passage of the amendatory Act.
  54. Acts of 1907, Chapter 140, repealed Acts of 1903, Chapter 531, Section 3, above, which authorized a Turnpike Commissioner for Davidson County.
  55. Acts of 1907, Chapter 141, allowed the County Court of Davidson County to elect two competent persons, who were freeholders and who were not members of the County Court, to act as members of a Turnpike Board. These two individuals and the County Judge, the Superintendent of Turnpikes, and the County Surveyor would compose the County Turnpike Board. The Board would have general supervision under direction of the County Court, over turnpikes and bridges and over the employees necessary to repair and maintain the roads. It would prepare plans, specifications, and contracts. The members would be paid \$3.50 a day not to exceed fifty days a year. They could be removed by a two-thirds vote of the Court.
  56. Acts of 1907, Chapter 142, authorized the Turnpike Superintendent in Davidson County to employ an Assistant Turnpike Superintendent who would be thoroughly competent and experienced in repair and maintenance of turnpikes and who would act as clerk to the Superintendent. He would



- be paid an annual salary of \$1,800 and perform any other duties as assigned to him by the Superintendent.
57. Acts of 1907, Chapter 237, amended Acts of 1901, Chapter 158, above, to repeal that portion of the act which created the position of Turnpike Commissioner and applied to Davidson County.
  58. Acts of 1909, Chapter 387, stated that the Road Commissioners in Davidson County would be allowed for their services rendered in discharge of their official duties the sum of \$2.00 per day not to exceed seventy-five days a year. The Commissioner of each District would keep an account and submit a sworn statement to the County Judge who would issue a warrant for the compensation. Overseers of roads would be paid \$1.50 a day for seventy-five days a year. They were to file sworn, itemized statements with the Commissioner who, if he approved, would transmit them to the County Judge for payment.
  59. Private Acts of 1911, Chapter 207, provided that the County Court of Davidson County would at the first quarterly session after the passage of the act, and at each January session thereafter, assess the number of days to be worked by road hands which could be no less than four and no more than eight, and would assess the highway tax which could not be less than ten cents nor more than twenty-five cents, per \$100 property valuation outside of cities. The railroad tax and the privilege tax could be distributed equally among the several Road Districts.
  60. Private Acts of 1911, Chapter 317, was the House Bill with the same content as Private Acts of 1911, Chapter 207, above, which was the Senate Bill.
  61. Private Acts of 1915, Chapter 388, increased the salary of the Superintendent of Turnpikes in Davidson County to \$3,500 annually, and the salary of the Assistant Superintendent to \$2,500, payable monthly, out of the turnpike funds on the order of the Superintendent on the County Judge who would issue the warrants for the payments.
  62. Private Acts of 1915, Chapter 610, amended Acts of 1901, Chapter 55, above, by stating that the members of the then current road Commission would serve until their successors were elected and qualified at the next general August election in 1901, rather than 1902, and every two years thereafter. The County Court would fill any vacancies on the Board at its next quarterly session following passage of the act. The two Magistrates and the Road Commissioner of the District were to constitute the District Road Board to meet on the second Monday in each month. The Board would divide road funds, assign road hands, disburse funds and commutation money all in accordance with its regulations. The Board would report to the County Judge on its activities, receive \$2.00 per day compensation for a maximum of two days. Anyone failing to comply with the act would be subject to a \$100 penalty.
  63. Private Acts of 1917, Chapter 441, was the Road Law for Davidson County until it was repealed by Private Acts of 1927, Chapter 519, below. The act directed the County Court to classify and index all the County roads, making proper maps and plats, and to levy a general road tax of two mills and a district road tax of one and one half or two mills, the funds to be distributed by the Board of Highway Commissioners. All authority was transferred to the Board of Highway Commissioners for control and supervision of the workhouse prisoners. The three member Board of Highway Commissioners would be made up of J. G. Creveling, Jr., who would hold office until January of 1921, S. R. Johnson, who would hold office until January 1920, and W. H. Peebles, who would hold office until January 1919. Their successors, to be elected by the Quarterly County Court, would serve three year terms. The Board members would not receive salary but would be paid legitimate expenses incurred in connection with their work. The Board was authorized to employ a Superintendent, to be elected as then provided by law, who would appoint an Assistant Superintendent. The Board could also employ a secretary to keep records, account for expenditures, and conduct the office for business purposes. The Board would divide the County into road district and groups of road districts. The Superintendent would appoint a foreman in each district. The roads in the district would be divided into road sections of up to five miles each. All male citizens ages 21 to 50 within each district were required to work the district roads for a number of days, not exceeding eight, fixed by the Board upon five days notice. A man could commute his obligation by paying \$3.00. Failure to work or pay commutation was a misdemeanor. The Superintendent was responsible for the details of road work, road contracts, opening and closing roads, dealing with landowners and operating the road system under the set of rules and regulations provided by the Board. The Superintendent and the Assistant were to be paid \$4,000 each per year, the secretary was to be paid \$2,000 per year, and the foreman \$2.00 to \$3.00 per day.
  64. Private Acts of 1919, Chapter 104, amended Private Acts of 1917, Chapter 441, above, by authorizing the County Court to allow the Board of Highway Commissioners to use on the district

- roads any money collected under the general road tax in excess of the amount necessary for the turnpikes; by giving the Board of Highway Commissioners the authority to use workhouse prisoners on any major operation and for as long as necessary; and by prohibiting the employment by the Superintendent of Highways of anyone related to the third degree members of the Board of Highway Commissioners, the Superintendent, or the Assistant.
65. Private Acts of 1920 (Ex. Sess.), Chapter 27, amended Private Acts of 1917, Chapter 441, above, by fixing the property tax allowable for the building and repair of the roads and pikes and by allowing a tax of one to two mills to be levied in each road district, the proceeds to be used in each respective district.
  66. Private Acts of 1921, Chapter 250, amended Private Acts of 1917, Chapter 441, above, by abolishing the position of Assistant Superintendent of Highways and by allowing the Superintendent to appoint three General Foremen whose duties would be prescribed by the Board of Highway Commissioners and who would perform their duties under the supervision of the Superintendent. Ferries and ferry boats were added to the supervisory responsibilities of the Superintendent. An Assistant Secretary to the Board could be employed at a salary of no more than \$1,200 per year. The Superintendent would set the per diem payments with the approval of the Board, for district foremen. The section prohibiting the employment of relatives was repealed.
  67. Private Acts of 1921, Chapter 481, amended Acts of 1917, Chapter 441, Section 11, by increasing the salary of the secretary to the Board of Highway Commissioners from \$2,000 to \$2,400 a year.
  68. Private Acts of 1923, Chapter 85, amended Private Acts of 1917, Chapter 441, by directing the Board of Highway Commissioners to require the secretary to execute a good and solvent bond in the sum of \$5,000 for the use and benefit of Davidson County.
  69. Private Acts of 1923, Chapter 99, , amended Private Acts of 1917, Chapter 441, by declaring that no person, firm, or corporation could open, tear up, or dig up any pike or public road without first obtaining a permit from the Board of Highway Commissioners and paying the amount estimated as needed to resurface the area in accordance with the specifications of the Board.
  70. Private Acts of 1923, Chapter 238, required railroad companies that laid tracks on public highways in Davidson County to maintain the space between the tracks and two feet on either side of the track in the same condition as the remainder of the highway was kept by the public entity responsible for it. The public entity in charge of the highway was required to give the railroad companies notice of intent to reconstruct or repair the roadbeds so that work could proceed by the entity and the railroad as a whole. Criminal penalties were fixed for violations of the act by railroad companies.
  71. Private Acts of 1925, Chapter 96, authorized the Davidson County Court to levy a special tax of one mill on all taxable property to construct or reconstruct the pike roads of the County into modern roads of a permanent type in conjunction with state and federal aid. The revenues would constitute the Pike Reconstruction and Maintenance Fund.
  72. Private Acts of 1925, Chapter 215, amended Private Acts of 1917, Chapter 441, above, by allowing the County Court to levy additional taxes to build and repair turnpike roads, and to levy a tax of one or two mills in each road district, the proceeds from which would be spent under the direction of the Highway Commission in each respective road district. The Board of Highway Commissioners was authorized to pay a \$10 reward for the capture and return of any escaped workhouse prisoner. The Board was further authorized to control the roads on county property occupied by County institutions.
  73. Private Acts of 1925, Chapter 516, authorized the Highway Commission of Davidson County to establish a central garage for the Highway Department for the housing of trucks, automobiles, and other road building machinery, belonging to, or under the control of the Davidson County Highway Department. The Board could purchase a lot in the County's name and construct a suitable building, the cost of both to be first approved by the County Court and paid for by general road funds.
  74. Private Acts of 1925, Chapter 587, , required the owners of land adjacent to the public county roads in Davidson County to remove all brush, overhanging limbs, or other obstructions, on or before April 1 of each year, within the width of the rights of way of county roads. The act required the Board of Highway Commissioners to give notice to the landowners at least ten days prior to April 1 of the obstructions to be removed. Fines were fixed for violation of the provisions of the act.
  75. Private Acts of 1925, Chapter 607, amended Private Acts of 1917, Chapter 441, above, by fixing the amount of the tax levies for Davidson County turnpikes and road districts. It provided that

- the Board of Highway Commissioners could offer and pay a \$10 reward for the capture and return of any escaped prisoner from the workhouse and that the Highway Commission could construct, maintain, and improve roads on property owned by Davidson County and occupied by county institutions.
76. Private Acts of 1927, Chapter 519, established a County Highway Department in Davidson County and created the County Highway Commission to supervise the department. The act constituted the road law for the county until the Metropolitan Government Charter became effective. The Board was to have constructed a central garage and depot for offices and operations of the department. The County Workhouse was placed under the control of the Board and prisoners were to be used for highway work. The County Court would elect the three members of the Board. The Board members would be paid \$10 per meeting up to fifty meetings, and their expenses. The Board would superintend and control all aspects of building, operating, and maintaining the road system and was required to keep records of its transactions. Three coordinate divisions were established. The Engineering Division would be headed by the County Highway Engineer. The Accounting Division would be headed by the Secretary, and the Operations Division by the Superintendent of Highways. The act set forth detailed qualifications for these division chiefs and their assistants and it fixed their compensation. The act further set forth in detail the powers and duties of each division including the grant of authority to prescribe regulations consistent with law for the conduct of employees and the performance of division business. Several accounts were required to be established and certain accounting procedures to be maintained. The Accounting Division would have its offices in the Courthouse but the other divisions would be in the Garage and Supply Department. Maps and blue prints of the road system would be prepared and maintained. All male citizens twenty-one to fifty years of age were required to work the roads, although each person could commute the duty by paying a \$3.00 tax. Quarterly reports of its activities were required of the Commission to be filed with the County Court Clerk. A permit system was established for those persons needing to excavate or tear up a roadbed so that they would bear the cost of repair and resurfacing and failure to obtain the permit was made a misdemeanor.
  77. Private Acts of 1933, Chapter 499, amended Private Acts of 1927, Chapter 519, above, in Section 2, by reducing the one-mill tax levy to a one-half mill tax levy. It also provided that condemnation proceedings judgments would be awarded against the County and constitute a liability against the general funds of the County.
  78. Private Acts of 1935, Chapter 72, authorized the Board of Highway Commissioners to provide and pay for the medical care and hospitalization of the employees of the Board and of the County Highway Department who were accidentally injured while actually engaged in the discharge of their duties. Payments could be made out of the general road funds but only after the claim appeared valid upon the statements of the employee's overseer and the physician employed by the workhouse. The total amount paid on behalf of any one employee for any one incident was \$150. The act was repealed in 1959.
  79. Private Acts of 1937, Chapter 253, amended Private Acts of 1927, Chapter 519, above, by repealing the section on road duty and providing that no road duty would be required of the inhabitants of Davidson County.
  80. Private Acts of 1937, Chapter 888, permitted the Davidson County Highway Commission, within its discretion, and upon the passage of a proper resolution by the County Court allowing the same, to pay to John Omohundro, a member of the Highway Commission, the per diem allowances for twenty meetings which Omohundro was unable to attend during the years of 1935 and 1936 while sick and confined to the hospital for treatment.
  81. Private Acts of 1939, Chapter 270, amended Private Acts of 1927, Chapter 519, above, by clarifying the Highway Commission's right to exercise the power of eminent domain so that the properties and lands of private individuals, public corporations, quasi corporations, educational, religious, and eleemosynary institutions were specifically included.
  82. Private Acts of 1941, Chapter 504, permitted the Davidson County Highway Commission to offer and pay rewards not in excess of \$10 for the apprehension and return of escaped prisoners from the county workhouse and to offer and pay \$25 as a reward for the arrest and conviction of persons wilfully destroying, damaging, or stealing road machines, tools, equipment, or road materials and supplies under the supervision and control of the County Highway Department.
  83. Private Acts of 1943, Chapter 109, amended Private Acts of 1927, Chapter 519, above, by increasing the annual salary of the County Highway Engineer from \$4,000 to \$4,500 and the salary of the Assistant County Highway Engineer from \$2,400 to \$3,000 per year.

84. Private Acts of 1945, Chapter 590, required any person or business in Davidson County to obtain a permit before laying water mains or gas mains or conduits upon the rights-of-way of state or county highways. The county highway authorities were responsible for issuing the permit.
85. Private Acts of 1947, Chapter 370, amended Private Acts of 1927, Chapter 519, above, by establishing minimum and maximum pay rates for all the supervisor positions in the department.
86. Private Acts of 1949, Chapter 288, authorized the Davidson County Highway Commission to install, maintain, and operate traffic signal lights at congested intersections of state and county highways provided the lights were approved by the County Court by resolution and by the State Department of Highways and Public Works. The cost of the signal lights would be charged against the general funds of the county and the system would be under the jurisdiction of the County Highway Commission.
87. Private Acts of 1949, Chapter 795, amended Private Acts of 1927, Chapter 519, by changing the maximum number of miles of connecting roads that could be added to the pike system existing when the 1927 act was passed from 100 miles to 125 miles.
88. Private Acts of 1951, Chapter 704, amended Private Acts of 1927, Chapter 519, by requiring that a distinction be made between the General Road Fund and the District Road Fund in relation to the use of road machinery and administration expenses and by removing references to the Permanent Road and Oil Funds. It required the Highway Commission to prepare an annual budget and file it with the County Budget Committee. The Commission was required to prepare a proposal for future activities when it submitted its quarterly report of operations to the County Court.
89. Private Acts of 1953, Chapter 397, stated that all classified hourly employees of the Davidson County Highway Department who were not afforded a paid vacation were granted one as follows: all employees with one to three years service would have one week with pay, all employees with three years or more, two weeks with pay. Vacation would be the equivalent of a 48 hour week, beginning in 1953.
90. Private Acts of 1955, Chapter 217, amended Private Acts of 1927, Chapter 519, to raise the salary of the Superintendent of Highways from no less than \$3,600 and nor more than \$4,800 per year to no less than \$4,800 and no more than \$8,000 per year and the Assistant Superintendent's salary range was increased to no less than \$3,600 and no more than \$6,000.
91. Private Acts of 1955, Chapter 218, amended Private Acts of 1927, Chapter 519, by fixing the annual salary of the County Highway Engineer at no less than \$7,000 and no more than \$9,000 and of the Assistant at no less than \$4,200 nor more than \$6,600.
92. Private Acts of 1955, Chapter 219, amended Private Acts of 1927, Chapter 519, by fixing the annual salary range of the Secretary to the Highway Commission at no less than \$4,000 and no more than \$6,000, and of the Assistant Secretary at no less than \$2,640 and no more than \$3,600 a year.
93. Private Acts of 1955, Chapter 410, was not approved by the Davidson County Quarterly Court and did not become effective. The act set the salary of all the foremen in the Davidson County Highway Department at a minimum of \$1.50 per day over and above the prevailing wage rate for a day's employment, exclusive of overtime, as computed for the remuneration to the men under their supervision. The act would not affect the civil service status of those involved.
94. Private Acts of 1959, Chapter 159, repealed Private Acts of 1935, Chapter 72, above, and authorized the Board of Highway Commissioners to pay for medical care of injured employees. Payments would be conditioned on the statements of the employee's overseer and the workhouse physician and limited to \$500. Death benefits were payable in the amount of \$1,000.
95. Private Acts of 1959, Chapter 208, established a County Highway Department for Davidson County to provide and maintain a more efficient road system. The act provided for a tax levy of from one to three mills in the county and from one-half to two mills in incorporated cities, the proceeds to be used for roads. Provisions were also made for the Workhouse Superintendent to work prisoners on the roads. The act named J. Coley Davis, William C. Greer, and Herbert Jones to the three-member Board of Highway Commissioners, each to serve until their successors were elected by the county court. Board members would acquire rights of way, set the policies of the Department and report quarterly to the county court. No highway could be opened without permission of the Board. The act was not approved by the Quarterly Court of Davidson County and did not become effective.
96. Private Acts of 1959, Chapter 330, empowered the Davidson County Court to adopt an official map of the areas outside municipalities for the purpose of providing for present and future traffic

needs, protecting the rights-of-way of county highways and streets from encroachment, reducing unwarranted economic waste, and providing a procedure for avoiding hardships to landowners affected by the location of roads. The County Planning Commission was directed to establish maps of planned, future streets and roads. The act established procedures for adopting and changing the map, for hearings concerning construction of buildings and condemnations of property, for acquiring rights-of-way, and the punishment of persons violating resolutions enacted pursuant to the act.

97. Private Acts of 1961, Chapter 385, amended Private Acts of 1927, Chapter 519, by authorizing the annual salaries of the administrative heads and assistants of the divisions of the County Highway Department to be fixed by the County Highway Commission with the approval of the Quarterly County Court.
98. Private Acts of 1961, Chapter 413, amended Private Acts of 1927, Chapter 519, by providing a procedure for the Highway Commission to review the proposed acceptance of roads constructed by private developers for the purpose of making recommendations to the County Court.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Jails and Prisoners**

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

1. Acts of 1795, Chapter 5, Page 15, stated that the commissioners appointed by an Act of 1789 in North Carolina which directed the sale of salt licks and springs and the lands adjoining them in the Mero District, were authorized to ask and receive the several sums due and owing from the purchasers of the land and their securities, and to pay the same to James White, James Winchester, Stockley Donelson, David Campbell, William Cocke, and Robert Hayes, who would constitute a committee to cut and clear out a good wagon road, and to pay 200 pounds to those holding the lottery for building a jail in the Mero District.
2. Acts of 1799, Chapter 57, Page 132, ordered that the sum of \$32 be paid to Thomas Rutherford, jailor of the Mero District, the sum to be appropriated out of the treasury of the Mero funds for keeping the person of John Fallin who had been taken out of his custody by order of the Governor.
3. Acts of 1803, Chapter 31, Page 76, appointed Joel Lewis, George Ridley, Alexander Ewing, John Childress, Jr., and William Luntz as Commissioners to build a jail in Nashville as soon as the money was raised by lottery and to do so by letting a contract to the lowest bidder after advertising for forty days at the courthouse door and in the Tennessee Gazette. The jail would serve the County and the Mero District. It would have at least three rooms, one for the jailor, one for felons, and one for debtors. An account would be rendered to the County Court and any surplus paid over. The act established a jail inspection system and fixed requirements for jails concerning cleanliness and treatment of prisoners.
4. Acts of 1807, Chapter 14, Page 44, named George M. Deadrick, Felix Robertson, John Dickinson, Robert B. Curry, and Thomas Talbot, as additional Commissioners, to carry out a contract to build a jail on the bluff of the Cumberland River in Nashville for the County of Davidson and the Mero District. The jail would be built by John M. Goodloe. It would be near a water supply but not on the Public Square, and the County Court was authorized to levy a tax to help finance the jail. Prisoners would be transferred into it when it was completed and the old jail would then be torn down and the material sold for additional funds for the new jail.
5. Public Acts of 1829, Chapter 5, Page 5, provided that a jail and penitentiary house would be erected on a site to be selected by three commissioners who would be chosen by the joint ballot of both houses of the General Assembly. The site would be within two miles of Nashville in Davidson County and would contain from four to ten acres but not cost more than \$100. The commissioners would be paid \$3.00 for each day devoted to their objective to be paid out of the \$25 appropriated to carry out the provisions of this act.
6. Public Acts of 1831, Chapter 87, Page 106, required the Cashier of the Bank of the State of Tennessee to deliver to Robert C. Foster, Sr., Joseph Wood, and Moses Ridley, Commissioners appointed to superintend the erection of the Penitentiary, their note to the Bank of \$17,500 for money appropriated by them to building of the penitentiary. The act appropriated the \$17,500 sum, \$8,057.67 to pay to the individuals who had debts for other materials, and \$3,000 to build

workshops and to complete the main penitentiary structure.

7. Acts of 1843-44, Chapter 160, Page 185, made it the duty of the State Comptroller to examine and adjust the claims of the Jailor of Davidson County for confining slaves who had been acquired by reason of pleas of insanity. The amount of the claims would be paid to the Jailor out of any funds available. The owners of slaves would be responsible for charges on such persons and they were not to be released until the charges were paid.
8. Public Acts of 1865-66, Chapter 23, Page 32, provided that the jail in Davidson County would, after the first Monday in April, 1866, be in the possession, control, and custody of the County Court and that the Court would, at its April term, elect a jailor to hold office at the Court's pleasure and who would otherwise be subject to all the pains and penalties to which other jailors were subject.
9. Public Acts of 1867-68, Chapter 77, Page 95, repealed Public Acts of 1865-66, Chapter 23, above, and declared that the Jailor of Davidson County would be elected at the regular March election in 1868, along with other County Officers, and every two years thereafter. The Jailor would make a bond of \$10,000 with two good securities who would be approved by the County Judge, or Chairman. The act was repealed in 1875.
10. Public Acts of 1873, Chapter 29, Page 55, repealed limits placed on the amount to be allowed to the County Jail Physicians and prohibited the Comptroller from allowing any claim for medicines or for the attendance of said physicians except in the Counties of Madison, Davidson, and Knox, and then only for prisoners confined while awaiting trial in the Supreme Court from other courts.
11. Public Acts of 1875, Chapter 45, Page 42, repealed Public Acts of 1867-68, Chapter 77, Section 3, above, which required the jailor of Davidson County to be elected by the qualified voters of the County.
12. Public Acts of 1883, Chapter 233, Page 311, made it the duty of Jail Physicians to render medical aid to prisoners, to make sanitary inspections, and to prescribe such rules and regulations as would be necessary for the comfort and well being of the prisoners. The Jail Physician would be the ex officio County Health Officer, with the duty of reporting to the Quarterly Court and making such reforms as were needed for the well-being of prisoners. His compensation would not exceed \$1,500 a year. The act applied to all counties that had 50,000 or more in population.
13. Private Acts of 1915, Chapter 394, Page 1371, amended Public Acts of 1891, Chapter 123, which was an act establishing in each county a Board of Workhouse Commissioners, as it applied to Davidson County, to authorize the Board of Workhouse Commissioners to establish one of more camps for prisoners and employ a superintendent for each camp as such action was deemed best for the County. The Board in its discretion could allow each prisoner thirty-five cents a day for good behavior in addition to the forty cents per day permitted by the general law.
14. Private Acts of 1917, Chapter 559, Page 1721, provided that the members of the Board of Workhouse Commissioners in Davidson County would receive \$100 per year as compensation to be paid quarterly out of the regular funds of the County.
15. Private Acts of 1917, Chapter 560, Page 1723, allowed Jail Inspectors in Davidson County to receive as compensation the sum of \$100 per year, payable quarterly out of the ordinary funds of the County.
16. Private Acts of 1925, Chapter 86, Page 264, provided that the Jail Inspector of Davidson County would be the custodian of the Criminal Court buildings in the County. They would have general supervision over the buildings and the allocation of space therein to the various officers and courts occupying the buildings, subject to the approval of the Quarterly County Court. They could employ and discharge engineers, firemen, and porters, but the County Court would fix the amount of the salaries of such employees.
17. Private Acts of 1929, Chapter 465, Page 1211, authorized the City of Nashville to purchase or lease from Davidson County the Davidson County Jail and Criminal Court Building and the lot upon which it was situated on the west side of Second Avenue North, for use as a Police Station, City Court, Juvenile Court, Workhouse, or for any other purpose, in the event that Davidson County erected a public building on the Public Square in Nashville for use as a workhouse.
18. Private Acts of 1929, Chapter 468, Page 1219, authorized Davidson County to sell or lease the Davidson County Jail and Criminal Court Building and the lot on which said building was situated on the west side of Second Avenue North in Nashville, in the event the County constructed a public building on the Public Square in Nashville for use as a Courthouse and for other County purposes, and it empowered the County to lease parts of the building to the City of Nashville for use as a City Hall. If the building was sold, the proceeds would be used for retiring the principal

and interest of the bonds which had been issued for the new building.

19. Private Acts of 1939, Chapter 268, Page 801, provided that the Jail Inspectors in Davidson County would be elected at the next regular election, one inspector for one year, one inspector for two years, and one for three years, and annually thereafter, an inspector would be elected for a term of three years.
20. Private Acts of 1949, Chapter 332, Page 903, fixed procedures for transferring from the County Workhouse those persons unfit or unable to work to the County Jail for confinement or to the jail ward established in a hospital. The act primarily applied in cases where the prisoner could not work by reason of age, mental or physical infirmities, diseases and disabilities, and alcoholism. The decision to release the person from work was to be made by the Court upon certification of the County Health Officer.

### **Militia**

Those acts once affecting Davidson County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1786, Chapter 1, Page 1, Laws of North Carolina, provided for the raising, equipping, and maintaining of troops for the protection of the citizens of Davidson County. This act contained all the details for organizing and recruiting a county militia unit, not exceed 201 men.
2. Acts of 1796, Chapter 12, Page 30, was the initial organization of the State and County Militia units for the newly established State of Tennessee. Militia officers were to be elected by members of the various units. The procedures were set forth for holding elections, counting the votes, and for filling vacancies in the officers' ranks until new officers could be properly elected. All field officers in the militia units organized in the Mero District would meet according to schedule in Nashville.
3. Acts of 1797 (Sept. Sess.) Chapter 47, Page 119, stated that all the militia in Davidson County residing on the north side of the Cumberland River would be a separate and distinct Regiment, which would be called the Davidson Second Regiment, and which would have and enjoy all rights and privileges given and granted to other regiments. This regiment would hold its annual muster at Waynesborough in Davidson County and meet at the home of Captain Ezekiel Able for the purpose of electing regimental officers. The coroner or the sheriff of the County would hold the election and anyone voting who resided on the south side of the river would forfeit ten dollars.
4. Acts of 1799, Chapter 50, Page 117, repealed Sections 4 and 5 of Acts of 1797, Chapter 47, above, which had called for elections for governor and representatives to be held north of the Cumberland River and which had provided penalties for persons voting in the wrong places.
5. Acts of 1803, Chapter 1, Page 3, was a general militia reorganization for the State of Tennessee. The militia would be composed of indentured servants and free men between the ages of eighteen and forty-five. The act set forth complete and detailed procedures and regulations for militia affairs, incorporating the County units into the statewide organization. The act designated the two units in Davidson County as the 19th and 20th Regiments, and scheduled the 20th Regiment to hold its annual muster on the first Thursday in October and the 19th Regiment was scheduled on the last Thursday in September.
6. Acts of 1811, Chapter 93, Page 105, assigned the militia units in the Counties of Davidson, Williamson and Rutherford to the 9th Brigade of the State Militia and required that an election be held in Nashville to choose a Brigadier General.
7. Acts of 1815, Chapter 119, Page 127, was an organization act for the entire State Militia and constituted a code for Military affairs. The Davidson County units remained the 19th and 20th Regiments. All males, ages eighteen to forty, were declared members of the Militia.
8. Public Acts of 1825, Chapter 69, Page 78, was the next enactment organizing the affairs of the Militia. The act governed the organization and conduct of all militia units in the State. Davidson County had a new Regiment, the 79th, in addition to the 19th and 20th Regiments. The three Regiments constituted the 9th Brigade. Muster date for the 19th Regiment was on the second Saturday in September, for the 20th Regiment on the third Saturday in September, and for the 79th Regiment on the second Thursday in September.
9. Private Acts of 1831, Chapter 239, Page 204, assigned the volunteer company of the Nashville Greys to the 115th Regiment and declared the members would not be required to muster otherwise. If any of the members of the Nashville Greys resided within the bounds of another Regiment, they would not be compelled to join that Regiment.
10. Public Acts of 1835-36, Chapter 21, Page 97, was the militia law passed pursuant to the new constitution of the State. Davidson County Units were designated as the 85th, 86th, 87th, and

88th Regiments. Davidson County and Dickson County regiments were combined to form the 16th Brigade which was a part of the 2nd Division.

11. Acts of 1837-38, Chapter 157, Page 223, Section 3, set up drill and muster schedules for every militia regiment in the State of Tennessee. The 16th Brigade, of which Davidson County's regiments were a part, would muster on the first Friday and Saturday in September each year in Nashville.
12. Acts of 1839-40, Chapter 56, Page 91, established in one act the militia law for Tennessee. White male inhabitants between the ages of eighteen and forty-five were declared members of the Militia. Many persons were exempted from duty by occupation including grist mill keepers, jailers, mail carriers, ordained ministers of the gospel, and toll gate keepers. The militia of Davidson County would be the 85th, 86th, 87th, and 88th Regiments.
13. Private Acts of 1957, Chapter 211, Page 590, empowered the Quarterly County Court of Davidson County to enter into contracts with public or private institutions, or with individuals, to render scientific and medical assistance in connection with law enforcement problems. The contracts would provide for, but not be limited to, autopsies, chemical and biological laboratory examinations, toxicological examinations, and other scientific and medical examinations and investigations. The court could appropriate up to \$10,000 to fund the contracts per year. Incorporated cities could join in the contracts as might be agreed between the County and municipality.
14. Private Acts of 1957, Chapter 368, Page 1158, authorized the Davidson Quarterly County Court to create a County Highway Patrol to consist of such officers and patrolmen as was deemed necessary for its efficient operation. The Quarterly Court would elect five persons to a County Highway Patrol Commission. The commission was authorized to organize and supervise the Patrol and its employees. The County Sheriff and his Chief Deputy were not to be members of the Patrol. The Captain or Administrator of the County Highway Patrol would be appointed by the County Court. Each member of the Patrol would work a probationary period of six months at a minimum salary of \$250 a month. An Investigation Division of eight members was set up to investigate crime and maintain an identification division. The Commissioners would be paid \$15 for each meeting attended and the patrolmen would be paid a minimum of \$285 per month after completing probation. A report by the commissioners was required within three months of its appointment which would set forth the number of personnel and the amounts of various budget items needed to operate the patrol. The Commission would adopt the rules and regulations for the internal discipline of the patrol. The act was not approved locally and did not become effective.
15. Private Acts of 1963, Chapter 55, Page 156, amended Private Acts of 1957, Chapter 211, above, by increasing the maximum amount which could be appropriated to fund the contracts for law enforcement assistance from \$10,000 to \$15,000 per year.

### **Offenses**

The acts briefly summarized below fell into this category in Dickson County.

1. Acts of 1785, Chapter 54, Laws of North Carolina, made it unlawful within Davidson County for any person to distill, or cause to be distilled, any spirituous liquors from corn, wheat, rye, barley, or other grain. Any person violating the prohibition would be subject to a fine of ten pounds current money for every gallon of spirituous liquors unlawfully distilled. One-half the fine said would go to the prosecutor and the other one-half to the County.
2. Private Acts of 1935, Chapter 782, Page 2040, applied to Davidson County by population figures contained within the act and established a system allowing milk and dairy product companies to protect their product containers so they could be re-used by the companies. So long as the milk and product containers were marked or stamped and the marks or stamps were registered with the Circuit County Clerk, it was declared a misdemeanor to use the marks without consent; to fill any container without consent; to deface or obliterate the marks on a container; to buy, sell, or traffic in the containers. Any person possessing marked containers who had no bill of sale from the company holding the registered mark was required to deliver up the containers on demand to that company. The company with the mark could request search warrants be issued by a Justice of the Peace to search for containers. The collection of a container deposit was declared not to constitute a sale.
3. Private Acts of 1937, Chapter 896, Page 2631, amended Private Acts of 1935, Chapter 782, above, by making that act applicable to all counties in the State having a population in 1930 of 222,850 persons or more.
4. Private Acts of 1939, Chapter 286, Page 829, prohibited any person, firm, or corporation from



having, keeping, storing, using, manufacturing, selling, handling, or transporting, within the limits of Davidson County, any pyrotechnics including sparklers, squibs, rockets, fire crackers, roman candles, or fireworks. Exemptions were made for railroad signaling devices, photographer's equipment, and the commercial use of explosions and blasting agents. The County Trustee was empowered to issue permits for the public display of fireworks in public parks and other public places and impose restrictions on the permitted activities as the Trustees deemed necessary to protect life and property.

5. Private Acts of 1947, Chapter 58, Page 178, made it unlawful to possess, store, use, manufacture or sell pyrotechnics within Davidson County. Persons violating the act were subject to fine and confinement in jail. Pyrotechnic displays at public functions were exempted and persons conducting the displays had to acquire the pyrotechnics from outside the County and keep them in their possession while inside the County. The constitutionality of this act was upheld in Elliott v. Fugua, 185 Tenn. 200, 204 SW2d 1016 (1947).
6. Private Acts of 1953, Chapter 109, Page 386, amended Private Acts of 1947, Chapter 58, above, by allowing wholesalers of goods, wares, and merchandise to possess, purchase, store, and sell pyrotechnics, so long as no sales were made in Davidson County and provided records were kept and all made available for inspection by the fire marshall and other officials.

### **Sheriff**

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

1. Private Acts of 1823, Chapter 186, Page 170, made it lawful for the Sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington Counties to appoint one additional Deputy each over and above the number allowed by law. Each one could have a total of three deputies if they deem it advisable.
2. Private Acts of 1861, (Ex. Sess.), Chapter 21, Page 41, allowed the Sheriff of Davidson County to appoint one additional Deputy Sheriff.
3. Private Acts of 1921, Chapter 761, Page 2362, provided that the Sheriff and Constables in Davidson County would receive fees for their services as follows: for executing every capias, summons, or other leading process, \$1.50; for serving Justices' warrants for each defendant, \$.75.
4. Private Acts of 1937, Chapter 410, Page 1289, directed the Sheriff of Davidson County to appoint three officers as court officers for the Circuit Courts in Davidson County. Each officer would receive \$150 per month compensation in addition to regular fees for service of process.
5. Private Acts of 1947, Chapter 494, Page 1961, authorized Davidson County to purchase motor vehicles for the use of the Sheriff in maintaining a police patrol in the County. The motor vehicles so purchased would be owned by the County and would be used exclusively in patrolling the State and County highways and roads to preserve the peace and maintain law and order.

## Chapter XI - Libraries

### Libraries - Historical Notes

The following act is no longer in effect.

1. Private Acts of 1913 (Ex. Sess.) Chapter 81, Page 1495, authorized the County Court of Davidson County, assembled in regular quarterly session, to make annual appropriations in such amounts deemed necessary for the maintenance of public libraries or for securing the extension of library services and facilities of established public libraries in Nashville to people residing outside the city limits.

## Chapter XII - Planning and Zoning

### Planning and Zoning - Historical Notes

The acts summarized below relate to zoning and the establishment of planning agencies in Davidson County and are no longer effective. Also listed are acts that repeal prior acts without adding new substantive provisions.

1. Acts of 1909, Chapter 97, Chapter 273, declared it to be unlawful for a coal yard or lime business

- to be conducted in a residential area of Davidson County unless written consent had been obtained by the business from adjoining property owners. A residential section was any street where the majority of improved properties were used for residences. If at the time of passage of the act, a coal yard or lime business was in operation in a residential area, the business had to obtain the written consent of the residents or cease to operate the business in that area. A fine of \$5.00 a day was established for violations.
2. Private Acts of 1939, Chapter 473, Page 1512, provided that in Davidson County the Quarterly Court could regulate, in those portions of the County outside of municipalities, the location, size, and height of buildings and other structures, the percentage of lot which could be occupied, the size of yards, courts, and other open spaces, and the uses of land, buildings, and structures, for trade, industry, residence, or recreation. The act established a County Board of Zoning Appeals consisting of five members. No more than one member to be from the same civil district. Members would be paid \$10 per day, not to exceed twenty days per year. It allowed the County Court the option of establishing the position of building commissioner, the appointee to be in charge of issuing building permits. The County Court was limited to the appropriation of no more than \$5,000 per year to enforce any resolution adopted pursuant to the act. See Davidson County v. Rogers, 184 Tenn. 327, 198 SW2d 812 (1947); and Davidson County v. Harmon, 200 Tenn. 576, 292 SW2d 777 (1956). In the first case, a resolution of the County Court pursuant to the zoning act was held to be constitutional. In the second case, the Court held the zoning act could not be enforced by the County against the State to stop construction of a State building which violated the zoning plan.
  3. Private Acts of 1941, Chapter 389, Page 1311, authorized the Quarterly County Court of Davidson County to adopt and establish an official uniform system for house numbers along public streets and thoroughfares in the unincorporated areas of the County. The system would be prepared and presented for approval by the County Planning Commission.
  4. Private Acts of 1947, Chapter 288, Page 1163, amended Private Acts of 1939, Chapter 473, above, by requiring any person desiring to appeal a ruling of the Building Commissioners to pay to the Commissioner a fee of \$10. The limitation of \$5,000 placed on appropriations to enforce the act was removed.
  5. Private Acts of 1947, Chapter 670, Page 2791, amended Private Acts of 1939, Chapter 473, above, by adding a new paragraph which defined the non-residential uses of property classified and zoned as residential. It allowed non-business greenhouses, nurseries, and stables, and allowed small signs for doctor's offices, among other things. The act was repealed in 1955.
  6. Private Acts of 1951, Chapter 246, Page 676, amended Private Acts of 1939, Chapter 473, above, by repealing and removing Section 13 of the act which required that before a resolution could be adopted by the County Court regarding zoning, the magistrate in whose district the change would take effect must have voted in favor of the said resolution.
  7. Private Acts of 1953, Chapter 368, Page 1260, required the Quarterly County Court of Davidson County to appropriate from the ordinary funds of the County the sum of not less than \$50,000, annually, to finance the operations of the Davidson County Planning Commission. The funds were to be used by the Regional Planning Commission of Davidson County in the performance of its duties, including the enforcement of zoning regulations. Any surplus funds so appropriated and unexpended by the Planning Commission at the end of a fiscal year would be applied to the reduction of subsequent annual appropriations.
  8. Private Acts of 1955, Chapter 305, Page 1020, repealed Private Acts of 1947, Chapter 670, above.

## Chapter XIII - Taxation

### Assessor of Property

#### Private Acts of 1961 Chapter 382

**SECTION 1.** That the Tax Assessor of Davidson County may in conjunction with the keeping of the tax books, tax rolls, or units of ledger cards, as prescribed by Section 67-1009 of the Tennessee Code Annotated, attach to the same as a part thereof a schedule of definitions, defining words, letters, signs, symbols and figures appearing in said tax rolls, and said schedule of definitions when so attached shall be regarded as part of each assessment contained in said tax books, tax rolls or units of ledger cards; and said tax books, tax rolls or units of ledger cards may by reference incorporate records on file in any public

office in Davidson County.

**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 Davidson County, Tennessee; its approval or disapproval to be proclaimed by the judge of the Quarterly County Court of Davidson County, Tennessee and certified by him to the Secretary of State.

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

Passed: March 16, 1961.

## Private Acts of 1961 Chapter 383

**SECTION 1.** That the tax assessments made by the Tax Assessor for Davidson County may have attached thereto and made a part thereof a schedule of definitions, defining words, letters, signs, symbols and figures appearing in said assessments, and said schedule of definitions when so attached shall be regarded as part of each such assessment, and said assessments may by reference incorporate records on file in any public office in Davidson County.

**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 Davidson County, Tennessee; its approval or disapproval to be proclaimed by the judge of the Quarterly County Court of Davidson County, Tennessee and certified by him to the Secretary of State.

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

Passed: March 16, 1961.

## Private Acts of 1961 Chapter 391

**SECTION 1.** That the Tax Assessor of Davidson County, Tennessee, is hereby authorized to assess all real property in Davidson County, Tennessee, annually instead of biennially as now provided by law; and all acts of all officials or other persons relating to the assessments and equalization of assessment of all property in Davidson County heretofore required to be done and performed under existing laws biennially, the same may be done and performed annually.

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

**SECTION 3.** 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 Davidson County, Tennessee. Its approval or non-approval shall be proclaimed by the County Judge of Davidson County and shall be certified by him to the Secretary of State.

**SECTION 4.** That this Act shall take effect from and after the date on which it shall be approved by two-thirds vote of the Quarterly County Court of Davidson County, Tennessee, the public welfare requiring it.

Passed: March 16, 1961.

## Private Acts of 1974 Chapter 374

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

(a) "Assessor" means the county assessor of property.

(b) "Parcel of real property" means any parcel of real property which has been zoned agricultural by the local governing body having zoning jurisdiction or any parcel of real property consisting of five acres or more which has been zoned residential by such local governing body but which was used during 1973 for agricultural purposes and which had, up until January 1, 1973, been used for agricultural purposes continuously since December 31, 1935.

**SECTION 2.** No assessor shall increase the appraisal value of any parcel of real property for the tax year 1973 more than sixty percent (60%) above the appraised value on such parcel of real property for the tax year 1972, except on such parcels of real property which have had a change of use or had improvements made thereon to justify a larger increase.

**SECTION 3.** Any owner of a parcel of real property who has paid his 1973 property taxes prior to the

effective date of this Act shall receive a tax credit toward the payment of his 1974 property taxes in an amount equal to that portion of his property taxes paid on an appraised value which exceeded sixty percent (60%) of the appraised value for the tax year 1972 unless such parcel of real property had a change of use or improvement thereon which justified such increase.

**SECTION 4.** No owner of a parcel of real property on which the appraised value was increased more than sixty percent (60%) for the tax year 1973 and on which such increased appraisal value was not based on a change of use or improvement thereon to justify such increased value shall be required to pay any penalty or interest for non-payment of his 1973 property taxes unless the payment of such taxes is made thirty (30) days after all administrative appeals on property assessments have been exhausted or the time prescribed for such appeals has expired, whichever is longer. Any such owner who has paid such interest and penalty shall receive a tax credit toward the payment of his 1974 property taxes in the amount of such interest and penalty.

**SECTION 5.** This Act shall apply to counties having a metropolitan form of government.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of any county having a metropolitan form of government. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body and certified by him to the Secretary of State.

**SECTION 7.** The provisions of this Act shall not apply to counties having a population of not less than two hundred thousand (200,000 nor more than two hundred seventy-five thousand (275,000) by the 1970 federal census or any subsequent federal census.

**SECTION 8.** This Act shall be effective from and after its passage, the public welfare requiring it; but the provisions hereof shall not become operative until validated as provided by Section 6 herein.

Passed: March 26, 1974.

## Impact Fees

### Public Acts of 1988 Chapter 1022

**SECTION 1.** This act shall be known and may be cited as the "Tennessee Cooperative Public Facilities Financing Act."

**SECTION 2.** It is the intent and purpose of this act to:

- (1) Authorize local government to finance public facilities through the imposition of fair share fees on new growth and development;
- (2) Provide a mechanism for a local government to charge and collect fees from development in order to finance public facilities needed to serve said development;
- (3) Define the procedural and substantive requirements for fair share impact fees for capital costs of public facilities which are provided for in an element of a local government general plan;
- (4) Ensure consistent administration of fair share impact fees;
- (5) Promote effective comprehensive planning and capital budgeting by authorizing the use of fair share impact fees;
- (6) Clarify requirements of local government fair share impact fee programs and thereby create a stable and predictable environment in which to equitably and efficiently administer fair share impact fee programs.

**SECTION 3.** As used in this act, the term:

- (1) "Benefit district" means a geographic area in which public facilities are of particular benefit to development within the area.
- (2) "Capital Improvements Budget" means a program of proposed capital expenditures for the ensuing fiscal year and at least the next four (4) fiscal years thereafter, updated and adopted yearly by the local government governing body.
- (3) "Development" means any construction or expansion of a building or structure, any change in the use of a building or structure, or any land use change that affects a local government's need for public facilities.
- (4) "Developer" means any person, corporation, organization, or other legal entity undertaking

development.

(5) "Discount rate" means the interest rate, expressed in terms of percentage per annum, which is utilized to adjust past or future financial or monetary payments to present value.

(6) "Exactions" means a condition or requirement attached to a development approval which compels the payment, dedication or contribution of goods, services, land or money to a public or quasi-public entity.

(7) "General plan" means a plan adopted pursuant to Tennessee Code Annotated, Sections 13-3-301 and 13-4-201, or pursuant to Section 6 of Chapter 162 of the Private Acts of 1921, Section 3 of Chapter 706 of the Private Acts of 1935, or any similar private act.

(8) "Governing body" means the legislative body of the local government, however designated.

(9) "Impact fee" or "fair share impact fee" means a charge imposed upon development by local government to pay for a proportionate share of the public facilities required to serve said development.

(10) "Local government" means any county, municipality or metropolitan government established pursuant to law which is authorized to prepare, adopt and implement a general plan. "Local government" shall not mean any utility district created pursuant to Section 7-52-101 et seq., or any private act.

(11) "Off site improvements" means public facilities that are planned and designed to provide services to the general public, in contrast to on site improvements, which are necessary to provide safe and/or efficient access for a specific development. The character of an improvement shall control in determining whether an improvement is an on site or off site improvement, and the location of the improvement on site or off site shall not be determinative.

(12) "Present value" means the current value of past, present, or future payments which are adjusted to a base period by a discount rate.

(13) "Proportionate share" means that share, or portion, of total public facility capital cost which is reasonably attributable to or caused by an individual development.

(14) "Public facilities" means capital improvements for roadways, sanitary sewer, storm water management and flood control, and potable water which have a life expectancy of three (3) or more years.

(15) "Public facilities capital costs" means capital costs associated with the project planning, design, and construction of new or expanded publicly owned facilities and equipment which have a life expectancy of three (3) or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures, personnel training, or other operating costs.

(16) "Roadways" shall mean right-of-way acquisition, road, road approaches and road shoulder construction, construction of curbs, gutters and sidewalks, landscaping of roads and road rights-of-way and traffic signal installation and synchronization.

#### **SECTION 4.**

(a) Local governments of the state of Tennessee may assess, impose, levy, and collect fair share impact fees for new development within their jurisdictional limits only pursuant to the requirements set forth in this act. Local governments may not assess, impose, levy, or collect a fair share impact fee unless the local government has adopted a capital improvements budget for the construction of public facilities for which the impact fee is collected or unless such local government has entered into a binding co-operative agreement to make any fees collected available to the agency or government that has an established construction program for the category of improvements.

(b) Fair share impact fees may be imposed only for one or more public facilities which are categorically identified in a local government general plan element which meets the requirements of Tennessee Code Annotated, Sections 13-3-301 and 13-4-201 or pursuant to Section 6 of Chapter 162 of the Private Acts of 1921, Section 3 of Chapter 706 of the Private Acts of 1935, or any similar private act and in the Capital Improvements Budget.

(c) In any county or in counties having a Metropolitan form of government and having municipalities which retained the jurisdiction to issue building permits, that county or metropolitan government shall identify the public facilities capital improvements located within such municipality and to be funded by that county or metropolitan government. From and after the time that such county or metropolitan government adopts an impact fee ordinance including the public facilities required to serve any new development

within such municipality, the municipality shall not issue any building permit or use and occupancy permit until the required impact fee is paid to that county or metropolitan government and such payment is certified to the municipality. Any permits issued by such municipality to that county or metropolitan government in the amount of the impact fee plus the statutory rate of annual interest calculated from the date of the issuance of the permit. This section does not preclude any municipality within a county or metropolitan government from adopting an impact fee ordinance in accordance with this act for those public facility capital improvements required and funded by such municipality.

**SECTION 5.** In the event a local government adopts a fair share impact fee ordinance, pursuant to this act, the local government shall not require the construction of, or payment in lieu thereof (exaction), any off-site public facilities as a condition of development approval except according to a fair share impact fee program adopted pursuant to the provisions of this act.

**SECTION 6.**

(a) An impact fee must meet the following standards:

- (1) The cost of public facilities for which a fair share impact fee may be assessed, imposed, levied or collected, must be reasonably attributable or reasonably related to the service demands of the development which is assessed the fee;
- (2) Fair share impact fees assessed, imposed, levied or collected from development must not exceed a proportionate share of the costs incurred or to be incurred by the local government in providing public facilities to development; and
- (3) Fair share impact fees shall be used and expended to the benefit of the development that pays the fair share impact fee. In order to satisfy this requirement, the implementing ordinance or resolution must specifically contain the following provisions:

(A) Upon collection, fair share impact fees must be deposited in a trust fund which clearly identifies the type of public facility for which the fee was imposed, and fair share impact fees must be invested with all interest accruing to the trust fund.

(B) Although local governments are not required to establish benefit districts if the local government is able to demonstrate that fair share impact fees are used and expended to the reasonable benefit of development that pays a fair share impact fee, any benefit districts which are established must be appropriate to the nature of the particular public facility and the nature of the local government jurisdiction. A local government must develop a rationale for the establishment of, or lack of establishment of, benefit districts which shall be reduced to writing and published at a public hearing.

(C) Except for recoupment provided in Section 6(b), fair share impact fees may not be collected from a development until public facilities, which bear a reasonable relationship to the needs created by the development, are included in at least a five (5) year local government capital improvements element as required by this act.

(D) Fair share impact fees collected must be encumbered for public facilities within five (5) years after the date of collection.

(E) If the fair share impact fees are not encumbered within five (5) years after the date of collection, a local government shall refund the amount of the fair share impact fee along with accrued interest on the amount of the fee at the average annual rate of interest earned by the trust fund during the five (5) year period to the owner of the property on which the fee was paid. For purposes of refunds, the owner of the property on which a fair share impact fee was paid is the owner of record at the time that the refund is paid. The owner of the property on which an impact fee has been paid has standing to sue for a refund under the provisions of this act; however, such action may only be commenced within one (1) year after the date the refund becomes due and payable.

(b) A local government may recoup through a fair share impact fee the costs of excess capacity in existing public facilities to the extent development is served by existing public facilities.

(c) A local government shall exempt from fair share impact fee programs all development that constitutes affordable housing to low income households as defined by the United States department of housing and urban development.

(d) A local government may exempt from fair share impact fee programs particular types and locations of development that is determined to serve an overriding public interest, provided that such exemptions are specified in the implementing ordinance or resolution.

**SECTION 7.**

- (a) A local government which desires to adopt a fair share impact fee ordinance or resolution shall first conduct a needs assessment for the type of public facility or public facilities for which the fair share impact fee is to be levied. The needs assessment must distinguish between existing deficiencies and new development needs and must contain components which inventory existing facilities, identify level of service standards for which the fee is to be levied, and the projected community needs. The needs assessment may be a separate document from an ordinance or resolution establishing a fair share impact fee. However, local governments shall use or base the needs assessment upon supporting data used to develop their general plan.
- (b) The data sources and methodology upon which the assessment of the fair share impact fee is based must be made available to the public upon request.
- (c) The amount of a fair share impact fee imposed shall be based upon actual public facilities capital costs or reasonable estimates of said capital costs for the expansion of public facilities to be incurred by the local government as a result of anticipated new development.
- (d) In determining the total amount of funds a fair share impact fee ordinance or resolution seeks to raise, the local government shall reasonably provide for credits that reflect the present value of amounts that new development may have contributed to payments for the same capital improvement in the form of property taxes, gasoline taxes, capacity fees, tap-on fees, user fees, and any other contribution, payment, construction, or dedication of land accepted and received by the local government for any off-site public facilities. The determination of credits shall occur at the time of the calculation credits and the calculation of the amount of the fair share impact fee shall be reviewed and updated at least every two (2) years. The revised determination of credits and the amount of fair share impact fee may only be applied prospectively.
- (e) The fair share impact fee ordinance or resolution must identify, for the type of facility covered by the fee, any existing deficiencies, based upon adopted level of service standards, and must describe how the local government intends to remedy the deficiency.
- (f) The amount of the fair share impact fee may not include the cost of remedying existing public facilities deficiencies.
- (g) The capital improvements element of the general plan shall list anticipated fair share impact fee revenues as a projected source of revenue along with the percentages of fair share impact fee dollars to be used for funding public facility capital improvements.
- (h) Nothing in this section shall be construed to prevent a local government from adopting by ordinance or resolution, a statement of intent to prepare, or a methodology for preparing a proposed fair share impact fee ordinance or resolution prior to the completion of a needs assessment, or the adoption of a level of service standard or a capital improvements budget.

#### **SECTION 8.**

- (a) All fair share impact fees imposed pursuant to this act shall be assessed in full at the time the building permit is issued and collected in full at the time of issuance of a certificate of occupancy or other final intended use of a structure or part thereof. Provided however, that the local government, at its option, may provide for payment of a fair share fee on an installment basis. All fair share impact fee ordinances shall require that real estate closing documents involving a parcel of land or improvements thereon for which a fair share impact fee has been assessed or paid within five (5) years of the closing, shall include a written notification of the fact that a fair share impact fee has been assessed and/or paid and the location of a public office where information in regard to the rights and obligations arising from the assessment and/or payment of the fee can be obtained.
- (b) No fair share impact fee ordinance or resolution shall assess, impose, levy, or collect a fair share impact fee on development for which a valid building permit was in full force and effect on the effective date of the ordinances or resolution, unless the local government shall have provided the holder of the permit written notice at the time the permit was issued that the development authorized by the permit would be liable for any fair share impact fees that are adopted prior to the issuance of a certificate of occupancy or other final use.

**SECTION 9.** Fair share impact fee ordinances or resolutions shall provide for an appeal from a determination of the fair share impact fee to be paid by any individual development to an appointed or elected body.

**SECTION 10.** If any section or specific provision or standard of this act is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision or standard of this act except the provision in question. The other portions of this act not affected by the decision of the court shall remain in full force and effect.

**SECTION 11.** The provisions of this act shall not apply in any county having a population in excess of six hundred thousand (600,000), according to the 1980 Federal Census or any subsequent Federal Census.

**SECTION 12.** The provisions of this act shall not apply in counties having a population of

<u>not less than</u>	<u>nor more than</u>
27,900	27,920
26,400	26,500
19,650	19,725

according to the 1980 Federal Census of population or any subsequent Federal Census.

**SECTION 13.** This act shall only apply to any county having a metropolitan form of government and having a population in excess of four hundred fifty thousand (450,000), according to the 1980 Federal Census or any subsequent Federal Census.

**SECTION 14.** This act shall only apply to any county having a metropolitan form of government and having a population in excess of four hundred fifty thousand (450,000), according to the 1980 Federal Census or any subsequent Federal Census.

**SECTION 15.** The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 26, 1988.

## Taxation - Historical Notes

### **Assessor of Property**

The following acts are listed as a reference to laws which once affected the Davidson County Tax Assessor. They have been superseded, repealed or have failed to win local approval.

1. Acts of 1907, Chapter 602, Section 9, set forth a uniform system of tax assessment and collection across the State. One tax assessor would be elected in each county. The office of Civil District Assessor was abolished. In Davidson County, the Tax Assessor would be paid \$4,000 per year. The Davidson County Tax Assessor could appoint deputies as necessary. The Assessor was required to file an affidavit with the County Court showing the necessity of hiring deputies and their compensations. The total compensation paid the deputies could not exceed fifty percent of the Tax Assessor's salary.
2. Private Acts of 1913, Chapter 302, amended Acts of 1907, Chapter 602, Section 9, above, by fixing the annual salary of the Tax Assessor in Davidson County at \$5,000, and by setting a maximum for combined annual salaries of all the deputies of the Tax Assessor at \$7,500.
3. Private Acts of 1915, Chapter 6, amended Acts of 1907, Chapter 602, Section 9, above, by setting the annual salary of the Tax Assessor of Davidson County at \$5,000, payable from the County Treasury. When the Tax Assessor submitted his affidavit concerning the compensation of his deputies, the total compensation not exceed \$7,500.
4. Private Acts of 1915, Chapter 100, authorized the County Judge of Davidson County to issue his warrant payable to one Jesse Webb, Tax Assessor for Davidson County, for \$1,200 to reimburse him for clerical work paid for by him because Private Acts of 1913, Chapter 302, which had imposed the duty of payment on the County, had been declared unconstitutional.
5. Private Acts of 1921, Chapter 41, authorized and directed the County Judge to draw his warrants payable on the vouchers of the Tax Assessor for the purpose of paying clerical workers and deputies in the aggregate amount of \$5,000. The amount paid could not exceed \$3,000 in 1921, nor \$2,000 in 1922. The amount authorized would be over and above the amount permitted by provisions of Private Acts of 1915, Chapter 6, above.
6. Private Acts of 1923, Chapter 270, amended Private Acts of 1915, Chapter 6, above, by increasing the aggregate amount allowed the Tax Assessor for salaries paid to deputies from \$7,500 to \$13,000 annually.
7. Private Acts of 1925, Chapter 98, amended Acts of 1907, Chapter 602, Section 9, above, by allowing the total compensation paid to deputies by the Tax Assessor to be in an amount not in excess of \$17,200 per year.
8. Private Acts of 1925, Chapter 593, amended Acts of 1907, Chapter 602, Section 9, above, by increasing the annual salary of the Tax Assessor of Davidson County to \$6,000 payable out of the County Treasury.
9. Private Acts of 1933, Chapter 501, set the salary of the Davidson County Tax Assessor at \$6,000



a year as it was then fixed by Private Acts of 1925, Chapter 593, above, and allowed the aggregate amount paid to deputies and assistants to be \$17,200 as set by Private Acts of 1925, Chapter 98, above.

10. Private Acts of 1937, Chapter 535, amended Private Acts of 1933, Chapter 501, above, by raising the annual salary of the Tax Assessor from \$6,000 to \$6,500 and by increasing the aggregate amount of the combined salaries of deputies from \$17,200 to \$20,000 a year.
11. Private Acts of 1947, Chapter 369, declared that in the event the Tax Assessor of Davidson County found that by devoting his full time and attention to the duties of office he could not make a full, adequate, and complete assessment on all the properties in the County, he could appoint one or more Deputies or assistants, who would have the same powers, duties and liabilities as the Assessor. The annual salary of the Tax Assessor was fixed at \$7,200. The Assessor was required to file an affidavit with the County Judge stating the names of the deputies and their salaries. The combined salaries were not to exceed \$24,500 per year. The tax rolls were required to be delivered to the Trustee by October 1 of each year.
12. Private Acts of 1949, Chapter 754, amended Private Acts of 1947, Chapter 369, above, by increasing the aggregate amount allowed for assistance to the Tax Assessor from \$24,500 to 35,000 per year.
13. Private Acts of 1951, Chapter 538, amended Private Acts of 1947, Chapter 369, above, by increasing the annual salary of the Tax Assessor of Davidson County from \$7,200 to \$9,000.
14. Private Acts of 1955, Chapter 304, amended Private Acts of 1947, Chapter 369, above, by declaring that the expenditures of the County Tax Assessor would be controlled as in other units of the county government, by appropriations made in the appropriations Resolution adopted by the Quarterly County Court.
15. Private Acts of 1959, Chapter 338, amended Private Acts of 1947, Chapter 369, above, by changing the annual salary of the Tax Assessor from \$9,000 to \$11,000.
16. Private Acts of 1961, Chapter 367, provided that the County Register was not to record any deed conveying real estate in Davidson County unless it contained the stamp of the Tax Assessor certifying that the Tax Assessor had copied the names of the vendor and vendee for the purpose of making proper corrections on the assessment rolls. The Tax Assessor was to stamp such deeds by placing an employee in the office of the County Court Clerk to apply the stamp when payment of the transfer tax was made. The act was not approved by the Quarterly County Court and did not become effective.

### **Board of Equalization**

The following is a listing of acts pertaining to the Davidson County Board of Equalization which are no longer effective.

1. Private Acts of 1921, Chapter 668, amended Acts of 1907, Chapter 602, Section 32, the general assessment law of the State, to increase the per diem rate of the members of the Board of Equalization from \$2.00 to \$5.00 for each day spent in the discharge of their responsibilities. The amendment applied only to Davidson County.
2. Public Acts of 1973, Chapter 299, authorized the Chairman of the Board of Equalization in Davidson County to employ additional investigators to assist the Board by hearing complaints and making corrections in assessments made by the Tax Assessor on any special tax evaluation appraisals and by reporting the corrections for adjustment. This was a special public act and by its terms had to be approved by the Metropolitan Council. The Metropolitan Council did not take any action on the matter and the act did not become effective.

### **Taxation**

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

1. Acts of 1786, Chapter 19, Laws of North Carolina, found that the taxes levied in Davidson County and in several other counties in North Carolina were insufficient to repair the courthouse, prison, and stocks in the said counties; therefore, the act authorized the county courts of the counties named to levy additional taxes at the rates prescribed and on the properties listed. The taxes would be collected as were other taxes and expended for the purposes specified in the act.
2. Acts of 1797, Chapter 43, Section 5, permitted the Justices of the Court of Pleas and Quarter Sessions of Davidson County to lay an additional county tax for the purpose of repairing the Courthouse in Nashville. The tax would be paid in specie and collected by the Sheriff. It could not exceed six and one-fourth cents on each hundred acres.

3. Acts of 1799, Chapter 3, declared that the division of Davidson County into Davidson and Williamson Counties would in no way affect the power of the Davidson County Sheriff to collect taxes owed Davidson County by landowners within the new limits of Williamson County.
4. Acts of 1801, Chapter 57, allowed the Wilson County collector of taxes to collect any taxes due in a parcel of land added to Davidson County from Wilson County.
5. Acts of 1801, Chapter 67, allowed the County Court of Davidson County to levy an additional poll tax and an additional property tax to build a courthouse and stocks in Nashville and to continue the tax for a period of two years if necessary.
6. Acts of 1803, Chapter 70, allowed the collectors of taxes in Davidson and Williamson Counties to collect taxes due at the time of partition of the two Counties and formation of Rutherford County within the limits of the new County.
7. Acts of 1805, Chapter 53, authorized the County Court to lay a tax to erect a new district and county jail in Nashville. The tax would be levied and collected in the same manner as other public taxes.
8. Acts of 1815, Chapter 141, allowed the Court of Pleas and Quarter Sessions of Davidson County to lay a tax on all taxable property, the amount not to exceed the State tax for 1816, and continue the tax for the next succeeding years in order to raise funds to procure a site and erect a house for the accommodation of the poor. The tax would be collected as any other tax in the County.
9. Acts of 1815, Chapter 153, allowed Davidson County to collect taxes due from the landowners placed by the act in Williamson County.
10. Private Acts of 1823, Chapter 244, Section 2, stated that the owners of lots in Haysborough in Davidson County would not pay taxes on their lots as town lots but as if they were classified as other lands, except so far as dwelling houses had been erected and occupied on the lots.
11. Private Acts of 1825, Chapter 163, authorized the Davidson County Court, a majority of the justices being present, to levy a tax, the proceeds from which were not to exceed \$15,000, on persons and property, payable in 1826, 1827, and 1828. The money was to be used to erect a courthouse in Nashville. David McGavock, John Hardin, Henry Crabb, Eph. H. Foster, William B. Lewis, Thomas Welch, and Joseph T. Elliston, were named as Commissioners to contract for the building and to supervise the project.
12. Private Acts of 1829, Chapter 297, Section 3, provided that the amount of the state tax which belonged to Davidson County by virtue of an act of the General Assembly in the current session to appropriate one-half of the state taxes for county purposes would be paid over to the Commissioners supervising the building of the new courthouse in Nashville and would be used by them in finishing the said building.
13. Acts of 1855-56, Chapter 206, Section 4, granted the further time of two years to the securities of John J. Hinton, the late tax collector of Davidson County, provided they execute bond with good security for the amount then in arrears to the satisfaction of the State Comptroller.
14. Public Acts of 1867-68, Chapter 84, declared that Quincy Degrove, the late tax collector for Davidson County, was in debt to the State in the amount of \$1,107.89, according to the Comptroller. He was released from paying \$700 of that amount, upon his paying the balance, because it appeared that Degrove had been driven from the State by the rebel authorities in 1861, and that he had been unable to obtain the credits to which he was legally entitled. The act provided that if books on taxes had been destroyed or removed during the war, or taken by force, and the tax collectors and other officials had been deprived of accurate information, the tax collectors would be released from liability for county taxes by the county courts. The collectors could also be released from state tax liability.
15. Acts of 1903, Chapter 534, stated that in taxing districts having over 100,000 in population where a free public library existed and was in operation, an annual tax was levied on all taxable property of three cents per \$100 valuation to maintain and support the public library. The tax would be collected as other taxes were. Proper records were required to be kept and the trustee would pay over the funds derived from the tax to the treasurer, or other proper officials of the library. The tax proceeds could not be used for any other purpose.
16. Private Acts of 1911, Chapter 299, allowed the Quarterly Court of Davidson County within its discretion to levy a tax, not to exceed five cents per \$100 valuation, for the purpose of purchasing suitable property and erecting the necessary buildings and facilities for a tuberculosis hospital in the County. All revenue produced by the tax was to be used for that purpose exclusively.
17. Private Acts of 1913, Chapter 315, authorized the Davidson County Court to elect a Delinquent

- Tax Collector whose duty it would be to take the list of delinquent taxpayers which had been turned over to the Circuit Court Clerk by the Trustee and notify the taxpayers in writing of their delinquency and the amount due. The Collector would serve for four years and be compensated as determined by the Court.
18. Public Acts of 1915, Chapter 133, amended Section 39 of the general assessment law of Tennessee of 1907 so as to set a fee of five cents for each assessment listed and five cents for each poll listed. It provided that its amending provisions would have effect in Davidson County only. This act was repealed by the Private Acts of 1917, Chapter 356.
  19. Private Acts of 1915, Chapter 399, authorized Davidson County to pay M. M. Barnes the sum of \$1,290.20 for his services to the County as a Delinquent Tax Collector. The County Judge was directed to issue his warrant for that amount on the County Trustee to be paid out of the regular funds of the County.
  20. Private Acts of 1915, Chapter 407, directed that a privilege tax be collected by the Davidson County Court Clerk on all automobiles and motorcycles used for pleasure. The amount of the tax ranged from a high of \$7.50 down to \$2.00 scaled according to the vehicle's passenger size. The tax was to be paid in advance prior to the owner using the vehicle. Delinquent taxes and a penalty of \$25 for non-compliance were declared to constitute a lien on the affected vehicles. The revenue was to be paid to the Trustee for credit to the account for oiling turnpikes. This act was repealed in 1943. In the case of *Ogilvie v. Hailey*, 141 Tenn. 392, 210 S.W. 645 (1919), the Supreme Court upheld the constitutionality of the act.
  21. Private Acts of 1917, Chapter 321, enabled the Davidson County Court to levy a special tax on all property in the County not to exceed two mills on the dollar. The revenue would provide a fund from which all appropriations for public or private charitable purposes would be made. The fund would be kept separate and apart from other funds. The act repealed Private Acts of 1911, Chapter 299, above.
  22. Private Acts of 1917, Chapter 356, repealed Public Acts of 1915, Chapter 133, above.
  23. Private Acts of 1919, Chapter 453, amended Acts of 1903, Chapter 534, above, which established a tax for the use and benefit of libraries, by increasing the tax rate from three cents to four cents per \$100 valuation.
  24. Private Acts of 1919, Chapter 652, amended Private Acts of 1915, Chapter 407, above, by repealing the penalty of \$25 imposed by that act upon owners of vehicles failing to pay the privilege tax on vehicles.
  25. Private Acts of 1921, Chapter 755, amended Private Acts of 1915, Chapter 407, above, to provide that the privilege tax on automobiles and motorcycles would be paid at the same time as the State License Tax was paid. The County Court Clerk would issue one receipt showing payment of both taxes and a Clerk's fee of fifty cents.
  26. Private Acts of 1923, Chapter 175, amended Acts of 1907, Chapter 602, the general assessment law of the State, to provide that, in Davidson County, all the powers and duties which were imposed by that act on the County Court Clerk would be conferred upon the County Assessor. The Assessor would not receive additional compensation for the additional duties.
  27. Private Acts of 1925, Chapter 88, allowed the County Court of Davidson County to transfer to the ordinary funds of the County any unappropriated balances in the County's treasury which resulted from taxes raised by a special tax levy and which remained on hand after the purpose for which the tax was levied had been accomplished.
  28. Private Acts of 1925, Chapter 97, allowed the County Court of Davidson County to levy a special tax of not more than two-tenths of one mill on all the taxable property in the County for the purpose of encouraging air mail service and air transportation in the County and to purchase land to establish an air mail station and air transportation facility. The land on which the facilities were to be located were to be used by the State Squadron as a base for mail planes. The County would take title to such facilities in its own name, along with the municipalities in the County in accordance with its proportionate investment.
  29. Private Acts of 1933, Chapter 57, amended Private Acts of 1915, Chapter 407, above, by reducing the amount of the tax on motor vehicles to \$2.00 on two-passenger autos and \$3.00 for those with more than two-passenger capacity. The tax for motorcycles would be \$1.00. Those who had already paid the higher rate in 1933 would be refunded the excess.
  30. Private Acts of 1935, Chapter 624, required the Davidson County Court Clerk to keep a book for recording privilege licenses which were to be countersigned by the Circuit Court Clerk upon issuance. The Circuit Court Clerk would report quarterly to the State Comptroller and to the

- County Judge, and for so reporting, the Circuit Court Clerk would receive a fee of fifty cents paid by the party obtaining the license.
31. Private Acts of 1935, Chapter 674, enabled the Davidson County Quarterly Court to levy at the July Term, and annually thereafter for a period of three years, a special tax of not more than ten cents per \$100 of property valuation outside cities for the purpose of raising funds for the building, constructing, repairing and maintenance of elementary schools situated within such districts outside the corporate limits of cities. The Trustee would place such funds to the credit of the County Board of Education in the "Rural Elementary School Fund."
  32. Private Acts of 1937, Chapter 251, authorized the County Court of Davidson County to refund to the Good Year Service a privilege tax of \$90, erroneously paid on April 22, 1935.
  33. Private Acts of 1937, Chapter 593, allowed the Davidson County Quarterly Court to refund to the Goodrich Silvertown Stores a privilege tax of \$90, erroneously paid on April 18, 1935.
  34. Private Acts of 1937, Chapter 625, directed the Davidson County Trustee to deliver the delinquent tax list to the County Attorney who would prepare and file all suits authorized by law for collection of taxes. No penalty would be charged and the County Attorney was to perform these services as part of his regular duties.
  35. Private Acts of 1937, Chapter 704, Page 2192, directed Davidson County to refund to the Citizen's Savings Bank and Trust Company a personalty tax of \$78, erroneously paid on or about December 31, 1934, with 6% interest from the date paid.
  36. Private Acts of 1937 (2nd Ex. Sess.), Chapter 37, ordered that over-assessment of taxes for the years of 1928, 1930, 1931, 1932, 1933, 1934, and 1935 against the property of Hesta T. Smith, on Gooch Street and lying outside the limits of Nashville but within Davidson County, be discharged.
  37. Private Acts of 1939, Chapter 271, amended Private Acts of 1915, Chapter 407, above, by providing that the privilege tax on vehicles would be payable in the amount of one-half the regular tax when the taxpayer became liable for paying the tax after October 1 of each year.
  38. Private Acts of 1943, Chapter 24, repealed Private Acts of 1915, Chapter 407, above, and its amendments.
  39. Private Acts of 1943, Chapter 106, required the Trustee of Davidson County to deliver the delinquent tax list to the County Attorney whose duty it would be to prepare and file suits for the collection of delinquent State and County taxes provided for by law. The penalties collected would become the property of the County and the County Attorney was to perform these duties as part of his regular duties. The Quarterly Court could by resolution set the number of clerks and assistants to be employed by the County Attorney and the compensation to be paid them.
  40. Private Acts of 1949, Chapter 246, amended Private Acts of 1917, Chapter 321, above, by increasing the tax levy allowed by the act from two mills to three mills.
  41. Private Acts of 1955, Chapter 101, authorized and directed a refund to be made to the Ellis and Kidd Funeral Home, of Davidson County, of the occupational privilege tax erroneously paid to Davidson County for a period of two and one-half years, commencing on November 25, 1950, in the amount of \$225.
  42. Private Acts of 1957, Chapter 95, directed Davidson County to return and refund to H. P. Vincent, W. L. Vincent, and H. O. Vincent, residents of Davidson County, and to C. H. Vincent, a resident of Missouri, county taxes paid by them on a certain parcel of real estate in Davidson County located on the east side of Ninth Avenue South, which were erroneously paid for the years 1951 through 1954, being in the amount of \$3,630.78.
  43. Private Acts of 1957, Chapter 327, amended the Private Acts of 1917, Chapter 321, above, by increasing the special tax rate levied therein for charitable purposes from two mills to two and one-half mills.

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