



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

November 21, 2024

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# Warren

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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.

Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Warren



Warren County Courthouse

**Revised and Edited By:** Steve Lobertini, Codification Specialist and Joan C. Mahery, Administrative Assistant, 1995

**Updated By:** Elaine Turner, Paralegal, 2006

# Chapter I - Administration

## Budget System

### Director of Accounts

#### Private Acts of 1951 Chapter 15

**SECTION 1.** That in Counties of this State having a population of not less than 19,700, nor more than 19,800, by the Federal Census of 1940, or any subsequent Federal Census, the County Legislative Body shall be and it is hereby authorized to employ a Director of Accounts for the purposes hereinafter provided. The person so employed shall be a competent bookkeeper and/or accountant and shall have a practical knowledge of County affairs. His salary shall be fixed annually by the county legislative body of counties to which this Act applies, commencing at the July, 1982 session of such county legislative bodies, and annually thereafter in July; but such salary shall not exceed the salary of the trustees of such counties. It shall be paid in equal monthly installments out of the County General Fund. The person so employed by the County Legislative Body shall serve at the pleasure of such County Legislative Body.

As amended by: Private Acts of 1953, Chapter 128,  
Private Acts of 1971, Chapter 42,  
Private Acts of 1976, Chapter 210,  
Private Acts of 1982, Chapter 271.

**SECTION 2.** That it shall be the duty of the Director of Accounts herein provided to audit the records of the various County offices which collect County revenue with a view to ascertaining any revenue due the County which has been collected and paid to the proper recipient. It shall be the further duty of such Director of Accounts to approve and countersign all warrants issued against County funds by any department of Counties to which this Act is applicable and after the effective date of this Act, no warrant drawn against County funds shall be valid until the same shall have been countersigned by such Director of Accounts shall satisfy himself that the same is legally issued under applicable law. Such Director of Accounts shall keep and maintain at all times an adequate set of records showing definitely the financial condition of the county as a whole and also of any and all accounts maintained by the County Trustee. He shall keep a record of every warrant approved by him, charging the same to the appropriate account against which it is drawn. Not later than five days prior to each regular session of the County Legislative Body, such Director of Accounts shall make such body a detailed report showing the financial condition of the County as a whole and of each particular account against which warrants may lawfully be drawn.

As amended by: Private Acts of 1982, Chapter 271.

**SECTION 3.** That this Act shall take effect from and after the second Monday in April, 1951, the public welfare requiring it.

Passed: January 15, 1951.

## Quarterly Reports

### Private Acts of 1925 Chapter 754

**SECTION 1.** That in all counties containing a population of not less than 17,306 nor more than 17,330, according to the Federal Census of 1920, or any subsequent Federal Census, shall make and publish a quarterly report of the financial conditions of said counties.

**SECTION 2.** That said report so made to the quarterly session of the County Court of said county, shall be published in some newspaper, published in said county. Said report shall show the receipts and disbursements of the funds of said county; the amount for county purposes; the amount for school purposes; the amount for bridge purposes and any and all other amounts received and disbursed by the county.

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

Passed: April 8, 1925.

## County Executive

## Private Acts of 2005 Chapter 10

**SECTION 1.** Pursuant to Tennessee Code Annotated, section 5-6-101, the title of "county mayor" in Warren County shall be redesignated as "county executive".

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

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

Passed: March 14, 2005.

## County Register

### Private Acts of 1955 Chapter 129

**SECTION 1.** That in all counties of this State having a population of not less than 22,265 nor more than 22,275 according to the Federal Census of 1950 or any subsequent Federal Census, before any person in counties to which this Act is applicable, may have recorded any deed conveying in fee the title to any real estate, such person must first present such instrument to the County Tax Assessor, who shall list in a well bound book the following data: The name of the seller, the name of the purchaser, the consideration paid, the Civil District in which such property is located and a description of each tract of land so conveyed, by reference to the adjoining land owners of such other description as may designate said property.

**SECTION 2.** That the County Registers in the counties to which this Act may be applicable are expressly forbidden to record deeds conveying in fee the title to any real estate until such instruments have been presented to the County Tax Assessor and his stamp or signature has been placed thereon, indicating the provisions of this Act have been complied with.

**SECTION 3.** That provided at any time the Tax Assessor or his Deputy should not be available, in that event the Register may receive and note such instruments, but it shall not be recorded until the provisions of this Act shall have been complied with.

**SECTION 4.** That all laws or parts thereof in conflict with this Act are hereby repealed.

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

Passed: February 23, 1955.

## Junkyard/Scrapyard and Landfill Regulations Act of 2000

### Private Acts of 2000 Chapter 75

**SECTION 1.** This act shall be known and may be cited as the "Warren County Junkyard/Scrapyard and Landfill Regulations Act of 2000."

**SECTION 2.** The purpose of this act is to promote and protect the public safety, health, welfare, convenience and enjoyment of public travel; to protect the public investment in public highways and county roads; to protect and prevent the spread of disease and creation of nuisances; to preserve and enhance the scenic beauty of lands within the county; to establish regulations for landfills for disposal of solid wastes; and to protect the integrity of existing natural systems. This act applies to persons or entities who own or operate a junkyard/scrapyard or a landfill, including persons or entities that have developed a "roadside dump" or "hillside dump" with or without the permission of the property owner.

**SECTION 3.** As used in this act, unless the context otherwise requires:

(1) "Landfill" means any non-governmental private landfill operation that seeks to be established within the county boundaries of Warren County.

(2) "Junkyard/scrapyard" means an establishment or place of business that contains more than five (5) unlicensed and/or inoperable motor vehicles of any kind, or internal parts thereof, appliances or parts thereof, furniture, mattresses, box springs, or parts thereof, scrap copper or brass, steel or

scrap ferrous or nonferrous material, unoccupied mobile homes or mobile home parts that are not part of a state-licensed dealer operation, or any garbage, debris, trash or scrap metal processors. Junkyard/scrapyard does not include recycling centers or places at which locally handcrafted wood rockers or swings are made, displayed or sold.

(3) "Solid Waste Authority" means the body that may be established by resolution to oversee any solid waste operation within Warren County.

**SECTION 4.** The following requirements shall apply to any junkyard/scrapyard to be established, operated or maintained in Warren County. These requirements are intended to be supplemental to Tennessee Code Annotated, Title 54, Chapter 20, Parts 1 and 2, and any rules and regulations promulgated pursuant thereto, which regulate junkyards and automobile graveyards. If any of the provisions of this act conflict with the provisions of general law, by being less stringent than the general law requirements or otherwise, then the general law provisions shall govern the matter at issue.

(1) Every junkyard/scrapyard shall have an opaque privacy screening on all perimeter property lines consisting of a fence at least eight feet (8') in height and/or landscaping consisting of evergreen vegetation, preferably pines, planted in double rows. Such vegetation shall be at least eight feet (8') tall, fifteen feet (15') in width and ten feet (10') apart. Such screening or vegetation shall be constructed so that the junkyard/scrapyard is not visible from the main traveled ways or is otherwise removed from sight.

(2) The following setback requirements shall apply to every junkyard/scrapyard in Warren County:

(A) The junkyard/scrapyard shall be set back at least one hundred feet (100') from any city, county or state right-of-way;

(B) The junkyard/scrapyard shall be set back at least one hundred feet (100') from any residence, church, school, daycare center or vacant or occupied subdivision lot; and

(C) The junkyard/scrapyard shall be set back at least one hundred feet (100') from all other property lines not specified above.

(3) Notwithstanding any provision of this act to the contrary, in accordance with Tennessee Code Annotated, Section 54-17-108, no person shall construct, use, operate or maintain a junkyard/scrapyard within two thousand feet (2000') of any road or highway that is designated as part of the scenic highway system and which is located outside the corporate limits of a city or town in Warren County.

(4) Entrances to and exits from a junkyard/scrapyard shall be paved, at least twenty-four feet (24') wide, and shall adjoin a county or state road. Roads extending into and onto the junkyard/scrapyard shall be at least fifty feet (50') in length as measured from the road right-of-way (this measurement shall not be taken from the edge of the pavement).

(5) Junkyard/scrapyards may be "grandfathered in" and deemed in compliance with this act at the discretion of the Warren County Planning Commission under the following conditions:

(A) The existing junkyard/scrapyard was completed and began operation before the effective date of this act; and

(B) The existing junkyard/scrapyard meets or will come into compliance with the screening requirements of this act.

(6) The expansion of any junkyard/scrapyard in existence as of this act's effective date shall be considered a violation of this act if such expansion does not meet the requirements of subdivision (4).

(7) All requests for the construction or operation of a junkyard/scrapyard shall be submitted to the Warren County Planning Commission for review for compliance with this act and shall be accompanied by a development plat.

As amended by: Private Acts of 2006, Chapter 84.

**SECTION 5.** The following requirements shall apply to any landfill to be established, operated or maintained in Warren County. These requirements are intended to be supplemental to Tennessee Code Annotated, Title 68, Chapter 211, and any rules and regulations promulgated pursuant thereto, which regulate solid waste disposal. If any of the provisions of this act conflict with the provisions of general law, by being less stringent than the general law requirements or otherwise, then the general law provisions shall govern the matter at issue.

(1) All landfills in Warren County shall have an opaque privacy screening on all perimeter property lines consisting of a fence at least eight feet (8') in height and/or landscaping consisting of evergreen vegetation, preferably pines, planted in double rows. Such vegetation shall be at least eight feet (8') tall, fifteen feet (15') in width and ten feet (10') apart. Such screening or vegetation shall be constructed so that the junkyard/scrapyard is not visible from the main traveled ways of an

interstate or primary highway system, or is otherwise removed from sight.

(2) The following setback requirements shall apply to every landfill in Warren County:

- (A) The landfill shall be set back at least one thousand feet (1000') from any city, county or state right-of-way;
- (B) The landfill shall be set back at least one thousand feet (1000') from any residence, church, school, daycare or vacant or occupied subdivision lot; and
- (C) The landfill shall be set back at least one thousand feet (1000') from all other property lines not specified above.

(3) Entrances to and exits from a landfill shall be paved, at least twenty-four feet (24') wide, and shall adjoin a county or state road. Roads extending into and onto a landfill shall be a minimum of fifty feet (50') in length from the road right-of-way (this measurement shall not be taken from the edge of the pavement).

(4) All landfills shall conform and adhere to applicable state and federal laws, rules and regulations.

(5) A site plan for a proposed landfill shall be submitted to the Warren County Planning Commission for review for compliance with this act. The commission shall then hold a public hearing and make a recommendation regarding the landfill's

compliance with this act. After review and a public hearing, the commission shall be the final authority to approve the landfill in regard to compliance with this act. If the plan is approved, the County Executive shall issue a permit for the landfill.

(6) All landfill requests shall be subject to review and supervision by the Department of Environment and Conservation in accordance with applicable state law, rules and regulations. Such requests shall also be subject to review by the Warren County Solid Waste Authority, if such an authority is established.

**SECTION 6.** It shall be a violation of this act for any person or entity to establish or operate a junkyard/ scrapyards or landfill within Warren County without approval from the Warren County Planning Commission as required by this act. Violators shall be subject to a civil penalty of up to one thousand dollars (\$1,000) per day. Each day of violation shall constitute a separate offense.

**SECTION 7.** The Legislative Body of Warren County shall have the authority to establish operational procedures for administering the provisions of this act and to establish reasonable fees for the administration thereof.

**SECTION 8.** 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 9.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Legislative Body and certified to the Secretary of State.

**SECTION 10.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 9.

Passed: February 7, 2000.

## Purchasing

## Purchasing Commission

## Private Acts of 1951 Chapter 16

**SECTION 1.** That in Counties of this State having a population of not less than 19,700, nor more than 19,800, by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court is hereby authorized, empowered and directed to create a Purchasing Commission which will have the duties and powers hereinafter set forth. Said Purchasing Commission shall consist of three members, two of whom shall be elected by the Quarterly County Court annually at its April term in each year and shall serve for a period of one year and until their successors shall be elected and qualified. They shall be compensated for their services at the rate of \$5.00 per day as provided, however, that no member of such Commission shall draw pay for more than 20 days in any calendar year. The third member of such Commission shall be the County Auditor, who shall serve as Chairman of said Commission and shall



receive no compensation for his services upon such Purchasing Commission. The County Judge shall be a member ex officio of such Purchasing Commission with the power to vote upon any and all matters coming before the same to the same extent as though he had been originally named a member thereof; however, for his services on said commission the County Judge shall receive no additional compensation other than his salary as fixed by statute. The Warren County School System acting through the duly elected Board of School Commissioners shall not be required to make purchases through the Warren County Purchasing Commission, but shall be authorized to make its own purchases within the guidelines requiring sealed bids, and those not requiring sealed bids as provided by the laws regulating the Warren County Purchasing Commission.

As amended by: Private Acts of 1951, Chapter 666,  
Private Acts of 1953, Chapter 489,  
Private Acts of 1959, Chapter 63,  
Private Acts of 1980, Chapter 221.

**SECTION 2.** That it shall be the duty of such Purchasing Commission to purchase all supplies of every kind and character, subject to the limitations hereinafter provided which shall be paid for from funds belonging to Counties to which this Act applies, provided, however, that contracts for personal services are expressly excluded from the jurisdiction of said Purchasing Commission. Any department of said County desiring to make any purchases of any sort shall requisition for the same to such Purchasing Commission, who shall thereupon proceed to procure the materials and supplies listed in the following manner: Purchases aggregating less than five thousand dollars (\$5,000.00) may be made by the Chairman of such Commission upon his own initiative without the necessity of action by the remaining members thereof. All purchases amounting to more than five thousand dollars (\$5,000.00) shall be made upon sealed competitive bids after due advertisement of the time and place as to where such bids shall be taken. All bids so taken shall be opened in the presence of all members of the Commission and the contract therefor awarded to the lowest and best bidder. The Commission shall likewise be authorized to let all contracts for the building of County structures paid for from public funds in said County except for construction of bridges upon the County Highways and all school buildings which latter shall remain under the jurisdiction of the County Board of Education. Upon request of the County Court made ten days prior to any regular session of the Quarterly County Court, the Purchasing Commission shall render to them a complete statement of all purchases made by them itemizing the amounts and the department for which purchased. It shall be the duty of said Purchasing Commission to meet monthly upon some date to be mutually agreed upon by such Commission.

As amended by: Private Acts of 1980, Chapter 221,  
Private Acts of 1991, Chapter 13,  
Private Acts of 1997, Chapter 81.

**SECTION 3.** That this Act shall take effect from and after the second Monday in April, 1951, the public welfare requiring it.

Passed: January 15, 1951

## Tri-County Railroad Authority

### Public Acts of 1981 Chapter 542

**SECTION 1.** There is hereby created the Tri-County Railroad Authority in the counties of Coffee, Warren, and White. This authority is intended to secure economic benefits to the above counties and to the cities of Manchester, Doyle, McMinnville, Morrison, Tullahoma, and Sparta by providing for the continuation of railroad service in Coffee, Warren, and White Counties. Within the region of the authority, it may acquire, construct, operate, maintain, and dispose of railroad facilities, properties, and equipment, and may, in addition to continuing the above-mentioned railroad service, provide any other rail service in the region as it is needed and feasible.

**SECTION 2.** The acquisition, construction, operation and maintenance of such properties and facilities are hereby declared to be public and governmental functions. The powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

**SECTION 3.** The organization of the authority shall be as follows:

- (a) The authority shall be governed by a board of directors.
- (b) Membership of the board of directors shall consist of:
  - (1) The county judge or county executive of each county becoming a member of the authority, in accordance with Section 16 of this Act.

- (2) The mayor of each city becoming a member of the authority, in accordance with Section 16 of this Act.
- (3) One member to be selected by the governing body of each county and city becoming members of the authority.
- (4) The term of each selected member shall be prescribed by the governing body making the selection.

(c) In the event of failure to elect a successor to any member of the board the members whose term has expired shall continue to serve until his successor has been duly elected as herein provided. In the event of the death or resignation of a member of the board, or his inability to serve prior to the expiration of his term, his successor shall be elected for the unexpired term by the remaining members of the board within thirty (30) days of the event. Any person at least twenty-five (25) years of age who has resided within the boundaries of the authority, for a period of at least one (1) year immediately preceding his election, shall be eligible to serve as a member of the board of directors of the authority. Any director who ceases to regularly reside within the boundaries of the authority shall automatically become ineligible to serve in said office.

(d) Before entering upon their duties, all directors shall take and subscribe to an oath of office, as provided by the constitution and law for county and city officers. Copies of the said oath of each director shall be filed with the clerk of the county court of the applicable county.

(e) A majority of the directors shall constitute a quorum and the directors shall act by vote of a majority present at any meeting attended by a quorum, and vacancies among the directors shall not affect their power and authority, so long as a quorum remains. Within thirty (30) days after their election as herein provided, the directors shall hold a meeting to elect a chairman. The directors shall hold meetings quarterly at such times and places as the directors may determine. Special meetings may be called and held upon such notice and in such manner as the board of directors may, by resolution, determine. Save as otherwise expressly provided, the board of directors shall establish their own rules of procedure. The directors shall designate a secretary and a treasurer, or one (1) person as secretary-treasurer, and such person need not be a director. The secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of meetings shall be available for inspection by the public at the office of the authority, at all reasonable times. The board of directors, by resolution, shall require the treasurer or secretary treasurer, to execute a bond with an approved corporate surety, in such amount as the board may specify, for the faithful performance of his duties and the accounting of all monies and revenues that may come into his hands. Such bonds shall be filed with the Secretary of State. The board of directors, by resolution, may require all other subordinate officers, or employees, to execute such fidelity bonds for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the board of directors may determine.

(f) All members of the board of directors shall serve without compensation, but may receive any per diem allowance which may be appropriated by the governing body of the county or city electing a director, for such director. Reasonable expenses incurred by members of the board while engaged in the business of the authority are subject to reimbursement by the authority.

(g) The directors shall be indemnified by the authority for any liability they might incur while acting in such capacity other than for culpable negligence.

(h) Except as otherwise herein provided, the directors shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

**SECTION 4.** The directors shall be authorized to employ and fix the compensation of architects, attorneys, engineers, superintendents, consultants, professional advisors, and other subordinate officers and employees, as may be necessary for the efficient management and operation of the authority and its facilities. Such persons shall continue in the employment of the authority at the will and pleasure of the board of directors. Such employment or contracts shall conform to the statutes, regulations and procedures to which counties must generally adhere in making such transactions.

**SECTION 5.** The directors shall have the following duties and powers, and, in exercising such duties and powers, shall abide by all statutes, regulations and procedures to which counties must generally adhere in making such transactions:

- (a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve within the boundaries of the authority the properties and facilities described in Section 1, and to make such properties and facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the authority.
- (b) To accept donations to the authority of cash, lands or other property to be used in the

furtherance of the purpose of this Act.

(c) To accept grants, loans, or other financial assistance from any federal, state, county or municipal agency, or other aid for the acquisition or improvement of any of the facilities of the authority.

(d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, whether or not subject to mortgages, liens, charges, or other encumbrances, for the authority, which, in the judgment of the authority directors, is necessary or convenient to carry out the purpose of the authority. In exercising the powers granted in this subsection, the directors shall abide by all statutes, regulations and procedures to which counties must conform in such matters.

(e) To acquire property which is suitable for use by industries requiring access to any railroad track owned, operated, or subsidized by the authority.

(f) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgment of the directors, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency for or in the aid of the acquisition or improvement of the facilities herein provided; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages, and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of the board of directors may be necessary, proper, or advisable for the furtherance of the purpose of this act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments. In exercising the powers granted in this subsection, the directors shall abide by all statutes, regulations and procedures to which counties must conform in such matters.

(g) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the properties and facilities under its jurisdiction, and for services which it may render.

(h) To enter upon any lands and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities of the authority.

(i) To promulgate and enforce such rules and regulations as the board of directors may deem proper for the orderly administration of the authority and the efficient operation of its facilities. In exercising the powers granted in this subsection, the directors shall abide by all statutes, regulations and procedures to which counties must conform in such matters.

(j) To do all acts and things necessary or deemed necessary or convenient, to carry out the powers expressly given in this Act. This subsection shall not be construed to authorize the directors, in doing all things necessary and convenient, to conduct the administrative and business affairs of the Authority in a manner inconsistent with the statutes, regulations and procedures governing such matters in county government.

**SECTION 6.** Except as otherwise expressly provided in this Act, the directors shall have full and exclusive control of and responsibility for the administration of properties and facilities constructed or acquired pursuant to this act; provided, however, that the authority may lease or license lands or facilities under its jurisdiction for operation by private persons or corporations; provided further, however, that this subsection shall not be construed to authorize the directors to exercise such authority in a manner inconsistent with the statutes, regulations and procedures governing such matters in county government.

**SECTION 7.** The authority is hereby authorized and empowered to condemn, in the name of the authority, any land, easements, or rights of way in the boundaries of the authority that, in the opinion of the board of directors, are necessary or convenient to carry out the purposes of this Act as set forth in Section 1. Title to property so condemned shall be taken by and in the name of the authority, and the property shall thereafter be entrusted to the authority for the purposes of this Act. Such condemnation proceedings shall be in accordance with Chapters 16 and 17 of Title 29, Tennessee Code Annotated. Provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the court. Provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application by the authority, and upon posting of a bond with the clerk of the court in such amount as the court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

**SECTION 8.** The authority shall have the powers with respect to finance as follows, and, in exercising such powers, shall abide by all statutes, regulations and procedures to which counties must generally adhere in such matters.

(a) To borrow money for any of its corporate purposes and issue its bonds therefor, including refunding bonds, in such form and upon such terms as it may determine, payable out of any revenues of the

authority, including grants or contributions from the federal government or other sources, which bonds may be sold at public sale. Revenue bonds may be issued for the above purposes and the authority may pledge as security for such bonds all or any portion of the tolls, fees, rents, charges, or any other revenues derived from the operation of the railroad and related uses of the properties. Provided, that any such fees, rents, or charges so pledged that are fixed and established pursuant to the provisions of a lease or contract, shall not be subject to revision or change except in such manner as is provided in such lease or contract. Any bonds issued pursuant to this Act shall state on their face that they are payable as to principal and interest, solely from revenues of the authority and shall not constitute a debt of the state or any political subdivision thereof other than the authority, and shall not constitute any indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Neither a director of the authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof. In case any of the directors or officers of the authority whose signatures appear on any bonds or coupons cease to be directors or officers after authorization but before delivery of the bonds, their signatures shall be valid and sufficient for all purposes. Any provision of the law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully negotiable. Any bond reciting in substance that it has been issued by the authority pursuant to this Act and for a purpose of purposes authorized by this Act shall be conclusively deemed, in any suit, action, or proceeding involving the validity or enforceability of the bond or the security therefor, to have been issued pursuant to such provisions and for such purpose or purposes. Bonds issued by the authority pursuant to the provisions of this Act are declared to be issued for an essential public and governmental purpose, and together with interest thereon, and income therefrom, shall be exempt from all taxes. With respect to refunding bonds, the provisions of Section 5-11-103 (14), when pertinent, and Section 9-12-103, Tennessee Code Annotated, shall apply, with respect to funding bonds, the provisions of Section 9-11-108, Tennessee Code Annotated, shall apply.

**SECTION 9.** The board of directors of the authority shall report annually to the governing bodies of the various counties and cities within the boundaries of the authority. Such reports shall include statements of financial receipts and expenditures and a summary of activities and accomplishments for the period and proposed plans for the next year and for subsequent years. The board of directors annually shall require an audit to be performed of the authority's operations. Such audits shall meet the requirements placed on county offices by Section 4-3-304(5), Tennessee Code Annotated; when applicable, the cost of such audits shall be borne in the same manner and paid at the same rates established for county government in Section 9-3-110, Tennessee Code Annotated.

**SECTION 10.** The revenues derived from the operation of the properties and facilities authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities, shall be applied and used as provided in this section: provided, however, that nothing in this section shall be construed to authorize the authority to administer these provisions in manner inconsistent with statutes, regulations or procedures governing such transactions and activities carried out by county governments, and the authority shall assure that procedures and practices covered by this section conform with statutes, regulations and procedures to which county governments must adhere. All revenues shall be received, deposited and accounted for and all financial transactions shall be handled consistent with the requirements of statutes, regulations and procedures affecting county government.

(a) The payment of all operating expenses of the authority, except that the proceeds derived from the sale, transfer, or other disposition of any land or other facilities shall not be used for this purpose.

(b) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of properties and facilities, storage transfer facilities and any other facilities, or other purposes as may be required under any bond indenture or as the authority directors may deem necessary or desirable. This subsection shall not be construed to authorize the authority to exercise these provisions in a manner inconsistent with statutes, regulations or procedures governing such matters in county government.

(c) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the authority facilities and for the acquisition or construction of new facilities which may become necessary or desirable to further the purposes of this Act. None of such revenue shall go into the general funds of the participating counties, except as may be directed by the authority directors.

**SECTION 11.** All contracts of the authority shall be entered into and executed in such manner as may be prescribed by statutes, regulations and procedures governing contracting by county governments; but no contract or acquisition by purchase of equipment, apparatus, materials or supplies involving more than five hundred dollars (\$500), or for construction, installation, repair or improvement of the property of facilities involving more than five hundred dollars (\$500) shall be made except after such contract has

been advertised for bids, provided that advertisement shall not be required when:

- (a) An emergency arises and requires immediate delivery of the supplies or performance of the service.
- (b) To receive funds from county or city governments for purposes of planning; the acquisition of properties and facilities; and the construction, operation, management, the maintenance of all properties and facilities, to which end such governments are authorized to provide funds for any of the aforesaid purposes, upon grant or loan and are empowered, but not required to, impose taxes to accomplish the purposes of this Act.

**SECTION 12.** The authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the state of Tennessee or any county or municipality in the state of Tennessee, provided such governmental agency shall consent to such use; provided, however, that all statutes, regulations and procedures regulating the use, management, and disposition of state property must be complied with.

**SECTION 13.** The powers, authority and rights conferred by this Act shall be in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

**SECTION 14.** If any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid, if any.

**SECTION 15.** This Act is remedial in nature and shall be liberally construed to effect its purposes of promoting the movement and transfer of people, goods and merchandise to, from and through the boundaries of the authority; encouraging utilization of the natural resources therein; and promoting the growth and development of commerce and industry in the counties and cities. Such liberal construction shall not work to override the application of the general statutes, regulations or procedures to the administrative or financial management practices of the authority in the same manner as they apply to county governments.

**SECTION 16.** This Act shall take effect when two (2) or more of the counties of Coffee, Warren, and White and the cities of Tullahoma, Manchester, McMinnville, Morrison, Doyle, and Sparta are authorized by a majority vote of their respective governing bodies to become members of the authority; evidence of such authorization is proclaimed and countersigned by the presiding officer of each ratifying county and city and certified by him to the Secretary of State; and the governing bodies of all governments voting to become members of the authority have indicated their willingness to appropriate sufficient funds to provide for the initial administration of the authority.

**SECTION 17.** For the purpose of approving or rejecting this Act as provided in Section 16, it shall take effect upon becoming a law, the public welfare requiring it; but for all other purposes, it shall be effective upon being approved as provided in Section 16.

Passed: March 12, 1981.

## Uniform Nepotism Policy Act of 2006

### Private Acts of 2006 Chapter 111

**SECTION 1.** This act shall be known and may be cited as the "Warren County Employees Uniform Nepotism Policy Acts of 2006".

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

- (1) "Governmental entity" means any agency, authority, board, commission, department, or office within the Warren County government;
- (2) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household; and
- (3) "County employee" means any person who is employed by Warren County.

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

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

**SECTION 5.** The prohibition established by Section 3 of this act shall not be applied retroactively, but shall be adhered to by each governmental entity in all hiring and employee transactions subsequent to the effective date of this act as provided in Section 8.

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

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

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

Passed: May 27, 2006.

## Administration - Historical Notes

### **Budget System**

The following act was never in effect as law; it is included for historical reference only.

1. Private Acts of 1961, Chapter 6, fixed the annual salary of the County Auditor and/or Comptroller at \$5,000 annually, but was rejected at the local governmental level and, therefore, did not become law.

### **County Attorney**

The following act was never in effect as law; it is included for historical reference only.

1. Private Acts of 1957, Chapter 84, created the office of County Attorney who was to be a resident of the county, 21 years old, and a licensed lawyer. The Quarterly County Court would appoint someone until a successor could be elected and qualified. The election would be in August, 1958, and the victor would take office in September, 1958, at a salary of \$3,000 annually. He would render whatever legal services were required to all the officials, departments, agencies, commissions, and boards; and prosecute and defend, as need be, all litigation in which the County was involved. He could not represent any other county or city agency or government and no county official could employ another attorney without first obtaining leave from the Quarterly County Court. This Act was not approved by the local governing body and, therefore, never became effective as law.

### **County Clerk**

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

1. Private Acts of 1823, Chapter 156, authorized the Circuit Court Clerk and the County Court Clerk to build an office on some part of the Public Square in McMinnville, the site to be designated by the Quarterly County Court. Each succeeding Clerk would have the benefit of using the said building or they could use another one by paying the Clerk or his heirs the fair market value of the building.

### **County Executive**

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

1. Acts of 1855-56, Chapter 253, provided for the election of the County Judge, who would be a person learned in the law, for a four year term. He would be commissioned as other judges were, and take an oath, to faithfully discharge the duties of the office. Quorum Courts were abolished

and all their jurisdiction and powers given to the County Judge. He would preside over the County Court at its Quarterly Sessions and exercise all the authority of the Chairman. He would be the accounting officer and general agent and, as such, would possess those powers enumerated therein. Also specified was compensation to the Judge. This act was repealed by Acts of 1857-58, Chapter 5.

2. Private Acts of 1915, Chapter 561, also created the office of County Judge of Warren County. He would be a licensed lawyer, not under 30 years of age, and have been a resident of the county for one year and of the State for five years. He would be commissioned as other Judges, execute a bond for \$1,000 and take oath to support the Constitution. The office of Chairman of the County Court was abolished and those powers and jurisdiction were given to the County Judge. His duties were detailed in the Act and his term set at four years. This Act was repealed by the following act.
3. Private Acts of 1917, Chapter 328, specifically repealed Acts of 1915, Chapter 561, in its entirety.
4. Private Acts of 1921, Chapter 556, provided that the County Judge of Warren County would receive \$250 a year for his services as Financial Agent and Accounting Officer, to be paid quarterly out of the county funds.
5. Private Acts of 1923, Chapter 101, also repealed specifically, and entirely, Chapter 561, Acts of 1915, which created the position of County Judge.
6. Private Acts of 1925, Chapter 510, amended Acts of 1915, Chapter 561, Section 2, by striking out the requirement that he be a licensed lawyer and adding a provision that the County Judge must keep his office open at the Courthouse in McMinnville on a daily basis. This Act amended an act which had previously been repealed.
7. Private Acts of 1927, Chapter 48, amended Private Acts of 1915, Chapter 561, which had already been repealed twice, by conferring the same jurisdiction enjoyed by Justices of the Peace upon the County Judge just as fully as if he were a Justice in all civil and criminal cases. This Act was repealed by Acts of 1937, Chapter 38.
8. Private Acts of 1931, Chapter 162, authorized the County Judge to borrow money for county purposes, from time to time, at an interest rate not to exceed 6% per annum, and to issue warrants therefor; but the aggregate sum of warrants and interest should not exceed the tax levy or the uncollected portion thereof.
9. Private Acts of 1937, Chapter 38, specifically repealed Private Acts of 1927, Chapter 48, which conferred on the County Judge the same jurisdiction as possessed by Justices of the Peace.
10. Private Acts of 1937, Chapter 218, amended Private Acts of 1921, Chapter 556, by increasing the compensation of the County Judge as Financial Agent and Accounting Officer of the county from \$250 to \$700 annually, to be paid monthly rather than quarterly, out of the regular county funds.
11. Private Acts of 1943, Chapter 372, made the Judges of the County Court and the General Sessions Court interchangeable so one could preside in the other's absence.
12. Private Acts of 1945, Chapter 380, set the salary for services as the County Judge, Chairman of the County Court and the Financial Agent at \$1,800 annually, payable in equal monthly installments. All conflicting laws were repealed.
13. Private Acts of 1953, Chapter 489, amended Private Acts of 1951, Chapter 666, (see under Purchasing in Administration), which made the County Judge an ex officio member of the Purchasing Commission and provided him with additional compensation as said member by increasing the pay from \$600 to \$1,200 annually.

### **County Legislative Body**

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

1. Acts of 1807, Chapter 28, provided that the first County Court of Warren County would meet on the first Monday in February, May, August, and November at the home of Joseph Westmoreland on the east side of Barren Fork of Collins River, near a big spring.
2. Acts of 1807, Chapter 53, set the times for the various county courts to meet in all the counties of the Winchester District to which Warren County was assigned. Court days in this case remained as stated in Item One for Warren County. Franklin, Warren, White, Jackson, Smith, and Overton Counties composed the Winchester District.
3. Acts of 1809, Chapter 93, established Court Day for County Courts of Pleas and Quarter Sessions. Warren County's Court would meet on the first Monday in February, May, August and November.

4. Acts of 1812, Chapter 71, Section 4, set the dates for the County Court of Warren County to meet on the fourth Monday of February, May, August, and November.
5. Acts of 1813, Chapter 133, set the Quarterly County Court meeting times on the second Monday of January, April, July, and October.
6. Acts of 1817, Chapter 139, dealt with Circuit Court and further changed the meeting dates for the County Court of Warren to the first Monday of January, April, July, and October.
7. Acts of 1819, Chapter 55, gave the County Court of Warren County the authority to permit John Guest to prove the signature on a deed to fifty acres of land, said signer being unable to appear in person to prove it, and, when the court had approved the signature, the said John Guest may register the conveyance as any other one would be.
8. Acts of 1819, Chapter 160, provided, inter alia, that the Quarterly County Court would continue to meet on the first Monday in January, April, July, and October but the January and July terms would be for two weeks, or longer, if necessary.
9. Acts of 1825, Chapter 171, retained the same meeting days for the court but provided that all of the four meetings would last for one week.
10. Acts of 1829, Chapter 292, Section 2 authorized the County Courts of Warren and Franklin Counties to make an allowance to the Commissioners of school lands for all expenses incurred in prosecuting or defending suits involving school lands, which expenses would be paid out of the rents received from the leases of the lands as supervised by the commissioners.
11. Acts of 1867-68, Chapter 19, established a Board of County Commissioners for Sumner County but all the provisions were made applicable to Warren County also by Section 11 of the Act. The Board would consist of three members, appointed by the Governor until an election could be held, wherein their successors would be chosen for three year terms. The commissioners would meet at least four times a year; were vested with all the power, authority, and responsibilities previously held by the Quarterly County Court; and, in addition, were granted several other powers enumerated in the Act. The Magistrates of the county were relieved from all further duties and obligations incident to their office. This Act was expressly repealed by Acts of 1869-70, Chapter 49.
12. Acts of 1867-68, Chapter 65, Section 22, and others. Section 19 of this Act abolished all Quorum Courts and vested all their power and jurisdiction in the Board of County Commissioners created by this Act. Section 20 transferred all the power and authority of the Chairman of the County Court to the same Board. Section 21 relieved all the Magistrates of their duties and obligations incident to them as members of the Quorum or the County Court and made all these the duties and obligations of the same Board of County Commissioners. Section 22 made all the provisions of this Act applicable to Warren County and repealed all conflicting laws.
13. Acts of 1868-69, Chapter 24, Section 3, repealed all laws and parts of laws establishing a Commissioner's Court for Warren County.
14. Acts of 1869-70, Chapter 49, expressly repealed in their entirety all laws which set up Boards of County Commissioners in this State and restored to full force and effect all laws and parts of laws which had been repealed by them, restoring the county courts and the quorum courts.
15. Private Acts of 1919, Chapter 176, specified that all Justices should receive \$2.00 per day for each day's regular attendance at meetings of the Quarterly County Court, provided that the mileage payments remained as the law provided.
16. Private Acts of 1941, Chapter 90, provided that the Quarterly County Court of Warren County would meet in regular session on the second Monday in January, April, July, and October.
17. Private Acts of 1949, Chapter 124, created a Board of County Commissioners consisting of three members who must be residents of the county for not less than five years, 30 years of age, and who would be elected by popular vote for a term of two years. Members of the County Court were not eligible, and no two could come from the same Civil District of the county. E. W. Walling, Robert E. Bonner, and J. S. Simmons were named to the Board until September 1, 1950, when their elected successors would take office. The Board would meet on the first Monday of each month. At its first meeting, the Board would elect one of its members as Chairman, and another as Secretary, whose duty would be to keep the minutes of all the meetings. They could not be interested in any contract or project and could not receive any pay other than the \$5.00 per day specified in the law. Among its powers were all the administrative powers of the county, the supervision and control over roads, schools, public health, and other county functions. It was to prepare a budget for the county annually and publish all revenue and expenditure figures. Any vacancy would be filled by the remaining commissioners. This Act was specifically and entirely



repealed by Private Acts of 1951, Chapter 13.

18. Private Acts of 1949, Chapter 491, came only a few weeks later than Chapter 124 in Item 17, above. It set forth all those provisions previously stated in said Chapter 124 in a more detailed form and added many specific provisions of an administrative nature of its own. Three governmental departments, Highways and Public Works, Purchasing and Finance, and Welfare and Institutions, were created and one of the three commissioners would be the immediate supervisor of one of the department. This act was repealed in 1951.
19. Private Acts of 1949, Chapter 549, raised the payments to all Justices of the Peace for their attendance at the County Court meetings to \$4.00 per day, and would pay four cents per mile each way as travel allowance if the Justices lived more than ten miles from the courthouse.
20. Private Acts of 1951, Chapter 13, specifically repealed Private Acts of 1949, Chapter 124, above.
21. Private Acts of 1951, Chapter 14, specifically repealed Private Acts of 1949, Chapter 491, above, in its entirety.
22. Private Acts of 1955, Chapter 128, provided that the Justices of the Peace in Warren County would get \$10 per diem for attendance at the meetings of the Quarterly County Court and a travel allowance of ten cents per mile one way. This Act was properly ratified by the County Court.
23. Private Acts of 1967-68, Chapter 396, repealed, Acts of 1955, Chapter 128, above, and set the per diem for Justices at \$10 a day for attendance at meetings of the Quarterly County Court and mileage at 10 cents a mile traveled for the round trip from home to the courthouse.
24. Private Acts of 1969, Chapter 111, amended Acts of 1955, Chapter 128, Section 1, by deleting it and substituting another paragraph, which set forth payment to the Justices of the Peace of \$25 a day for attendance at meetings of the Quarterly County Court.

### **County Register**

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

1. Acts of 1827, Chapter 4, stated that the General Assembly of the State would appoint an additional Register of the Land Office who shall hold office during good behavior and keep his office at Sparta as a Register of the Mountain District. All land required to be entered from Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson counties would be brought to this office to be registered.

### **County Trustee**

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

1. Private Acts of 1927, Chapter 801, provided that the Trustee and Tax Collector of Warren County was deprived of all fees, commissions, emoluments and perquisites and was to be given a salary of \$2,400 annually. He was to pay himself \$200 a month from the fees first coming into his hands, and all excess fees were to be held in the various accounts under his supervision.

### **General Reference**

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

1. Acts of 1819, Chapter 193, appointed several persons to be notaries public in the state, including Benjamin Hancocke for Warren County.
2. Acts of 1819, Chapter 214, authorized and allowed any persons living in a bottom of Caney Fork, called the Narrows, in Warren County, to vote at elections, do and perform militia duty, and be competent jurors in White County, as if they were citizens of same, and exempted them from any of those duties in Warren County.
3. Acts of 1826 (Ex. Sess.), Chapter 4, established the position of Entry-Taker for Warren County and further provided that any vacant land within five miles of the falls on the Caney Fork River in Warren and White County may be entered and possessed at the rate of one cent per acre as the other vacant lands were being developed.
4. Acts of 1826 (Ex. Sess.), Chapter 32, validated all previous grants of land issued by the State within five miles of the falls of the Caney Fork River in Warren and White Counties subsequent to the Act of 1823, and the grantees were given good and marketable title thereto.
5. Acts of 1826 (Ex. Sess.), Chapter 152, permitted Reuben Ross to enter in the entry-takers office a 3,000-acres tract at one cent per acre which was heretofore laid off and entered upon by him for

his salt works.

6. Acts of 1831, Chapter 43, named Harold Bias and John B. Perkins as incorporators of an organization to clean out the obstructions to navigation in the Caney Fork River after they had executed a good and solvent performance bond with the County Judge.
7. Acts of 1832, Chapter 73, appointed Archibald Hicks, Isaac Hill, and Andrew Robertson, Sen. of Warren County, and Samuel A. Moore, Henry Lyda, and James Young of White County, to examine the books of and to settle with the Internal Improvement Boards for the counties of Warren and White. They shall also examine those portions of the Caney Fork River alleged to have been improved in its navigation and report on the conditions of the stream as they find them and the expenses therefor to their respective Quarterly County Courts.
8. Acts of 1832, Chapter 106, authorized Isaac and Melchisedeck Hill of Warren County to execute a bond to Jesse Savage, with said bond to be void on condition that the Hills would pay all damage, satisfy and perform according to a decree that might issue from the Chancery Court in a suit pending where Savage was the complainant against the Hills, enjoining them from erecting a mill on Collins' river in said county. Upon execution of the bond, the Hills were allowed to proceed with construction of the mill without being in contempt of court. The chancellor was to have the power at the next term of court to renew the injunction and prevent the erection of the dam or have the dam removed if constructed, provided it was proven that the dam was the cause of irreparable damage.
9. Private Acts of 1923, Chapter 202, (made applicable to Warren County by the 1920 Federal Census figures), made it a misdemeanor for any official or officials having the authority to expend and disburse county or public funds for any purpose to contract for or draw and deliver any warrant or order for the disbursement of same without sufficient sum in the hands of the County Trustee to pay such warrant, order or contract. The Act was not made applicable to contracts and disbursements made on behalf of what was known as the general county fund for operation of the poorhouse, jail, courts, etc.
10. Private Acts of 1931, Chapter 104, repealed Private Acts of 1923, Chapter 202, in its entirety.
11. Private Acts of 1941, Chapter 218, was in effect, the same as Private Acts of 1923, Chapter 202, with an added provision: the County Judge or Chairman was to countersign all warrants, orders and contracts of the Superintendent of Roads, Superintendent of Public Schools, or any and all other warrants by each and every department of the county.
12. Private Acts of 1945, Chapter 508, repealed Private Acts of 1941, Chapter 218, in its entirety.
13. Private Acts of 1947, Chapter 447, made it unlawful for any official or officials of Warren County (as designated by the 1930 Federal Census figure) charged with the expenditures and disbursement of public or County funds, to issue or draw any warrant or order for the disbursement of the funds without the amount to be expended or disbursed actually being in the hands of the County Trustee at the time of the warrant or order, unless specifically authorized by resolution of the Quarterly County Court.

## Chapter II - Animals and Fish

### Deer

#### Private Acts of 1980 Chapter 277

**SECTION 1.** Notwithstanding any other provision of the law to the contrary, it shall be lawful to hunt or take deer in Warren County with a shotgun loaded with double ought [sic] (.00) buckshot.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Warren County before October 1, 1980. Its approval or non-approval shall be proclaimed by the presiding officer of the Warren County legislative body and certified by him to the Secretary of State.

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

Passed: March 27, 1980.

## Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Warren County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1870, Chapter 19, prohibited fishing by means of seining, netting, either with set or dipnet, basketing, or trapping in any stream, pond, or reservoir in several specified counties, which included Warren County.
2. Acts of 1871, Chapter 9, repealed so much of Section 1 of the 1870 Act, above, as it applied to Maury, Dickson, Warren, Marion, Benton, Humphreys, and Cannon Counties.
3. Acts of 1889, Chapter 244, made it unlawful for any non-resident of the state to hunt, kill, or capture any wild deer, wild turkey, quail, or partridge, or any species of game or fish in Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White Counties at any season of the year.
4. Acts of 1893, Chapter 59, declared it unlawful to hunt, kill, or capture any wild deer in Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, Unicoi, DeKalb, and Montgomery Counties from the first day of December to the 30th day of September. A fine of \$25 to \$50 was specified for each and every offense.
5. Acts of 1895, Chapter 162, made it illegal to hunt, kill, trap, capture, or destroy, for profit, upon the lands of another, any quail, pheasants, larks, grouse, wild turkey, wild ducks or deer without permission from the owner of the said lands. It was declared unlawful to kill, capture, trap or destroy any of the above-listed game between the first day of March and first day of October in the county, at the risk of a \$10 to \$25 fine. The Grand Jury was given inquisitorial powers and the judges were required to charge this law to their respective Grand Juries.
6. Acts of 1897, Chapter 191, amended Acts of 1895, Chapter 162, above, by specifying Chinese pheasant to be a protected bird, and making it illegal to take or destroy the nest or eggs of the Chinese pheasant for the following three years. No person could likewise do the unlawful for profit or sale in the county. Any railroad, or other carrier, transporting same was likewise guilty and subject to penalties. This Act was applicable only to Warren as to the amendments.
7. Acts of 1899, Chapter 420, amended the 1897 Act so as to make it unlawful for any person to hunt or kill quail, pheasants, partridges, grouse, wild turkeys, wild ducks, or deer, in Warren County between the first day of February and the first day of November, and further extended the prohibition date in Section Two from three years to six years.
8. Acts of 1903, Chapter 91, amended Acts of 1895, Chapter 127, so as to allow the citizens of Warren County to catch fish with seine and fish basket in any of the streams and ponds of Warren County from the first day of July to the 15th day of March.
9. Acts of 1905, Chapter 439, declares that game and song birds are the property of those upon whose land they are found and it is unlawful to hunt, shoot, trap, kill, or destroy game of any kind, and these birds without consent of the owner of the lands. The Act set open seasons for different kinds of game and fish; provided for appeals of convictions; and, made it lawful to hunt, shoot, or kill any hawks, owl, crow, buzzard, blackbird, sparrow, and squirrel, these game being deemed injurious. The Act also specified the minimum age of hunter, and size of gun allowed. The Act repealed conflicting acts of both public and private nature.
10. Private Acts of 1907, Chapter 42, provides that within five days from the approval of this Act, the Election Commission of Warren County would hold an election to ascertain the will of a majority of the voters concerning the enactment of a no-fence, or stock law. The vote was to be verified and reported to the Warren County Representative and Senator in the General Assembly.
11. Acts of 1909, Chapter 35, also authorized a popular referendum on the question of enacting a stock law, with the added provision that the area of the county lying on Cumberland Mountain and valued primarily for pasture and grazing land was not subject to any requirements of any fence law which might come into being pursuant thereto.
12. Private Acts of 1909, Chapter 272, made it unlawful for any person or persons owning or having custody and control of horses, mules, cattle, sheep, goats, swine, or other live stock, to permit the same to run at large in Warren County. The owner would be liable for damages caused, and the damaged party was given a lien upon the animals causing the damage, or could take up the trespassing animals and keep them until damages were paid. The area on Cumberland Mountain was not subject to this law provided the herds grazing there would be continuously watched and attended. This Act was repealed by the following act.

13. Private Acts of 1911, Chapter 107, was virtually identical in its provisions with Acts of 1909, Chapter 272, above, which it specifically repealed.
14. Private Acts of 1911, Chapter 162, made it contrary to law for professional fishermen to take fish for selling in any manner, regardless of any permit or license, in Hickman County (identified by the population figures of 1910). Fines for violations of this law could range from \$25 to \$50. Citizens of the county could take fish for their own use with rod and line; a trotline; with baskets; hoop nets; seines with meshes no smaller than 1¼"; or, with their hands, during June, July, August, and September. In Duck River, seines up to 100 feet long were permitted. Enforcement of this Act was left to the Game and Fish Wardens. This Act was repealed by Private Acts of 1919, Chapter 264.
15. Private Acts of 1911, Chapter 268, provided for another popular referendum to be held in Warren County to ascertain the will of the voters on whether the current stock law should be repealed or retained.
16. Private Acts of 1911, Chapter 334, called for a referendum on the stock law, as did Acts of 1911, Chapter 268.
17. Private Acts of 1911, Chapter 576, made it unlawful to catch, take, kill, or wound any fish in the streams of Warren County by use of seine, trap, gun, gig, poison, dynamite, or other explosive, fish or India berry, lime, grabbing, or in any other way except by rod and angling, or trot line, from June 15 to March 1. Suckers, red horse, buffalo, and any other fish except bass, trout, jack, catfish, perch, and bream could be taken in baskets and boxes from June 1 to March 1. Violators were subject to a fine from \$10 to \$100, except in cases of using explosives, when the minimum fine would be \$200.
18. Private Acts of 1913, Chapter 128, amended the 1911 Act known as the "Fish Law of Warren County," by permitting lawful fishing in any stream at any time in Warren County with hook and line, trot line and baited hooks for purposes of home consumption, and repealed all conflicting laws.
19. Private Acts of 1917, Chapter 256, made it lawful after the passage of this act to hunt and kill squirrels, rabbits, opossums, raccoon and other fur-bearing animals from November 1 to March 1 each year, and repealed all conflicting laws.
20. Private Acts of 1917, Chapter 725, permitted fishing in any stream in Warren County by baited hooks and lines, and trot lines, provided it was only for home consumption.
21. Private Acts of 1919, Chapter 264, specifically repealed Private Acts of 1911, Chapter 162, which regulated fishing in Warren and Hickman Counties.
22. Private Acts of 1919, Chapter 604, made it unlawful for any person to kill or take quail or partridges in Warren County from March 1 to December 1, each year. Violators were subject to a \$5.00 to \$10.00 fine.
23. Private Acts of 1921, Chapter 57, declared an open season on squirrels and rabbits at all times of the year in Warren County.
24. Private Acts of 1921, Chapter 403, made it lawful in Warren and Grundy counties to fish in all streams of the county with basket for suckers and carp, for personal and family use only.
25. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, being the state Dog Law, by exempting Warren County and numerous other counties from its provisions.
26. Private Acts of 1921, Chapter 463, reiterated Private Acts of 1921, Chapter 403, verbatim.
27. Private Acts of 1927, Chapter 343, declared it to be lawful for anyone to kill, catch, or otherwise obtain rabbits at all times of the year in Warren County.
28. Private Acts of 1929, Chapter 354, declared it a misdemeanor for any person, firm, or corporation, to take, ship, or transport more than 50 minnows per day out of Warren County, subject to \$25 to \$50 fine.
29. Private Acts of 1935, Chapter 829, made it lawful in Warren County to fish with a hook and line and natural bait at all seasons of the year without limitations or restrictions, repealed laws in conflict but not otherwise, and permitted residents of the county to hunt without a license.
30. Private Acts of 1937 (Ex. Sess.), Chapter 37, provided that all bona fide residents of Warren County may hunt and fish anywhere in the county during the open seasons provided by law without a license, but cannot do so upon the land of another without permission, and must also fish only with hook and line using natural bait.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

1. Acts of 1851-52, Chapter 191, Section 20, made applicable to Warren, Jefferson, Greene, Hawkins, Washington, Carter, Sullivan, and Grainger Counties sections of the act that related to the counties of Lawrence, Maury, Williamson and Davidson that authorized said counties to take stock in rail roads and to issue bonds for same. 2. Private Acts of 1923, Chapter 54, made it unlawful and illegal for the County Court of Warren County to authorize the issuance and sale of the bonds of the said county for any purpose authorized by law without first submitting the same to a direct vote of the people, wherein a majority would decide one direction or the other.

#### **Bridges**

1. Private Acts of 1909, Chapter 12, permitted the Warren County Quarterly County Court to issue \$30,000 in bonds at an interest rate not to exceed 6%, and set a maturity period not to exceed 10 years, in order to pay \$24,180.52 in outstanding debts owed for the construction of bridges to improve the road system. All the details of the issue were fixed in the act and the County Court was required to levy an additional tax for the annual sinking account, which would liquidate the bonds as specified.
2. Private Acts of 1917, Chapter 151, allowed the County Court to issue \$23,000 in bonds to pay off the outstanding debts owing on several bridges recently constructed in the county, plus \$7,000 in bonds for added bridges at Scott's Ford and Mason's Ford. These bonds were to be payable at a rate of 5% per annum, and to mature 10 years after issuance. An annual tax on property and privileges was to be levied in order to pay the bonds.

#### **Roads**

1. Private Acts of 1901, Chapter 292, subject to the successful outcome of a referendum for that particular purpose, the County Court of Warren County could issue \$75,000 in 5%, 20 year bonds, to improve the public roads and to build turnpikes in the county. Three commissioners would be appointed who would generally oversee and supervise the work; were empowered to employ an engineer; were required to report periodically to the County Court; and, would be paid as the County Court directed. All the essential language of bond issues were included in the Act.
2. Private Acts of 1903, Chapter 6, also required a referendum before the County Court could issue \$100,000 in 5% bonds with a staggered amortization schedule set out in the act to build turnpikes and improve the public road system, following the same details and tax levy requirements as set out in previous acts. The three commissioners were provided under the act and bidding methods were set up to be followed by them in addition to the same terms as before. A list of roads to be improved was included, and, if funds remained, they would be used on others.
3. Private Acts of 1907, Chapter 189, provided for a referendum for issuing \$150,000 in bonds at interest rates of from 4% to 5%, payable according to an amortization schedule set out in the act, for the purpose of building turnpikes and improving the county road system. The roads to be included would radiate from McMinnville. The construction of same would be under the supervision of the three commissioners, as was described in the prior acts, above.
4. Private Acts of 1911, Chapter 322, was to authorize the issuance of \$100,000 in bonds, following a referendum, to build turnpikes and improve the road system. They were limited to 5% interest rates and would mature in four series of 5, 10, 15 and 20-year terms after the bonds authorized by Acts of 1907, Chapter 189, were liquidated. The roads to be given first attention were the Viola, or Winchester road, the Bersheeba to Irving College road, and thence on to Hill's Creek, or Dunlap road, and the Sparta, Smithville, and Nashville Pikes.
5. Private Acts of 1913, Chapter 78, required a referendum before the County Court could issue \$200,000 [sic] in bonds, for construction of extensions to the turnpikes and for repairing existing ones. Bonds in the amount of \$110,000 would be issued at 4½% interest and mature five years after the 1907 issue. This act followed the same format of appointing three commissioners with the same powers and responsibilities to execute the program of repair and improvement on the roads listed in the Act.
6. Private Acts of 1913, Chapter 261, amended Private Acts of 1913, Chapter 78, above, so as to place the figure, \$110,000, in the caption and to restate the details of the act so as to conform to

later dates than those mentioned in the original law. Thus, this issue was set at \$110,000 instead of \$200,000, as the body of the original act stated.

7. Private Acts of 1949, Chapter 123, authorized the Quarterly County Court of Warren County to issue \$50,000 in 3%, 5-year bonds, to pay and retire outstanding debts created by the County Highway Department as was evidenced by notes, accounts unpaid, and warrants. The money would be handled by the County Trustee, who would not draw any commission for doing so, in accordance with the details set out in the Act.

### **Schools**

1. Private Acts of 1935, Chapter 106, validated and made legal all the prior actions taken in reference to the bond issuance of \$40,000 for the High Schools of Warren County at an interest rate of 3 3/4%, and maturing on January 1, 1955. The Act declared said bonds to be the legal and incontestable obligations of the county, and fixed all the details of the bond issue.
2. Private Acts of 1945, Chapter 9, also validated all the prior proceedings taken with reference to the issuance of \$50,000 in school bonds, numbered 1 through 50, with no interest rate or maturity dates which would be used to pay the salaries of teachers and other school expenses. The Act included the usual bond details and the requirement that an annual tax be levied for the sinking fund to amortize the bonds.

## **Chapter IV - Boundaries**

### **Creation of the County**

#### **Acts of 1807 Chapter 28**

1. That the county of White shall be divided into two distinct counties, as follows, to wit: Beginning on the Caney Fork, where Smith county line crosses the same; running up the channel of said river to the mouth of Rocky river; thence along the top of the dividing ridge between the Caney Fork and Rocky river, to the top of Cumberland mountain; thence along the extreme height of the mountain, eastwardly, until it strikes the wilderness road; then with said road, to the Jackson county line, including Daniel Alexander's dwelling house, in White county; then with the line of Jackson and Smith counties to the beginning. And all that part of White county, lying within the described bounds, be and remain the county of White; and that the courts in the said county of White, shall hereafter commence on the second Mondays of February, May, August and November, and shall be held at the house where Caleb Friley now lives, until otherwise provided for by law.
2. That there be a new county laid off, by the following boundary, to wit: Beginning on Cumberland mountain, where the line of White county strikes the same; thence westwardly, with said mountain to the Indian boundary line; then along said line to the most eastwardly branch of Duck river; thence north to the east boundary of Rutherford county; thence with the lines of Rutherford, Wilson, Smith and White, to the beginning. Which last mentioned bounds shall compose a new county, by the name of Warren.
3. That the courts in said county of Warren, shall be held by commission, to justices of the peace, under the same rules and restrictions as are prescribed for the several counties in this state. And for the due administration of justice, in said county.
4. That the courts of said county of Warren, shall be held on the first Mondays of February, May, August and November, in each year, at the house of Joseph Westmoreland, on the east side of Barren Fork of Colleen's river, near a big spring, where Looney's trace crosses the said fork, and shall continue to be held at said place, until otherwise provided by law.
5. That the sheriff of said county of Warren, shall on the constitutional days of holding elections in this state, hold an election at the place of holding court in said county, for the purpose of electing a governor, member to congress, members of the General Assembly, and shall on the Monday succeeding said election, meet the sheriff of Jackson county at the court house, and compare the polls so taken; and the sheriff of Jackson shall give a certificate to the person or persons elected, and where it shall be necessary, the sheriff shall hold an election for electors of president and vice president, under the same restrictions as to the other counties in this state, and make return agreeable to law.
6. That the county of Warren shall compose a part of the district of Winchester, and shall send three jurors to the superior courts of said district.
7. That the militia of said county of Warren, shall constitute the twenty-ninth regiment, and shall hold

regimental musters on the fourth Thursday of September in each year, and the colonel or commanding officer of said regiment, shall issue his writ, and appoint the place where elections shall be held for the election of company officers.

**8.** That the election for field officers for said county of Warren, be held at the place of holding court of said county, on the first Thursday in March in the succeeding day, one thousand eight hundred and eight.  
Passed: November 26, 1807.

## Change of Boundary Lines

### Acts of 1809 Chapter 79

**1.** That from and after the passing of this act, the bounds of Warren county shall be as follows, to wit: Beginning on Cumberland mountain at the south west corner of White county, thence westwardly along the top of said mountain to a point just twenty poles further than a place opposite where Avent, a son-in-law of Thomas Vining now lives, thence a direct course by the house spring on the head of Stones river, to the east boundary line of Rutherford county, thence along the lines of Rutherford, Wilson, Smith and White counties, to the beginning; and that the country taken from Warren county by the reduction of it as aforesaid, shall be and the same is hereby declared to be attached to and held to be a part of Franklin county, any former law to the contrary notwithstanding.

**2.** That the sheriff of Warren county shall hold an election on the second Monday in March next, at the court house in said county; for the purpose of electing five commissioners to fix on a suitable place for the permanent seat of justice in said county, at which said election every free man of the age of twenty-one years and upwards, who may have been a resident of the county for the space of three months, immediately preceding the election, shall be entitled to a vote, and five persons thus elected, shall be, and they are hereby appointed commissioners, and they or a majority of them, are authorised to purchase forty acres of land, on the most reasonable terms, having special regard to situation, water and timber, for the purpose of erecting a courthouse, prison and stocks for the use of the county, and the said commissioners or a majority of them, shall take a deed in fee simple, intrust for the said county of Warren, to themselves and their successors in office, for the use and benefit aforesaid, and shall as soon as may be after purchasing and obtaining a title thereto as aforesaid, proceed to lay off a town thereon, to be called and known by the name of M'Minnville, reserving two acres for public use in or near the centre thereof, which shall be denominated the public square.

**3.** That the said commissioners or a majority of them, be, and they are hereby authorised and required to advertise and sell the lots in said town to the highest bidder, on a credit of twelve months for one half of the purchase money, and eighteen months for the other half, taking bond with good and sufficient security from each and every purchaser, to themselves and their successors in office, to and for the use of the said county, and they are hereby authorised to execute deeds to the purchasers, which shall be good and valid in law to all intents and purposes, and the money arising from the sale of said lots shall be applied to the payment of the land as by them purchased as aforesaid, and the residue thereof to the building of the said court-house, prison and stocks, and they are hereby authorized and required, first advertising the same in the Carthage Gazette, and at the court-houses of Warren, White, Jackson, Smith, Overton and Franklin, at least thirty days, to proceed to let out the building of the court-house, prison and stocks, to the lowest bidder, on such condition as may be approved of by said commissioners.

**4.** That in case there shall not be money sufficient arising from the sale of the land so purchased, that the county court have power to lay a tax not exceeding twelve and an half cents on each hundred acres of land, six and one fourth cents on each white poll, twelve and an half cents on each black poll, one dollar on each stud horse kept for mares, five dollars on each retail store, five dollars on each pedlar or hawker selling goods in said county, and not exceeding twenty-five cents on each town lot; and in case the tax aforesaid for one year shall not be sufficient to complete the said buildings, it shall and may be lawful for the said county court to continue the same tax from year to year until the same are completed, which tax shall be collected by the sheriff of the said county of Warren, under the same rules, regulations and restrictions, as other taxes are and shall be by him paid to said commissioners, to be applied as aforesaid.

**5.** That said commissioners, or a majority of them, shall before they enter on the duties assigned them by this act, take in open court the following oath or affirmation:

*"I, A. B. do solemnly swear (or affirm as the case may be) that in fixing on a suitable place for the permanent seat of justice in Warren county, I will faithfully endeavor to have it as near the centre of the county as a due regard to situation, water and timber will permit, and that I will not be influenced by any private interest in fixing the same: Provided, in my opinion it does not accord with the interest of the*

*county, and that I will to the best of my judgment perform from time to time, all other duties enjoined upon me by the act appointing me commissioner, SO HELP ME GOD."*

**6.** That the said commissioners shall at the same time of being qualified as aforesaid, enter into bond to the chairman of Warren county court, and his successors in office in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon me by this act, which bond shall be deposited in the clerks office of said county.

**7.** That the said commissioners shall keep a fair and regular statement of all money by them received and expended in the execution of their official duties, which statement shall be laid before the county court at least once in every twelve months without being required to do so, and oftener if required by the court.

**8.** That it shall be the duty of the sheriff of Warren county, as soon as he shall be furnished with a copy of this act, to notify the aforesaid commissioners of their appointments, requiring them to attend at the next succeeding court after such notification, for the purpose of being qualified, and in order that they may proceed to the discharging of the duties herein assigned to and required of them.

**9.** That in case of refusal to act, death, resignation, or the happening of a vacancy in any other manner, such vacancy shall be filled by the county court at their succeeding term, which appointment shall be made on the second day of such term, and the vacancy filled by a person residing within five miles of where the former commissioner resided.

**10.** That when the buildings aforesaid are completed, the said commissioners shall lay a fair statement of the money by them received and expended for the purpose aforesaid, before the court aforesaid, who shall allow the commissioners a reasonable compensation for their services: Provided, two-thirds of the justices of said county be present, and if after the completion of the said buildings there be any surplus money in the hands of said commissioners, it shall be paid to the county trustee for county purposes.

**11.** That the sheriff or collector of Warren county shall be permitted to collect any taxes now due him from any person or persons who may reside within the former bounds of the said county of Warren, anything in this act to the contrary notwithstanding.

**12.** That the court of Warren county shall be held at the present place of holding it, until a majority of the magistrates of the county in court may think the improvements at M'Minnville have so far progressed as to afford sufficient accommodations for holding court there, at which time they may adjourn there, and forever afterwards the town of M'Minnville shall be the place of holding court for Warren county.

**13.** That all laws or parts of laws, coming within the purview and meaning of this act, be, and the same hereby are repealed.

**14.** That this act shall be in force from and after the passing hereof. Passed: November 22, 1809.

## Acts of 1813 Chapter 71

**COMPILER'S NOTE:** This Act was subsequently amended by Acts of 1815, Chapter 86, which substituted John M'Gowan, of Warren County, in the place of Alexander Perryman, who failed to carry out his assignment as set forth above.

**1.** That from and after the passage of this act the dividing line between the counties of Franklin and Warren, shall be continued from the place where the present dividing line between said counties crosses the main road leading from Winchester to M'Minnville, near Henry Avants, in a direct course until it strikes Bedford county line, at the place where said Bedford county line crosses the old Nickejack trace, thence this boundary line of Warren county, shall run with the boundarry [sic] lines of Bedford and Rutherford counties, until it intersects the present boundary line of Warren county, and all that part of Franklin county, stricken off by the before mentioned lines, shall be attached to, and become a part of Warren county: Provided, that nothing herein contained, shall be so construed as to prevent the sheriff of Franklin county from collecting any arrearages of taxes which may be due to county of Franklin, within the before described bounds.

**2.** That Alexander Perryman is hereby appointed to run and plainly mark the said dividing line agreeably to the course described in the first section of this act, who shall be allowed the sum of three dollars per day, for each day he may be necessarily employed in said service, by the county court of Franklin county, and paid by the trustee of said county, who shall be allowed a credit for the same, on the settlement of his accounts.

Passed: November 9, 1813.

## Acts of 1905 Chapter 450



**SECTION 1.** That the unknown and the uncertain line between the counties of Van Buren and Warren Counties be fixed and established as follows: Beginning at the mouth of Rocky River, running thence southwardly up said Rocky River, with its various meanderings, to the mouth of Crain or Dry Hollow; thence up said Crain or Dry Hollow southwardly 1.25 miles to the mouth of the branch known as Jessie Martin's Spring Branch; thence south two degrees east 6.5 miles, crossing Dyers Gulf to head of said Dyers Gulf; thence south thirty-eight degrees east 6.125 miles to the corner of Sequatchie and Grundy Counties.

**SECTION 2.** That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed; and that this Act take effect from and after its passage, the public welfare requiring it.  
Passed: April 14, 1905.

## Private Acts of 1911 Chapter 579

**SECTION 1.** That the line between the counties of White and Warren be, and the same is, hereby changed so that the line between said counties shall follow the center of the Caney Fork River at low water mark from the point in said river just below the mouth of Rocky River where the two lines now intersect to the point in said river just above the Nashville, Chattanooga, and St. Louis Railway bridge where the two county lines again intersect.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: June 30, 1911.

## Private Acts of 1931 Chapter 774

**SECTION 1.** That the lands of W. M. Wanamaker, O. C. Wanamaker and A. H. Coppinger, described as follows: Beginning in the center of Collins River in Warren County line north of the mouth of Boss Creek running thence up Boss Creek with its various meanders to a large elm, G. W. Wimberly's and A. H. Coppinger's corner on west bank of said creek; thence south 6½ degrees west 30 poles to Boss Creek; thence up said creek as it meanders to a stake in said creek, Wiley Coppinger's and A. H. Coppinger's corner; thence south 33 degrees west with Wiley Coppinger's line 8 4/5 poles to the mouth of a ditch; thence up ditch with said Coppinger's line north 77 degrees west 38 poles to O. C. Wanamaker's southeast corner and A. H. Coppinger's southwest corner; thence north 76 degrees west with O. C. Wanamaker's line 26¼ poles; thence north 75 3/4 degrees west with said line 30 2/3 poles; thence on with said line north 81 degrees west 22 2/3 poles; thence north 3 degrees west 3 poles; thence north 31 degrees east 8 poles; north 19 degrees east 12 poles; north 17 degrees east 14 poles; south 64 degrees east 6 3/5 poles; thence north 8 degrees east 39 4/25 poles to Jim Woodlee's and W. M. Wanamaker's corner in O. C. Wanamaker's west boundary line; thence south 77 degrees west with Woodlee's and Wanamaker's line 24 poles; thence north 50 degrees west 24½ poles to a holly, Woodlee's and Wanamaker's corner; thence south 62 degrees west passing a Sugar tree, Wanamaker's corner; at 15 poles, in all 16 poles to a stake; thence north 52 degrees west 18 poles; north 34 degrees west 6½ poles; north 58 west 8 poles; north 42 west 5 poles; north 58 west 12 poles; north 14 east 30 poles; north 8 east 30 poles; to Wanamaker's branch at a point which bears south 50 degrees east from the center of Mrs. Nancy Stoner's residence; thence down said Winemaker's branch and Warren County line to Collins River; thence up said river and Warren County line to the beginning. Be and the same is hereby, detached from Grundy County and attached to Warren County, and said above described land shall become a part of the Sixth Civil District of said Warren County.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it, and that all laws and parts thereof in conflict with this Act be, and the same are hereby repealed.  
Passed: July 1, 1931.

## Boundaries - Historical Notes

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

1. Acts of 1809, Chapter 41, appointed Turner Lane, of White County, and John A. Wilson of Warren County, as commissioners, to run and mark the dividing line between their respective counties from the mouth of Rocky River to the top of Cumberland Mountain taking care to run and mark the same as near along the middle of the dividing ridge between the said Rocky River and the Caney Fork.
2. Acts of 1821, Chapter 167, recited in the preamble that both Alexander Perryman, who had moved away, and John M'Gowan, who had not done so, were appointed to survey the portion of Franklin County annexed to Warren and neither had complied therewith, therefor, John B. Rogers, Warren County, would be assigned to the task, under the same terms and conditions as the

earlier acts provided.

3. Acts of 1827, Chapter 211, again authorized John A. Wilson, of Warren County, and Leroy May, of Franklin County, to run and mark the boundary between the two counties, and be paid at the rate of \$1.50 per mile, half to be paid by each one of the named counties.
4. Acts of 1835-36, Chapter 33, primarily created or established the new county of Cannon, to be located east of Rutherford County, northwest of Warren County and south of Wilson and Smith Counties, and to be composed of parts of said counties of Warren, Rutherford and Smith. The new county was more particularly described therein, and the counties of Warren, Rutherford and Smith were to continue to exercise jurisdiction over the territory composing the county of Cannon and the citizens thereof until an election of county officers was held under the amended constitution of the State.
5. Acts of 1835-36, Chapter 36, established the new county of Coffee, located east of Bedford County, west of Warren County and north of Franklin County, adjoining and being composed of parts of said counties. A metes and bounds description of the new county was provided, as was the provision that the counties of Bedford, Franklin and Warren were to exercise jurisdiction over the territory composing said county of Coffee and the citizens thereof until the election of county officers was held under the amended State constitution.
6. Acts of 1835-36, Chapter 39, was a supplement to Acts of 1835-36, Chapter 33, which appointed commissioners to run and mark the dividing line between the counties of Cannon and Rutherford, and the line between Cannon and Warren, specifically describing where to run the lines.
7. Acts of 1849-50, Chapter 79, changed the lines between Warren and Grundy Counties so as to include all the lands of William Kelton, Wilson S. Kelton, Ely Hanby, and Jacob Wagoner in Warren County and the lands of Elizabeth Tate, Peter Countis, and Jacob Warmmaker [sic] in Grundy County.
8. Acts of 1851-52, Chapter 262, Section 4, altered the boundaries with DeKalb County so that the farm of J. N. Murphey would be included in DeKalb and the south boundary line of Murphey's farm would be the dividing line between Warren and DeKalb Counties.
9. Acts of 1855-56, Chapter 122, Section 23, transferred the farm belonging to John Martin, Jr., from Warren into DeKalb County.
10. Acts of 1869-70, Chapter 69, Section 58, annexed all the lands and possessions of John B. Rodgers, including Rock Island, to Warren County.
11. Acts of 1871, Chapter 91, Section 4, changed the lines between Warren and Van Buren Counties so as to place the lands of J. Wiley Miller, H. L. Moffet, Wm. L. Stickley, and John C. Miller in Warren County. This Act was partly repealed by Acts of 1879, Chapter 58.
12. Acts of 1872, Chapter 19, Section 4, made the exact same changes as did the previous act. The only difference between the two was the addition of a Section 6 to this act, which section had no effect on Warren County.
13. Acts of 1879, Chapter 58, repealed Acts of 1871, Chapter 91, thus restoring the lines as they formerly existed between Warren and Van Buren Counties, except that the lands of Wm. L. Steakley were to remain in Warren County. The Act further transferred the lands and estates of Goodbar Mills, which belonged to Harmon York and George E. Kell, and the estate of O. C. Craine into Van Buren County.
14. Acts of 1883, Chapter 66, moved the farm belonging to S. G. Hawkins out of DeKalb County and into Warren County.
15. Acts of 1883, Chapter 244, transferred the land belonging to Elijah Grissome, which formerly was the property of W. L. Steakley, back into Van Buren County, and repealed that portion of Acts of 1879, Chapter 58, which had not been repealed previously, and had left this farm in Warren County.
16. Acts of 1885, Chapter 136, altered the boundaries of Van Buren, White, and Warren Counties so that all the lands of John B. Rodgers, deceased, as they are described in the Act, would be included in Warren County.
17. Acts of 1889, Chapter 57, moved the properties of Warren Cummings, known as the Gordon Farm, from Warren County into Cannon County. This Act was repealed by Acts of 1899, Chapter 305.
18. Acts of 1889, Chapter 110, transferred the farm of C. S. Campbell from Cannon County and attached it to Warren County.

19. Acts of 1897, Chapter 136, changed the lines between Warren and DeKalb Counties so as to include all the land of Mrs. Laura Northcut in DeKalb County.
20. Acts of 1899, Chapter 84, transferred all the lands included in the Baloff mill tract, belonging to Smallman and Swann, from White County into Warren County.
21. Acts of 1899, Chapter 305, specifically repealed Acts of 1889, Chapter 57, so that the "Old Gordon Farm" was returned to Warren County from Cannon County.
22. Acts of 1899, Chapter 342, transferred the properties belonging to James Roller from Warren County into DeKalb County.
23. Acts of 1899, Chapter 344, changed the lines so as to include the farm of H. G. Stevens from DeKalb County in Warren County.
24. Private Acts of 1915, Chapter 444, detached the lands belonging to R. E. Summers from the 5th Civil District of Cannon County and attached them to the 11th Civil District of Warren County. This Acts was repealed by Private Acts of 1943, Chapter 266.
25. Private Acts of 1915, Chapter 478, moved the properties belonging to the concern of J. R. Hinton and Brothers, from the 10th Civil District of Coffee County into the 10th Civil District of Warren County.
26. Private Acts of 1923, Chapter 337, provided that all the land of H. L. Elam, lying partly in the 10th Civil District of Warren, and partly in the 10th Civil District of Coffee County, would all be included in Warren County.
27. . Private Acts of 1925, Chapter 530, detached the lands of R. P. Kirby from the 21st Civil District of DeKalb County and attached the same to the 16th Civil District of Warren County.
28. Private Acts of 1925, Chapter 579, transferred the lands of J. R. Hinton and brothers, C. C. Snipes and Horace Rogers from the 10th Civil District of Coffee County into the 10th Civil District of Warren County.
29. Private Acts of 1925, Chapter 750, changed the lines between Warren and Coffee Counties by placing all the lands of H. E. Ramsey in Coffee County.
30. Private Acts of 1925, Chapter 756, moved the farm of F. M. Holder from the 9th Civil District of Cannon County to the 12th Civil District of Warren.
31. Private Acts of 1941, Chapter 435, detached about 45 acres of land in the 11th Civil District of Warren County belonging to Thelia Cotton, and attached the same to the 9th Civil District of Cannon County.
32. Private Acts of 1943, Chapter 266, detached from Warren County about 250 acres composing the R. E. Summers farm, belonging to Alonzo Hayes, Lilburn Todd, and Stanley Lewis, as three tracts in the 11th Civil District, and attached the same to Cannon County. The Act expressly repealed Private Acts of 1915, Chapter 444 (Item 24, herein).
33. Private Acts of 1947, Chapter 562, transferred a 75-acre tract owned by F. E. Bradshaw, and another 75-acre farm owned by J. P. Whitlock, from Coffee County into the 10th Civil District of Warren County.
34. Private Acts of 1947, Chapter 629, transferred 100 acres, more or less, owned by Tom Pointer, out of the First Civil District of Grundy County and into the 8th Civil District of Warren County.
35. Private Acts of 1953, Chapter 180, detached the lands of L. D. Burks and wife, Thelma Burks, and Coy Dennis, from the 10th Civil District of Coffee County and attached them to Warren County.
36. Private Acts of 1953, Chapter 573, took the lands of John Burger which were in the 11th Civil District of Warren County, and placed them in the 8th Civil District of Cannon County.
37. Private Acts of 1965, Chapter 103, transferred 9 acres, more or less, as described in the Act and being owned by Marshall Smith and wife, Beulah Smith, from the 11th Civil District of Warren County into the 8th Civil District of Cannon County.

## Chapter V - Court System

### General Sessions Court

#### Private Acts of 1941 Chapter 91

**COMPILER'S NOTE:** This Act was subsequently amended by Private Acts of 1949, Chapter 54, but the Act was not specific as to the placement of some of the amendments within the original Act. For this reason, the amending Act is also published in full herein.

**SECTION 1.** That there is hereby created and established a court in and for Warren County, Tennessee, which shall be designated Court of General Sessions of Warren County, Tennessee. Said County shall provide a court room at McMinnville, dockets furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said County.

**SECTION 2.** That the Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in Civil and Criminal cases, suits and actions; and the Justices of the Peace of said County are hereby divested of all such jurisdiction and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in no wise affected by this Act. Provided that Justices of the Peace are hereby authorized to issue all warrants and other papers.

In addition to the jurisdiction, powers and duties vested by this chapter or by any other law in the court of general sessions of Warren County, such court is hereby constituted as the juvenile court of Warren County and all of the jurisdiction, powers and duties vested by law in juvenile courts is hereby vested in the general sessions court of Warren County. All of the juvenile jurisdiction heretofore possessed and exercised by the Warren County Court and the county judge of Warren County is hereby divested from such court and the judge thereof and is vested in the court of general sessions.

As amended by: Private Acts of 1943, Chapter 253  
Private Acts of 1974, Chapter 210

**SECTION 3.** That before the issuance of any warrant in a civil case, the plaintiff shall secure the costs by executing a cost bond with good security in the sum of \$25.00, or by making a cash cost deposit of not less than \$2.50 or more than \$25.00, or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

**SECTION 4.** That the rules of pleading and practice, forms of writs and process, stay of and appeals from judgments in civil cases of said Court shall be same as of Justices of the Peace, except no appeal shall be granted from a judgment dismissing a suit or judgment which does not exceed the amount of \$50.00, exclusive of interest and cost; however, a new trial of said excepted cases may be had and with as full rights as if on appeal to the Circuit Court, provided a petition for a writ of certiorari showing merit and sworn to has been filed with the Circuit Court within ten days from the date of the judgment complained of, and the writ has been granted. No execution shall issue during said period of ten days unless said writ has been previously denied.

**SECTION 5.** That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen, and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

**SECTION 6.** That separate dockets shall be kept in said Court for Civil and Criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant of process, and the return of the process, in brief form, action of the court on the case, both interlocutory and final orders, judgments, ex-executions [sic], garnishments, lists of the fees of the court, the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace.

The Criminal Docket shall be kept in like manner.

**SECTION 7.** That there shall be one Judge of the said Court of General Sessions of Warren County, Tennessee, who shall be a person licensed to practice law in the State of Tennessee, having been admitted to practice in a Court of Record of the State not less than five years prior to September 1, 1950, and actively engaged in the practice of law at the time of his election, and with all other qualifications and term of office as provided by the Constitution of the State of Tennessee, for inferior Courts, and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

As amended by: Private Acts of 1949, Chapter 54

**SECTION 8.** That the compensation of each of said Judges shall be fifteen thousand dollars (\$15,000.00) per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of the county. Said Judge may practice his profession in the other courts of the State so long as it does not interfere with his duties as Judge of the Court of General Sessions. Provided, further, however, he shall not give advice nor render any legal services in connection with any matter coming within the jurisdiction of his Court.

As amended by: Private Acts of 1945, Chapter 126  
Private Acts of 1947, Chapter 173  
Private Acts of 1949, Chapter 54  
Private Acts of 1974, Chapter 210

**SECTION 9.** That for the purpose of carrying out the provisions of this Act, W. G. McDonough is hereby appointed Judge of the Court of General Sessions for Warren County, Tennessee, to serve until the regular election in August, 1942, and until his successor has been elected and qualified.

His successor shall be elected by the qualified voters of the County at the election for judicial and other civil officers on the first Thursday of August, 1942.

His successor shall be elected every two years at such election for the term provided by law for judges of inferior Courts.

**SECTION 10.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, a majority of the attorneys present in such Court may elect one of their number, who has the qualifications of such Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion.

**SECTION 11.** That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

**SECTION 12.** That the Clerk of the Circuit and Criminal Courts of said County shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Warren County." The fees, commissions and emoluments of said Court of General Sessions shall accrue to said County. The Clerk of said Court shall receive as compensation for his services the sum of Nine Hundred (\$900.00) Dollars per annum, payable in equal monthly installments, on the first of each month, out of the ordinary funds of said County, which shall be in addition to the fees and compensation now allowed by law, and shall pay to said County monthly all fees, commissions and emoluments of said Court of General Sessions.

As amended by: Private Acts of 1945, Chapter 379  
Private Acts of 1949, Chapter 548

Provided further, that the books and records of the Clerk of the Court of General Sessions of Warren County shall be audited by the County Audit Commission quarterly and a detailed report made to the County Court at such quarterly session of said County Court.

The Clerk of said Court and his deputies shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law required shall be issued only by a judicial officer. The clerk of the circuit and criminal courts of Warren County shall also act as clerk of the juvenile court and shall perform all of the powers and functions in regard to such court as are now vested by law in the county court clerk regarding juvenile matters.

As amended by: Private Acts of 1974, Chapter 210

**SECTION 13.** That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts.

**SECTION 14.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 15.** That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to said County, as provided by law.

**SECTION 16.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions.

**SECTION 17.** That the Judge of the Court of General Sessions of Warren County is hereby given inquisitorial powers in all misdemeanor cases and shall have the authority to go into the facts of all cases brought before him and upon investigation thereof, if, in his opinion, the facts are not sufficient to convict, he shall have the authority to dispose of the same.

**SECTION 18.** That the Legislature expressly declares that each section, sub-section, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion

shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 19.** That all laws or parts of laws in conflict with the provisions of this Act be and they hereby are repealed.

**SECTION 20.** That this Act shall take effect immediately after its passage, the public welfare requiring it.

Passed: January 27, 1941

## Private Acts of 1943 Chapter 321

**SECTION 1.** That the Court of General Sessions for Warren County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant, or information wherein the person charged with such offense enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of said Court may be appealed to the Circuit Court of Warren County, Tennessee, where such appeal shall be tried by the Judge of said Court without a jury, and without indictment or presentment.

**SECTION 2.** That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment for trial, to advise such defendant of his constitutional rights to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation on [sic] the right to waive such statement in reference to the accusation, and the right to a trial by jury. Upon the defendant agreeing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers such Court may proceed to hear and determine said case as is provided by Section 1 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows: The defendant pleads guilty of such offense of and waives his right to be tried only by presentment or indictment of a Grand Jury and likewise waives right of trial by jury of his peers.

**SECTION 3.** That in all cases where defendant has been bound over to the Grand Jury of Warren County by the Recorder or Mayor of Town of McMinnville, such defendant shall be forthwith brought before the Court of General Sessions for Warren County, upon any State's warrant outstanding or any States warrant or information filed against them and there arraigned as if such cases originated in the Court of General Sessions as is provided for in Sections 1 and 2 of this Act.

**SECTION 4.** That the Legislature expressly declares that each Section, paragraph and provision of this Act is severable, and that should any portion of the Act be held unconstitutional [sic] or invalid, the same shall not affect the remainder of this Act, but such unconstitutional and invalid proportion shall be elided, and the Legislature declares that it would have enacted this Act with such invalid parts elided therefrom.

**SECTION 5.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: February 5, 1943.

## Private Acts of 1949 Chapter 54

**SECTION 1.** That House Bill No. 239, Chapter No. 91 of the Private Acts of 1941, the caption of which is fully set forth in the caption of this Act, be and the same is hereby amended as follows:

**SECTION 2.** That the Court of General Sessions of Warren County, Tennessee, shall have concurrent jurisdiction with Circuit and Chancery Courts in all proceedings for divorces as provided by Sections Nos. 10325 and 10379 of the official Code of the State of Tennessee for the year 1932. An appeal from the judgment of said Court in all divorce matters shall be to the Court of Appeals or to the Supreme Court in the same manner as provided in such cases from the Circuit and Chancery Courts.

**SECTION 3.** That the Court of General Sessions of Warren County, Tennessee, shall be and is hereby made a Court of Record, and the laws regulating pleading and practice, stay of judgments, writs and processes in civil and criminal cases in Courts of Justice of the Peace, shall apply to the Court of General Sessions of Warren County, Tennessee, and in all other cases to be tried and determined by said Court, having jurisdiction concurrent with the Circuit and Chancery Courts, the pleadings and practices in such cases shall be the same provided by law for such Courts. The said Court, on matters concurrent with the jurisdiction with Circuit and Chancery Courts, shall be opened and held on the First Monday in each month and held from day to day during the month as the business of the Court may require. All processes for

divorce cases shall be returnable to the first day of the term, namely the First Monday, and shall have been served on the defendant at least five days before the first day of court. In cases where publication for defendant's appearance is required, the last date of publication shall be at least five days before the first day of court. In the event there is no defense made to the suit during the first three days of the term of court, a pro confesso may be taken against the defendant and the cause set for hearing ex parte. The said Court shall make any and all other such rules of practices, from time to time, as may be deemed expedient, and which such rules as may be made by the Appellate Courts of the State, which may be revised as often as thought proper. Said rules, when made by the Judge of said Court of General Sessions of Warren County, Tennessee, shall be entered upon the Minutes of the Court.

**SECTION 4.** That Section 8 of said Act be and is hereby amended by striking out the words and figures Nine Hundred (\$900.00) Dollars in lines Nos. 2 and 3 thereof, and inserting in lieu thereof the words and figures as follows: Twenty Four Hundred (\$2,400.00) Dollars”.

**SECTION 5.** That Section 7 of said Chapter 91 of the Private Acts of 1941, of the General Assembly of the State of Tennessee, be and the same is hereby repealed, and in lieu thereof the following is inserted as Section 7 thereof:

“That there shall be one Judge of the said Court of General Sessions of Warren County, Tennessee, who shall be a person licenses to practice law in the State of Tennessee, having been admitted to practice in a Court of Record of the State not less than five years prior to September 1, 1950, and actively engaged in the practice of law at the time of his election, and with all other qualifications and term of office as provided by the Constitution of the State of Tennessee, for inferior Courts, and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.”

**SECTION 6.** That the said Judge of the Court of General Sessions of Warren County, Tennessee, is hereby authorized and empowered to grant fiats authorizing the issuance of injunctions and attachments in all cases conferred on Judges of other Courts and Chancellors in the State of Tennessee.

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

**SECTION 8.** That all laws and parts of laws in conflict with this Act be and are hereby repealed, and that this Act take effect from and after February 1, 1949, except Sections 4 and 5 hereof, which shall take effect from and after September 1, 1950, the public welfare requiring it.

Passed: January 25, 1949.

## Court System - Historical Notes

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

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

1. Acts of 1827 (Ex. Sess.), Chapter 75, authorized the Court of Pleas and Quarter Sessions (Quarterly County Court) of Warren County to levy a tax in addition to all other taxes to pay jurors who attend the Circuit and County Courts, provided the pay shall not exceed \$1.00 per day.
2. Acts of 1905, Chapter 291, created a Board of Jury Commissioners for Warren County, to be comprised of three citizens and freeholders of the county and to be appointed by the Circuit Court Judge. The Judge would certify their names to the Clerk of the Circuit Court, who would summon them to meet at the courthouse at least 30 days before the next term of court. After being sworn, they would meet and select the number of jurors specified by the judge, and give the list to the Clerk, who would keep it secretly sealed until ten days before Court, at which time it would be given to the Sheriff for summoning said jurors. Any person appointed to the Board and refusing to serve could be fined, and those serving would be paid \$1.50 per day for their service. The mechanics of furnishing jurors for the various courts were spelled out in the act, and some limitations were placed on the qualifications and frequency of service by a juror. Provisions were made for special panels and also in the event the original number was exhausted. This Act was specifically repealed by the following referenced act.
3. Acts of 1907, Chapter 66, specifically repealed Acts of 1905, Chapter 291, in its entirety.
4. Private Acts of 1927, Chapter 354, created another Board of Jury Commissioners for the County, and was very similar to the repealed prior act. The Board would be composed of three discreet

and disinterested citizens and freeholders appointed by the Judges of the Circuit, Chancery, and Criminal Courts for two-year terms. Vacancies would be filled in the same way as the original appointments were made and the Circuit Court Clerk, or a Deputy, would serve as Clerk of the Board. The Board would compile a list of prospective jurors equal to one-fourth of the total votes cast in the most recent prior general election. Details were more numerous and dealt with the bookkeeping, records, and selection, summoning and grounds for excusing of jurors. Any new list to be compiled would not include the names on the current list. Members of the Board would get \$2.00 daily, but their compensation could not exceed \$10 yearly. This Act was repealed by the one following.

5. Private Acts of 1931, Chapter 13, specifically repeals Private Acts of 1927, Chapter 354, above, in its entirety.
6. Private Acts of 1935, Chapter 830, created another Board of Jury Commissioners primarily and substantially the same as was created by the preceding acts. The list of jurors to be compiled would number one-fourth of the votes cast in the last presidential election, the same to be taken from the tax books. The act prescribes the means by which jury panels would be chosen from this list; each person not selected would be placed back in the Jury Box. The act also numbers the amount of peremptory challenges each side of the litigation would have for excusing jurors. This Act was repealed by Private Acts of 1937, Chapter 224.
7. Private Acts of 1935 (Ex. Sess.), Chapter 146, also established a Board of Jury Commissioners in Warren County, which for all apparent purposes is similar to the previous Acts of this nature and to the 1941 Act which is published herein as a source of information on this type of law, even though all of them have been repealed and are no longer in effect.
8. Private Acts of 1937, Chapter 224, specifically repealed Private Acts of 1935, Chapter 830, (Item 6, above).
9. Private Acts of 1941, Chapter 334, also established a three-member Board of Jury Commissioners, with provisions similar to the previous acts.
10. Private Acts of 1949, Chapter 51, provided that all members of Grand Juries and Trial Juries in Warren County would receive \$4.00 daily for their services, and, if they lived more than ten miles from the Courthouse, would receive additional compensation of four cents a mile for travel allowances. The Clerk of the Court under whose jurisdiction the Juror served would certify the name of the Juror and the amount due to him or her to the County Judge, who would then issue warrants, to be paid by the Trustee.

**Chancery Court** The following acts form an outline of the development of equity jurisdiction in Warren 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. Acts of 1822 (Ex. Sess.), Chapter 13, required that the justices of the Supreme Court hold an Equity Court at least once each year at Rogersville, Knoxville, Charlotte, Sparta, Nashville, and Columbia.
2. Acts of 1824 (2nd Sess.), Chapter 14, provided that the Supreme Court of the state would be held only at Knoxville, Sparta, and Nashville, that two more justices would be appointed by the General Assembly and that Chancery Court would then be held twice a year in all sections rather than once. The court would be held on the second Monday in June and December in McMinnville for White, Warren, Franklin, Marion, and Bledsoe counties.
3. Acts of 1826 (Ex. Sess.), Chapter 150, changed the time for holding Chancery Court at McMinnville to the first Monday in June and December instead of the second.
4. Acts of 1827, Chapter 79, divided the state into two Chancery Divisions. The Eastern Division consisted of the courts held at Rogersville, Kingston, Carthage, Greenville, and McMinnville, where the court terms for White, Franklin, Bledsoe, Warren, and Marion counties would begin on the third Monday in June and December.
5. Acts of 1827, Chapter 121, changed the court days for the Chancery Court at McMinnville to the second Mondays in June and December.
6. Acts of 1832 (Ex. Sess.), Chapter 19, changed the first days of court terms for the entire Eastern Division of the Chancery Court. The court at McMinnville would commence on the fourth Mondays in June and December and continue for two weeks or more, if need be.
7. Acts of 1835-36, Chapter 4, divided the state into three Chancery Divisions, but also divided the grand sections into smaller districts. Warren and White counties were in the second district of the Middle Division, with court to be held at McMinnville on the second Mondays in January and July.



8. Acts of 1837-38, Chapter 116, Section 13, again assigned Warren and White counties to the second district of the Middle Division, but changed the court days at McMinnville to the fourth Mondays in January and July.
9. Acts of 1839-40, Chapter 21, set the court times for the new Fourth Chancery Division at McMinnville in Warren County on the fourth Mondays of January and July.
10. Acts of 1839-40, Chapter 33, divided the state into four Chancery Divisions. The Fourth Division consisted of the courts held at McMinnville, Livingston, Carthage, Winchester, Lebanon, Murfreesboro, and Shelbyville.
11. Acts of 1843-44, Chapter 161, changed the court terms of the Chancery Court at McMinnville to be held on the third Mondays in April and October.
12. Acts of 1845-46, Chapter 82, again changed the Chancery Court times in McMinnville's court to the fourth Mondays in March and September.
13. Acts of 1857-58, Chapter 88, divided the state into the Eastern, Middle, and Western Divisions, and into the Fourth, Fifth, and Sixth Divisions. Warren County was in the Fourth Division with Van Buren County, and retained the same court terms as before, the fourth Mondays of March and September.
14. Acts of 1866-67, Chapter 33, placed Warren County in the new Twelfth Chancery Division with White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, and Cannon and assigned her the same court terms.
15. Acts of 1868-69, Chapter 17, changed the court terms for Warren at McMinnville to the first Mondays in May and November.
16. Acts of 1870, Chapter 32, re-designated the twelfth Chancery District to be the fourth District, comprised of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, and Grundy Counties.
17. Acts of 1870, Chapter 47, placed Warren in the Fourth Chancery Division with Court terms beginning on the first Mondays of May and the fourth Mondays of November.
18. Acts of 1875, Chapter 53, changed the times of the Chancery Court terms in McMinnville to the first Mondays in May and November.
19. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into eleven Chancery Divisions. Warren was in the Fourth Division with Cannon, Rutherford, Bedford, Franklin, Lincoln, Moore, and Marshall Counties, and court terms started on the second Mondays in February and August. This statute was cited as part of the basis for the decision in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
20. Acts of 1887, Chapter 144, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the times of holding Chancery in Warren County to the second Mondays in May and November.
21. Acts of 1889, Chapter 214, amended Acts of 1887, Chapter 144, above, to alter court terms to the fourth Monday of May and November.
22. Acts of 1891, Chapter 209, amended Acts of 1889, Chapter 214, above, by changing the starting dates of the court terms in Warren to the fourth Monday of May and the third Monday of November.
23. Acts of 1899, Chapter 99, amended Acts of 1891, Chapter 209, above, by also changing the Chancery Court terms to begin on the fourth Mondays of May and November.
24. Acts of 1899, Chapter 427, reorganized the judicial structure of the state by dividing it into ten Chancery Divisions. The Third Chancery Division was comprised of Warren, Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Monroe, Polk, Meigs, and Hamilton. Court days at McMinnville were on the second Mondays in March and September.
25. Acts of 1911, Chapter 435, reorganized the Third Chancery Division by removing all of the counties listed above, except Hamilton County, and placing them into a newly created Twelfth Chancery Division.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last act published in the Private Acts which reorganized the courts. Among the fifteen Chancery Divisions, Warren was in the twelfth with Rhea, McMinn, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee, Monroe and Franklin. Court terms started on the fourth Mondays in February and August.

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

The reference list below contains acts which once applied to the clerk and master in Warren County. Also

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

1. Private Acts of 1913, Chapter 31, used population figures but applied only to Warren County. This act increased the salary of the Clerk and Master to \$1,000 annually if he filed with the Judge or Chairman of the County Court by January of each year a sworn, itemized statement showing all the fees received by his office. If the fees failed to equal that amount, the county was to pay him the difference out of its regular funds, but if the fees exceeded that sum, he was to keep the difference. This Act was specifically repealed by Private Acts of 1937, Chapter 588.
2. Private Acts of 1929, Chapter 380, amended Private Acts of 1913, Chapter 31, above, by raising the salary of the Clerk and Master to \$1,200, instead of \$1,000, under the same terms as were expressed in that act.
3. Private Acts of 1937, Chapter 588, fixed the salary of the Clerk and Master at \$1,200 annually, under the same terms as before except that the Clerk and Master was not required to include his commissions in the amount of fees to be used in the accounting, those being expressly excluded. This Act expressly repealed Private Acts of 1913, Chapter 31.

### **Circuit Court**

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

1. Acts of 1809, Chapter 49, divided Tennessee into five Judicial Circuits. Warren, Smith, Franklin, Sumner, Overton, White, and Jackson Counties were in the third Judicial Circuit. Circuit Court was to be held twice annually and for Warren County, the court terms started on the third Monday in February and August.
2. Acts of 1812, Chapter 71, changed the court terms for the Circuit Court of Warren County to begin on the fourth Monday of January and July.
3. Acts of 1813, Chapter 133, also changed the beginning dates for the Circuit Court terms in Warren County and others. Warren County was changed to the fourth Monday of February and August.
4. Acts of 1817, Chapter 139, changed the court term dates for all of the Western Tennessee Counties. Warren County was switched to the third Mondays in February and August.
5. Acts of 1819, Chapter 232, changed all the court days in the Third Judicial Circuit. In Warren County, the Circuit Court at McMinnville would commence on the second Monday in September for two weeks, and on the third Monday in March.
6. Acts of 1821, Chapter 172, changed the terms of the Circuit Court in several counties among which was Warren whose court terms were set for the second Mondays in February and August.
7. Acts of 1824, Chapter 156, authorized the judges presiding in the counties of Warren and Washington, to appoint a time most convenient for the parties involved for holding a special term of the courts of those counties for the trial of all causes, both criminal and civil.
8. Acts of 1826 (Ex. Sess.), Chapter 150, again changed the starting days for Circuit Court terms in Warren County to the fourth Mondays in January and July to be held for three weeks, or longer, if necessary.
9. Acts of 1829, Chapter 52, created a new eleventh Judicial Circuit for the state composed of Warren, Franklin, Bedford, Rutherford, and Wilson Counties. A Circuit Judge was to be assigned to hold court in the new circuit.
10. Acts of 1835-36, Chapter 5, divided Tennessee into eleven Judicial Circuits. Warren County was placed in the Fourth Judicial Circuit in company with Smith, Overton, White, Jackson, and Fentress Counties. Court would be held at McMinnville for Warren County on the third Monday of January, May, and September.
11. Acts of 1837-38, Chapter 3, again reorganized the judicial structure of Tennessee. Warren County was situated in the thirteenth of fourteen Judicial Circuits with Lincoln, Franklin, and Coffee Counties. Court day remained on the third Mondays of January, May, and September.
12. Acts of 1837-38, Chapter 116, changed the times for holding court in some of the counties of the thirteenth Judicial Circuit. Warren changed to the third Mondays of April, August, and December.
13. Acts of 1839-40, Chapter 21, again reset the opening dates for Circuit Court terms in Warren and others. Warren County began on the third Mondays of January, May, and September.
14. Acts of 1841-42, Chapter 68, was a special act changing the Circuit Court terms in Warren County alone to the second Mondays of January, May, and September.
15. Acts of 1845-46, Chapter 27, changed court terms in the thirteenth Judicial Circuit, with Warren

County returning to the third Mondays in January, May, and September.

16. Acts of 1847-48, Chapter 181, reset court days throughout the Thirteenth Circuit, changing Warren County to the fourth Mondays of February, June, and October.
17. Acts of 1849-50, Chapter 206, changed the time of holding of the Circuit Courts in the thirteenth Judicial Circuit, with Warren County set on the second Mondays in April, August, and December.
18. Acts of 1853-54, Chapter 125, provided that the Circuit Court in Warren County begin its terms on the first Monday in February, June, and October.
19. Acts of 1857-58, Chapter 98, divided the state into sixteen Judicial Circuits. Warren was assigned to the Eighth Circuit along with Grundy, Van Buren, Coffee, Lincoln, and Franklin Counties. Court terms would begin in McMinnville on the first Mondays of February, June, and October.
20. Acts of 1870, Chapter 31, organized Tennessee into fifteen Judicial Circuits. Warren County was in the sixth Circuit along with Grundy, Coffee, Franklin, Lincoln, and Van Buren Counties.
21. Acts of 1870, Chapter 46, established court terms for all the circuits. Warren County court terms would begin on the first Mondays of February, June, and October.
22. Acts of 1870-71, Chapter 15, was a special act changing only the court days for Warren County to the fourth Mondays in January, May and September, with all process to be made returnable thereto.
23. Acts of 1875, Chapter 53, changed Circuit Court times in Warren to the Tuesday after the fourth Monday of January, May, and September.
24. Acts of 1877, Chapter 141, provided that the Circuit Court terms would be changed in Warren County to the second Mondays of February, June, and October.
25. Acts of 1885 (Ex. Sess.), Chapter 20, created fourteen Judicial Circuits for Tennessee, placing Warren County in the sixth with Van Buren, Grundy, Franklin, Coffee, Moore, Lincoln, DeKalb, and White. Court terms were to start on the Tuesdays after the fourth Mondays in January, May, and September. This statute was cited in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
26. Acts of 1887, Chapter 8, changed court terms for all of the sixth Judicial Circuit. Warren shifted to the first Thursdays after the second Mondays in January, May, and September.
27. Acts of 1889, Chapter 214, changed times of the Circuit Court terms in Warren County to the second Monday in January, May, and September.
28. Acts of 1891, Chapter 156, amended Acts of 1889, Chapter 214, by changing the initial days of Circuit Court terms in Warren County to the Thursday after the second Monday in January and May, and the third Monday in September.
29. Acts of 1895, Chapter 97, repealed Acts of 1887, Chapter 8; and Acts of 1891, Chapters 34, 156 and 208; and set the Circuit Court terms in Warren County on the first Mondays of January, May, and September.
30. Acts of 1899, Chapter 427, reorganized all the judicial structure of Tennessee. Warren was placed in the seventh of fourteen Judicial Circuits, along with Van Buren, Grundy, Coffee, Moore, DeKalb, Bledsoe, Rhea, and Lincoln Counties. Court days in Warren were on the Thursday after the second Monday in January, and May, and after the third Monday in September.
31. Acts of 1903, Chapter 580, changed Circuit Court terms in the seventh Judicial Circuit. Warren was changed to the first Tuesdays after the third Mondays in May, September, and January.
32. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a public act reorganizing the entire judicial system of Tennessee into twenty judicial circuits. Warren, Coffee, Moore, Lincoln, DeKalb, and Van Buren Counties composed the Seventh Judicial Circuit and court terms for Warren were on the first Tuesday after the third Monday in January, May, and September.

- **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Warren County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1823, Chapter 156, authorized the Circuit Court Clerk and the County Court Clerk to build an office on some part of the Public Square in McMinnville, the site to be designated by the Quarterly County Court. Each succeeding Clerk shall have the benefit of using the said building or they can use another one by paying this Clerk or his heirs the fair market value of the building.
2. Acts of 1903, Chapter 255, was an act which provided for the salaries of Circuit Court

Clerks alone, according to population classes. Based on the census of 1900, Warren County's Clerk would be paid \$750 annually.

3. Private Acts of 1919, Chapter 775, declared that the Circuit Court Clerks of Warren and Marshall Counties would receive an annual salary of \$900 if the clerk would file with the Judge or Chairman of the County court in January of each year a sworn, itemized statement of all fees received. If the fees did not equal that amount, the county would pay the difference; but, if they exceeded that amount, the Clerk could retain the difference. This Act was repealed by Acts of 1923, Chapter 115.
4. Private Acts of 1927, Chapter 434, amended Acts of 1919, Chapter 775, above, by increasing the salary of the Circuit Court Clerk to \$1,000 per year under the same terms and conditions expressed in that act.
5. Private Acts of 1929, Chapter 379, was a new act with a general repealing clause which raised the salary of the Circuit Court Clerk to \$1,200 and repeated the same terms and conditions as before.

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

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

1. Private Acts of 1817, Chapter 65, laid the State of Tennessee off in Solicitorial Districts, which were comparable to the circuits now manned by District Attorney Generals, and also created a new sixth Judicial Circuit. Bledsoe, Warren, Overton, Jackson, and White Counties composed the Fifth Solicitorial District.
2. Private Acts of 1819, Chapter 4, provided for a Solicitor General to be appointed for a new district composed of Macon, Bledsoe, Warren, White, Overton, and Jackson counties.
3. Public Acts of 1972, Chapter 680, authorized the District Attorney in the Seventh Judicial Circuit to hire a secretary at a salary of \$2,400 per annum.
4. Public Acts of 1974, Chapter 423, created the office of Criminal Investigator for Division 1 and for Division 2 of the Seventh Judicial Circuit. This Act was repealed by Public Acts of 1975, Chapter 221, which created two Criminal Investigator positions for the District Attorney General of the Seventh (7th) Judicial Circuit. Said Act set forth the requirements and duties of these positions.
5. Public Acts of 1975, Chapter 221, repealed Public Acts of 1974, Chapter 423, and created two Criminal Investigator positions for the District Attorney General of the Seventh (7th) Judicial Circuit, to be appointed by the District Attorney General. The Criminal Investigators were to investigate crime, take statements of witnesses in felony cases and perform such other duties as may be assigned by the District Attorney General. At least one of them was to be an attorney licensed to practice in Tennessee. They were to have the same authority and powers as deputies of County Sheriffs.
6. Public Acts of 1976, Chapter 510, was a Special Public Act which created an additional office of full-time Assistant District Attorney General for the Seventh Judicial Circuit, to be appointed by the District Attorney General, and licensed to practice law in the State of Tennessee. The Assistant District Attorney General was to perform such duties as might be assigned by the District Attorney General, and compensation would be as provided by the general law of the State. The Act was amended by Public Acts of 1977, Chapter 466, which deleted the provision that no state funding was to be provided for the full-time Assistant Attorney General position until one Criminal Investigator position in the district had been eliminated.
7. Public Acts of 1977, Chapter 466, amended Public Acts of 1976, Chapter 510, by removing the last sentence in Section 3 which cut off state funding of the Assistant Attorney General's position created in that act as long as the Judicial Circuit had two criminal investigators supported by state funds.

### **General Sessions Court**

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

1. Private Acts of 1943, Chapter 372, made the General Sessions Judge and the County Judge interchangeable so that one could preside in the absence of the other.
2. Private Acts of 1957, Chapter 305, would have amended Private Acts of 1941, Chapter 91, by increasing the salary of the Judge from \$2,400 to \$4,200 annually, but this act was rejected at

the local level and did not become law.

3. Private Acts of 1959, Chapter 335, would have repealed Private Acts of 1949, Chapter 54, (which in turn was to amend Private Acts of 1941, Chapter 91), and in effect remove the divorce jurisdiction from the General Sessions Court, but this Act was also rejected at the local level and did not become effective.

## Chapter VI - Education/Schools

### Board of Education

### Private Acts of 1994 Chapter 122

**SECTION 1.** Chapter 62 of the Private Acts of 1969, as amended by Chapter 23, of the Private Acts of 1985, and all other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Warren County shall be divided into six (6) school districts; each of which shall be composed of two (2) adjoining county commissioner districts, as follows:

- School District 1 - County Commissioner Districts 2 & 3
- School District 2 - County Commissioner Districts 1 & 6
- School District 3 - County Commissioner Districts 4 & 5
- School District 4 - County Commissioner Districts 7 & 8
- School District 5 - County Commissioner Districts 9 & 10
- School District 6 - County Commissioner Districts 11 & 12

The Warren County Board of Education (hereinafter the "board") shall consist of six (6) members, with one (1) member of the board being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of one-half (1/2) the members of the board shall expire, with the odd-numbered districts (Districts 1, 3 and 5) expiring at the same time and the even-numbered districts (Districts 2, 4 and 6) expiring at the same time. Persons elected in the regular August General Elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 3.** During the transition from the current seven (7) member board to the new six (6) member board, all incumbent board members shall continue to serve on the board until the expiration of their current terms. The new six (6) member board shall be elected as follows: At the August 1994 Election, one (1) member shall be elected from each of the odd-numbered school districts (Districts 1, 3 and 5) to serve four (4) year terms. At the August 1996 Election, one (1) member shall be elected from each of the even-numbered school districts (Districts 2, 4 and 6) to serve four (4) year terms. Thereafter, all board members shall be elected to four (4) year terms.

**SECTION 4.** It is the intent of this act that future changes in the boundary lines of county commissioner districts for purposes of reapportionment shall automatically redefine the school district boundary lines so that further action on the part of the general assembly for this purpose is not required. In the event such reapportionment results in a school board member no longer residing in the district he or she represents, such member shall continue to hold office until the expiration of his or her term. If changes in the boundaries of school districts result in more than one (1) board member residing in a single district, all of such members shall continue to hold office until their respective terms expire, and no board member shall be elected in such district until the last such member's term expires, at which time the voters of that district shall elect a resident of such district to the board to an initial term which will expire at the same time as the other board members from odd-numbered districts or even-numbered districts, as the case may be, and to four (4) year terms thereafter. If changes in school district boundaries result in one (1) or more school districts which are without a board member residing therein, at the next regular August Election a new school board member shall be elected from each such district to an initial term which will expire at the same time as other board members from odd-numbered districts or even-numbered districts, as the case may be, and to four (4) year terms thereafter. Changes in school districts may result in the number of members on the board temporarily exceeding the number of school districts until the expiration of the terms of the members in office on the date of such changes.

**SECTION 5.** The Warren County Board of Education shall have the same powers, duties, privileges and qualifications as the county boards of education established pursuant to Tennessee Code Annotated, Title 49, Chapter 2, except as otherwise provided herein.

**SECTION 6.** Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

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

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Warren County and so certified to the Secretary of State.

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

Passed: February 17, 1994.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Acts of 1907, Chapter 236, was a general Act which abolished the office of District Directors of Education in the counties and placed the public schools of the county, not the city, under a Board of Education and a District Board of Advisors. The County Court would divide the county into five school districts which would be composed of whole Civil Districts. The members of the Board of Education would be elected, one from each of the districts, and the remainder elected by the county at large, all for two-year terms. A member was required to be a resident of the district and have at least a primary educational level. The County Superintendent of Public Instruction, whose duties were enumerated in the Act, would be the Secretary and ex officio member of the Board. The role of the Advisory Board was further elaborated in the Act. Section 17 exempted several counties from the provisions of this Act and Warren County was among them; however, Private Acts of 1911, Chapter 564, subsequently made Warren County subject to the provisions of the general law. A second amendatory acts was passed, Private Acts of 1915, Chapter 48, wherein the general law was once again made not applicable to Warren County. See *Whitthorne v. Turner*, 155 Tenn. 303, 293 S.W. 147 (1927).
2. Private Acts of 1911, Chapter 437, divided Warren County into five separate school districts by assigning whole Civil Districts to them. The First school district was comprised of the first and second Civil Districts; the Second was comprised of the third, fourth, fifth, and sixth Civil Districts; the Third was comprised of the seventh, eighth, and ninth Civil Districts; the Fourth was comprised of the tenth, eleventh, and thirteenth Civil Districts, and the Fifth was comprised of the twelfth, fourteenth, fifteenth, and sixteenth Civil Districts. The Board of Education would consist of one member from each District appointed by the County Superintendent. Each member would receive \$2.00 per day for their attendance at meetings, not to exceed 15 days per year. The County Superintendent would also appoint three men from each Civil District to act as an Advisory Board for each district.. This Act was largely patterned after the 1907 Act from which Warren County was exempt.
3. Private Acts of 1917, Chapter 107, provided that the Directors of the public schools of the various school districts were empowered to establish primary and secondary schools in their said districts in which might be taught the first ten grades of the public school curriculum.
4. Private Acts of 1919, Chapter 689, placed the elementary public schools in Warren County under the management and control of a county Board of Education and a District Advisory Board of Education. The county would be divided into five school districts composed of whole civil districts and as nearly equal in size and population as possible, from which the County Court would appoint one member each to the Board until their successors were elected, for two-year terms. The duties of the Chairman of the Board, the Secretary, and the County Superintendent were set forth in the act. Each Civil District would elect three members to the Advisory Board, and their duties were specified. Each member of the Board would be paid from \$1.50 to \$3.00 daily for attendance at meetings and school visitations, and this Act would not affect the school systems of any city in the county.
5. Acts of 1920 (Ex. Sess.), Chapter 40, amended Acts of 1919, Chapter 689, above, by broadening the powers of the Board of Education and adding to the powers of the Advisory Board "to make general recommendations to the County Board to advance school interests in said districts and to recommend desirable teachers to the Board."

6. Private Acts of 1923, Chapter 210, required that a Board of School Directors, consisting of three members, be created in each civil district. The members would be elected by the people, and would select a Chairman and a Secretary. The Chairman from each civil district's Board and the County Superintendent of Schools would constitute the Board of Education, whose Secretary would be the Superintendent. This Board would assume control over virtually all school property and personnel and each member would be paid \$2.00 per day for attendance at meetings, plus his mileage. All conflicting laws were repealed.
7. Private Acts of 1927, Chapter 731, also placed the management of the schools under a Board of Education. The county was divided into seven school districts composed of whole civil districts whose voters would elect one member each to the Board. The County Superintendent would be the Secretary, and the members must have at least four years' experience as a teacher or be a high school graduate, and a resident of the district from which he is elected.
8. Private Acts of 1933, Chapter 845, was an Act to amend Public Acts of 1925, Chapter 115, by creating and establishing six school districts, composed of the specified civil districts set out in the Act, and in turn creating a County Board of Education. The Act set out the means of selecting the Board members and the requirements for membership; how vacancies should be filled; how often the Board should meet; and, how the members were to be compensated.
9. Private Acts of 1939, Chapter 383, specifically repealed Private Acts of 1933, Chapter 845, above.
10. Private Acts of 1949, Chapter 73, established a new Board of Education with 17 members, two elected from the First Civil District and one from each of the other sixteen districts, for a term of two years. The Board would select five of its members to act in an advisory capacity for virtually all educational affairs. The County Superintendent would be Secretary to the Board, and members would be compensated as provided for therein. This act repealed all conflicting laws.
11. Private Acts of 1951, Chapter 330, created a County Board of School Commissioners, vesting in them all the jurisdiction and control of all the educational business of the county. The County was divided into seven school districts, each of which would elect a member to the Board for a two-year term. The members would be paid \$4.00 daily for Board meetings attendance, fill any vacancy which might occur before the next county-wide election, and exercise the powers enumerated in the Act. They would also solicit bids and award contracts as set out in the Act, and request the Department of Audit of the state to audit all accounts and report the same to the Quarterly County Court. This Act was repealed only a few months later by Private Acts of 1951, Chapter 415.
12. Private Acts of 1951, Chapter 415, repealed Private Acts of 1951, Chapter 330, in its entirety.
13. Private Acts of 1953, Chapter 63, provided that the management and control of all the school affairs would be vested in a County Board of School Commissioners composed of five members, one from each of five school districts as designated therein. Collier Smith, P. W. King, Jr., Ozle Allen, Leonard Grissom, and Bill Douglas were named to the Board until the next election when members would be elected for four-year terms. The members would meet and select a Chairman and Secretary after being sworn into office. Compensation would be fixed by the County Court but would not exceed \$10 daily. All personnel, buildings, equipment, busses, and school properties were committed to their charge, for which they were given power to contract for any purpose that was school-related, subject to approval by the Purchasing Commission. The Board was obligated to request an audit and report the same to the Quarterly County Court. This Act was repealed by Private Acts of 1969, Chapter 61, which was properly ratified by the County Court.
14. Private Acts of 1957, Chapter 38, would have amended Private Acts of 1953, Chapter 63, by redistricting the County into six School Districts in Section 2, and adding some provisions to Section 3 concerning the County Board of Education. This Act was not approved by the local governing authorities and did not become law.
15. Private Acts of 1969, Chapter 62, as amended by Private Acts of 1985, Chapter 23, created a County Board of School Commissioners, consisting of seven members to be elected by the Quarterly Court of the County, in the manner, form and for the terms provided for in the Act. The Act specified when the Board should meet, how the members were to be compensated, and what powers, duties and obligations were bestowed upon the Board. The amendment to the original act was relative to the term and election of members to the Board. This Act, as amended, was subsequently repealed by the current act-in-force, Private Acts of 1994, Chapter 122, published in its entirety herein.

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

The acts referenced below once affected the office of superintendent of education in Warren County, but

are no longer operative.

1. Private Acts of 1933, Chapter 846, called for the election, in the same manner as other county officials, of a County Superintendent of Schools, who would serve a two-year term.
2. Private Acts of 1937, Chapter 220, raised the salary of the County Superintendent of Schools to \$1,200 annually, payable monthly by a warrant drawn on the county school fund. This Act did not affect the salary supplement paid by the state.
3. Private Acts of 1943, Chapter 118, set the term of office for the superintendent of public instruction in counties having a population of not less than 19,750 nor more than 19,800 according to the Federal Census of 1940.
4. Private Acts of 1945, Chapter 62, provided for the filling of a vacancy in the office of county superintendent of instruction in counties having a population of not less than 19,750 nor more than 19,800 according to the Federal Census of 1940.

### **General Reference**

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

1. Acts of 1809, Chapter 109, named John A. Wilson, William C. Smart, Alexander Perryman, Leeroy Hammon, John Armstrong and Joseph Collville to be Trustees of Quincey academy, in Warren County, named thus in honor of President John Quincey Adams. This statute was cited in the case of University of Tennessee v. People's Bank, 157 Tenn. 94, 6 S.W.2d 330 (1928).
2. Acts of 1813, Chapter 110, named James Wilson, James M'Ewen, Pleasant Henderson, and Samuel H. Laughlin, as additional Trustees for Quincy academy in Warren County which would hereafter be called Quincy Adams academy.
3. Acts of 1817, Chapter 66, added Daniel Payne, William Stroud, William M'Gregor, John Graham, and Edmund Taylor to the Board of Trustees of Quincy Adams Academy with the added power to rent and lease property of the school as well as exercising the usual powers of Trustees.
4. Acts of 1821, Chapter 67, authorized the Courts of Pleas and Quarter Sessions of Warren and Franklin Counties to appoint three Commissioners for each tract of school land who shall reside in the neighborhood, and rent or lease the land, or a part thereof for any term less than five years and collect the rents and profits as the same become due. They would enter into a \$1,000 Bond and be considered as Trustees for the land which would be saved until a good school could be built on it and a good English teacher employed. Conditions under which various types of leases could be negotiated were set out in the Act.
5. Acts of 1831, Chapter 163, provided that should any person enter and take possession of any of the vacant school lands in Warren County, contrary to law, same would be subject to a \$500 fine to be recovered in any jurisdiction having cognizance thereof.
6. Acts of 1835-36, Chapter 67, provided that the qualified voters who owned vacant school land in each township in Warren, Franklin, and Bedford Counties, could elect three people to a Board of Commissioners for each tract of such land. The Board would make bond of \$1,000 and then supervise such land by renting, leasing, and collecting rent. The Act set forth the duties, powers and obligations of the Board with regard to the vacant lands.
7. Acts of 1835-36, Chapter 128, incorporated William Shields, George R. Smart, Samuel Edmondson, William White, Alexander Black, Andrew S. Marchbanks, and James P. Thompson as the Board of Directors of Edmondson Female Academy in Warren County.
8. Acts of 1837-38, Chapter 163, repealed all prior laws appointing trustees for Carroll Academy in Warren County, and appointed Alexander Shields, S. D. Rowan, and J. F. Morford as new trustees, possessed with all the power and authority heretofore granted to the old trustees.
9. Acts of 1843-44, Chapter 139, directed that all money which may be coming to Carroll Academy in Warren County be divided equally between it and the Edmondson Female Academy near McMinnville.
10. Acts of 1849-50, Chapter 129, Section 6, laid out a new school district in Warren County's 15th District with a metes and bounds description which mentions Jefferson and John Caldwell's properties on the south side, James Collar on the north side, Tucker's Branch on the south side and Collin's river on the remaining side.
11. Acts of 1849-50, Chapter 171, Section 7, named William White, Thomas C. Smart, Alexander



- Black, Samuel L. Colville, Robert A. Campbell, Robert B. Cain, and Lorenzo D. Mercer as trustees of Edmondson Female Academy.
12. Acts of 1853-54, Chapter 128, authorized the trustees of Carroll Academy to sell the grounds and buildings belonging to said academy in the town of McMinnville, and purchase for the use of said academy other grounds and erect other buildings with the proceeds from the sale of the old grounds.
  13. Acts of 1853-54, Chapter 200, established a county High School on Hickory Creek in Warren County, to be called Hanner High School, and the commissioners therein named were to be governed by the same provisions of the act incorporating Andrew College.
  14. Acts of 1901, Chapter 265, authorized and empowered the Board of School Directors of Green Hill School, No. 54, in Warren County, to sell and convey the present school building and lot and use the proceeds to erect a new school building.
  15. Acts of 1901, Chapter 266, gave the same power and authority to the Board of School Directors of School District No. 55 to sell and convey the Holcomb school house.
  16. Acts of 1905, Chapter 168, established an Independent School District No. 1 in Warren County, at Morrison, and described the bounds of the District therein.
  17. Acts of 1905, Chapter 223, created an independent school district in the then 16th Civil District of Warren County, with the boundaries described therein. Said school district would be known as the Dibrell School District No. 59, with all rights, privileges, and emoluments as other school districts, and would also be controlled by a Board of School Directors of three members, to be elected by the people.
  18. Acts of 1905, Chapter 389, established another independent school district, to be known as the Chestnut Grove School District, out of the Third Civil District of Grundy County and the Eighth Civil District of Warren County, with a metes and bounds description of the area included therein.
  19. Acts of 1907, Chapter 6, made all the schoolhouses and school districts heretofore laid out by the County Court of Warren County to be legal districts. The voters in all these districts, if they had not already done so, would elect three school Directors in each district, and should any of them fail to qualify within ten days of their election, the County Superintendent of Schools may fill said vacancy by appointment. These directors would enjoy all the status, rights, and privileges of others.
  20. Private Acts of 1915, Chapter 176, required that an election be held in each Civil District of Warren County to elect three school directors. They would hold office until August, 1916, at which time their successors would be elected for two-year terms beginning in September. Residents twenty-one years of age and over were entitled to vote in the special election.
  21. Private Acts of 1915, Chapter 669, established another independent school district in the 16th Civil District of the county, delineating the boundaries by referencing Civil District lines and including or excluding specific properties. The district was to be named the "Dibrell School District number 60" with all the incidents of other school districts, and would be controlled by F. M. Hilton, Dr. C. C. Fisher, and P. G. Potter, who were named directors until their successors could be elected.
  22. Private Acts of 1917, Chapter 391, established another independent school district out of portions of the 13th, 14th, and 16th Civil Districts. The area was delineated by referencing individuals' property lines and corner, described therein. This school district was to be called the "Fair View School District," and J. E. Sander, Tom Bribble, and O. E. Crowe were named as directors until others were elected by the voters.
  23. Private Acts of 1917, Chapter 749, stated that Warren County (by Federal Census population figures) would be redistricted into Free School Districts as set out in this Act. The Act simply stated that each Free School House where public school was taught in 1916 was hereby declared to be an independent school district, each district to embrace in addition to the school house and grounds all lands on which all persons lived who attended, or were entitled to attend, or send to such school in 1916. The people in each Free School District would elect three school directors from each district. This Act repealed all other acts in conflict with it. At the time, no other school districts existed in the public school system except those established under this act.
  24. Private Acts of 1917, Chapter 775, also created an independent school district in the 16th Civil District, to be called the "Dibrell School District Number 60", and corrected some obvious errors contained in the 1915 Act, above, including naming J. K. Martin instead of F. M. Hilton as a school director.

25. Private Acts of 1921, Chapter 359, established the "Safely School" District out of portions of the fifth and seventh Civil Districts of the County and bounded as described therein. G. T. Stubblefield, T. M. Gibbs, and Lester Doak were named as school directors for the district, to serve until their successors were elected. A property tax not to exceed forty cents per \$100 property valuation and a \$1.00 poll tax on all males between ages of 21 and 50 were assessed to support the schools in this District.
26. Private Acts of 1921, Chapter 649, created and established a special school district, to be called "Morrison Special School District", out of parts of the 9th and 10th Civil Districts of Warren County, as more particularly described in the Act. The district was to be governed by a Board of School Trustees of three members, to be elected by qualified voters of the district, for two-year terms. The Act more specifically set out the powers, duties and obligations of the Board members; taxes to be assessed for the support and maintenance of said district; employment of teachers; and, control and use of public school property.
27. Private Acts of 1927, Chapter 39, subsequently repealed Private Acts of 1921, Chapter 649, and provided that any revenue collected under the provisions of said Act would be turned over to the County Trustee for credit to the County Elementary School fund.
28. Private Acts of 1933, Chapter 897, abolished the position of Truant or attendance Officer from the public school system, due to the severe financial depression of the county and the schools. All Peace Officers, including Justices of the Peace, would perform these duties without compensation, in conformity with the Public Acts of 1925, Chapter 115.
29. Private Acts of 1943, Chapter 117, stated (by means of the 1940 Federal Census population range) that in Warren County, whenever any county school warrant of more than \$25 had been duly registered with the County Trustee and stamped by him showing the date of registration, the warrant would bear 6% interest from that date until paid. It was the duty of the Trustee to pay all such warrants, with interest, as soon as the funds to do so came into his hands.

## Chapter VII - Elections

### Districts - Reapportionment

#### Private Acts of 1943 Chapter 128

**SECTION 1.** That in counties of this State having a population of not less than 19,750 nor more than 19,800 by the Federal Census of 1940 or any subsequent Federal Census there shall be sixteen civil districts. The First Civil District shall consist of its present boundaries and shall not be subject to or affected by any part of this bill.

The Second Civil District of said County shall be composed of the Second Civil District as it existed on January 1, 1941.

The Third Civil District of said County shall be composed of the Third Civil District as it existed on January 1, 1941.

The Fourth Civil District of said County shall be composed of the Fourth Civil District as it existed on January 1, 1941.

The Fifth Civil District of said County shall be composed of the Fifth Civil District as it existed on January 1, 1941.

The Sixth Civil District of said County shall be composed of the Sixth Civil District as it existed on January 1, 1941.

The Seventh Civil District of said County shall be composed of the Seventh Civil District as it existed on January 1, 1941.

The Eighth Civil District of said County shall be composed of the Eighth Civil District as it existed on January 1, 1941.

The Ninth Civil District of said County shall be composed of the Ninth Civil District as it existed on January 1, 1941.

The Tenth Civil District of said County shall be composed of the Tenth Civil District as it existed on January 1, 1941.

The Eleventh Civil District of said County shall be composed of the Eleventh Civil District as it existed on January 1, 1941.

The Twelfth Civil District of said County shall be composed of the Twelfth Civil District as it existed on January 1, 1941.

The Thirteenth Civil District of said County shall be composed of the Thirteenth Civil District as it existed

on January 1, 1941.

The Fourteenth Civil District of said County shall be composed of the Fourteenth Civil District as it existed on January 1, 1941.

The Fifteenth Civil District of said County shall be composed of the Fifteenth Civil District as it existed on January 1, 1941.

The Sixteenth Civil District of said County shall be composed of the Sixteenth Civil District as it existed on January 1, 1941.

**SECTION 2.** That this bill shall in no wise affect any official elected by a corporation in said county.

**SECTION 3.** That all constables and justices of the peace chosen in this special election shall serve the unexpired term, constables thus chosen shall serve until September 1, 1944, justices of the peace until September 1, 1948. And that all constables and justices of the peace now in office within the districts affected by this Act shall continue in office until their successors are duly elected and qualified.

**SECTION 4.** That within sixty days after the passage of this Act it shall be the duty of the election commissioners of said counties to order, open and hold an election at the regular voting places in said counties for the purpose of ascertaining the will of the majority of the legal voters of said counties in the election of one constable and two justices of the peace for each of the Civil District created by this Act. Said election shall be held not less than ten days and not more than twenty days after the issuance of notice thereof, which notice shall be published in a weekly newspaper in said county for not less than two weeks in succession. All voters legally qualified to vote in State, county and city elections shall be qualified to vote therein.

**SECTION 5.** That upon the ballots which shall be in size according to that required by general election law, shall be printed the names of all qualified candidates, and the voters shall vote by placing an X opposite the candidate for whom he desires to vote. Said election shall be held in accordance with the law regarding general elections, and the expenses of holding same shall be paid for in the same manner as is provided for holding general elections, and any violation of law in this election shall be punishable as any violation of the general election law.

**SECTION 6.** That the Legislature of Tennessee expressly declares that each section and sub-section of this Act is severable and that should any part of this Act be held unconstitutional or invalid, the invalid portion shall be edified, and that no other section of this Act shall be affected thereby.

**SECTION 7.** That it shall be the duty of the election commissioner to canvass the vote and certify the results within five days after said election.

**SECTION 8.** That this Act shall take effect from and after its passage, the public welfare requiring it.  
Passed: January 18, 1943.

## Elections - Historical Notes

### **Districts - Reapportionment**

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

1. Acts of 1857-58, Chapter 83, created a new Civil District in Warren from portions of the 8th, 10th, and 16th civil districts, and is more particularly described therein. The Sheriff was required to give notice, and hold an election for two magistrates and one constable.
2. Acts of 1899, Chapter 244, rewrote the boundaries of the 16th civil district with a metes and bounds description referencing lands belonging to named individuals. An election was to be held to elect two justices of the peace and one constable, and Dibrell would be the voting precinct in the district.
3. Private Acts of 1915, Chapter 598, created the Seventeenth Civil District for Warren County, being comprised of a portion of the 10th Civil District, and bounded as described therein. It also provided for the election of a Justice of the Peace and a Constable, and repealed all conflicting laws.
4. Private Acts of 1917, Chapter 20, amended Private Acts of 1915, Chapter 598, above, by delineating the boundary between the north line of the 10th Civil District and the south line of the new 17th Civil District.
5. Private Acts of 1917, Chapter 331, specifically repealed Private Acts of 1915, Chapter 598, thus returning Warren County to the original lines of its former sixteen Districts.
6. Private Acts of 1941, Chapter 51, redistricted Warren County into five civil districts, which areas

were established as follows: the First Civil District was to be composed of the then-present First Civil District; the Second Civil District was to be composed of the Fifth, Sixth, Seventh and Eighth Civil Districts; the Third Civil District was to be composed of the Ninth, Tenth and Eleventh Civil Districts; the Fourth Civil District was to be composed of the Twelfth, Thirteenth, Fourteenth and Sixteenth Civil Districts; and, the Fifth Civil District was to be composed of the then-present Second, Third, Fourth and Fifteenth Civil Districts. This act would not affect the terms of the existing justices of the peace and constables prior to their terms expiring.

### **Elections**

The following is a listing of acts for Warren 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 1807, Chapter 74, placed Smith, Jackson, Overton, White, Sumner, Wilson, Warren, and Franklin Counties in the Fourth District which would elect one Presidential Elector.
2. Acts of 1809, Chapter 112, provided that a separate election be held at the house of James Hill at the head of Stone's River so that people residing in the lower end of the county could vote in the general election for President, Vice-President, and members of the General Assembly.
3. Acts of 1812, Chapter 27, placed Anderson, Campbell, Roane, Rhea, Bledsoe, Overton, White, Warren, and Franklin Counties in the Third U.S. Congressional District, of a total of six U.S. Districts in the state.
4. Acts of 1812, Chapter 40, changed the act providing for an election at the home of James Hill to be held instead at the house of Isham Cherry.
5. Acts of 1812, Chapter 57, apportioned the state into 20 Senatorial Districts and 40 Representative Districts. Warren and Franklin Counties would compose one Senatorial District and Warren would elect one member of the General Assembly's House.
6. Acts of 1813, Chapter 139, provided for special and separate polling places, (1) at the house of George Payne on Piney River, (2) at the home of William Chism, near Hickory Creek, (3) at home of Daniel Payne on Rocky River, and (4) at the home of John H. Gee, of Captain Tait's company. All polls were to be verified at McMinnville. These polls were for the general election of Presidential Electors and members of the General Assembly.
7. Acts of 1815, Chapter 103, stated the special polling place formerly at the home of James Hill and Isham Cherry in Warren County, would be held at the house of John Woods, all laws to the contrary notwithstanding.
8. Acts of 1817, Chapter 64, authorized the Sheriff or his deputy, to hold elections at the home of Cannada Bratcher on Mountain creek for all general elections, all laws to the contrary notwithstanding.
9. Acts of 1817, Chapter 127, authorized a separate election to be held at the home of William Smith for people residing in the Southern precinct of the county.
10. Public Acts of 1819, Chapter 5, permitted a precinct election at the home of Jacob Burger in Warren County, plus several other locations.
11. Public Acts of 1819, Chapter 69, again apportioned the State into 20 Senatorial and 40 Representative Districts with no change in Warren County and very little anywhere else.
12. Acts of 1820 (2nd Ex. Sess.), Chapter 95, required the returning officers in the Senatorial District Composed of Warren and Franklin Counties to meet in Hillsborough in Franklin County on the Monday Following the general election to compare the vote.
13. Acts of 1822 (2nd Sess.), Chapter 1, allocated Franklin, Warren, White, Overton, and Jackson Counties to the Fourth U.S. Congressional District in Tennessee.
14. Acts of 1823, Chapter 47, assigned Franklin, Warren, White, Overton, and Jackson Counties to the Fifth State Presidential Electoral District.
15. Acts of 1824 (2nd Sess.), Chapter 1, also apportioned the State into Presidential Electoral Districts and added Fentress County to the ones mentioned above.
16. Acts of 1826 (Ex. Sess.), Chapter 3, apportioned the state. Warren and Franklin Counties would elect one State Senator between them and Warren would elect one Representative to the General Assembly.
17. Acts of 1832 (Ex. Sess.), Chapter 4, assigned Fentress, White, Overton, Warren, and Franklin Counties to the Fifth U.S. Congressional District.
18. Acts of 1833, Chapter 13, established precinct elections in the counties of Lincoln, Smith and

- Warren. The location for Warren County was to be at the house of John Pendleton.
19. Acts of 1833, Chapter 71, also reapportioned the state into Senatorial and Representative Districts with no changes being made for Warren County.
  20. Acts of 1833, Chapter 76, provided for the calling of a convention for the election of delegates, for the purpose of revising, amending, and altering the present, or forming a new constitution. Warren and Franklin Counties composed a district, to elect jointly one delegate to the convention. The returning officers for the district were to meet at Hillsboro in Franklin County.
  21. Acts of 1835-36, Chapter 2, gave the Sheriff of Warren County, or his deputies, the responsibility of holding the first election for a county whose name was not referenced. The offices to be filled were Justices of the Peace, Constables, Sheriff, Trustee, Register, Circuit Court Clerk and County Court Clerk.
  22. Acts of 1839-40, Chapter 81, provided that the Sheriff of Warren County hold an election for county officers for Van Buren County in the same manner as regular elections, and all the polls would be compared at the home of William Worthington.
  23. Acts of 1842 (2nd Sess.), Chapter 1, divided Tennessee into 25 Senatorial Districts. Warren, DeKalb, Cannon, and Coffee Counties composed the 10th Senatorial District, to elect one Senator, and Warren County would continue to elect one Representative to the General Assembly.
  24. Acts of 1842 (2nd Sess.), Chapter 7, assigned Fentress, Overton, Jackson, White, DeKalb, Van Buren, Coffee, and Warren Counties to the 4th U.S. Congressional District.
  25. Acts of 1865, Chapter 34, placed Warren in the Third U.S. Congressional District with seventeen other counties. This was the first state apportionment to take place after the Civil War.
  26. Acts of 1871, Chapter 146, apportioned the State for the General Assembly. Warren would elect one Representative and was placed in the Eighth Senatorial District along with Coffee, DeKalb, and Cannon.
  27. Acts of 1872 (Ex. Sess.), Chapter 7, wherein Warren County remained in the Third U.S. Congressional District with sixteen other counties. Some slight changes were made as to the procedures for holding elections.
  28. Acts of 1873, Chapter 27, was another act apportioning the representation for the U.S. Congress. Warren County remained in the Third District.
  29. Acts of 1881 (1st Ex. Sess.), Chapter 6, set forth the Senatorial and Representative Districts under the enumeration made in 1881. Warren County was among those counties designated to elect one Representative, and was placed in the Tenth Senatorial District.
  30. Acts of 1882 (2nd Ex. Sess.), Chapter 27, wherein Warren County remained in the Third U.S. Congressional District.
  31. Acts of 1891 (Ex. Sess.), Chapter 10, allotted Warren County one Representative in the General Assembly and assigned it to the 11th Senatorial District with Marion, Grundy, and Franklin Counties.
  32. Acts of 1901, Chapter 122, again reapportioned the State into Senatorial and Representative Districts, with Warren County remaining in the Eleventh Senatorial District, and allowed to elect one Representative.
  33. Acts of 1907, Chapter 225, declared that no registration of voters would be a prerequisite to voting in Warren County for any elections. Two Registrars of Elections would be appointed for each voting precinct and all the public acts concerning the purity of elections passed prior thereto would be repealed insofar as they were to apply to Warren County.
  34. Private Acts of 1915, Chapter 343, provided that all school districts in Warren County were made coextensive with the civil districts, thereby repealing Acts of 1905, Chapters 167, 223 and 389; Acts of 1907, Chapter 6; and, Acts of 1911, Chapter 408.
  35. Private Acts of 1925, Chapter 509, authorized an election to be held in Warren County for the purpose of ascertaining the will of a majority of the people on the question of erecting and maintaining a Rest Room and Community House. If favored, a tax would be levied to provide for such a facility.
  36. Private Acts of 1945, Chapter 602, provided that the payment of a poll tax as a prerequisite to voting in general and special elections in McMinnville was no longer required. This Act was declared unconstitutional by the Supreme Court of Tennessee in *Town of McMinnville v. Curtis et al.*, 183 Tenn. 442, 192 S.W.2d 998 (1946).
  37. Private Acts of 1949, Chapter 52, stated that all officers holding primary elections in Warren

County should be paid \$4.00 per day, or fraction thereof. The Primary Board of Election Commissioners, after the returns were in, would make a complete report and list of officers for the County Judge, who would issue warrants for payment of their compensation out of the general funds of the county.

38. Private Acts of 1949, Chapter 53, provided the same as above for officers of general elections.
39. Private Acts of 1959, Chapter 64, amended Acts of 1949, Chapter 53, above, by increasing the compensation of officers of general elections in Warren County from \$4.00 to \$5.00.
40. Private Acts of 1967-68, Chapter 102, also amended Acts of 1949, Chapter 53 and Acts of 1959, Chapter 64, by deleting \$5.00 and substituting \$10 as the rate of daily pay for officers of general elections.
41. Private Acts of 1971, Chapter 21, amended the three preceding acts by increasing the compensation of the officers of elections to \$12 per day

## Chapter VIII - Health

### Deputy Coroner

#### Private Acts of 1974 Chapter 212

**SECTION 1.** The office of Deputy Coroner of Warren County is hereby created and the Coroner of Warren County shall appoint such deputy in accordance with the provisions of Section 8-905, Tennessee Code Annotated.

**SECTION 2.** The deputy coroner is authorized to perform all the duties which can now be performed by the coroner, and he shall be subject to the same obligations.

**SECTION 3.** The deputy coroner shall be compensated by the county in the same amount and manner as the coroner.

**SECTION 4.** The deputy coroner shall serve at the pleasure of the quarterly county court and the coroner, and either shall have the power to remove him from office.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Warren County before July 31, 1974. Its approval or nonapproval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the Secretary of State.

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

Passed: February 27, 1974.

### Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Acts of 1839-40, Chapter 34, recited that George R. Smartt, William B. Smartt, Alfred Paine, and Samuel Edmondson owned 1,000 acres on Cumberland Mountain on which were situated valuable chalybeate springs and other valuable mineral springs. This act permitted them to divide their holdings into 200 shares and sell them, the corporation to be called Bersheba Chalybeate Springs, and to exist for an initial term of fifty years.
2. Acts of 1841-42, Chapter 161, recited that Mr. Henry P. Spong owned 640 acres of land in Warren County on which was located many Mineral and Chalybeate springs, and the same could be incorporated as Caroline Medical Springs upon the same terms and conditions as Bersheby [sic] Springs was incorporated.
3. Private Acts of 1937, Chapter 589, created a permanent commission known as "Commissioners of the Aged and Indigent for Warren County," consisting of three members to be elected by the Quarterly County Court, and to serve a term of three years. The commission was to have complete supervision, management, and control of the Elizabeth J. Magness Home for the Aged and Indigent, which was to take the place of the Poor House of Warren County. The members of the commission were to take an oath before the clerk of court; appoint one of their members as chairman and another as secretary; and, minutes were to be kept of all their proceedings. Money

to be drawn from the county treasury for the use and benefit of the home was to be done upon a written order of the commission to the County Judge, specifying to whom payable, the purpose and the amount of the expense. The Act also enumerated the powers of the commission, and stated that the compensation of the commissioners was to be fixed by the court. The Commissioners of the Poor for Warren County was abolished and all duties imposed upon said commissioners were vested in the commission created by this Act.

4. Private Acts of 1945, Chapter 417, permitted W. T. H. Hayes, who had been engaged in veterinary medicine for over fifty years, and whose skill and knowledge in this field was widely known and recognized, to practice veterinary medicine and surgery in Warren County without having to be examined and the department of Agriculture would issue him a license upon payment of the fee.
5. Private Acts of 1961, Chapter 31, created the "Warren County General Hospital", to be located on about fourteen acres of the county farm on Highway 70 S. about two miles east of McMinnville in the First Civil District, and to be under the direct supervision and control of the Board of Trustees provided for in this Act. The Board would consist of nine members who would serve without compensation; however, the hospital Administrator, County Auditor, Comptroller and Chief of Staff would be ex officio members. No more than three could be members of the Quarterly County Court. Trustees were to be elected to staggered terms and serve for a period of seven years. This Act was rejected at the local governmental level and did not become law.
6. Private Acts of 1961, Chapter 205, would have amended Chapter 31, above, by adding a paragraph at the end of Section 5 which gave the Board the exclusive responsibility and authority over the construction of buildings in connection with the hospitals, notwithstanding any other appointment to the contrary. This, too, was rejected or disapproved, locally.
7. Private Acts of 1983, Chapter 10, expressly repealed Private Acts of 1937, Chapter 589 (Item 3, above).

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1959 Chapter 61

**SECTION 1.** That in Warren County, Tennessee, the office of Superintendent of Roads is hereby created, who shall be the executive head of the road department of said county. The Superintendent of Roads shall be a person competent to perform the duties prescribed for him. He shall not hold any other public office and shall be provided with an office, at which he shall keep all records, reports and accounts required by the provisions of this Act. Prior to taking office the Superintendent of Roads shall take an oath to well and truly perform the duties of said office to the best of his skill and understanding, and shall also execute a corporate surety bond, to be approved by the County Judge, said bond to be in the amount of Fifteen Thousand (\$15,000) Dollars, to be conditioned upon the faithful performance of his duties and the proper accounting for all funds and property coming into his hands. The premium on said bond to be paid out of the road fund of said county. The Superintendent of Roads shall receive a salary of \$6,000.00 per annum, payable in equal monthly installments on the first day of each month out of the County Road Fund.

As amended by:

- Private Acts of 1969, Chapter 110
- Private Acts of 1971, Chapter 100
- Private Acts of 1998, Chapter 107

**SECTION 2.** That the term of office of the Superintendent of Roads shall be for two years and until his successor is elected and qualified. The Superintendent of Roads shall be elected by the qualified voters of the county at the general election in August, 1960, and biennially thereafter. He shall take office on the First Monday in September after his election. No member of the County Court shall be eligible for the office of Superintendent of Roads.

**SECTION 3.** That the Superintendent shall be charged with the following duties:

- (a) To have the general supervision over the construction, repair and maintenance of all roads, bridges, gravel pits and other like structures which form a part of the county highway system.
- (b) To employ such labor as he may deem necessary for the efficient construction, repair and maintenance of the highway system of said county, to fix wages and pay schedules for all such employees, and to discharge, lay off and otherwise control all such employees.
- (c) To act upon all applications to open or close roads and to take such action thereon as he may deem to

the best interest of the county highway system.

(d) To have charge of all county highway equipment and property of every kind and description, and to make an inventory thereof and keep the same current on the records of the department, subject to inspection by any interested citizen during office hours; and to report such inventory to the Quarterly County Court at each regular meeting.

(e) To keep a full and accurate account of all disbursements made from the highway or road fund. Disbursements from the road fund shall be made only upon warrant of the Superintendent of Roads, to be countersigned by the County Auditor, drawn on the County Trustee, accompanied by a statement showing what said payment is for, the time for which payment is made and itemized amounts thereof, which statement shall be preserved in the office of the County Auditor.

(f) To store and preserve all equipment belonging to the County Highway Department when not in use, and to prohibit the use of any part thereof on business other than that for highway purposes.

(g) To make the County Auditor a monthly report showing all employees of such highway department, the rate of pay of each, the number of hours worked by each during such month, and all equipment and supplies purchased from highway funds during said month.

(h) To make and file in the office of the County Court Clerk at least 2 days prior to each regular session of the Quarterly County Court, a report, itemized in form, of all expenditures made from the highway fund during such quarter, and where equipment or rock be purchased, such report shall show the nature of the purchase, the person from whom purchased and the price paid therefor.

(i) To file with the County Auditor on or before June 1 of each year a budget detailing the anticipated income of the department and the proposed expenditures of the department for the coming year, which shall be carried in the consolidated budget prepared by the County Auditor for consideration and approval of the Quarterly County Court at the July term; and it shall be unlawful for the Superintendent to exceed expenditures provided in the budget approved by the Quarterly County Court, and he shall be subject to removal from office for a violation of this provision, unless the County Court specifically approve such expenditure by way of amendment to the budget.

**SECTION 4.** Purchases of all equipment, rock, machinery, and other supplies of every description, including contracts of every kind, shall be made by and through the Purchasing Commission of Warren County under the terms provided in the Purchasing Commission Act of 1951; provided, however, that the superintendent shall have the authority to make purchases in accordance with Tennessee Code Annotated, Section 54-7-113 for items which may be required for the efficient operation of the department, an itemized statement of which shall be filed with the County Auditor each month showing the amount of expenditure and the items purchased and the price thereof.

As amended by: Private Acts of 1980, Chapter 221  
Private Acts of 2005, Chapter 13

**SECTION 5.** That the Superintendent of Roads is hereby authorized and empowered to employ a secretary or clerk and to fix the compensation for such clerical assistance not to exceed \$5,400.00 per year, which salary shall be paid out of the road fund. Said Superintendent of Roads is allowed an expense account of twelve hundred (\$1,200.00) dollars per year, in addition to salary, to be paid out of the road funds. County Road Fund.

As amended by: Private Acts of 1961, Chapter 5  
Private Acts of 1965, Chapter 31  
Private Acts of 1969, Chapter 109  
Private Acts of 1971, Chapter 101

**SECTION 6.** That the Superintendent of Roads, with the approval of the County Judge and County Auditor, shall have the authority to contract with any State or Federal agency by which the road funds of said county may be supplemented or augmented, or by which additional employees may be employed on road work or road construction or repairs or whereby additional repair and maintenance may become available.

**SECTION 7.** That neither the Superintendent of Roads nor any employee of the road department shall lend or use for other than public road purposes any county-owned equipment, machinery or supplies, nor sell, lend or use the same for the purpose of working upon, repairing, maintaining or constructing any road, not a part of county road system, building and equipment, or for any other private purpose. Any violation of this section is hereby made a misdemeanor, and anyone guilty thereof shall, upon conviction, be subject to a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars.

**SECTION 8.** That this Act take effect from and after its approval by the Quarterly County Court of Warren County as hereinafter provided, the public welfare requiring it; however, the operation of this Act is suspended until September 1, 1960, when the term of office of the present County Board of Highway Commissioners shall expire, at which time Chapter 132 of the Private Acts of 1951, and all other laws or parts thereof in conflict with this Act, shall be repealed.



**SECTION 9.** That the General Assembly expressly declares that each section, paragraph, or clause of this Act is severable, and that should any portion of this Act be held invalid or unconstitutional that portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 10.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Warren County, Tennessee, on or before the next regular meeting of said Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or reverse, and shall be certified by him to the Secretary of State.

Passed: February 17, 1959.

## Highways and Roads - Historical Notes

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

1. Acts of 1819, Chapter 169, permitted John Rogers and Charles Sullivan to lay out, build, and operate a turnpike road from McMinnville in Warren County to the seat of justice in Marion County and they would be bound by the same terms and conditions as the proprietors of the turnpike from the Sequatchie Valley to the foot of the mountain in Warren County.
2. Acts of 1821, Chapter 6, may have been the first act which required the county courts of the counties to classify and list the roads in their respective counties into three distinct classes: 1) stage roads, to be kept up, causewayed, bridged, milemarked, and indexed, along with other roads of equal importance; 2) roads of at least 12 feet in width, which would be maintained at a level a little less than first class; and, 3) roads wide enough for passage of a single horse and rider. Those roads leading to mill or market would be bridged or causewayed.
3. Acts of 1822 (2nd Sess.), Chapter 171, recited that one, Joseph Franks, who had been authorized to build a turnpike in a certain area, had failed to do so, and had moved before the road was open; therefore, Thomas Hopkins was subsequently clothed with all the rights of Franks, provided always, that neither the said Hopkins, nor his gatekeeper, would demand any toll from any citizen of White or Warren Counties who passed from one county to the other on their common, ordinary business or pleasure.
4. Acts of 1823, Chapter 72, allowed Christian Shell to build a bridge across the Collins River near the mill he owned, and required the County Court to set the toll rates Shell could charge for passage over the bridge provided he kept it in good repair at all times.
5. Acts of 1823, Chapter 124, declared that the road leading from Benjamin Hill's to John Rain's, across Cumberland Mountain, was established as a road of the second class. Warren and Bledsoe County Courts would appoint three overseers for each section of the road with enough road hands to keep the road in the manner fixed by this Act and any person felling a tree so as to block the road would be subject to a fine after prosecution.
6. Acts of 1826 (Ex. Sess.), Chapter 108, Section 3, appointed Adam Dale of White County, and Jesse Allen of Warren County as commissioners to examine the turnpike road of Jesse Lincoln's running from Sparta to Liberty and decide whether all the specifications for the road had been met.
7. Acts of 1826 (Ex. Sess.), Chapter 167, permitted Matthew W. Wright to build a good, usable bridge across the Collins River below the junction of Barren Fork with said river, and to charge tolls for the use thereof as the County Court of Warren County might direct.
8. Acts of 1826 (Ex. Sess.), Chapter 180, required the County Courts of White and Warren Counties to fix the tolls and rates which Peter Buram [sic] and Thomas Hopkins may charge for crossing their bridge across the Caney Fork River.
9. Acts of 1831, Chapter 5, allowed Rock Island William Martin to build a toll bridge across Collins's river at Reads old ferry, where the stage road from Sparta to McMinnville crossed the river; obligated the County Court of Warren County to fix the rates of toll; and, named John Cain and William White as Commissioners for the road and bridge.
10. Acts of 1831, Chapter 74, exempted Jesse Savage from having to pay any taxes on his turnpike road for the term of two years.

11. Acts of 1832, Chapter 34, names 26 incorporators, all residents of Warren County, who were authorized to open books and subscribe stock to the McMinnville Turnpike Company which shall build a turnpike from Murfreesboro to the top of Stones River Ridge in Warren County by way of Danville. The Act establishes limits for the stock sale and the conditions and standards under which the road would be constructed.
12. Acts of 1832, Chapter 105, Section 6, authorized Jesse Allen to open a turnpike road, to begin where that road established by Jesse Lincoln and William Usery of White County left the road from Sparta to Liberty in Smith County and extended with the then-present road to the point where Lincoln's and Usery's turnpike road proposed to intersect the same.
13. Acts of 1833, Chapter 48, appointed John Rodgers, Esquire, of Warren County, and Elliot Boyd, of Bledsoe County, as Commissioners of the turnpike road from the foot of the mountain near Benjamin Hill's in Warren County to the foot of the mountain in Bledsoe County, with all the powers, privileges, and emoluments of other commissioners.
14. Acts of 1835-36, Chapter 20, appointed William Armstrong, Jacob Woodley, and Abner Woodley as Commissioners to let out a bid to build a turnpike from, at, or near, Pinnacle Road towards Cumberland Mountain and thence down to the foot of the mountain in Warren County. The road was to be inspected and operated under the schedule of tolls set forth in the act.
15. Acts of 1843-44, Chapter 213, Section 4 revived the acts which had expired in regard to a turnpike to be built by the McMinnville Turnpike Company from that city to Murfreesboro by way of Woodbury.
16. Acts of 1843-44, Chapter 225, re-authorized Thomas Mabry to construct a turnpike. Authorization had been previously granted to Mabry, John Payne, and William Worthington, but the time period within which the road was to be built had expired. The Act described the route for the road; granted rights for two toll gates, no nearer than fifteen miles of each other; and, set the rates to be charged. The road was to run through Van Buren County and across the mountain to a point at or near Gordon's Iron Works in East Tennessee.
17. Acts of 1901, Chapter 136, was the first general road law passed by the state. This one applied to all counties under 70,000 population according to the 1900 census, and furnished the pattern for virtually all the road laws which followed. There would be Road Commissioners from each civil district whose duties were prescribed in the act. It established the qualifications of overseers and road hands; the length of their service; the manner and amount of their commutation; the specifications for building roads; the procedure to be followed for opening, changing, or closing roads; and, granted the county courts the right to designate the roads upon which work would be forthcoming. This Act was referenced in *Stokes v. Dobbins*, 158 Tenn. 353, 13 S.W.2d 322 (1929).
18. Acts of 1903, Chapter 242, amended Acts of 1901, Chapter 136, above, by adding the provision which directed what funds were to be devoted to the building or making of roads in a district; and specifications for those macadamized roads.
19. Acts of 1905, Chapter 478, also amended Acts of 1901, Chapter 136, by exempting some counties and changing a few of the procedures for opening, closing, and changing roads, and the standards for determining damages to any landowner.
20. Private Acts of 1919, Chapter 84, created a Board of Public Road Commissioners of three members, with staggered terms of three years each, who would be elected by the County Court, or appointed by the County Judge if the court failed to act, and would organize by electing a chairman. The County Road Supervisor was to act as Clerk. The Board would meet at least quarterly; each member was to be paid \$75 a year and the chairman, \$100. A suitable, competent County Road Supervisor was to be employed, as well as district supervisors; also, the former was to be paid \$3.00 per day for a period of 300 days, and the latter were to be paid \$2.00 a day, not to exceed 30 days per year. They would have general charge of all roads, bridges, employees, and tools, would assign county prisoners to work on roads; and, keep proper records and submit them to the proper authorities. The County Court would levy a road tax from fifteen cents to twenty-five cents per \$100 property valuation. The Act also contains details regarding road duty, contracts for work to be done, procedures for the laying out of new roads, and what constituted unlawful acts.
21. Private Acts of 1919, Chapter 581, amended the road law, above, by omitting Section 7 and rewriting the provisions for working on the roads. All males between 21 and 45 years of age were required to work five days or could commute the sentence by paying \$1.50 per day; also amended were schedules for those with teams and wagons were included in a revised state.

22. Private Acts of 1920 (Ex. Sess.), Chapter 81, amended Acts of 1919, Chapter 84, by striking Section 6 and inserting a new section which provided that the County Court would levy a tax at the same time as other taxes were levied, not to exceed twenty cents per \$100 property valuation on property outside the corporate limits of cities, for general road purposes. There would also be a pike and bridge tax not to exceed twenty-five cents per \$100.00 of taxable property. The money would be used in the districts from which it was collected.
23. Private Acts of 1921, Chapter 782, required the State to speedily construct those sections of State and Federal Highways which had been surveyed, laid out, and designated as such in Warren County. If work was not started within 30 days after notice to proceed was given to the State by the County Superintendent of Roads, he could apply to the courts for a writ of mandamus to compel compliance. The county would pay 1/3 of the cost thereof, but its failure to do so should not constitute cause for delay in the road construction.
24. Private Acts of 1923, Chapter 33, specifically repealed the act referenced in Item 22, above.
25. Private Acts of 1923, Chapter 311, amended Private Acts of 1919, Chapter 84, by repealing part of Section 2 and the remainder of the Act which dealt with the County Road Supervisor, thereby abolishing the position and giving all the authority conferred on him to the Board of Public Road Commissioners and the District Road Commissioners. A foreman to be appointed would act as the Clerk. This Act also amended Acts of 1919, Chapter 581, Section 1, by reducing the number of required working days for a wagon and team from 5 to 4; setting up a commutation rate of \$3.00 a day; and, raising the amount of the annual license for a truck based upon the size and weight of the vehicle.
26. Private Acts of 1925, Chapter 402, amended the same acts as referenced in Item 24, above, so as to require all male inhabitants between the specified ages to work 2½ days instead of five and the commutation rate would be \$1.50 per day; the owners of wagons and teams would work only two days instead of four and commute at \$3.00 per day.
27. Private Acts of 1927, Chapter 88, amended Section 7 of Private Acts of 1919, Chapter 84, by requiring every person, firm, or corporation owning a wagon and team to pay a privilege tax of \$6.00, or work two days on the roads to pay for it; the rights of way for State and Federal Highways would be at least 60 feet wide; automobile owners and operators were to pay \$5.00, and truck automobiles were assessed \$20, \$40, and \$60 annually, according to size and weight, for the privilege of operating on the highways.
28. Private Acts of 1929, Chapter 20, specifically repealed Private Acts of 1927, Chapter 88, above, in its entirety.
29. Private Acts of 1929, Chapter 903, specifically repealed Private Acts of 1919, Chapter 84, and all subsequent amendatory Acts.
30. Private Acts of 1929, Chapter 904, was the subsequent Road Law for Warren County. A Board of Highway Commissioners was created, consisting of 16 members, one from each Civil District of the county, to serve for two-year terms. The Chairman of the Board would be paid \$100 annually, each member \$50 a year, and the Superintendent would receive \$1,200 annually. The Superintendent could be removed for cause by the Board at any time. He would have power to buy the road machinery and equipment and employ extra labor as needed. There was to be a bridge committee of five members created from the Board membership. The Act, several pages in length, contained all the basic provisions of the former act, as it was amended from time to time, with some variations in pay, in work days on the roads and commutation rates. This Act was amended by Private Acts of 1931 (Ex. Sess.), Private Chapter 97.
31. Private Acts of 1937, Chapter 677, was the next Road Law for Warren County, and contained a general repealing clause. The County Road Commission was reduced to five members, one from each of five road districts created in the Act. Their successors would be elected for two-year terms. Meetings would be held once a month, with the date to be published in the newspaper. The Chairman would get \$300 annually and the member \$100. The office of county road supervisor was created and would be elected biennially. Qualifications and salary were specified in the Act. The duties, powers and authority of the Board and the Supervisor were spelled out; the conditions for forced road labor were prescribed; and, the records and procedures required to be kept and followed were also referenced therein.
32. Private Acts of 1937, Chapter 875, repealed Private Acts of 1937, Chapter 677, Sections 21 through 26, which contained the mandatory work provisions of the Act.
33. Private Acts of 1939, Chapter 384, created a Board of Highway Commissioners composed of one County Highway Superintendent and sixteen Commissioners, one from each civil district to serve

- for two-year terms. The Superintendent could be removed by the Board for cause. There is not a great deal of difference between this and the preceding Acts except the salary of the Chairman would be \$100 and that of the members \$50 annually; the Superintendent would get \$1,500 per annum.
34. Private Acts of 1939, Chapter 427, specifically repealed Private Acts of 1937, Chapter 677 (Item 30, above).
  35. Private Acts of 1943, Chapter 432, was an emergency Act which expired on January 1, 1945, and authorized the Highway Commissioners of Warren County to expend and disburse by warrant in any one month while there were outstanding or unpaid warrants, an aggregate amount not to exceed 60% of the net revenue receipts of the preceding month, including gas tax receipts, but the warrants must be approved and countersigned by the County Judge to be valid.
  36. Private Acts of 1945, Chapter 67, was a duplicate of the emergency act above which expired under its own terms on January 1, 1945, but this Act did not have an expiration date.
  37. Private Acts of 1945, Chapter 491, repealed Private Acts of 1939, Chapter 384, in its entirety.
  38. Private Acts of 1945, Chapter 541, replaced the 1939 Road Law by returning to the five-member Board of Highway Commissioners, to be elected by the County Court for five-year staggered terms so that one would be replaced annually. The Board would meet monthly and members were to be paid \$5.00 a day for each day of regular meetings attendance. The Board would elect a Superintendent of Highways, who could be removed for cause; whose salary would be \$1,800 annually; and, who would conduct his office within the limitations of the law and as the Commission might direct him. The office of District Road Overseer was created for each civil district, to be elected by the voters of the district. The remainder of the Act was very similar in content to its predecessors.
  39. Private Acts of 1947, Chapter 603, was the next Road Law, creating a Board of Road Commissioners composed of one Superintendent of Highways and sixteen Road Commissioners, one from each civil district. It contained all the features of the preceding law, except the salary of the Superintendent was increased to \$2,400 annually, and an Executive Committee was created, composed of the Chairman, Vice-Chairman, the Superintendent, and two other members of the Board to be elected by the members. Said Committee was granted the authority to act for the Board in all matters of wages, places of work, time of work, purchase of supplies and equipment, and the use of equipment, in general.
  40. Private Acts of 1951, Chapter 132, created a County Board of Highway Commissioners, composed of three members, to have general supervision and control over all county roads and bridges. The members would choose a chairman and a secretary. The Chairman was executive officer and was granted broad general powers. Members would be paid \$10 daily, not to exceed 15 days per year, for meeting attendance. A County Road Supervisor would be employed at a salary not to exceed \$2,500 a year, and would have direct supervision over all work done on the roads and bridges of the county. This Act was repealed by the current road law which is published herein.
  41. Private Acts of 1955, Chapter 131, fixed the salary of the County Road Supervisor of Warren County at \$3,600 a year, payable in equal monthly installments from the county road funds.
  42. Private Acts of 1957, Chapter 79, would have amended Private Acts of 1951, Chapter 132, Section 1, by making it illegal for the County Highway Commission to buy, contract for, or purchase equipment, machinery, material, or supplies in excess of \$500 without advertising for sealed bids, and observing all the procedures related thereto as stated in the Bill. It also intended to amend the amount of the Road Superintendent's bond; however, this act was rejected by the local Quarterly County Court and did not become law.
  43. Private Acts of 1959, Chapter 62, amended Private Acts of 1951, Chapter 132, by requiring the Board of Highway Commissioners to go through the County Purchasing Commission for all purchases; the Board would be allowed \$500 a month to buy small items which may be required for the efficient operation of the road department. The Act changed the date of the regular meetings of the Board to the first Tuesday of each month.
  44. Private Acts of 1961, Chapter 7, would have amended Private Acts of 1959, Chapter 61, Section 1, by changing the salary of the Road Superintendent from \$3,600 to \$4,800 per annum, but was rejected by the County Court of Warren County and did not become law.

## Chapter X - Law Enforcement

## Jails and Prisoners

### Warren County Workhouse

#### Private Acts of 1980 Chapter 214

**SECTION 1.** Chapter 98 of the Private Acts of 1973, is hereby repealed.

**SECTION 2.** Upon ratification of this Act in accordance with the provisions of Sections 3 and 4 of this Act, the institution presently known as the Warren County Penal Farm shall be known as the Warren County Workhouse and shall be a county workhouse under the provisions of Title 41 of the Tennessee Code Annotated.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Warren County before November 1, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the Warren County legislative body and certified by him to the Secretary of State.

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

Passed: March 3, 1980.

## Work Credit

### Private Acts of 1925 Chapter 802

**SECTION 1.** That when any person is committed to jail or workhouse under any workhouse order in default of paying or securing any fine or costs, or fine and costs, by any of the courts of this State, in counties having a population of not less than seventeen thousand three hundred and six (17,306) nor more than seventeen thousand three hundred thirty (17,330) according to the Federal Census of 1920, or any subsequent Federal Census, that such person so confined in default of payment or securing such fine or costs, or fine and costs, shall be allowed a credit on such fine and costs or fine and costs, of One Dollar per day detained in such jail or workhouse, whether such person so detained work or not, and Sundays shall be included as well as other days of confinement in allowing credit.

**SECTION 2.** That all laws and parts of laws in conflict herewith, be, and the same are, hereby repealed, and that this Act take effect from, and after its passage, the public welfare requiring it.

Passed: April 3, 1925.

## Law Enforcement - Historical Notes

### Jails and Prisoners

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

1. Acts of 1819, Chapter 21, authorized the County Courts of Warren and Overton Counties to lay and collect a tax on all taxable property to enable them to build or repair the jails in their counties without regard to the state tax, and could continue to do so until a sufficient amount was raised for that purpose.
2. Acts of 1820 (2nd Sess.), Chapter 122, recited that the representation had been made to the General Assembly that a number of citizens would be injured if the county Jail were built on the public square, and therefore, the Quarterly County Court was authorized to levy a tax to acquire a lot off the public square; however, if this were not possible, the jail would be built on the square with the least amount of damage possible.
3. Private Acts of 1973, Chapter 98, changed the name of the Warren County Workhouse to the "Warren County Penal Farm", and authority was given to house State prisoners. This Act was repealed by Private Acts of 1980, Chapter 214.

### Sheriff

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

1. Private Acts of 1819, Chapter 72, required the Sheriff of Warren County to advertise all lands and

properties, and the Ranger of Warren County to advertise all strays, which were being sold under execution, in the newspapers in Nashville and Murfreesboro.

2. Acts of 1820, Chapter 148, made it lawful for the sheriff of Warren, Jackson, Bledsoe and Marion Counties to advertise all lands to be sold by them, as execution for taxes, in the Sparta Gazette; and, also authorized the rangers to advertise all strays.
3. Acts of 1821, Chapter 180, authorized the Sheriff and the Ranger of Warren, Jackson, Bledsoe, and Marion Counties to advertise the sale of goods under execution in the newspapers at Sparta, Tennessee, as well as in other papers of the area.
4. Acts of 1837-38, Chapter 61, stated, that, if the Sheriff of Cannon, Jackson, White or Warren Counties failed to hold the election as required by the 18th Section of the Act creating DeKalb County, then it would be held on Tuesday, January 30, 1838, and, if it could not be held on that date, then at the earliest practical date, after having given at least ten days' notice of the impending election.
5. Private Acts of 1945, Chapter 408, provided that the Sheriff of Warren County should be paid by the County the sum of \$75 monthly over and above all other remuneration as compensation for patrol work and safety activities for the county. This Act was to remain in force only for the duration of the war and twelve months thereafter.

### **Militia**

Those acts once affecting Warren 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 1809, Chapter 89, organized the state militia, and was among the first of many militia laws to follow. It decreed that Overton, White, Warren, and Franklin counties would constitute the Seventh Brigade.
2. Acts of 1819, Chapter 68, was a revision and amendment of previous militia laws. The militia of Warren County composed the 29th and 55th regiments. The 29th regiment was to hold muster on the first Saturday of October; the 55th regiment was to hold muster on the second Saturday of October.
3. Acts of 1825, Chapter 69, declared, that, inter alia, the Warren County militia would make up the 29th and the 55th Regiments of the 8th Brigade, and would hold regimental musters on the first and second Saturdays in October of each year, respectively.
4. Acts of 1831, Chapter 26, exempted all people living on Cumberland Mountain in Warren County from all military matters unless they were called into actual active service.
5. Acts of 1832, Chapter 127, altered the time holding regimental muster in the Eighth Brigade. The 29th regiment was to hold muster on the second Thursday in October; and the 55th regiment on the Friday following.
6. Acts of 1833, Chapter 28, authorized each regiment of militia in the county to vote for field officers at the several precincts in their respective regiments, and repealed the act authorizing said elections to be held at the different battalion must grounds in said regiments. The elections, however, were to be held for only one day in each regiment, and the polls to be compared on the following day.
7. Acts of 1835-36, Chapter 221, was an Act to divide the Militia of the State into companies, battalions, regiments, brigades and divisions, and to prescribe the times and modes of electing officers. The militia of Warren County was to compose the 42nd and 43rd regiments, and the counties of Warren, Cannon, Coffee and Franklin would constitute the tenth brigade. The third division would be comprised of the 10th, 11th, 12th, 13th and 17th brigades.
8. Acts of 1837-38, Chapter 157, provided that the county drill for the 10th Brigade in Warren County would be held on the first Friday and Saturday in September of each year.

## **Chapter XI - Libraries**

### **Community House and Library**

#### **Private Acts of 1931 Chapter 351**

WHEREAS, the W. H. & Edgar Magness Community House and Library, and incorporation chartered under the public welfare laws of this State, is now and has been by public aid and support, promoting,

maintaining and supporting a public library in Warren County, Tennessee, at McMinnville, and has also by such aid been promoting, maintaining and supporting in connection therewith a public rest room and a community house, all of which has been made possible through the donation of W. H. Magness, said institution having been operated in the past for the public benefit of Warren County, Tennessee, and the Town of McMinnville, Tennessee, and its facilities and benefits being free to the citizenship of said county; and WHEREAS, The Quarterly Court of Warren County has seen fit in the past to make annual appropriations toward the upkeep, maintenance and operation of said worth institution, it also having a like appropriation for said purposes from the Board of Mayor and Aldermen of the Town of McMinnville, Tennessee, and WHEREAS, The said W. H. Magness has proposed to donate to said W. H. & Edgar Magness Community House and Library, Inc., a sufficient sum of money of approximately \$35,000.00 to provide a new, modern and commodious building to house said welfare institution upon the same real estate where the present W. H. & Edgar Magness Community House and Library, Inc., is now located, so that the same may be operated to a greater advantage and benefit to the citizenship of Warren County, Tennessee, upon the provision that the said institution is insured by Warren County, Tennessee, and the Board of Mayor and Alderman of the Town of McMinnville, Tennessee, that sufficient and adequate sums will be provided each year by said county and town for the adequate and reasonable maintenance and operation of said public welfare institution, and of the objects and purposes which it fosters, and WHEREAS, It will be to the public benefit and good of all of the citizenship of Warren County, Tennessee, that definite assurance be made to the said institution and to its proposed donor, of a future annual appropriation or furnishing of funds by Warren County, Tennessee, to the upkeep, maintenance and operation of said institution, so that it may be perpetuated, and also so that the proposed donation of W. H. Magness may be obtained, and that he may be assured that the object of his philanthropy will be adequately and sufficiently maintained and operated in the future, therefore.

**SECTION 1.** That Warren County, Tennessee, acting through and by its present Quarterly Court, be and hereby is, enabled, empowered and authorized to enter into a valid and binding contract by its resolution, binding itself and all succeeding Quarterly Courts of said county to the provisions of said contract herein authorized by this Act, for the term of years herein set forth, namely, a term of years not exceeding 99 years from the date of the execution of said contract, with the said W. H. & Edgar Magness Community House and Library, Inc., that in the consideration of the said W. H. Magness making said donation referred to in the preamble hereof for the erection of a new and modern building for the said W. H. & Edgar Magness community House and Library, Inc., and for the object which it fosters, and that said institution, will be operated and maintained for the public benefit of the citizenship of Warren County, Tennessee, that Warren County, Tennessee, will appropriate therefor and contribute to the maintenance and operation of said institution a sum of money not exceeding Twenty-four Hundred Dollars (\$2,400.00), each and every year of the contract, the said sum to be provided annually by said Court but payable monthly to the proper officials of said W. H. & Edgar Magness Community House and Library, Inc., for use in the operation and maintenance of said institution.

**SECTION 2.** That said Quarterly Court, upon its entrance into said contract with the said W. H. & Edgar Magness Community House and Library, Inc., shall thereupon provide adequate and sufficient funds for the fulfillment of its contract during the term of said contract, said funds to be raised in the discretion of the Court either by appropriation each year from the general funds of the county, or by a special levy of taxes each year at such a rate as will be sufficient to provide said funds; and, further, that upon its entrance into said contract that such action upon the part of said Quarterly Court to raise the funds necessary to carry out and perform said contract is hereby required and made mandatory and binding upon the said Quarterly Court entering into said contract and also upon each succeeding Quarterly Court of said county during the term of the said contract.

**SECTION 3.** That this Act shall take effect from and after its passage, the public welfare requiring it.  
Passed: June 8, 1931.

## Chapter XII - Public Utilities

### Public Utilities - Historical Notes

1. Private Acts of 1911, Chapter 643, provided that, in Warren County, (identified by the use of the 1910 Federal Census figures) all water, electric power, light, heat, and water power companies organized under the laws of the State of Tennessee were given the right to acquire and appropriate for necessary reservoir purposes, by exercise of the right of eminent domain, the lands and properties of grist mills of every kind and nature. These companies could also acquire by condemnation the right to flood the lands owned by any railroad company under their trestles, bridges, and viaducts. These utilities companies could also acquire by condemnation the lands and properties of other light and power companies under certain conditions. The exercise of the right of eminent domain was to strictly follow all the legal procedures

established by the Code of Tennessee.

## Chapter XIII - Taxation

### Assessor of Property

#### Private Acts of 1955 Chapter 130

**SECTION 1.** That from and after the effective date of this Act, the salary of the County Tax Assessor for Warren County, Tennessee, shall be Three Thousand (\$3,000) Dollars per year, payable in equal monthly installments out of the County treasury upon warrant of the County Judge.

**SECTION 2.** That said Tax Assessor shall maintain an office in the Courthouse to be kept open for business, attended by the Assessor or a Deputy, each day of the week as other County offices.

**SECTION 3.** That the salary herein provided shall be in full compensation for all services to be performed by said Tax Assessor or his Deputy, now or under any law that may hereafter be passed.

**SECTION 4.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it applies on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Passed: February 23, 1955.

### Litigation Tax

#### Private Acts of 1963 Chapter 139

**SECTION 1.** That a litigation tax of Two Dollars (\$2.00) shall be taxed as part of the costs in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court of Warren County, Tennessee.

**SECTION 2.** That the said Clerks of the said Courts will collect the said litigation tax and pay same into a separate fund, which is to be designated as the "Court House and Jail Maintenance Repair Fund," to be used exclusively for the purpose of maintenance and repair of the Court House and Jail.

**SECTION 3.** That all expenditures made from the said Fund are to be made by the Purchasing and Finance Commission, upon the authorization of the Quarterly County Court.

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

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

Passed: March 11, 1963.

### Property Tax

#### Hotels and Motels

#### Private Acts of 1991 Chapter 108

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

(1) "Clerk" means the county clerk of Warren County, Tennessee.

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

(3) "County" means Warren County, Tennessee.



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

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

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

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

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

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

**SECTION 3.** The proceeds received by the county from the tax shall be retained by the county and deposited into the general fund of the county, to be designated and used for such purposes as specified by resolution of the county legislative body.

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the county clerk as provided in Section 5. When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

**SECTION 5.**

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the county to the clerk or such other officer as may by resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the clerk in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

**SECTION 6.** The clerk, or other authorized collector of the tax, shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the county legislative body. The county legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

**SECTION 7.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 8.** Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

**SECTION 9.** It is the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the county. The clerk has the right to inspect such records at all reasonable times.

**SECTION 10.** The clerk in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law. Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67. It is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under authority of this act shall be refunded by the clerk. Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 11.** The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 12.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 13.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by such presiding officer to the Secretary of State.

**SECTION 14.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 13.

Passed: May 23, 1991.

## Private Acts of 1955 Chapter 8

**SECTION 1.** That in all counties of the State having a population of not less than 22,265 nor more than 22,275, according to the Federal Census of 1950 or any subsequent Federal Census, be and they are hereby authorized to levy, for general county purposes, upon all taxable property within said counties, which is subject to ad valorem taxation, a tax not to exceed Seventy-five Cents upon the One Hundred Dollars (\$100.00) worth of taxable property for the year 1955 and all subsequent years.

**SECTION 2.** That in all such counties where a tax levy of Seventy-five cents has heretofore been made for general county purposes for the year 1954, be and the same is hereby validated.

**SECTION 3.** That all laws or parts thereof in conflict with this Act are hereby repealed.

**SECTION 4.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it applies on or before the next regular meeting of such quarterly county court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Passed: January 26, 1955.

## Taxation - Historical Notes

### **Assessor of Property**

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Warren County Assessor.

1. Private Acts of 1919, Chapter 655, fixed the salary of the County Assessor in Warren County at \$1,000 per year, payable out of the county treasury on the first day of April, July, and October.
2. Private Acts of 1923, Chapter 555, abolished the office of County Tax Assessor in Warren County and created the office of District Tax Assessor, for each Civil District. He was to perform the same duties as the County Tax Assessor. They would serve for a term of two years after the first election to the office. The population range specified in the Act does not definitively include that

population figure given for Warren County for the 1920 Federal Census. However, there is no other county whose population figure would fit in the range given for that year, so it is assumed that the Act was intended to apply to Warren County. There is a marginal note to that effect in the Private Acts publication.

3. Private Acts of 1925, Chapter 801, amends Acts of 1919, Chapter 655, by increasing the salary of the Assessor from \$1,000 to \$1,200.
4. Private Acts of 1929, Chapter 829, amended Private Acts of 1919, Chapter 655, by changing the time at which the Tax Assessor would be paid, holding the balance of his salary until the County Equalizing Board made its report to the County Court Clerk each year.
5. Private Acts of 1945, Chapter 382, set the salary of the County Tax Assessor in Warren County at \$1,800 per annum, payable in monthly installments out of the county treasury. The Act also made it his duty to make out the tax books and turn them over to the Trustee without extra pay, and to keep his office open at least three days per week unless he was sick or disabled.

## **Taxation**

The following is a listing of acts pertaining to taxation in Warren County which are no longer effective.

1. Acts of 1809, Chapter 28, permitted Robert Armstrong of White County to collect taxes in Warren and Franklin Counties which were due in 1807 when both of these counties were a part of White County.
2. Acts of 1815, Chapter 126, provided that the citizens of Warren County who lived in the area annexed to Franklin County and who had to pay taxes to both counties because the line had not been run, would be refunded those taxes paid to Warren County as soon as the line was run and their resident County definitely determined and as soon as evidence of payment was presented.
3. Acts of 1815, Chapter 189, permitted one Walter Eady of Warren County to retail spirituous liquors in the county without payment of the taxes therefor because he had become so decrepit and useless as to be disabled altogether and because he had a very large number of children to support who would otherwise become a public charge.
4. Acts of 1817, Chapter 128, authorized several counties including Warren to lay an additional tax on all taxable property in the county to pay jurors for the Circuit and County Courts provided said pay will not exceed fifty cents per day.
5. Acts of 1905, Chapter 495, established the Viola Taxing District out of an area taken from parts of Warren, Grundy, and Coffee Counties as described therein. The voters would elect three Directors and a clerk for two year-terms who would exercise the specific corporate powers enumerated in the Act as well as the general powers of taxing districts. They would receive by deed the property of the Viola Normal College and operate a high school therein, as long as the Taxing District existed, under the same regulations and laws applicable to all other public schools. A twenty-five cent ad valorem tax and a twenty-five cent poll tax were levied to support this school. This Act was subject to the outcome of a referendum in order to become effective.
6. Private Acts of 1911, Chapter 408, created a special school or taxing district, to be known as the "Viola Taxing District". The Act defined the boundaries of said district; provided for three Directors and how they were to be elected; set out the powers and duties of the Board of Directors; provided for the establishment and maintenance of a high school at the Viola College building; and, provided for the levying of an ad valorem tax of twenty-five cents per one hundred dollars' worth of taxable property and a fifty cents poll tax on all males between the ages of twenty-one and forty-five.
7. Private Acts of 1911, Chapter 479, authorized the reimbursement to J. H. Brewer for excessive privilege taxes erroneously collected from him by the County Court Clerk on his peddling wagon.
8. Private Acts of 1911, Chapter 664, authorized the reimbursement to W. H. Smith & Son the sum of seventy dollars as excessive privilege taxes collected by the County Court Clerk.
9. Private Acts of 1919, Chapter 645, was the authority for Warren County to levy a special tax on all taxable property, not to exceed twenty cents per \$100 property valuation, in order to pay outstanding debts incurred for the common, general, or ordinary business affairs of the county.
10. Private Acts of 1931, Chapter 105, amend Public Acts of 1907, Chapter 602, by making the interest on delinquent payments of taxes start in July instead of in March insofar as Warren County was concerned. The 1907 Act was the general revenue law of the state at that time.

11. Private Acts of 1931, Chapter 958, authorized the County Court of Warren County to appropriate the money out of the general funds of the County or to levy a special tax for the purpose of installing a town clock in the courthouse.
12. Private Acts of 1937, Chapter 217, authorized the Warren County Quarterly County Court to levy a tax for general county purposes upon all taxable property subject to ad valorem taxes, said tax levy not to exceed sixty cents per \$100 valuation.
13. Private Acts of 1937, Chapter 219, validated and legalized all prior actions of the Warren County Quarterly Court in levying a tax of ten cents per \$100 valuation on all taxable property for the purpose of purchasing a Poor Farm for the county.

## Chapter XIV - Utility Districts

### Warren County Utility District

#### Private Acts of 1981 Chapter 64

**SECTION 1.** The Board of Commissioners of the Warren County Utility District of Warren County, Tennessee shall consist of the three (3) present members of such board plus two (2) additional members. The three (3) present members of such board shall continue to serve for the balance of the term for which they were selected. The initial terms of the two (2) additional members of such board authorized by this Act shall be two (2) years and four (4) years respectively. As the terms of the members of the Board of Commissioners expire, their successors shall be appointed for four (4) year terms in accordance with the procedure for selection of members of the Board of Commissioners established pursuant to Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 2.** This Act shall take effect thirty (30) days after becoming a law, the public welfare requiring it.

Passed: March 25, 1981.

### West Warren Viola Utility District

#### Private Acts of 1982 Chapter 901

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

**SECTION 1.** Notwithstanding any provision of law to the contrary, the Board of Commissioners of the West Warren--Viola Utility District of Warren County, Tennessee shall consist of the three (3) members of such board appointed to and serving upon the board pursuant to the provisions of Tennessee Code Annotated, Title 7, Chapter 82, plus four (4) additional members appointed to and serving upon the board pursuant to the provisions of this act. The initial terms of such four (4) additional members of the board shall be one (1), two (2), three (3), and four (4) years, respectively. As the initial terms of such additional four (4) members expire, successors shall be appointed for four (4) year terms in accordance with the procedures for selection of board members as provided by Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 2.** This act shall take effect thirty (30) days after becoming a law, the public welfare requiring it.

Passed: April 6, 1982.

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